Outer Dowsing Offshore Wind

The Applicant's Comments on Responses to the Report on the Implications for European Sites (RIES)

Deadline 6

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Abbreviations / Acronyms

Abbreviation / Acronym	Description
AEoI	Adverse Effect on Integrity
ANS	Artificial Nesting Structure
CRM	Collision Risk Modelling
CSIP	Cable Installation and Specification Plan
DAS	Digital Aerial Surveys
dDCO	draft Development Consent Order
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero, formerly Department of Business, Energy and Industrial Strategy (BEIS), which was previously Department of Energy & Climate Change (DECC)
dML	deemed Marine Licence
EA	Environment Agency
ECC	Export Cable Corridor (offshore ECC or indicative onshore ECC)
EDR	Effective Deterrent Radius
EIA	Environmental Impact Assessment
ExA	Examining Authority
FCS	Favourable Condition Status
FFC	Flamborough and Filey Coast
FLL	Functionally Linked Land
GBS	Gravity Base Structures
HDD	Horizontal Directional Drilling
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessment
IDRBNR	Inner Dowsing Race Bank and North Ridge
INNS	Invasive Non-Native Species
iPCoD	interim Population Consequences of Disturbance
IP	Interested Parties
IPMP	In Principle Monitoring Plan
ISH5	Issue Specific Hearing 5
ISH6	Issue Specific Hearing 6
JNCC	Joint Nature Conservation Committee
Km	Kilometre
KSCP	Kittiwake Strategic Compensation Plan
LoSCM	Library of Strategic Compensation Measures
LSE	Likely Significant Effect
LWT	Lincolnshire Wildlife Trust
MCA	Maritime and Coastguard Agency
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
MoU	Memorandum of Understanding
MPA	Marine Protected Area

Abbreviation / Acronym	Description
MRF	Marine Recovery Fund
NAF	Nocturnal Activity Factors
NAS	Noise Abatement System
NE	Natural England
NSN	National Site Network
ODOW	Outer Dowsing Offshore Wind
ODOWF	Outer Dowsing Offshore Wind Farm
OLEMS	Outline Landscape and Ecological Management Strategy
ORBA	Offshore Restricted Build Area
ORCP	Offshore Reactive Compensation Platform
OWEIP	Offshore Wind Environmental Improvement Package
OWF	Offshore Wind Farm
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment
RIES	Report on the Implications for European Sites
RSPB	Royal Society for the Protection of Birds
RTD	Red Throated Diver
SAC	Special Area of Conservation
SIP	Site Integrity Plans
SNCB	Statutory Nature Conservation Bodies
SNS	Southern North Sea
SNSOWF	Southern North Sea Offshore Wind Farm
SSC	Suspended Sediment Concentration
UXO	Unexploded ordnance
WCS	Worst Case Scenario
WMS	Written Ministerial Statement
WNNC	Wash and North Norfolk Coast
WTG	Wind Turbine Generator
ZoI	Zone of Interest

Definitions

Abbreviation / Acronym	Description
The Applicant	GTR4 Limited (a joint venture between Corio Generation (and its affiliates), TotalEnergies and Gulf Energy Development), trading as Outer Dowsing Offshore Wind
Array Area	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned, including the ORBA.
Baseline	The status of the environment at the time of assessment without the development in place.
Deemed Marine Licence (dML)	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP)

Abbreviation / Acronym	Description
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
Evidence Plan	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
Habitats Regulations Assessment (HRA)	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
Impact	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Intertidal	The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)
Landfall	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
Maximum Design Scenario (MDS)	The project design parameters, or a combination of project design parameters that are likely to result in the greatest potential for change in relation to each impact assessed
Mitigation	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
Offshore Export Cable Corridor (ECC)	The Offshore Export Cable Corridor (Offshore ECC) is the area within the Order Limits within which the export cables running from the array to landfall will be situated.
Offshore Reactive Compensation Platform (ORCP)	A structure attached to the seabed by means of a foundation, with one or more decks (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of HVAC transmission by providing reactive compensation.
Offshore Restricted Build Area (ORBA)	The area within the array area, where no wind turbine generator, offshore transformer substation or offshore accommodation platform shall be erected.
Onshore Substation	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid

Abbreviation / Acronym	Description
Outer Dowsing Offshore Wind (ODOW)	The Project.
Pre-construction and Post-construction	The phases of the Project before and after construction takes place.
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of receptors include species (or groups) of animals or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Strategic Compensation	Collaborative approach by developers and/or government departments to secure compensation for adverse effects on the conservation objectives of a Marine Protected Area.
Study Area	Area(s) within which environmental impact may occur – to be defined on a receptor-by-receptor basis by the relevant technical specialist
Subsea	Subsea comprises everything existing or occurring below the surface of the sea.
Wind Turbine Generator (WTG)	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation.

1 Introduction and Document Purpose

1. This document provides additional comments from the Applicant, to responses from MMO, Natural England and the RSPB, to the Examining Authority's questions provided within the Report on Implications for European Sites (RIES) (PD-022).

2 The Applicant's Comments on MMO's Response to the RIES

2. Table 2.1 below provides the Applicant's comments on MMO's response to the RIES.

Table 2-1 The Applicant's response to the MMO's comments on the Report on the Implications for European Sites (RIES)

Ref No	Submission	Applicant Response
Subtidal and intertidal benthic ecology matters		
RIES Q.7 - Noting responses to each point in [PD1-071] with the methodology used, please advises whether this satisfies concerns? If not, please set out how/if this is likely to be achieved before the end of the examination.		
6.1.1	The MMO originally queried (RR-042) the reefiness scores and questioned the approach taken in the technical report. The Applicant provided further explanation of the results and decisions taken in relation to certain transects (PD1-071). The MMO requested that the Applicant provide the images of Annex I Sabellaria spinulosa aggregations in cases where they were observed at consecutive points along a transect for review and this was provided directly to the MMO via email on 28 January 2025. Please see point 6.2 below, regarding the MMO's review of the imagery.	The Applicant highlights that Natural England's concerns regarding the presence of existing reef have now been addressed. However, in light of the habitat that could be available to support growth of *S. spinulosa* reef the Applicant has undertaken additional analyses across the area to support the mitigation of this habitat, as detailed within the *S. spinulosa reef* supporting habitat Technical Note (document reference 22.11, V3, updated at Deadline 6), at the request of Natural England. The Applicant would like to reassure all parties that due diligence and caution were carefully applied in the analyses conducted. In accordance with industry best practices, existing data will be thoroughly reviewed to inform the proposed locations for any pre-construction surveys, including any previously acquired data on the Project, such as areas where S. spinulosa tubes have been recorded. This approach is outlined and secured within the Offshore In Principle Monitoring Plan (V3 submitted at Deadline 6, document reference 8.3). As such, these habitats will continue to be given careful consideration at each stage of the development, in close consultation with the MMO and their advisors.
6.1.2	The MMO considers that the Applicant can provide clarification prior to the end of examination. The MMO would note that whilst these are not major concerns at this stage, consensus should be reached before the interpretation of future surveys intended to inform mitigation measures (e.g., micro-routing).	
RIES Q.8 - Having reviewed the requested images, are MMO satisfied?		
6.2.1	The MMO thanks the Applicant for providing the images of Sabellaria aggregations observed. The MMO has provided a detailed response to these images Table 3 above. In summary, the MMO requests clarifications from the Applicant regarding interpretations of Stations 57, 62 and 66. The MMO has concerns regarding some discrepancies in the analysis of the imagery.	The Applicant would like to reassure all parties that due diligence and caution were carefully applied in the analyses conducted. In accordance with industry best practices, existing data will be thoroughly reviewed to inform the proposed locations for any pre-construction surveys, including any previously acquired data on the Project, such as areas where *S. spinulosa* tubes have been recorded. This approach is outlined and secured within the Offshore In Principle Monitoring Plan (V3 submitted at Deadline 6, document reference 8.3). As such, these habitats will continue to be given careful consideration at each stage of the development, in close consultation with the MMO and their advisors.
6.2.2	The MMO would highlight that without this agreement in the consenting stage this could cause delays post consent when discharging documents, due to the time spent resolving issues that could have been resolved prior to that stage	
RIES Q9 - 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.		
6.3.1	The MMO has provided their response to the images of Sabellaria aggregations provided by the Applicant in Table 5 above, and summary in point 6.2.1 above.	The Applicant highlights that Natural England's concerns regarding the presence of existing reef have now been addressed. However, in light of the habitat that could be available to support growth of *S. spinulosa* reef the Applicant has undertaken additional analyses across the area to support the mitigation of this habitat, as detailed within the *S. spinulosa reef* supporting habitat Technical Note (document reference 22.11, V3, updated at Deadline 6), at the request of Natural England. The Applicant would like to reassure all parties that due diligence and caution were carefully applied in the analyses conducted. In accordance with industry best practices, existing data will be thoroughly reviewed to inform the proposed locations for any pre-construction surveys, including any previously acquired data on the Project, such as areas where S. spinulosa tubes have been recorded. This approach is outlined and secured within the Offshore In Principle Monitoring Plan (V3 submitted at Deadline 6, document reference 8.3). As such, these habitats will continue to be given careful consideration at each stage of the development, in close consultation with the MMO and their advisors.
6.3.2	It is the MMO's understanding that the images have only been provided to the MMO and not submitted into examination for review by other interested parties, such as NE. Since these were provided outside of examination, there is no specific document reference to provide to the ExA. This deadline response contains our primary and only comments regarding these images thus far.	
6.3.3	Images have not been provided for certain stations where 'reefiness' was assessed in the Sabellaria spinulosa reanalysis and report (REP3-035). The Applicant should provide images from these stations for review.	
6.3.4	The MMO has concerns that the Sabellaria spinulosa reanalysis and report (REP3-035) does not classify Station 57 as reef due to insufficient percentage cover. However, consecutive images from this station show S. spinulosa aggregations with substantially higher coverage than the 10% threshold required for classification as 'low' reef, and the original analysis determined that this station did indeed have a cover exceeding 10% (APP-155). This discrepancy needs clarifying by the Applicant.	

Ref No	Submission	Applicant Response
6.3.5	Similarly, the Sabellaria spinulosa reanalysis and report (REP3-035) does not classify Station 66 as reef due to having insufficient area, when the imagery presented shows S. spinulosa aggregations covering substantial portions of the visible seabed, and the original analysis of this station determined that the area was sufficient to be classified as reef (APP-155). The Applicant should clarify this apparent discrepancy and specify how many consecutive images must contain S. spinulosa aggregations to exceed the 25 m² threshold required for classification as 'low' reef.	
RIES Q.11 - The ExA request the applicant and the MMO to confirm whether comments relating to INNS relate to EIA or HRA and clarify its position on the matter.		
6.4.1	The MMO's comments regarding INNS relate to the Environmental Impact Assessment (EIA) and the need for monitoring INNS during the post construction phase. The MMO defers to Natural England regarding the Habitats Regulations Assessment (HRA).	This comment is noted by the Applicant.
6.4.2	Please refer to Table 5 for our detailed position regarding INNS.	The Applicant has responded to this in The Applicant's Comments on Deadline 5 Submissions (document reference 24.2)
Biogenic Reef Mitigation		
RIES Q.29 - Confirm following the review of the applicant's responses and updated documentation provided that it is content with the mitigation secured.		
6.5.1	The MMO is satisfied that the applicant has clarified that no cable installation or ancillary works would be undertaken within MMO fisheries byelaw area (REP4- 113) and that this is stated within the Schedule of Mitigation (REP4-073) which will be certified under Schedule 21 if granted consent.	This comment is welcomed by the Applicant.
RIES Q.33 - Confirm its agreement with the wording in the updated Outline Scour and Cable Protection Management plan [REP4-079].		
6.6.1	The MMO has provided comments on this in Section 3.1	
Annex II marine mammal matters		
RIES Q.60 - Noting that UXO clearance is not being sought through the DCO, can the MMO set out the actions it deems the applicant should take to address its concerns		
6.7.1	The MMO understands that separate marine licences will be sought for the investigation and clearance of Unexploded Ordinance (UXO) and this is appropriate.	This comment is welcomed by the Applicant. The Applicant highlights the MMO set out its agreement the Applicant's approach in their Deadline 1 submission at paragraph 1.3.2 (REP1-056).
6.7.2	The Outline Marine Mammal Mitigation Protocol (MMMP) for UXO (REP4a-100) address our previous concern regarding the need for bubble curtains to be deployed for all high order detonations including those under 50 kilograms (kg). The MMO welcomes the amendment to the MMMP for UXO which states the following: *'It is expected that noise abatement measures such as bubble curtains will be used for all high order clearance events including those under 50 kg TNT equivalent.'*	This comment is welcomed by the Applicant.
6.7.3	The MMO notes that NE is now satisfied with the reference to breaks in Acoustic Deterrent Device (ADD) use and the commitment to a pre-detonation search by a qualified Marine Mammal Observers (MMObs).	This comment is noted by the Applicant.
6.7.4	The MMO has no further comments to add regarding the MMMP for UXO and notes that Section 4.4 discusses the use of bubble curtains during high-order UXO clearance activities.	This comment is welcomed by the Applicant.
6.7.5	To reiterate previous expectations, low noise methods of clearance should be the default method used to clear any type of UXO in the marine environment. High order clearance methods should always be the last resort and should only be included as a contingency option and where conditions are met, and evidence is provided to demonstrate that high order clearances have been avoided as far as possible.	This comment is noted by the Applicant. The Applicant and the MMO are aligned on this matter.
6.7.6	The MMO is content there is no outstanding issues in relation to UXO as these will be managed through the separate marine licence application.	This comment is welcomed by the Applicant

Ref No	Submission	Applicant Response
RIES Q.61 - 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?		
6.8.1	The MMO is currently reviewing the Clarification Note Use of ‘best endeavours’ in the context of Policy Paper Reducing Marine Noise (REP4a-118). The MMO is also liaising with NE on the clarification note. Please see Section 4.1 above.	Following engagement with Natural England and the MMO between Deadline 5 and 6, the Applicant has updated the commitment secured within the MMMP (document reference 8.6.1, V6 submitted at deadline 6) and SIP (document reference 8.7, V4 submitted at deadline 6), and considers that this issue is now resolved.

3 The Applicant's Comments on Natural England's Response to the RIES

3. Tables 3.1 to 3.3 below provides the Applicant's comments on Natural England's response to the RIES.

Table 3-1: The Applicant's Response to Appendix K3 - Natural England's Comments on the Report on the Implications for European Sites (RIES) [PD-022]

Ref	Natural England's D5 Submission	The Applicant's Response
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 3-2 The Applicant's Response to Table 1: Questions within the RIES (addressed to Natural England)

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
2.2 Potential Impact Pathways				
Q.2	[To NE and the applicant]: Please provide an update on these matters (Refer to points 2.2.3 – 2.2.10) 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.		The Applicant welcomes the agreement from Natural England that this issue is resolved.
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?	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. 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. 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		The Applicant welcomes the agreement from Natural England that this issue is resolved. The Applicant confirms that a condition has been included in Schedule 11, Condition 2 of the draft Development Consent Order (document reference 3.1, updated at Deadline 6) which includes a seasonal restriction (November to March inclusive) on construction within the GW SPA and a 2km buffer around the SPA. As set out in The Applicant's Change Request dated 24 October 2024 (REP1-039) the removal of the northern ECC is due to aggregates Area 1805. The option on this area has been extended by TCE until 2025 (pers. comms. Hansons via email 1st May 2024), with a Marine Licence Application (MLA/2024/00227) having been made by the agreement

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		commits to a seasonal restriction (November to March inclusive) on construction within the GW SPA and a 2km buffer 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].		holder on 25th April 2024 to permit aggregates extraction within the site for a period of 15 years. As such, it is clear that the agreement holder intends to take up the option over this area of the seabed for aggregate extraction, and therefore it is no longer a viable option for the project to pursue. In relation to the Greater Wash SPA, the Applicant has updated the DCO (3.1) to include the requested seasonal restriction (see condition 25, Part 2, Schedule 11 of the DCO).
3.1 Conservation Objectives				
Q.4	[To the applicant and NE]: [REP4-030], paragraph 108, sets out a single set of conservation objectives for the 7 benthic and subtidal ecology sites assessed for AEoI. A similar approach is taken for sites in the marine mammals receptor group. Can the 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?	Natural England is satisfied that the six conservation objectives listed in paragraph 115 of [REP4-030] (not 108 as referenced by the ExA), are appropriate for application to the following benthic and subtidal ecology designated sites: • Inner Dowsing Race and North Ridge SAC • 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]) • The Wash and North Norfolk Coast SAC • Humber Estuary SAC Natural England is also satisfied with a similar approach being taken for the marine mammal designated sites namely; • Southern North Sea SAC • The Wash and North Norfolk Coast SAC • Humber Estuary SAC • Berwickshire and North Northumberland Coast SAC 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. All information on each designated site can be found on Natural England's Designated Sites View, with the conservation objectives listed within the Conservation Advice packages		The Applicant welcomes the agreement from Natural England that this issue is resolved.
3.2 Examination Matters: Subtidal and intertidal benthic ecology matters				
Q.7	[To NE and MMO]: Noting responses to each point in [PD1-071] 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.	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 have adequate		The Applicant has conducted an assessment of the supporting habitat for *S. spinulosa* reef within the Offshore ECC, which intersects with the IDNRRB SAC. The findings are detailed in the *S. spinulosa* Reef Supporting Habitat

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		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.		Technical Note (document reference 22.11, V3, submitted at Deadline 6). Natural England approved the Applicant's interpretation of the methodologies and the quantification of the supporting habitat area for S. spinulosa reef via email through DAS on 25th March 2025. The Applicant notes that the requirement to identify supporting habitat for *S. spinulosa* reef and to mitigate any impacts was not raised during the extensive pre-application process undertaken by the Applicant. The request to include this assessment was provided by Natural England at Deadline 3 submissions Appendix C2 (REP3-067) and Appendix C3 (REP3-068). This advice was supplemented by Natural England's comments at Deadline 4 (Appendix C4 to the Natural England Deadline 4 Submission (REP4-137)), summarised in the following paragraph (emphasis added): "*Natural England advises the Applicant undertakes and submits into examination an assessment of supporting habitats and processes for potential Annex I S. spinulosa reef, to demonstrate that the recovery of this feature will not be hindered by the installation of the export cable and/or the lasting placement of cable protection.* ***This will provide the Secretary of State comfort an adverse effect on integrity to IDRBNR SAC Annex I reef features and habitats/processes in which it relies upon will be avoided***." The Applicant has mapped out supporting habitat in accordance with the guidance supplied and has agreed to mitigate impacts using removable cable protection within the areas identified. It should be noted that the conservation objectives of the SAC do not require that habitats with the potential to support designated habitats receive the same level of protection as the designated habitats themselves. Whilst the conservation objective focuses on maintaining and restoring the supporting processes necessary for qualifying habitats, it is not reasonable to interpret this as a requirement to protect all habitats within the SAC that could develop into Annex I reef at some undefined time as if they were reef features themselves, nor has Natural England provided a justification for such an approach. The Applicant considers that the further analysis and further commitment to removable cable protection in defined areas of supporting habitat bolsters the existing conclusions

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				of the assessment that there is no AEoI. The Applicant has updated the RIAA with this detail at Deadline 6 (document reference 7.1, V5, submitted at Deadline 6).
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 *Sabellaria spinulosa* aggregations		The Applicant shared the *Sabellaria spinulosa images* with the MMO on 28th January 2025. The Applicant has responded to the MMO in Table 1.10 of The Applicant's Comments on Deadline 5 Submissions (document reference 24.2).
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 *Sabellaria spinulosa* reef. Please see Deadline 3 Appendices C2, C3 and C6. Therefore, the conclusions remain outstanding.		Please see the Applicants response to supporting habitat for Annex I *S. spinulosa* reef in row Q.7.
3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Maximum Design Scenario (MDS)/ Worst Case Scenario]				
Q.10	[To NE]: Having reviewed the figures provided by the Applicant in [pd1-071,C55] and [REP3-054] 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.		The Applicant has provided a response to Natural England in the Applicant's Comments on Deadline 4a Submissions (REP5-150) regarding cable protection over Annex I sandbanks. In response to queries raised by Natural England in REP4a-136, the Applicant can confirm there will be four export cables buried within four separate trenches across the offshore ECC, including the area that crosses the IDRBNR SAC. There could be up to six interlink cables across the Array Area. The Applicant can confirm that the figures noted by Natural England (within REP4a-136) align with the Project's consideration for Worst Case Scenario for the Annex I sandbank features within the SAC. The figures have been calculated based on the use of removable remedial protection methods, using concrete mattresses as an example, which typically measure 6m x 3m in footprint. A detailed breakdown of the figures is provided below:

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response

Calculation Step Description	Value	Unit
Number of Cables	4	each
Length of transit for each cable through each Annex Sandbanks (both same width)	4000	m
Length of transit for each cable through both Annex 1 Sandbanks	8000	m
Total Cable length in Annex 1 Sandbanks	32000	m
5% of total length	1600	m
Anticipated number of mattresses required	266.6667	each
Anticipated each mattress footprint	18	m^2
Total footprint within Annex I Sandbanks	4800	m^2
20% allowance for installation accuracy and slippage	960	m^2
Total footprint for both sandbanks	**5760**	**m^2**
Total footprint for each sandbank (half of above)	**2880**	**m^2**

The Applicant can confirm that 227,556m^2 is the correct figure for cable protection footprint within the IDRBNR SAC outside of sandbanks. This has been updated in Chapter 3 Project Description (REP5-009), Report to Inform Appropriate Assessment (document reference 7.1, updated at Deadline 6), and Chapter 9 Benthic Subtidal and Intertidal Ecology (REP5-019).

Within REP4a-136 Natural England also sought clarification on the MDS of concrete mattresses used in the nearshore. The Applicant has committed to the use of concrete mattresses in the nearshore in addition to the commitment of the nearshore cable protection height to not exceed 0.35m. This is secured in the (further) updated Outline Scour Protection and Cable Protection Management Plan V2 (document reference 8.21, V5, submitted at Deadline 6) submitted at Deadline 6).

The Applicant can offer the following clarifications on the nearshore cable protection as requested by Natural England:

- Length = 2,076 m
- Area = 12,456 m^2
- Volume = 4,359 m^3

3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Cumulative effects assessment/In-combination assessment]				
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		The tiering approach adopted by the Applicant follows the criteria provided in PINS Advice Note 17 – Cumulative

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		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 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.		Effects Assessment, which was the most current guidance at the point of DCO application and is therefore considered best practice. This advice was updated in September 2024 and replaced by Nationally Significant Infrastructure Projects (NSIPs): Advice on Cumulative Effects Assessment, which also suggests a three-tier approach. As outlined in the Table 1.1, ID 001 of Response to the Rule 17 Letter dated 3 July 2024 (AS-013) and the Applicant's response to relevant representations B20 (PD1-071), tiering guidance from NE suggests seven tiers which the Applicant considers overcomplicates the assessment. The three-tier approach has been adopted for benthic ecology by other OWFs including; Morgan, Mona, Hornsea Four, Sheringham and Dudgeon extensions and Five Estuaries also followed a three-tier approach. The Applicant has updated Figure 10.1 within the RIAA (document reference 7.1, V5, submitted at Deadline 6), to include 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 for benthic ecology.
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.	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. 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.		The three-tier system employed in the CEA assessment, which the Applicant reaffirms includes all the categories outlined in the seven-tier system, ensures a comprehensive and precautionary evaluation of all relevant plans or projects using the best available data. Accordingly, the Applicant maintains and has demonstrated that the information provided to inform the ExA CEA is adequate to support the conclusions presented within the RIAA. The Applicant notes that the different approach to tiers in in-combination assessments is unlikely to change Natural England's advice in relation to AEoI for the IDRBNR SAC. For the Annex I sandbank feature of IDRBNR SAC, which Natural England mentions as a particular concern all operational projects within the IDRBNR SAC were assessed within the CEA. With regard to the Greater Wash SPA, the Applicant has presented assessments of impacts to common scoter and red-throated diver within the RIAA. With mitigation in place for red-throated diver (i.e. a seasonal restriction during the construction phase, and reduced height of ORCP structures)

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				Natural England have agreed that impacts on these species within the Greater Wash SPA are low enough not to be carried through to in-combination assessment.
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.		The Applicant notes that the different approach to tiers in in-combination assessments is unlikely to change Natural England's advice in relation to AEoI for the IDRBNR SAC. For the Annex I sandbank feature of IDRBNR SAC, which Natural England mentions as a particular concern all operational projects within the IDRBNR SAC were assessed within the CEA. The Applicant maintains that an AEoI can be ruled out based on a robust assessment carried out in line with best practice and set out in the RIAA (document reference 7.1, V5, submitted at Deadline 6).
3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Crown Estate Round 4 Plan Level HRA]				
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 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.		The Applicant wishes to highlight that it is not correct for NE to state "*We note that an AEoI was not predicted for IDRBNR SAC at the plan level due to avoidance of the site*." as this was not the case. The plan-level HRA undertaken by The Crown Estate for Offshore Wind Leasing Round 4 did not undertake a project-specific assessment of the Project's ECC as the cable route was not known at the time the plan-level HRA was undertaken, rather it undertook a high-level risk-based approach based on broad cable regions. This is clearly set out in section 6.2.1 of The Crown Estate's Record of Appropriate Assessment which states (our emphasis added): *"NIRAS (2022) undertook an Export Cable Region Assessment ("ECRA") for European Sites and features for which the Screening Report (NIRAS, 2021) identified a risk of LSE from an Export Cable Region. Due to the considerable uncertainty associated with cable routes for the Preferred Projects (not yet defined) the ECRA has taken a risk- based approach (consideration of both the vulnerability of features and the vulnerability of the Protected Sites) to the potential impacts arising from the installation of offshore wind farm export cables and their associated infrastructure.* ***The Crown Estate has concluded that it is not possible to undertake a reasonable and meaningful assessment of cable route impacts due to this uncertainty.****"* The Crown Estate Record of Appropriate Assessment goes on to confirm that this risk based assessment does not replace the need for, or prejudge the outcome of, project

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				level assessments undertaken as part of the DCO process at section 6.2.4 (our emphasis added): *"The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects.* ***The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."*** The Crown Estate Record of Appropriate Assessment then goes on to explain the plan-level mitigation measures that apply at initial route selection stage (i.e. not at the Project level stage), and state at paragraph 6.2.7 (our emphasis added): *"The mitigation measures identified will be secured through the Agreements for Lease and* ***leaseholders will be required to demonstrate compliance with the mitigation measures in order to obtain an Agreement for Lease for any transmission assets."*** The Crown Estate subsequently confirmed to the Applicant that the necessary requirements of the plan-level HRA had been satisfied to the satisfaction of The Crown Estate in June 2023 to enable an Agreement for Lease for the transmission assets to be entered into and this was completed on 17th October 2024. The ExA and the SoS can therefore be satisfied that there is no conflict between the Project and the plan-level HRA and that the Project complies with the policies set out at paragraphs 2.8.119 and 2.8.123 of NPS EN-3.
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				
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.		The Applicant maintains that the restore objective has been appropriately considered within the RIAA, with due consideration given to the conservation status of the features of the SAC in the assessment. 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, which includes:

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				• The avoidance of S. spinulosa reef (as identified in the pre-construction surveys) within the IDRBNR SAC (as detailed within the Outline Biogenic Reef Mitigation Plan (REP2-043) and 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 could support S. spinulosa reef in the future, based on guidance and advice provided by Natural England (this commitment is detailed within the Outline Scour and Cable Protection Management Plan (REP5-129) and in the Outline Cable Specification and Installation Plan (REP5-117), secured under condition 13(1)(d), Part 2, Schedule 11 of the DCO). The Applicant notes that the inclusion of the commitment to removable cable protection within supporting habitat was implemented by the Applicant based on consultation with Natural England as outlined in the response to Q7 in this document and the Applicant does not consider it necessary to enable a conclusion of no AEoI. As such, this extra mitigation measure should provide the SoS further confidence in the conclusions drawn by the Applicant.
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.		The Applicant has conducted an assessment of the supporting habitat for *S. spinulosa* reef within the Offshore ECC, which intersects with the IDNRRB SAC. The findings are detailed in the *S. spinulosa* Reef Supporting Habitat Technical Note (document reference 22.11, V3, submitted at Deadline 6). Natural England approved the Applicant's interpretation of the methodologies and the quantification of the supporting habitat area for S. spinulosa reef via email through DAS on 25th March 2025. The Applicant also provided the realistic worst-case figure for the total area of cable protection predicted within Annex I supporting habitat to Natural England via DAS on the 27th March 2025. The information is also presented in the table below.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				<table><tr><th>Calculation Step Description</th><th>Value</th><th>Unit</th></tr><tr><td>Number of Cables</td><td>4</td><td>each</td></tr><tr><td>Length of transit for each cable through Supporting Habitat</td><td>16562.5</td><td>m</td></tr><tr><td>Length of transit for all cables through Supporting Habitat</td><td>66250</td><td>m</td></tr><tr><td>20% of total length</td><td>13250</td><td>m</td></tr><tr><td>Number of mattresses required (rounded up)</td><td>4417</td><td>each</td></tr><tr><td>Each mattress footprint</td><td>18</td><td>m2</td></tr><tr><td>Footprint within Supporting Habitat</td><td>79506</td><td>m2</td></tr><tr><td>20% allowance for installation accuracy and slippage</td><td>15901.2</td><td>m2</td></tr><tr><td>Total Footprint for Supporting Habitat</td><td>95407.2</td><td>m2</td></tr><tr><td>Total volume for Supporting Habitat (0.35m high)</td><td>33392.52</td><td>m3</td></tr></table> The Applicant awaits Natural England's final position at Deadline 6. The Applicant echoes the ExA's comments at Issue Specific Hearing 8 that the submission of any new information at Deadline 6, to which the Applicant should reasonably be given an opportunity to respond, risks not being accepted into the Examination. The Applicant suggests that such evidence should be afforded limited weight.
Q.19	[To NE]: It appears to the ExA that the matter raised by NE [RR-045,NE3] 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 [REP4-113], 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?	Natural England can confirm that the matter raised by NE in both [RR-045] and [REP4-113] 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. It appears that the Applicant has submitted a response in [REP4-113] 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 [Appendix D1 to the Natural England Deadline 4a submission [REP4a-136], which in summary states: *"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 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? "*		The Applicant has committed to the use of concrete mattresses in the nearshore (if required) in addition to the commitment of the nearshore cable protection height to not exceed 0.35 m. This is secured in the (further) updated Outline Scour Protection and Cable Protection Management Plan (document reference 8.21, V5, submitted at Deadline 6). The Applicant provided the following clarifications on the nearshore cable protection directly to Natural England on 25th March 2025: • Length = 2,076 m This clarification presents a basic calculation of the length based on the parameters alrady included within ES Chapter 3 Project Description (REP5-009) and commitment to only use concrete mattresses in the nearshore area set out in Section 3.2 of the Outline Cable Protection and Scour Protection Management Plan (REP5-129). As outlined, this commitment is for the nearshore, defined as the inner depth of closure out to 7.1m water depth. No cable protection will be used inshore of the exits pits, which will be located at least 500m offshore of Mean Low Water Springs (MLWS).

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				The Applicant notes Natural England's concerns regarding the movement of concrete mattresses due to storm events and/ or fishing activities. A typical concrete mattress weighs, approximately, 9.5 to 10 tonnes and mattresses will be designed to withstand adverse seabed and wave conditions (such mattress designs are readily available on the market). With regards to fishing, the Applicant has liaised with our specialist consultant who directly liaised with fishermen from the area (05/03/25). It has been indicated that there is an absence of trawlers in the nearshore area. Concrete mattresses are more likely to embed into the seabed thus increasing their stability further. Additionally, ODOW are aware of design optimisations of tapered concrete mattresses increasing stability even further where deemed required. This will be defined in detail design stage post consent. To conclude, the Applicant is very confident that neither storm events nor fishing would impact on the stability or position of concrete mattresses.
Q.20	To NE]: The ExA note NE's request [REP4-144] 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 [REP4a-122]. We will provide a final position on this at Deadline 6.		The Applicant has assessed both physical habitat loss and disturbance and these have both been presented clearly within the RIAA (document reference 7.1, V5, submitted at Deadline 6), with consideration of the distinct sensitivities of each impact. The assessment details that *S. spinulosa* reef has a 'medium' sensitivity to disturbance (based on the MarESA sensitivity assessments), and the assessment notes that S. spinulosa has a sensitivity of 'high' from habitat loss. Assessments of the potential for an AEoI do not classify the sensitivity of a feature in the same way as for an EIA, however, the relative sensitivity of a feature is considered when determining the potential for an AEoI, is as far as it affects the conservation objectives of a site. It is therefore considered that the assessment provided does provide an adequate level of detail on the sensitivity of features to both disturbance and habitat loss separately and therefore each is fully assessed with respect to the appropriate sensitivity. The assessments conclude that no LSE and no AEoI are anticipated in all instances. The Applicant has separated these pressures within the detailed impact assessment presented within Section 9.8 of ES Chapter 9: Benthic and Intertidal Ecology (REP5-019),

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				which informs the basis of the RIAA. It is therefore the Applicant's view that the concern expressed by Natural England relates more to the presentation of the assessment, than the content. Revising the assessment in the manner requested by Natural England would have no impact on its conclusions.
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.		Please the Applicant's response to habitat loss/change in Q.20 above. The Applicant has conducted an assessment of the supporting habitat for *S. spinulosa* reef within the Offshore ECC, which intersects with the IDNRRB SAC. The findings are detailed in the *S. spinulosa* Reef Supporting Habitat Technical Note (document reference 22.11, V3, submitted at Deadline 6). Natural England approved the Applicant's interpretation of the methodologies and the quantification of the supporting habitat area for S. spinulosa reef via email through DAS on 25th March 2025. The Applicant notes that the requirement to identify supporting habitat for *S. spinulosa* reef and to mitigate any impacts was not raised during the extensive pre-application process undertaken by the Applicant. The request to include this assessment was provided by Natural England at Deadline 3 submissions Appendix C2 (REP3-067) and Appendix C3 (REP3-068). This advice was supplemented by Natural England's comments at Deadline 4 (Appendix C4 to the Natural England Deadline 4 Submission (REP4-137)), summarised in the following paragraph (emphasis added): "*Natural England advises the Applicant undertakes and submits into examination an assessment of supporting habitats and processes for potential Annex I S. spinulosa reef, to demonstrate that the recovery of this feature will not be hindered by the installation of the export cable and/or the lasting placement of cable protection.* ***This will provide the Secretary of State comfort an adverse effect on integrity to IDRBNR SAC Annex I reef features and habitats/processes in which it relies upon will be avoided***." The Applicant considers that the further analysis and further commitment to removable cable protection in defined areas of supporting habitat bolsters the existing conclusions of the assessment that there is no AEoI. The Applicant has updated the RIAA with this detail at Deadline 6 (document reference 7.1, V5, submitted at Deadline 6).

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				While the removal process is primarily an engineering operation, the removal of remedial protection is driven by environmental requirements. No trenching will occur, and the seabed beneath the mattresses will remain undisturbed. Due to the dynamic nature of the seabed, influenced by Holocene sediments, it is anticipated that the area will naturally recover to an equilibrium state within a short time frame (days to weeks).
Q.22	[To NE]: List specifically what measures are being requested of the applicant to take to address this.	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 [RR-045], 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. As per Natural England's recent advice in Appendix D1 to the Natural England Deadline 4a Submission [REP4a-136], further clarification is required to quantify the cable protection required within IDRBNR SAC.		Please see the Applicant's response to habitat loss/change in row Q.20, above. Please see the Applicant's response to further clarification is required to quantify the cable protection required within IDRBNR SAC within row Q.18, above.
Q.23	[To NE]: Confirm whether the view that AEoI 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 AEOI 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.		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, which includes: • The avoidance of *S. spinulosa* reef (as identified in the pre-construction surveys) within the IDRBNR SAC (as detailed within the Outline Biogenic Reef Mitigation Plan (REP2-043) and 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 could support *S. spinulosa* reef in the future, based on guidance and advice provided by Natural England (this commitment is detailed within the Outline Scour and Cable Protection Management Plan (REP5-129) and in the Outline Cable Specification and Installation Plan (REP5-117), secured under condition 13(1)(d), Part 2, Schedule 11 of the DCO).

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				The Applicant notes that the inclusion of the commitment to removable cable protection within supporting habitat was implemented by the Applicant based on consultation with Natural England and the Applicant does not consider it necessary to enable a conclusion of no AEoI. As such, this extra mitigation measure should provide the SoS further confidence in the conclusions drawn by the Applicant. The Applicant maintains that the restore objective has been appropriately considered within the RIAA, with due consideration given to the conservation status of the features of the SAC in the assessment.
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 of the monitoring, to allow the results of monitoring surveys to inform the requirement for future surveys or the implementation of management measures. 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.		The Applicant has updated the Offshore In-Principle Monitoring Plan (document reference 8.3, V3, submitted at Deadline 6) to include a monitoring campaign of supporting habitat for Annex I *S. spinulosa* reef as well as that of Annex I Sandbank communities. The current proposed monitoring campaign covers quality and extent of Annex I *S. spinulosa* reef within the Order Limits, as detailed within Section 3.3 of (document reference 8.03, updated at Deadline 6). Monitoring of seabed and bedform recovery (including sandwaves and sandbanks) will also take place, as detailed within Section 3.1 of (REP4a-073) and specifically secured in the Offshore In-Principle Monitoring Plan (8.03). The Applicant notes that as stated in Section 3.1.2 IPMP (V3 updated at deadline 6, document reference 8.03) '*Final hypotheses and the precise wording will be proposed within the final monitoring plans submitted for approval to the MMO and Natural England prior to construction*'. The Applicant has committed to pre- and post-construction monitoring which will provide full seabed coverage swath-bathymetric and a Side Scan Sonar survey (to meet the requirements of Marine Guidance Note (MGN) 654 and its Annexes) of the area(s) within the Order Limits in which construction works are proposed/have been carried out to monitor changes in bedform topography (see Offshore In-Principle Monitoring Plan (document reference 8.3, V3, submitted at Deadline 6)). The Applicant therefore believes that the requested monitoring commitments have been provided. The Applicant notes Natural England's express acknowledgement of the need for flexibility in designing

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				monitoring proposals. It is for this reason that the Applicant maintains that the development of the detail of the monitoring requirements is more appropriately dealt with post-consent. The Applicant considers that the monitoring is sufficient at this stage, and will be developed post-consent and agreed with the MMO following consultation with Natural England.
Q.25	[To the applicant and NE]: Set out the evidence relied upon in relation to re-colonisation and recovery of the sandbanks	Natural England advises that all pressures on sandbanks should be assessed in the first instance by using and interpreting MarESA sensitivity assessments (Tillin et al., 2010; Tillin, Tyler-Walters et al., 2014; Tyler-Walters et al., 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. Natural England also welcome the use of evidence gleaned from post construction monitoring of other OWFs where relevant.		The Applicant reiterates that the MarESA sensitivity assessment was utilized to evaluate the recorded benthic sandbank communities at this site. It is understood that Natural England has encountered difficulty with the fact that no distinct benthic communities were identified across the Annex I sandbanks. Consequently, the assessed communities were classified under the biotope category 'Infralittoral muddy sand' (MB5). The sensitivity and vulnerability ranks derived from this assessment are scientifically valid and serve as a basis for predicting potential impacts within the assessed marine habitats. Furthermore, they inform the establishment of success criteria for recovery, as presented in Chapter 9: Benthic and Intertidal Ecology (REP5-019). In line with guidance from Natural England, as detailed within the Offshore In-Principle Monitoring Plan (document reference 8.3, V3, submitted at deadline 6), the Applicant has committed to monitoring Annex I sandbank communities within the IDRBNR SAC.
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 confidence that the potential for an AEoI to this qualifying feature can be ruled out'.	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)]). 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.		The Applicant reiterates their commitment to avoidance of *S. spinulosa* reef (as identified in the pre-construction surveys) within the IDRBNR SAC (as detailed within the Outline Biogenic Reef Mitigation Plan (REP2-043) and secured in Condition 13(1)(j), Part 2, Schedule 11 of the DCO). The Applicant has conducted an assessment of the supporting habitat for *S. spinulosa* reef within the Offshore ECC, which intersects with the IDNRRB SAC. The findings are detailed in the *S. spinulosa* Reef Supporting Habitat Technical Note (document reference 22.11, V3, submitted at Deadline 6). Natural England approved the Applicant's interpretation of the methodologies and the quantification of the supporting habitat area for S. spinulosa reef via email through DAS on 25th March 2025. The Applicant notes that

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				the requirement to identify supporting habitat for *S. spinulosa* reef and to mitigate any impacts was not raised during the extensive pre-application process undertaken by the Applicant. The request to include this assessment was provided by Natural England at Deadline 3 submissions Appendix C2 (REP3-067) and Appendix C3 (REP3-068). This advice was supplemented by Natural England's comments at Deadline 4 (Appendix C4 to the Natural England Deadline 4 Submission (REP4-137)), summarised in the following paragraph (emphasis added): "*Natural England advises the Applicant undertakes and submits into examination an assessment of supporting habitats and processes for potential Annex I S. spinulosa reef, to demonstrate that the recovery of this feature will not be hindered by the installation of the export cable and/or the lasting placement of cable protection.* ***This will provide the Secretary of State comfort an adverse effect on integrity to IDRBNR SAC Annex I reef features and habitats/processes in which it relies upon will be avoided.***" The Applicant has mapped out supporting habitat in accordance with the guidance supplied and has agreed to mitigate impacts using removable cable protection within the areas identified. It should be noted that the conservation objectives of the SAC do not require that habitats with the potential to support designated habitats receive the same level of protection as the designated habitats themselves. Whilst the conservation objective focuses on maintaining and restoring the supporting processes necessary for qualifying habitats, it is not reasonable to interpret this as a requirement to protect all habitats within the SAC that could develop into Annex I reef at some undefined time as if they were reef features themselves, nor has Natural England provided a justification for such an approach. The Applicant considers that the further analysis and further commitment to removable cable protection in defined areas of supporting habitat bolsters the existing conclusions of the assessment that there is no AEoI. The Applicant has updated the RIAA with this detail at Deadline 6 (document reference 7.1, V5, submitted at Deadline 6).

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				The Applicant's commitment to installing removable cable protection within areas identified as potentially supporting habitat for *S. spinulosa* reef is detailed within the 8.21 Outline Scour and Cable Protection Management (document reference 8.21, V5, submitted at Deadline 6) and the Outline Cable Specification and Installation Plan (document reference 8.5, V7, submitted at Deadline 6). Therefore, the Applicant has made every effort to address and incorporate Natural England's advice.
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 [REP4-114].	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.		The Applicant maintains its position. Updated numerical model results have been presented within the updated Chapter 7 Marine Physical Processes (REP4a-029), submitted at Deadline 4a. This modelling is informed by pre-construction bathymetric data covering the Offshore ECC (GEOxyz, 2022), as shown in Figure 4 of the Sandwave Levelling Study (REP3-047). The numerical modelling was carried out using best-practice methods as agreed with Natural England and other stakeholders prior to submission (as outlined in Table 7.2 of Chapter 7 (REP4a-029)). Details of the numerical modelling assumptions including the parameters, data sources and calibration/validation details are provided in Appendix 7.2: Physical Processes Numerical Modelling Report (APP-151). As shown in Figures 7.24 to 7.26 within Chapter 7 Marine Physical Processes Figures Part 2 of 2 (REP4a-042): • Tidal flows are aligned north to south and as such there is limited pathway of effect from the ORCP to the SAC; • Predominant wave directions from the north and northeast towards the coast are such that any modifications to the wave regime occur away from the SAC and in the wave's direction of travel. As such there is limited pathway of effect from the ORCP to the SAC. This is supported by the sediment mobility results presented in REP4a-029 Annex A, with the locations of extraction points shown on Figure 7.8 (Chapter 7 Marine Physical Processes Figures Part 1 of 2 (REP4a-041)). Installation of project infrastructure is predicted to result in an increase of 1% (of total time that sediment is mobile) for very fine sand during neap tides at Point 4 (located at the north of the Inner Dowsing sandbank), with no changes in sediment mobility estimated at Point 3 (located to the south of the

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				Inner Dowsing sandbank). The scale of this change is considered to be well within the natural variability of the site and given that it affects fine-grained sediment is unlikely to represent a controlling influence on sandbank form. This is outlined in Paragraph 177 of REP4a-029. The effects arising from modification to the wave and tidal regime and associated potential impacts to seabed morphology resulting from the presence of the ORCPs have been identified as of minor adverse significance (at worst), which is not significant in EIA terms (Section 7.12.2.1 (Impact 4) of Chapter 7 (REP4a-029)). This assessment of minor adverse significance has been therefore been made with due consideration of the proximity of the proposed ORCP area to the Inner Dowsing sandbank. The Applicant further notes that the removal of the GBS option for the ORCP further reduces the wave and hydrodynamic blockage impacts beyond that presented in the updated Chapter 7 Marine Physical Processes (REP4a-029). The siting of the ORCP to the west of the SAC has been undertaken with due regard to H&S, environmental and engineering parameters. As such, the Applicant does not believe that there is a requirement for the collection of more detailed bathymetric surveys or higher resolution wave and tidal modelling data. The Applicant do not believe the inclusion of this further data would change the conclusions of the assessment in light of the points noted above and it is not required in order for robust EIA and HRA to be carried out. Therefore, the Applicant believes that all the necessary information required to achieve a robust EIA and HRA assessment has been included in the submitted documentation to date.
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		The Applicant believes that updating the O&M maintenance plan is unnecessary, as the worst-case scenario for O&M impacts across the offshore ECC has already been presented. Furthermore, determining precise details at this stage is not feasible. The O&M activities will depend on the exact infrastructure installed, including factors such as the locations and volume of cable protection. This matter is

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		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.		better addressed post-consent, as any estimate provided now would only be a basic, length-based determination of the split, offering limited value or meaningful insights to the assessment. Additionally, we do not consider this level of detail necessary for assessing the impacts on the IDRBNR SAC. The Applicant believes that sufficient information has already been provided to the Examination to rule out AEoI.
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.		Please see the Applicants response to Q.35 above.
Q.38	[To NE]: Set out what further information it requires to enable a conclusion on AEoI to be provided in relation to this matter.	Please see our response to Q27. We do not believe that an AEoI can be excluded from the placement of external cable protection.		Please see the Applicants response to Q.27 above.
Q.39	[To NE]: Comment on the mitigation secured through the Outline Cable Specification and Installation Plan [REP4-082] 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 *'…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…'* 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.		The Applicant is pleased this that has been resolved.
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.	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. 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		The Applicant has responded to this point previously in Row B10, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) and Row 4, Table 1.2.1 of the Risks and Issues Log (REP4a-111). The impacts associated with boulder clearance, UXO clearance, and/or pre-lay grapnel run activities are all considered implicitly within the envelope of cable installation activities presented within Section 7.12.1 of Chapter 7 Marine Physical Processes (REP4a-029). None of these activities have the potential to cause greater impacts than those activities already assessed (such as sandwave clearance and cable trenching), and are therefore not considered as the worst-case scenario for marine physical processes. Boulder clearance, pre-lay grapnel run activities and/or UXO clearance activities will by their nature be undertaken over the same location as sandwave clearance and cable trenching activities, and will disturb a

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				smaller volume of sediment. Furthermore, as elevated SSC is expected to reduce to background levels within several tidal cycles, this process would not be additive given the likelihood that different construction operations will not commence immediately after one another. Finally, the Applicant would note that there are no marine physical processes receptors that are sensitive to elevated levels of SSC, or subsequent deposition. The Applicant considers that there has been a full assessment of the realistic worst-case scenario in relation to potential environmental impacts of the project. The Applicant would highlight that boulder clearance and UXO clearance have been considered, as appropriate, within Chapter 9 Benthic Subtidal and Intertidal Ecology (REP5-019, Impact 1) and that this MDS has been taken forward into Table 9-1 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). As stated in Chapter 3 Project Description (REP5-009), pre-lay grapnel run works will take place within the footprint of seabed disturbance (sandwave and boulder clearance). Furthermore, as presented within the updated Cable Specification and Installation Plan (document reference 8.5, V7, submitted at Deadline 6), there is a commitment to '*…during boulder clearance activities, where boulders are grabbed and moved, …*' with all reference to a boulder plough being removed. The Applicant therefore maintains their position that the realistic worst-case scenarios have been assessed, in both the ES and the RIAA (document reference 7.1, V5, submitted at Deadline 6) as appropriate.
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.		As outlined, the Applicant considers that there has been a full assessment of the realistic worst-case scenario in relation to potential environmental impacts of the project. The Applicant would highlight that boulder clearance and UXO clearance have been considered, as appropriate, within Chapter 9 Benthic Subtidal and Intertidal Ecology (REP5-019, Impact 1) and that this MDS has been taken forward into Table 9-1 of the RIAA (7.1). As stated in Chapter 3 Project Description (REP5-009), pre-lay grapnel run works will take place within the footprint of seabed disturbance (sandwave and boulder clearance). Furthermore, as presented within the updated Cable Specification and Installation Plan (document reference 8.5, V7, submitted at Deadline 6), there is a commitment to '*…during boulder clearance activities, where boulders are grabbed and*

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				moved, …' with all reference to a boulder plough being removed. The Applicant therefore maintains their position that the realistic worst-case scenarios have been assessed, as appropriate.
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, Coastal Sediments, 3026-3039.		Issue resolved.
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.		The purpose of the "restore" objective is that the feature will recover, without setting out the timeframe over which this must occur. In this regard, the confirmation from Natural England that the impact has been downgraded from "permanent" to "lasting" is material as there is an acknowledgement that the feature will recover at some point. To this end, the Applicant has committed to the use of solely recoverable cable protection on the Annex I Sandbanks. As set out in sections 9.1.4.2 and 9.1.5.1 of the RIAA (document reference 7.1, V5, submitted at Deadline 6), there will be no impact to the form and function of the Annex I Sandbanks from the use of the cable protection. This consequently enables the rapid recolonisation of the characterising species from the immediate surrounding area; thereby, there is no prevention of the recovery and maintenance of the feature in the long term. Additionally, based on the size of the proposed impact to the Annex I sandbank feature, the Applicant does not consider that there would be any short-term effects on the recovery of the wider sandbank features.
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.		The use of cable protection measures in the nearshore zone has been assessed within Impact 2 as a pathway of effect on coastal receptors (Paragraph 152 – 154, and 156; Section 7.12.1; (REP4a-142)). This explicitly includes the potential impact on littoral sediment transport and beach morphology. Given the above, the Applicant consider that the assessment conclusions presented in Section 12.7 of Chapter 7 Marine and Physical Processes (REP4a-142) remain valid. The Applicant fully assessed the likely significant effects to disruptions to wave energy transmission, sediment transport and coastal morphology within Chapter 7: Marine Physical Processes (REP4a-142), and concluded no significant effects were likely to occur. This was consequently considered within the Report to Inform Appropriate Assessment (document reference 7.1, updated at Deadline 6) which concluded no potential for an AEoI to the Wash and North Norfolk Coast SAC, Wash SPA and Wash

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				Ramsar. The conclusions of the RIAA in relation to ecological receptors therefore remain valid.
Q.47	[To NE]: The ExA notes that NE [REP4-144] 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.	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. 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 therefore unlikely to exceed 0.35m in height (0.35m being 5% of 7.1m)." 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). 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).		The Applicant has committed to the use of concrete mattresses in the nearshore (if required) in addition to the commitment of the nearshore cable protection height to not exceed 0.35 m. This is secured in the (further) updated Outline Scour Protection and Cable Protection Management Plan V5 (document reference 8.21, V5, submitted at Deadline 6). The Applicant provided the following clarifications on the nearshore cable protection directly to Natural England on 25th March 2025: • Length = 2,076 m • Area = 12,456 m^2 • Volume = 4,359 m^3 These clarifications present a basic calculation of the length based on the parameters already included within ES Chapter 3 Project Description (REP5-009) and commitment to only use concrete mattresses in the nearshore area set out in Section 3.2 of the Outline Cable Protection and Scour Protection Management Plan (REP5-129). As outlined, this commitment is for the nearshore, defined as the inner depth of closure out to 7.1m water depth. No cable protection will be used inshore of the exits pits, which will be located at least 500m offshore of Mean Low Water Springs (MLWS).
Q.50	[To NE]: Confirm whether comments made in [REP4-143] 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.		The Applicant has undertaken a robust assessment of the potential impact of seabed scouring on Marine Physical Processes receptors as presented within Section 7.12.2.2 Chapter 7 Marine Physical Processes (REP4a-029, Impact 5). Scour protection extents will be based on calculations carried out during the pre-construction phase, informed by detailed, site-specific geotechnical information. It is likely that any secondary scour effects associated scour protection would be confined to within a few meters of the direct footprint of that scour protection material and therefore the impact to benthic ecology receptors is de minimis. Furthermore, the Applicant reiterates that there is a commitment to avoiding construction across any recorded areas of *S. spinulosa* reef across the Offshore ECC, as

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				informed by the pre-construction survey campaign. It is anticipated that where infrastructure is developed there will a separation buffer from sensitive features, which is to be agreed during the post-consent process.
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 "*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...*" the Applicant will "identify the sample of adjacent wind turbines with greatest potential for scour." 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 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.		The Applicant have outlined their full position with regard to the mobile sediment layer thickness in Row 4, Table 1.2.1 of the Applicant's Comments on Natural England's Risk & Issues Log (document reference 21.8, V3, submitted at Deadline 6). The Applicant consider that a robust assessment of the potential impact of seabed scouring on Marine Physical Processes receptors has been presented within Section 7.12.2.2 Chapter 7 Marine Physical Processes (REP4a-029, Impact 5). The Applicant highlights the lack of specificity in the response from Natural England. Whilst Natural England state that the Applicant "needs to go further" and that "this is adequately captured in the Outline OOMP", it is not clear to the Applicant precisely what is required to address the matter, i.e. what is meant by "this" in this context. The Applicant notes that as stated in Section 3.1.2 IPMP (document reference 8.3, V3, submitted at Deadline 6) '*Final hypotheses and the precise wording will be proposed within the final monitoring plans submitted for approval to the MMO and Natural England prior to construction*'. Therefore, the Applicant considers that the monitoring is sufficient at this stage and will be developed post-consent and agreed with the MMO following consultation Natural England. In respect of the IDRBNR SAC, the Offshore In-Principle Monitoring Plan confirms at Table 3-2 that: "*Where significant impacts are observed, an adaptive management process may need to be implemented to ensure that so far as possible, the effects are brought back within the range of those predicted*." The Applicant considers that this addresses the issue raised by Natural England.
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.		Please see the Applicant's response to Q.47 above. The Applicant fully assessed the likely significant effects to disruptions to wave energy transmission, sediment transport and coastal morphology within Chapter 7: Marine

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				Physical Processes (REP4a-142), and concluded no significant effects were likely to occur. This was consequently considered within the Report to Inform Appropriate Assessment (document reference 7.1, V5, submitted at Deadline 6) which concluded no potential for an AEoI to the Wash and North Norfolk Coast SAC, Wash SPA and Wash Ramsar.
Q.55	[To NE]: The ExA notes that NE [REP4-144] 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.		Please see the Applicant's response to Q.47 above. The Applicant has provided the requested detail directly to Natural England on 25th March 2025. The Applicant is disappointed that Natural England have been unable to review this information with a view to resolving this matter prior to the close of the Examination.
3.1 Examination Matters – Annex II Marine Mammal Matters [Use of iPCoD]				
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.		The Applicant will submit iPCoD Modelling Report (Cumulative) (document reference 24.8, V1, submitted at Deadline 6) at Deadline 6. The Applicant notes that while it is possible to conduct cumulative iPCoD, there are a significant number of assumptions that go into the model (number of animals disturbed per day by each OWF, piling schedule for each OWF). Therefore, what is modelled is not necessarily representative of reality as such relevant caution should be exercised when reviewing its outputs. The Applicant have carried out cumulative iPCoD modelling using a robust methodology and has caveated the limitations within the iPCoD Modelling Report (REP4a-106) and iPCoD Modelling Report (Cumulative) (document reference 24.8, V1, submitted deadline 6). The iPCoD modelling for alone and cumulative supports the conclusion of Chapter 11 Marine Mammals (document reference 6.11.1, V3, submitted at Deadline 6). The Applicant has been unable to meet with Natural England to agree a scope for this work. Therefore, in order to ensure the modelling is conducted in time to submit into examination, the Applicant has assumed the following: • Modelling for 3 key species: harbour porpoise, harbour seal and grey seal • Screened in UK projects in the relevant MUs with a quantitative EIAR available for piling • Screened in ODOW piling years +- 1 year

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
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.		The Applicant will submit iPCoD Modelling Report (document reference 24.8, V1, submitted at Deadline 6) at Deadline 6. The Applicant notes that while it is possible to conduct cumulative iPCoD, there are a significant number of assumptions that go into the model (number of animals disturbed per day by each OWF, piling schedule for each OWF). Therefore, what is modelled is not necessarily representative of reality as such relevant caution should be exercised when reviewing its outputs. The iPCoD modelling for alone and cumulative supports the conclusion of Chapter 11 Marine Mammals (document reference 6.11.1, V3, submitted at Deadline 6). The Applicant considers that the conclusions in the iPCoD modelling provide further justification for the conclusions drawn in the RIAA although acknowledge the MU and SAC populations are not directly comparable. The Applicant has been unable to meet with Natural England to agree a scope for this work. Therefore, in order to ensure the modelling is conducted in time to submit into examination, the Applicant has assumed the following: • Modelling for 3 key species: harbour porpoise, harbour seal and grey seal • Screened in UK projects in the relevant MUs with a quantitative EIAR available for piling • Screened in ODOW piling years +- 1 year
3.1 Examination Matters – Annex II Marine Mammal Matters [Mitigation: Noise abatement systems (NAS) and SNS SAC SIP]				
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.		Following engagement with Natural England and the advice provided against PADSS items NE8 and NE9 in the NE Risk and Issues Log (REP5-171), the Applicant has updated the commitment secured within the MMMP (document reference 8.6.1, V6, submitted at Deadline 6) and SIP (document reference 8.7, V4, submitted at deadline 6) to state: "The Applicant will deploy primary and/or secondary noise reduction methods (Noise Abatement Systems) for pile driving, unless otherwise agreed with the MMO" **The Applicant considers that the commitment it has made is now above what is required by the Defra (2025) policy *Reducing Marine Noise*, and that this issue is now resolved.**

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
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				
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 AEoI. d)The ExA's understanding that NE deem that NAS mitigation is required alongside SIP to enable a conclusion of no AEoI.	a) Current information predicts the project alone will not breach the 20% noise threshold b) Current information predicts that the 20% noise threshold is likely to be breached for the project in-combination with other projects c) Natural England does not agree that mitigation through the SIP is sufficient to conclude no AEoI d) Natural England deems that NAS mitigation, alongside management through the SIP is needed to conclude no AEoI		a) The information provided in RIAA (document reference 7.1, updated at Deadline 6) predict the project alone will not breach the 20% daily spatial threshold of the SNS SAC b) The in-combination assessment in the RIAA (document reference 7.1, V5, updated at Deadline 6) presents an unmitigated and worst-case scenario. The Applicant has provided reasoning as to why the assessment is an absolute worst-case that would not materialise in practice and has detailed the caveats of the assessment. The Applicant has provided an In-Principle SIP which provides the framework for the development of a final SIP in the post-consent phase. The final SIP in the post-consent phase will include an updated, accurate in-combination assessment of the projects undertaking noisy activities during the same season as the Project. The SIP process, through which additional mitigation measures will be implemented to avoid the thresholds being breached, is sufficient to conclude that the SNS SAC thresholds will not be breached, and there will be no AEoI to the site. c) The Applicant considers the mitigation secured through the SIP enables a conclusion of no AEoI. See response to b). d) The Applicant considers that the new commitment to NAS (set out in the response to Q.61 above, and as requested by NE) secured within the In-Principle SIP (document reference 8.7, V4, submitted at deadline 6) is above what is required by the Defra (2025) policy paper, and that this issue is now resolved. The Applicant will provide updated alone and in-combination assessments in the final SIP produced at the post-consent stage. This will include the latest project information and an up to date in-combination assessment reflective of the activities that will actually take place at the same time as construction of the Project. The Applicant highlights that the final SIP needs to be signed off by the MMO, in consultation with Natural England, prior to piling commencing.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				The Applicant expects that the MMO will only approve the final SIP if the relevant thresholds will not be breached, taking into account the final detailed design, verified mitigation measures and other noisy activities planned to occur at the same time. As such, the ExA and the SoS can have confidence that AEoI will not occur, as the MMO will not allow the piling activities to occur in such a scenario.
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.	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 incombination impacts. 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 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.		The iPCoD modelling for alone and cumulative supports the conclusion of Chapter 11 Marine Mammals (document reference 6.11.1, V3, submitted at Deadline 6). The Applicant considers that the conclusions in the iPCoD modelling provide further justification for the conclusions drawn in the RIAA although acknowledge the MU and SAC populations are not directly comparable. The Applicant will submit cumulative iPCoD modelling at Deadline 6 (see responses in NE J5 E Marine Mammals) The Applicant has been unable to meet with Natural England to agree a scope for this work. Therefore, in order to ensure the modelling is conducted in time to submit into examination, the Applicant has assumed the following: • Modelling for 3 key species: harbour porpoise, harbour seal and grey seal • Screened in UK projects in the relevant MUs with a quantitative EIAR available for piling • Screened in ODOW piling years +- 1 year
Q.63	[To NE]: Confirm following comments in [REP4-135] that is able to conclude no AEoI 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 AEoI from the project alone or in combination, for the harbour seal qualifying feature of the WNNC SAC.		The Applicant welcomes Natural England's position that underwater noise from piling the ORCP will not lead to a barrier effect on harbour seals at the WNNC SAC. The Applicant maintains that the worst-case impact assessment from piling at the ORCP does not fully reflect the scale and duration of the works, which will be limited to only 8 days of piling within a defined temporal period. The Applicant considers the majority of the disturbance from the Project will occur within the array area due to the construction of WTG foundations, rather than the ORCP. The assessment of disturbance from the ORCP on the WNNC SAC is presented in paragraphs 262-265 in the RIAA (document reference 7.1, V5, updated at Deadline 6). The Applicant considers that the conclusions of the assessment are robust and supported by a precautionary approach, ensuring that all potential effects have been thoroughly evaluated. Notwithstanding the Applicant's confidence in these conclusions, the Applicant has made a

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				clear commitment to deploying primary and/or secondary noise reduction methods (Noise Abatement Systems) for pile driving, unless otherwise agreed with the MMO. Based on discussions with Natural England, the Applicant understands that this commitment will address any residual concerns regarding potential disturbance impacts. Given these considerations, the Applicant maintains that the assessment appropriately demonstrates no AEoI of the WNNC SAC, and that all necessary mitigation has been secured.
Q.64	[To NE]: Provide an update on its view of AEoI 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.		The Applicant highlights that UXO ID and clearance are not licenced within the DCO and will be licenced in separate MLAs during the post-consent phase. During the UXO ID campaign, the Applicant will determine the number, location and size of UXOs that require clearance. This information will feed into the UXO clearance MLA, which will be applied for during the post-consent stage. The Applicant has presented an assessment of the impacts of UXO clearance in Marine Mammal chapter (document reference 6.1.11, V3, updated at Deadline 6) based on advice from SNCBs and the comments received in the Scoping Opinion (2022). The Applicant considers that this assessment is robust and appropriately precautionary, ensuring that all potential effects have been thoroughly evaluated. UXO clearance is an integral part of the wider project and has been assessed on the same basis, with the Outline MMMP for UXO Clearance (document ref 8.6.2, V3, updated at Deadline 6) forming part of the suite of documents that support this assessment. Notwithstanding the Applicant's confidence in the conclusions of the assessment, the Applicant has made a clear commitment to adopting low-order method as the primary method of UXO disposal wherever practicable. This measure significantly reduces the risk of injury and disturbance to marine mammals and aligns with best practice recommendations outlined in JNCC (2025) guidance. Given these considerations, the Applicant maintains that all potential effects of UXO clearance have been assessed, and the appropriate mitigation is secured to ensure no significant effects on marine mammals.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
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 AEoI 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.		The Applicant will submit iPCoD Modelling Report (Cumulative) (document reference 24.8, V1, submitted at Deadline 6) at Deadline 6. The Applicant notes that while it is possible to conduct cumulative iPCoD, there are a significant number of assumptions that go into the model (number of animals disturbed per day by each OWF, piling schedule for each OWF). Therefore, what is modelled is not necessarily representative of reality as such relevant caution should be exercised when reviewing its outputs. The Applicant has been unable to meet with Natural England to agree a scope for this work. Therefore, in order to ensure the modelling is conducted in time to submit into examination the Applicant has assumed the following: • Modelling for 3 key species: harbour porpoise, harbour seal and grey seal • Screened in UK projects in the relevant MUs with a quantitative EIAR available for piling • Screened in ODOW piling years +- 1 year The Applicant notes that the iPCoD modelling is conducted on the relevant seal MU (SE England). It is not appropriate to model impacts to an "SAC population" in isolation.
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.		The Applicant will submit iPCoD Modelling Report (document reference 24.8, V1, submitted at Deadline 6) at Deadline 6. The Applicant notes that while it is possible to conduct cumulative iPCoD, there are a significant number of assumptions that go into the model (number of animals disturbed per day by each OWF, piling schedule for each OWF). Therefore, what is modelled is not necessarily representative of reality as such relevant caution should be exercised when reviewing its outputs. The Applicant has been unable to meet with Natural England to agree a scope for this work. Therefore, in order to ensure the modelling is conducted in time to submit into examination the Applicant has assumed the following: • Modelling for 3 key species: harbour porpoise, harbour seal and grey seal • Screened in UK projects in the relevant MUs with a quantitative EIAR available for piling • Screened in ODOW piling years +- 1 year
3.2 Examination Matters – Offshore and Intertidal Ornithology Matters [Highly pathogenic avian influenza (HPAI)]				

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
Q.67	[To NE and the RSPB]: The Applicant has responded to concerns relating to consideration of HPAI in its assessment in [REP2-053] and [REP3-069]. Please comment on whether its explanations have provided sufficient information to understand the implications of this to the assessment of effects in the RIAA.	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. Natural England do not agree with the Applicant's assertion that populations will recover quickly from impacts of HPAI, and 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. Natural England also does not agree that *"consideration of long -term variability in bird populations through stochastic events is beyond the scope of any Environmental Impact Assessment (EIA)"* 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, *"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."* 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 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.		The Applicant notes that the immediate impacts (and therefore the long-term impacts) of HPAI are extremely difficult to assess. Simple pre and post outbreak colony counts such as those in Tremlett et al., (2024) may overstate the impact that HPAI has had on a colony, with other factors likely to be influencing the number of birds attending the colony. For example, Birkhead and Hatchwell (2025) demonstrated that declines in colony attendance due to winter storm related mortality and a reduction in food availability as a result of sea temperature increases compounded reductions at the colony as a result of HPAI. The Applicant also notes that for kittiwake and guillemot, Tremlett et al., (2024) were unable to confidently state whether the breeding populations of these species significantly decreased further between the Seabirds Count Census (the most recent colony counts for many sites) and the counts carried out by Tremlett et al for their study in 2023. As such there is real uncertainty regarding the level of impact on colonies from HPAI, and declines seen post outbreak cannot be attributed to HPAI alone. The Applicant accepts that population trends (but not stochastic events, which are different from trends) should be considered when interpreting outputs of PVA and that there is uncertainty regarding future colony growth rates over the lifetime of a project. At FFC SPA the Applicant notes increasing populations of guillemot and razorbill, and a stable population of kittiwake with low impacts to all three species predicted using the Applicant's well evidenced and suitably precautionary approach, and Natural England's statement that it is not appropriate to assume that current growth rates cannot be supported is not evidenced. As such, the Applicant considers that there is no evidence that a realistic assessment of potential future population trends should consider any meaningful reduction in colony growth as a result of HPAI, especially given the low predicted impacts from the project, and the uncertainties regarding the occurrence and scale of any future outbreaks.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
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 AEoI in-combination effects on FFC SPA gannet?	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 AEoI alone on FFC SPA gannet. 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 ≥1%. 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 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 AEOI can be ruled out on FFC SPA gannet in-combination with other projects.		The Applicant welcomes the agreement from Natural England that this issue is resolved.
Q.71	[To NE]: With the submission of the applicant's updated RIAA, please comment on your position in relation to: - Project alone disturbance and displacement effect on razorbill - In-combination disturbance and displacement effects on both razorbill and guillemot	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		The Applicant welcomes Natural England's position with regard to the conclusion of no Project alone AEoI for Razorbill at FFC SPA. The Applicant notes Natural England's conclusion that an in-combination AEoI cannot be ruled out for guillemot and razorbill at FFC SPA. The Applicant maintains its position that AEoI for these species is extremely unlikely and that the high levels of

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		adverse effect on integrity (AEoI) of the razorbill feature of the FFC SPA for the Project alone. 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 AEoI 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 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 AEoI of the guillemot and razorbill features of the FFC SPA for displacement impacts in-combination with other plans and projects.		precaution in the assessment under Natural England's preferred approach have inflated predicted impacts well beyond the Applicant's well evidenced and appropriately precautionary position (where impacts on guillemot are predicted to be 18.2 birds per year and razorbill to be 10.5 birds per year). Summaries of the precaution in the assessments can be found in REP4a-048 Levels of precaution in the assessment and compensation calculations for offshore ornithology, REP4a-050 Consideration of bioseasons in the assessment of guillemot and REP4a-052 Rates of displacement in guillemot and razorbill. When considering impacts on guillemot and razorbill and the level of precaution to be applied, the likely connectivity between the Project and the FFC SPA should be noted. The Applicant considers the use of the MMFR +1SD to establish connectivity to be a highly precautionary approach. The closest distance between the FFC SPA colony and the array is 95km. The mean-max foraging range for guillemot is 73.2 km, which suggests no connectivity between the colony and the array, however, as a precaution, SNCBs advise the use of a mean-max foraging range plus 1SD (standard deviation) which is 153.7km, i.e. connectivity is possible but likely to involve a small number of individuals. Once the anomalous Fair Isle data are removed from the MMFR calculation (foraging ranges in the study referred to may have been unusually high owing to reduced prey availability (Woodward, 2019)), the mean-max foraging range plus 1SD is 95.2 km. Without the inclusion of the Fair Isle data, the distance between the project and the FFC SPA is approximately four times the mean foraging range for guillemot. Similarly for razorbill, the mean-max foraging range plus 1SD (with the removal of the Fair Isle data) is 94.7km therefore there is likely to be no connectivity between the FFC SPA and the array for the vast majority of birds. As such, assuming that all birds within the array are connected to the FFC SPA is highly precautionary, and Natural England's apportioning of 100% to the FFC SPA is unlikely to represent the ecological reality, even on a conservative basis. The Applicant also considers that there will be no material consequence to birds from the FFC SPA being displaced as they will be displaced into water closer to the colony. Both

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				auk species are ubiquitous across the southern North Sea and can forage in a wide range of depths and environmental conditions.
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 [REP4-030]	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. Natural England considers that the conclusions reached at both Hornsea Four and Sheringham and Dudgeon Extensions (unable to rule out AEoI 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 AEoI for the in-combination impacts to the seabird assemblage at FFC SPA. However, we note that species specific compensation for the abovementioned 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.		The Applicant welcomes Natural England's position with regard to the conclusion of no Project alone AEoI for the breeding assemblage qualifying feature of the FFC SPA. The Applicant considers that there will be no AEoI on the assemblage feature of the FFC SPA. However, in the event that AEoI is concluded by the SoS, the Applicant welcomes Natural England's conclusion that any impacts on the assemblage feature of the FFC SPA (which the Applicant considers would be negligible) would be addressed by the proposed compensation for kittiwake, and the without prejudice compensation being developed for guillemot and razorbill should an AEoI on these features be concluded and these measures agreed.
Q.74	[To NE and the RSPB]: Provide your latest views on whether or not there would an AEoI on the RTD qualifying feature of the Greater Wash SPA during any of the phases of the development.	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]. In summary, and in light of the acceptance of the Applicant's change [REP4-124], we consider that although there is the 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. Therefore, should a condition be included within the deemed marine licence for a seasonal restriction on construction works that refers to both the SPA and a 2km buffer, 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.		The Applicant welcomes the comment from Natural England. As requested by Natural England, The Applicant has included the commitment to a seasonal restriction on construction activities between November and March (inclusive), within the Greater Wash SPA and a buffer of 2 km in the draft Development Consent Order (document reference 3.1, V10, submitted at Deadline 6). The Applicant considers that this issue should be resolved.
Q.75	[To NE and the RSPB]: With the acceptance of the applicant's change [REP4-124] 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	Please see our response to Q. 74 above.		Please see response to Q.74 above.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
	location of the ORCP and potential AEoI, what do you consider the applicant needs to do to resolve these?			
Q.76	[To NE]: Clarify whether concerns are resolved with the submission of the applicant's updated RIAA [REP4-030]. 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 AEoI 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 AEOI 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.		The Applicant welcomes the agreement from Natural England that this issue is resolved.
Q.77	[To NE and the RSPB]: Confirm whether you have any remaining concerns in relation to the applicant's conclusions of no AEoI 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 AEoI can be ruled out for the guillemot feature and puffin component of the seabird assemblage of Farne Islands SPA for the Project alone. Notwithstanding the above, Natural England have advised regulators that we cannot rule out an in-combination AEoI 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 AEoI 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		The Applicant welcomes Natural England's position with regard to the conclusion of no Project alone AEoI for guillemot and puffin at the Farne Islands SPA. Given that the Applicant considers impacts predicted using Natural England's approach to be highly precautionary, actual impacts are likely to be lower than those predicted using Natural England's preferred approach. The impact predicted for the Farne Islands SPA using Natural England's precautionary approach is 2.2 birds per year, which equates to an increase in baseline mortality of 0.079% in relation to the latest count at the SPA (2019) and 0.056% in relation to the citation count. As such, the Applicant is confident that AEoI can be ruled out for guillemot at the Farne Islands SPA, and that the Applicant's contribution to an in-combination impact can be seen as immaterial. With regard to addressing in-combination impacts, the Applicant welcomes Natural England's position that if accepted and suitably scaled, the Applicant's proposed without prejudice measures for guillemot (at FFC SPA) would address compensation requirements for impacts on guillemot at the Farne Islands SPA (see The Applicant's Comments on Deadline 5 Submissions (document reference 24.2, V1, submitted at Deadline 6) and 7.7.2 Guillemot Compensation Plan (document reference 7.7.2, V3, submitted at Deadline 6)
Q.78	[To NE]: Confirm the nature of any remaining concerns in relation to Coquet Island SPA following acceptance of the ORBA.	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		The Applicant welcomes the agreement from Natural England that this issue is resolved.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		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%. Therefore Natural England are satisfied that AEOI 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.		
3.2 Examination Matters – Onshore Ecology Matters				
Q.80	[To NE]: Confirm your position in relation to the applicant's conclusions on all the qualifying features assessed for AEoI by the applicant in Table 12.2 [REP4-030] at the following sites (onshore ecology): • Greater Wash SPA • The Wash and North Norfolk Coast SAC • Gibraltar Point SPA and Ramsar site • Saltfleetby, Theddlethorpe Dunes and Gibraltar Point SAC • Humber Estuary SPA and Ramsar site • North Norfolk SPA and Ramsar site	Please see our advice on Table 12.2 below for onshore ecology and onshore ornithology matters only. For our advice on the Greater Wash SPA please see advice provided as part of Offshore Ornithology. For The Wash and 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. • The Wash SPA – currently we are working with the Applicant to secure mitigation measures to remove the risk of an AEoI occurring whilst birds are located in functionally linked land. Of particular concern is PinkFooted Goose. Until this is secured we are unable to advise beyond reasonable scientific doubt no AEoI. See our advice in Appendix I3. • The Wash Ramsar – , Phoca vitulina, Pintail, Anas acuta, Turnstone, Arenaria interpres and Wetland invertebrate assemblage not listed in Table 12.2. • Gibraltar Point SPA and Ramsar site - no concerns raised. • Saltfleetby, Theddlethorpe Dunes and Gibraltar Point SAC - no concerns raised. • 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 • Humber Estuary SAC – listed under Migratory Fish for river and sea lamprey – no concerns raised. • North Norfolk SPA and Ramsar site – no concerns raised other than for pink-footed goose.		The Applicant welcomes Natural England's confirmation that they have no concerns to raise regarding onshore ecology and onshore ornithology features assessed at the following sites: • Greater Wash SPA; • The Wash and North Norfolk SAC; • Gibraltar Point SPA and Ramsar site; • Saltfleetby, Theddlethorpe Dunes and Gibraltar Point SAC; • Humber Estuary SPA and Ramsar site; and • Humber Estuary SAC. The RIES question also references the North Norfolk SPA and Ramsar site, which Natural England have confirmed the only concern they have raised relates to pink-footed goose. The Applicant's response to Q.81 explains the Applicant's position in relation to this species and confirms that the matter can now be moved to resolved status at Deadline 6.
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				
Q.81	To NE]: The applicant's updated RIAA contains [REP4-030 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 progresses 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.		The Applicant welcomes Natural England's comment and has addressed each of Natural England's points in relation to pink-footed goose, and other qualifying features, within Appendix I3 (please refer to The Applicant's comments on Deadline 5 Submissions (document reference 24.2, V1, submitted at Deadline 6)) and therefore this point can be updated to resolved status at Deadline 6.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
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.		The Applicant welcomes Natural England's comment and has addressed each of Natural England's points in relation to the relevant qualifying features, within Appendices I3 and H7 (please refer to The Applicant's comments on Deadline 5 Submissions (document reference 24.2, V1, submitted at Deadline 6)) and therefore this point can be updated to resolved status at Deadline 6.
3.3 Summary of Examination outcomes in relation to adverse effects on integrity				
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		This is noted by the Applicant.
4. Derogations from the Regulations **4.4 Compensatory Measures – Compensatory measures for Annex I Sandbank**				
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].		The Applicant and Natural are in alignment with Natural England on the appropriate measure of compensation and the confirmation through the Written Ministerial Statement and associated interim guidance that the strategic extension of Marine Protected Measure will be delivered by Defra, should the SoS deem compensation necessary for the Project. 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.
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.		This is noted by the Applicant.
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 response) that the proposed measures would not provide meaningful compensation, and supports the SNCB paper regarding the ineffectiveness of marine debris removal as a compensation measure in offsetting AEoI from the placement of cable protection.		The Applicant has removed the following compensation measure after the release of the WMS: ▪ Anthropogenic Pressure Removal: Marine Debris and Awareness Campaign.
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		

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
		the impacts from the placement of cable protection our advice is as per the marine debris removal campaign		
4.4 Compensatory Measures – Creation of biogenic reef for sandbank compensation				
Q.89	[To NE]: NE are requested to provide a view on the creation of biogenic reef being a suitable measure for AEoI 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 'Best practice guidance for developing compensatory measures in relation to Marine Protected Areas Guidance (2021)' 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 Sabellaria spinulosa 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 micrositing may not be an option. Equally Natural England highlights oyster restoration should not occur 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. We also draw your attention to our response at Appendix X at Deadline 4a		The Applicant highlights that 'Best practice guidance for developing compensatory measures in relation to Marine Protected Areas Guidance (2021)' is draft advice not published guidance. The Applicant understands Natural England's concerns however, it should be noted that until the SoS has made their decision on any necessary compensation, and detail on magnitude, cost and timing on any MPA designation or extension delivered by Defra 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 Applicant is proposing to retain. Whilst biogenic reef seeding for compensation to Annex I sandbank would comprise a non-like-for-like measure for Annex I sandbanks, within the IDRBNR SAC, sandbanks and biogenic reef features are often co-located and provide complementary ecosystem services. As such, this measure would support the integrity of the wider National Site Network through supporting the key component communities associated with a combination of sandbank and reef habitats. The Applicant acknowledges and understands Natural England's concerns regarding Native Oyster Restoration. In response, it is proposed that the Applicant will undertake a comprehensive review of the supporting habitat for Annex I reef, should this measure be advanced. This review would be conducted in close collaboration with Natural England, ensuring that all relevant ecological factors are thoroughly assessed to support any restoration effort, if required.
4.4 Compensatory Measures – Seagrass bed habitat creation/ restoration				
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		The Applicant has removed the following compensation measure after the release of the WMS: ▪ Seagrass bed habitat creation/ restoration
4.4 Compensatory Measures – Compensatory measures for Annex I Sandbank				
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.		It is expected that should compensation be required in relation the IDRBNR SAC, then the most appropriate measure would be Marine Protected Area designations and/or extensions delivered by Defra.

RIES ID	RIES Question	Natural England Comment	RAG Status	The Applicant's Response
				The Applicant has removed the following compensation measure after the release of the WMS: ▪ Anthropogenic Pressure Removal: Marine Debris and Awareness Campaign.
4.4 Compensatory Measures – Creation of biogenic reef				
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		Please see response to Q89. The Applicant and Natural England are in agreement that the SAC extension is the preferred measure .
4.4 Compensatory Measures – Compensation measures for ornithological qualifying features				
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 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.		This comment is noted by the Applicant. As detailed in the Applicant's response to this question (REP5-149), the DCO is worded such that the Applicant has the ability to deliver any necessary ANS either on a project alone basis or, if appropriate through a contribution to the MRF. The Applicant's proposals align with the WMS and DESNZ guidance published on 31 January 2025.

Table 3.3 The Applicant's Response to 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	Applicant's response
		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	The Applicant observes that Natural England has not addressed this position in writing within the Risk and Issues Log or the PADS (Document Reference 21.8, V3, submitted at Deadline 6) concerning a potential AEoI of the North Norfolk Sandbanks and Saturn Reef SAC, specifically with regard to suspended sediment and deposition. The Applicant echoes the ExA's comments at Issue

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	Applicant's response
		C	O&M	D	C	O&M	D		
									Specific Hearing 8 that the submission of any new information at Deadline 6, to which the Applicant should reasonably be given an opportunity to respond, risks not being accepted into the Examination. The Applicant suggests that such evidence should be afforded limited weight. The Applicant would also like to highlight the assessment undertaken in the RIAA (Section 9.1.41, document reference 7.1, V5, submitted at Deadline 6), which highlights that there will be no direct overlap from the construction activities associated with the artificial nesting structure with the North Norfolk Sandbanks and Saturn Reef SAC. In relation to the potential impacts of increased suspended sediment and associated deposition associated with construction activities, sediment plumes are expected to quickly dissipate after cessation of the construction activities, due to settling and wider dispersion with the concentrations reducing quickly over time to background levels (i.e., within a couple of tidal cycles). Sediment deposition will consist primarily of coarser sediments deposited close to the source (a few hundred meters), with a small proportion of silt deposition (reducing exponentially from source). Regarding the Annex I sandbank features the physical and ecological features are tolerant to habitat disturbances and the physical structure of the banks and associated benthic communities is likely to be renewed from any disturbance (JNCC and Natural England, 2010) and therefore the Applicant is confident on no AEoI to these features. In relation to Annex I biogenic reef, smothering and deposition impacts that are most likely to significantly disturb benthic communities are considered to be in the immediate vicinity of the works (0-50m), therefore the Applicant is confident of no AEoI to biogenic reef features of the North Norfolk Sandbanks and Saturn Reef SAC due to the distance from construction activities, where SSC are not expected to be present at

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	Applicant's response
		C	O&M	D	C	O&M	D		
									concentrations sufficient to negatively impact benthic features and there will be no measurable thickness of deposition.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	N	The Applicant notes that this is the first time that Natural England has bought up this position in relation to a potential AEoI on North Norfolk Sandbanks and Saturn Reef SAC, in relation to changes to physical processes. The Applicant echoes the ExA's comments at Issue Specific Hearing 8 that the submission of any new information at Deadline 6, to which the Applicant should reasonably be given an opportunity to respond, risks not being accepted into the Examination. The Applicant suggests that such evidence should be afforded limited weight. No pathway of effect has been identified between the Project and the North Norfolk Sandbanks and Saturn Reef SAC in terms of changes to physical processes, as supported by the results of numerical modelling for wave and hydrodynamic blockage effects presented in Figures 7.24 to 7.26 within Chapter 7 Marine Physical Processes Figures Part 2 of 2 (REP4a-042). Therefore, the Applicant considers that there is no potential for AEoI to the conservation objectives of the designated features of the identified site in relation to changes to physical processes as outlined in the RIAA (document reference 7.1, updated at Deadline 6).
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	The Applicant has responded to this point within the response to Q.27 and Q.17.
		Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	N	The Applicant observes that Natural England has not addressed this position in writing within the Risk and Issues Log or the PADS (Document

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	Applicant's response
		C	O&M	D	C	O&M	D		Reference 21.8, V3, submitted at Deadline 6) concerning a potential AEoI of the Inner Dowsing, Race Bank, and North Ridge SAC, specifically with regard to suspended sediment and deposition. The Applicant echoes the ExA's comments at Issue Specific Hearing 8 that the submission of any new information at Deadline 6, to which the Applicant should reasonably be given an opportunity to respond, risks not being accepted into the Examination. The Applicant suggests that such evidence should be afforded limited weight. The Applicant would also like to highlight the assessment undertaken in the RIAA (Section 9.1.41, document reference 7.1, V5, submitted at Deadline 6), which highlights that there will be no direct overlap from the construction activities associated with the artificial nesting structure with the North Norfolk Sandbanks and Saturn Reef SAC. In relation to the potential impacts of increased suspended sediment and associated deposition associated with construction activities, sediment plumes are expected to quickly dissipate after cessation of the construction activities, due to settling and wider dispersion with the concentrations reducing quickly over time to background levels (i.e., within a couple of tidal cycles). Sediment deposition will consist primarily of coarser sediments deposited close to the source (a few hundred meters), with a small proportion of silt deposition (reducing exponentially from source). Regarding the Annex I sandbank features the physical and ecological features are tolerant to habitat disturbances and the physical structure of the banks and associated benthic communities is likely to be renewed from any disturbance (JNCC and Natural England, 2010) and therefore the Applicant is confident on no AEoI to these features. In relation to Annex I biogenic reef, smothering and deposition impacts that are most likely to significantly disturb benthic communities are considered to be in the immediate

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	Applicant's response
		C	O&M	D	C	O&M	D		
									vicinity of the works (0-50m), this will occur where the offshore ECC overlaps, which is 8.3% of the site, meaning the impacts are considered to be highly localised. *S. spinulosa* reef are considered to have some level of tolerance, resilience and recoverability to SSC effects. Therefore, the Applicant is confident there is no AEoI on the reef feature at this site from this pressure.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	N	The Applicant has responded to this point within the response to Q.30.
		EMF	EMF	EMF	N	N	N	Y	The Applicant welcomes agreement.
The Wash and North Norfolk Coast SAC	Sandbanks which are slightly covered by sea water all of the time Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Salicornia and other annuals colonizing mud and sand Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	N	The Applicant observes that Natural England has not addressed this position in writing within the Risk and Issues Log or the PADS (Document Reference 21.8, V3, submitted at Deadline 6) concerning a potential AEoI of the Inner Dowsing, Race Bank, and North Ridge SAC, specifically with regard to suspended sediment and deposition. The Applicant echoes the ExA's comments at Issue Specific Hearing 8 that the submission of any new information at Deadline 6, to which the Applicant should reasonably be given an opportunity to respond, risks not being accepted into the Examination. The Applicant suggests that such evidence should be afforded limited weight. The Applicant would also like to highlight the assessment undertaken in the RIAA (Section 9.1.41, document reference 7.1, V5, submitted at Deadline 6), which highlights that there will be no impacts to the Wash and North Norfolk Coast SAC are expected due to the distance from construction activities, where SSC are not expected to be present at concentrations sufficient to negatively

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE) C	Potential for likely significant effect (LSE) O&M	Potential for likely significant effect (LSE) D	Applicant's conclusion on AEoI (alone or in combination) C	Applicant's conclusion on AEoI (alone or in combination) O&M	Applicant's conclusion on AEoI (alone or in combination) D	Agreement with NE	Applicant's response
									impact benthic features and there will be no measurable thickness of deposition.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	N	The Applicant has responded to this point within the response to Q.46.
		Loss of habitats within the SAC	Loss of habitats within the SAC	Loss of habitats within the SAC	N	N	N	Y	The Applicant welcomes agreement.
		Disturbance to otter	Disturbance to otter	Disturbance to otter	N	N	N	Y	The Applicant welcomes agreement.
		Habitat loss for otter	Habitat loss for otter	Habitat loss for otter	N	N	N	Y	The Applicant welcomes agreement.
	Harbour seal (Phoca vitulina)	Underwater noise	Underwater noise	Underwater noise	N	N	N	N	The Applicant considers that there is no AEoI for underwater noise impacts either alone or in-combination for the harbour seal as shown in the RIAA (document reference 7.1, V5, submitted at Deadline 6). The Applicant has responded to NEs concerns at Deadline 6 regarding the in-combination assessment to progress this matter and reach agreement, please refer to the Applicant's response in Q58 above.
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	Y	The Applicant welcomes agreement.
		Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
		Changes to prey	Changes to prey	Changes to prey	N	N	N	Y	The Applicant welcomes agreement.
		Disturbance to haul out sites	Disturbance to haul out sites	Disturbance to haul out sites	N	N	N	Y	The Applicant welcomes agreement.
Humber Estuary SPA	Great Bittern (non-breeding and breeding) Shelduck (non-breeding) Marsh harrier; (breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
		Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	Y	The Applicant welcomes agreement.

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	Applicant's response
		C	O&M	D	C	O&M	D		
	Hen harrier (non-breeding) Avocet (non-breeding and breeding) Golden plover (non-breeding) Knot (non-breeding) Dunlin (non-breeding) Ruff (non-breeding) Black-tailed godwit (L. limosa) (non-breeding) Bar-tailed godwit (non-breeding) Redshank (non-breeding) Little tern (breeding) Waterbird assemblage	Pollution	Pollution	Pollution	N	N	N	Y	The Applicant welcomes agreement.
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	The Applicant welcomes agreement.
Humber Estuary Ramsar site	Dune systems with humid dune slacks	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	Y	The Applicant welcomes agreement.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	Y	The Applicant welcomes agreement.
	Grey seal (Halichoerus grypus)	Underwater noise	Underwater noise	Underwater noise	N	N	N	N	The Applicant considers that there is no AEoI for underwater noise impacts either alone or in-combination for the grey seal species as shown in paragraphs 288 and 1662 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). The Applicant has responded to NEs concerns at Deadline 6 regarding the in-combination assessment to progress this matter and reach agreement, please refer to the Applicant's response in Q58 above.

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	Applicant's response
		C	O&M	D	C	O&M	D		
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	Y	The Applicant welcomes agreement.
		Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
	Criterion 5 – assemblages of international importance (waterfowl, nonbreeding season); Criterion 6 – species/populations occurring at levels of international importance Shelduck Golden plover Knot Dunlin Black-tailed godwit (L. limosa) Bar-tailed godwit; and Redshank	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
		Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	Y	The Applicant welcomes agreement.
		Pollution	Pollution	Pollution	N	N	N	Y	The Applicant welcomes agreement.
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	The Applicant welcomes agreement.
Humber Estuary SAC	Estuaries Mudflats and sandflats not covered by seawater at low tide Sandbanks which are slightly covered by sea water all the time Salicornia and other annuals colonizing mud and sand Atlantic salt meadows	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	Y	The Applicant welcomes agreement.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	Y	The Applicant welcomes agreement.
	Sea lamprey (Petromyzon marinus) River lamprey (Lampetra fluviatilis)	Underwater noise	Underwater noise	Underwater noise	N	N	N	Y	The Applicant welcomes agreement.
	Grey seal (Halichoerus grypus	Underwater noise	Underwater noise	Underwater noise	N	N	N	N	The Applicant considers that there is no AEoI for underwater noise impacts either alone or in-combination for the grey seal species as shown in paragraphs 288 and 1662 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). The

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	Applicant's response
		C	O&M	D	C	O&M	D		
									Applicant has responded to NEs concerns at Deadline 6 regarding the in-combination assessment to progress this matter and reach agreement, please refer to the Applicant's response in Q58 above.
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	Y	The Applicant welcomes agreement.
		Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
Gibraltar Point SPA	Grey plover (Non-breeding) Sanderling (Non-breeding) Bar-tailed godwit (Non-breeding) Little tern (Breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
		Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	Y	The Applicant welcomes agreement.
		Pollution	Pollution	Pollution	N	N	N	Y	The Applicant welcomes agreement.
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	The Applicant welcomes agreement.
Gibraltar Point Ramsar site	Red Data book invertebrates – including: Haliplus mucronatus (a water beetle, aquatic) Brachytron pratense (hairy dragonfly, aquatic)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
		Pollution	Pollution	Pollution	N	N	N	Y	The Applicant welcomes agreement.
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	The Applicant welcomes agreement.
	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 Applicant welcomes agreement.
The Wash SPA	Bewick's swan (non-breeding) Shelduck (non-breeding) Wigeon (non-breeding) Gadwall (non-breeding) Pintail (non-breeding) Common scoter (non-breeding) Goldeneye (non-breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	<u>Curlew and golden plover</u> Natural England advised that it remained of the view that there is limited mitigation for potential impacts on these species, particularly in the Export Cable Corridor (ECC) running parallel to the A52. The Applicant met with Natural England on 24 March 2025. At that meeting, Natural England provided advice and clarification on the further measures that it required to address its remaining concerns on this matter. The Applicant has incorporated these additional measures into Section 3.7.5.5 of the OLEMS (document reference

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	Applicant's response
		C	O&M	D	C	O&M	D		
	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) Redshank (Non-breeding) Turnstone (Non-breeding) Common tern (Breeding) Little tern (Breeding) Waterbird assemblage								8.10, V8, submitted at Deadline 6), which has been shared with Natural England in advance of Deadline 6 in order to achieve resolution at Deadline 6. Natural England responded via email on 3 April 2025 and recognised the intention to mitigate the impacts, however asked that the types of measures that could be used be stated and also that the freezing weather restriction be extended throughout the winter period from October to March inclusive. In response, the Applicant has added this extra information and clarification to the OLEMS. This matter is therefore considered to be resolved.
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	Y	<u>Pink footed goose</u> Natural England welcomed the Applicant's inclusion of additional pink-footed geese mitigation within the Outline Landscape and Ecological Mitigation Strategy (OLEMS) (document reference 8.10, V8, submitted at Deadline 6) and noted that as well as aligning with NE's suggested approach every effort /measure option has been included to mitigate the impacts. Natural England requested a number of minor amendments to the wording of the OLEMS in relation to the pink-footed goose management plan commitment, which the Applicant has made in the OLEMS submitted at Deadline 6. This matter is therefore considered to be resolved and the conclusion of no AEoI in respect of pink-footed geese is considered to be agreed by NE. <u>Dark-bellied brent goose</u> Natural England welcomed the commitments made by the Applicant to (1) not undertake construction

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	Applicant's response
		C	O&M	D	C	O&M	D		works within 400m of The Wash, The Haven or areas designed to enhance bird numbers e.g. compensation areas, during the sensitive periods for dark-bellied brent geese between November and March inclusive (2) not undertake drilling in April and to install visual screening in the seasonally restricted area around The Haven in April in order to minimise potential visual disturbance arising from soft start works, and (3) to undertake a pre-construction survey for dark-bellied brent goose at the seasonally restricted area at The Haven and adjacent land to ensure that the proposed mitigation remains appropriate. With regard to the commitment to install visual screening, Natural England highlighted that careful consideration will need to be given to the necessity of screening at each location and material used, due to potential noise and visual disturbance from screening being moved by wind and noise associated with that. The Applicant has amended Section 3.7.5.5 of the OLEMS (document reference 8.10, V8, submitted at Deadline 6) to confirm that consideration will be given to the necessity for screening in each location and the material to be used, in order to minimise the potential for disturbance caused by the screening itself being moved by wind. This was shared with Natural England in advance of Deadline 6 and Natural England welcomed the additional text but queried what contingency there was should screening not be practicable. The Applicant has addressed this by adding further clarification to Section 3.7.5.5 of the OLEMS which clarifies the action to be taken in adverse weather and includes a commitment to contingency measures. Natural England stated that it continued to query if further mitigation measures can be adopted to minimise visual disturbance impacts to dark-bellied brent geese. The Applicant has considered whether further mitigation measures can be adopted to minimise visual disturbance impacts on dark-bellied brent geese during the April soft start works

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	Applicant's response
		C	O&M	D	C	O&M	D		
									and has added text to Section 3.7.5.5 of the OLEMS (document reference 8.10, V8, submitted at Deadline 6) in this regard, wherein the Applicant has committed to exploring potential mitigation measures at the detailed design stage which will be documented and secured in the final ecological management plan. This matter is therefore considered to be resolved and the conclusion of no AEoI in respect of dark-bellied brent geese is considered to be agreed by NE.
		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	Y	Please refer to the preceding row; it is considered that the matter has now been resolved.
		Pollution	Pollution	Pollution	N	N	N	Y	The Applicant welcomes agreement.
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	The Applicant welcomes agreement.
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	The Applicant welcomes agreement.
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y	The Applicant welcomes agreement.
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		INNS	INNS	INNS	N	N	N	Y	The Applicant welcomes agreement.
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	Y	The Applicant welcomes agreement.
	Criterion 5 – bird assemblages of international importance Criterion 6 – bird species/ populations occurring at levels of international importance Species with peak counts in spring/autumn: Redshank	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	Y	<u>Pink-footed goose and dark-bellied brent goose</u> Please refer to the Applicant's response for these two species in relation to The Wash SPA. As the outstanding matters raised by Natural England have been addressed, it is considered that the matter is resolved and the conclusion of no AEoI is considered to be agreed by NE. <u>Curlew, lapwing, golden plover</u> <u>Please refer to the Applicant's response for curlew and golden plover in relation to The Wash SPA,</u>

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	Applicant's response
		C	O&M	D	C	O&M	D		
	Curlew Oystercatcher (wintering) Grey plover (wintering) Knot Sanderling Species with peak counts in winter: Black-headed gull Eider Bar-tailed godwit Shelduck Dark-bellied brent goose Dunlin Pink-footed goose Golden plover Lapwing Species with peak counts in spring/autumn: Black-tailed godwit and ringed plover	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	Y	which equally applies to lapwing. As the outstanding matters raised by Natural England have been addressed, it is considered that the matter is resolved and the conclusion of no AEoI is considered to be agreed by NE.
		Pollution	Pollution	Pollution	N	N	N	Y	
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y	
Southern North Sea SAC	Harbour porpoise	Underwater noise	Underwater noise	Underwater noise	N	N	N	N	The Applicant considers that there is no AEoI from underwater noise impacts either alone or in-combination for the harbour porpoise species as shown in paragraphs 233, 245, 248, 1651 and 1654 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). The Applicant has responded to NEs concerns at Deadline 6 regarding the in-combination assessment to progress this matter and reach agreement, please refer to the Applicant's response in Q58 above.
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	N	The Applicant considers that there is no AEoI from vessel disturbance either alone or in-combination for the harbour porpoise species as shown in paragraphs 354 and 1679 of the RIAA (document reference 7.1, V5, submitted at Deadline 6).
		Collision risk	Collision risk	Collision risk	N	N	N	N	The Applicant considers that there is no AEoI from vessel collision alone for the harbour porpoise species as shown in paragraphs 379 of the RIAA (document reference 7.1, V5, submitted at

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	Applicant's response
		C	O&M	D	C	O&M	D		
									Deadline 6). The Applicant notes that vessel collision risk in-combination has been screened out following AA alone conclusions as shown in Table 10-2 of the RIAA (document reference 7.1 version 5).
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	N	The Applicant considers that there is no AEoI from indirect alone for the harbour porpoise species as shown in paragraphs 379 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). The Applicant notes that indirect pollution risk in-combination has been screened out following AA alone conclusions as shown in Table 10-2 of the RIAA (document reference 7.1, V5, submitted at Deadline 6).
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y	The Applicant welcomes agreement.
		Changes to prey	Changes to prey	Changes to prey	N	N	N	Y	The Applicant welcomes agreement.
		Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
Berwickshire and North Northumberland Coast SAC	Grey seal	Changes to prey	Changes to prey	Changes to prey	N	N	N	Y	The Applicant welcomes agreement.
		Vessel disturbance	Vessel disturbance	Vessel disturbance					The Applicant notes the NE response is missing, the Applicant considers there is no AEoI for vessel disturbance for the grey seal feature of this site both alone and in-combination as detailed in paragraphs 358, 361 and 1681 of the RIAA (document reference 7.1, V5, submitted at Deadline 6). Given no issues have been raised during examination on the Berwickshire and Noth Northumberland Coast SAC for the grey seal feature, and that NE have agreed with the conclusions of no AEoI on the other impacts assessed for this site, the Applicant considers NE has no issue with the conclusion of no AEoI for vessel disturbance for the grey seal feature of this site both alone and in-combination.
		Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
		In-combination	In-combination	In-combination	N	N	N	Y	The Applicant welcomes agreement.

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	Applicant's response
		C	O&M	D	C	O&M	D		
		Underwater noise	Underwater noise	Underwater noise	N	N	N	Y	The Applicant welcomes agreement.
Alde-Ore Estuary SPA	Lesser black-backed gull	Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
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 the DCO/dML.	The Applicant welcomes agreement. As requested by Natural England, The Applicant has included the commitment to a seasonal restriction on construction activities between November and March (inclusive), within the Greater Wash SPA and a buffer of 2 km in the draft Development Consent Order (document reference 3.1, V10, submitted at Deadline 6). The Applicant considers that this issue should be resolved
	(Offshore) Common scoter	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y	The Applicant welcomes agreement.
	(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	The Applicant welcomes agreement.
North Norfolk Coast SPA	Sandwich tern	Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
		Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
	Pink-footed goose Dark-bellied Brent goose	Disturbance of birds within the SPA	Disturbance of birds within the SPA	Disturbance of birds within the SPA	N	N	N	Y	Please refer to the Applicant's response in relation to pink-footed goose for The Wash SPA. This matter is considered to be resolved and the conclusion of no AEoI in respect of pink-footed geese is considered to be agreed by NE.
North Norfolk Ramsar site	Pink-footed goose	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y	The Applicant welcomes agreement.
	Dark-bellied Brent goose	Disturbance of birds within the SPA	Disturbance of birds within the SPA	Disturbance of birds within the SPA	N	N	N	Y	Please refer to the Applicant's response in relation to pink-footed goose for The Wash SPA. This matter is considered to be resolved and the conclusion of no AEoI in respect of pink-footed geese is considered to be agreed by NE.
Flamborough and Filey Coast SPA	Herring gull Gannet	Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
	Kittiwake	Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.

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	Applicant's response
		C	O&M	D	C	O&M	D		
	Guillemot Razorbill Gannet Seabird assemblage (Puffin)	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y (project alone for gannet, guillemot, razorbill and seabird assemblage (puffin)) N for project in-combination for razorbill, guillemot and seabird assemblage	The Applicant considers that there is no material impact to the guillemot, razorbill and assemblage features of the FFC SPA as laid in the RIAA (document reference 7.1, V5, submitted at Deadline 6)
Coquet Island SPA	Puffin	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y	The Applicant welcomes agreement.
Farne Islands SPA	Kittiwake	Collision risk	Collision risk	Collision risk	N	N	N	Y	The Applicant welcomes agreement.
	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	The Applicant considers that there is no material impact to the guillemot and assemblage features of the Farne Islands SPA as laid in the RIAA (document reference 7.1, V5, submitted at Deadline 6)
Scottish SPAs	Gannet Kittiwake	Collision risk	Collision risk	Collision risk	N	N	N	Scottish SPAs are outside NE's remit.	The Applicant notes this response.
	Guillemot Razorbill Puffin	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	As above	The Applicant notes this response.
Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC	Annex I habitats: Embryonic shifting dunes Shifting dunes along the shoreline with Ammophila arenaria ('white dunes'") Fixed coastal dunes with herbaceous vegetation	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	Y	The Applicant welcomes agreement.

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	Applicant's response
		C	O&M	D	C	O&M	D		
	('grey dunes')" Priority feature Dunes with Hippophae rhamnoides, Humid dune slacks								

4 The Applicant’s Comments on the RSPB’s Response to the RIES

4. Table 4.1 below provides the Applicant’s comments on the RSPB’s response to the RIES.

Table 4.1: The Applicant's Comments on RSPB's Response to the RIES

Ref No	Submission	Applicant Response
1	The RSPB's response to the Examining Authority's questions to the RSPB set out in its Report on the Implications for European Sites of the proposed Outer Dowsing Offshore Windfarm (dated 17 February 2025) are set out in the table below.	
Highly Pathogenic avian influence (HPAI)		
2	The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded in the country in Great Skuas in summer 2021, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. Many species impacted by HPAI are of conservation concern in the UK, and the outbreak comes on top of widespread declines reported by the latest seabird census (Burnell et al, 2023)1 . RSPB conducted a repeat census in 2023 to determine the scale of impact of the outbreak on seabird populations, which for multiple species showed a decrease of >10% in overall counts across all UK sites that were surveyed in 2023. A further outbreak of HPAI in 2023, which largely occurred after the counts were undertaken, means that impacts of HPAI on the breeding populations of affected species is likely to be worse than indicated in the report. There remains the potential for ongoing impacts as the disease progresses. The RSPB considers that the impacts of HPAI have not been properly addressed within the assessment. The impacts of HPAI and thus reductions in colony sizes may be manifested through the direct effects of mortality or the indirect effects arising through physiological constraints due to infection. These could arise for example, through impaired foraging ability or lower productivity. The severity and rate of recovery from these effects will determine the utilisation of space by seabird populations and consequently their interactions with wind farms. As well as changes to population numbers, HPAI infection is likely to cause variation in space use over time between individual birds and colonies, in part due to a likely decrease in competition, but also potentially related to physiological changes, such as in vision and fitness. This change in space use will be reflected in changes in the extent of interactions with wind farms, and in the lethal and sub-lethal consequences of those interactions. Recent research into the impact of the 2022 HPAI outbreak on Gannet movements and space use has revealed that surviving Gannets instigated unprecedented long-distance exploratory movements during the outbreak, likely as a short-term response to HPAI-related disturbance (Jeglinski et al. 2023[1]). Breeding Gannets tracked several months following the outbreak showed a high degree of breeding colony fidelity and foraging time budgets that are characteristic for the species, but birds showed reduced foraging effort, that is foraging trips were shorter in duration, and in maximal and total distance travelled, compared to data from previous years, likely because of reduced competition (Gremillet et al. 2023[2]).	The Applicant considers that the baseline used for the Project has not been influenced by the HPAI outbreak in a way that makes assessments less precautionary. The Applicant's data collection occurred either before or during the major HPAI outbreaks. This means that the DAS-derived densities at sea used for the assessments are likely to reflect the health of the colony during an outbreak, or, are likely to have reflected pre-outbreak numbers. As such, any impacts calculated are likely to reflect impacts on a colony potentially reduced by HPAI, or, are likely to over-estimate impacts as bioseaonal means of peaks (the metric used to inform the impact assessments) will have been driven up by the inclusion of pre-outbreak numbers of birds. The Applicant does not consider that there is sufficient evidence available to make any specific comment on the effects of changes in space use. The Applicant notes that the immediate impacts (and therefore the long-term impacts) of HPAI are extremely difficult to assess. Simple pre and post outbreak colony counts such as those in Tremlett et al., (2024) are likely to overstate the impact that HPAI has had on a colony, with other factors likely to be influencing the number of birds attending the colony. For example, Birkhead and Hatchwell (2025) demonstrated that declines in colony attendance due to winter storm related mortality and a reduction in food availability as a result of sea temperature increases compounded reductions at the colony as a result of HPAI. The Applicant also notes that, for kittiwake and guillemot, Tremlett et al., (2024) were unable to confidently state whether the breeding populations of these species significantly decreased further between the Seabirds Count Census (the most recent colony counts for many sites) and the counts carried out by Tremlett et al for their study in 2023. Tremlett et al., do not comment on post HPAI outbreak numbers of razorbill, as such the Applicant assumes that HPAI impacts on this species were considered too low to be of concern. As such, there is real uncertainty regarding the level of impact on colonies from HPAI, and declines seen post outbreak cannot be attributed to HPAI alone, regardless of whether these are restricted to direct impacts or include indirect impacts, such as impaired foraging ability. The Applicant notes that the RSPB's discussion on changes in space use does not refer to any evidence or inference that changes in space use would lead to increased interactions with offshore wind farms. Evidence presented for gannet suggests that HPAI could both increase and decrease foraging trip

[1] Jeglinski, J.W., Lane, J.V., Votier, S.C., Furness, R.W., Hamer, K.C., McCafferty, D.J., Nager, R.G., Sheddan, M., Wanless, S. and Matthiopoulos, J., 2024. HPAIV outbreak triggers short-term colony connectivity in a seabird metapopulation. Scientific Reports, 14(1), p.3126

[2] Grémillet, D., Ponchon, A., Provost, P., Gamble, A., Abed-Zahar, M., Bernard, A., Courbin, N., Delavaud, G., Deniau, A., Fort, J. and Hamer, K.C., 2023. Strong breeding colony fidelity in northern gannets following high pathogenicity avian influenza virus (HPAIV) outbreak. Biological Conservation, 286, p.110269

Ref No	Submission	Applicant Response
3	Our understanding is that some or all of the changes proposed, not least the ORBA and the ECC Revision, are really quite significant and will certainly affect the Written Representation RSPB will want to submit as well as other aspects of our engagement with the Examination. The RSPB has identified three consequences of the HPAI outbreak that it considers needs to be explicitly considered by offshore wind farm applicants, and have not been considered within this Application: • Consideration of how the HPAI outbreak will influence the representativeness of the baseline characterisation. This should include the direct influence of population size and through changes in space use; • Alterations of the extent of interactions with wind farms, potentially related to physiological changes, and in the lethal and sub-lethal consequences of those interactions; and • Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.	duration and distance travelled. Both scenarios could lead to reduced densities within the Projects Array Area and therefore reduced interaction between the birds and the wind turbines. A reduction in foraging range could lead to a reduction in the number of birds reaching the Array Area from the breeding colony, which would lead to reduced interactions. An increase in foraging range could lead to birds from a given colony foraging at lower densities within any given area, and as such within the Array Area (as some birds will have travelled further, and therefore the population would be more dispersed than under normal circumstances).
Flamborough and Filey Coast SPA		
4	The RSPB position on the project alone AEoI for the kittiwake qualifying feature at the Flamborough and Filey Coast Special Protection Area (FFC SPA), was that we were unable to reach conclusions as to the significance ofimpacts, rather than concluding that there will be. The RSPB have reviewed the recent submissions and now conclude that there are unlikely to be significant impacts of collision mortality on the Kittiwake population on the FFC SPA arising through the project alone. The RSPB position remains that we cannot rule out an in-combination adverse effect on integrity due to the impact of collision mortality on the Kittiwake population on the FFC SPA.	The Applicant welcomes the comment from the RSPB regarding the unlikelihood of Project alone AEoI for kittiwake at the FFC SPA.
5	The Applicant's updated Assessment, while welcome, does not make any changes to the application of a macro avoidance correction rate to Gannet collision risk modelling and consequently to considerations of significance of impact. For reasons detailed in our Relevant Representation (RR-056), the RSPB does not agree with the use of this correction factor, a position in alignment with that NatureScot in the assessment of Gannet collision mortality. As such the RSPB position on the significance of impacts remains the same: • We are unable to reach conclusions as to the significance of the impacts of collision mortality on the Gannet population on the FFC SPA arising through the project alone; and • We cannot rule out an in-combination adverse effect on integrity due to the combined impact of collision and displacement mortality on the Gannet population on the FFC SPA. However, in order to assist the Examination, the RSPB note that as the usage of the site by Gannet is relatively low, our concerns for the impacts arising through the project alone are unlikely to be of material significance in the context of the Application.	The application of a macro-avoidance rate for gannet collision risk modelling has been agreed with Natural England. This macro-avoidance rate effectively considers the displacement rate that is used in the assessment. The Project has assessed gannet displacement using an agreed rate of 70%. Therefore, if it is agreed that 70% of gannets will be displaced by the presence of an array, it should be assumed that only 30% of the gannets recorded in the Array Area will be under any risk of collision. It is for this reason that the macro-avoidance rate of 70% is applied to gannet CRM. As such, and given that this approach has been agreed with Natural England, the Applicant considers that the assessment carried out, and the conclusions reached for gannet are robust. The Applicant welcomes the comment from the RSPB that gannet impacts are unlikely to be of material significance within the context of the application.
6	The RSPB have reviewed the recent submissions and now conclude that there are unlikely to be significant impacts of mortality arising through distributional responses to the presence of turbines on the Guillemot and Razorbill populations of the FFC SPA arising through the project alone. The RSPB have reviewed the recent submissions and now conclude that: The impacts arising from distributional change associated with the development in combination with other wind farms are predicted to result in the annual population growth rate of Guillemot at the FFC SPA declining with a ratio of impacted to unimpacted population growth rate of	The Applicant welcomes the RSPB's comment regarding the unlikelihood of significant Project alone impacts on guillemot and razorbill resulting from displacement. When considering the results of the PVA for in-combination impacts, the Applicant notes that, for both guillemot and razorbill at the FFC SPA, even when the lowest potential population size as a result of the presence of the developments (in combination) is considered, the conservation objectives for these two species are still met.

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	between 0.990 and 0.996. This means that after the 35- year lifetime of the development, the population size of the SPA is expected to be between 69.5 and 87.8% of what it would have been in the absence of the developments. The impacts arising from distributional change associated with the development in combination with other wind farms are predicted to result in the annual population growth rate of Razorbill at the FFC SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.995 and 0.998. This means that after the 35- year lifetime of the development, the population size of the SPA is expected to be between 83.1 and 93.7% of what it would have been in the absence of the developments. As a result of the scale of these impacts, the RSPB is unable to rule out AEoI from disturbance and displacement effects on the Guillemot and Razorbill qualifying features of the FFC SPA in-combination with other plans or projects	Using the most recent counts, and assuming no further growth to guillemot and razorbill populations at FFC SPA, reductions at the colony as a result of the presence of developments at a scale of 69.5% and 83.1% for guillemot and razorbill respectively have been considered. In both cases, where current populations are reduced to the relevant percentages above, the population still exceeds the citation population for the SPA. For guillemot, a reduction of the most recent count to 69.5% of that count leaves a population of 104,236 individuals, which is substantially larger than the citation population of 83,214 individuals. For razorbill, a reduction of the most recent count by 83.1% leaves a population of 50,973 individuals, which is well over double the citation population. Therefore, in each case, the conservation objective to maintain or restore populations of interest features has been met, even in the case of the worst-case scenario losses described by the RSPB.
7	The RSPB have reviewed the recent submissions and now conclude that there are unlikely to be significant impacts of mortality arising through collision and distributional responses to the presence of turbines on the populations of the seabird assemblage of the FFC SPA arising through the project alone. However, the impacts arising from distributional change associated with the development in combination with other wind farms are predicted to result in the annual population growth rate of Puffin at the FFC SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.993 and 0.997. This means that after the 35-year lifetime of the development, the population size of the SPA is expected to be between 77.1 and 91.1% of what it would have been in the absence of the developments. As a result of the scale of these and the other impacts described above, the RSPB is unable to rule out AEoI from collision risk, disturbance and displacement effects on the seabird assemblage qualifying feature of the FFC SPA incombination with other plans or projects.	The Applicant welcomes the RSPB's comment regarding the unlikelihood of significant Project alone impacts resulting from displacement and collisions to the seabird assemblage feature of the FFC SPA. The Applicant notes that impacts to the puffin population are extremely low, with 2.05 birds per year impacted using Natural England's preferred approach and 0.42 birds per year impacted using the Applicant's approach. These levels of impact will lead to increases to baseline mortality of 0.707% and 0.144% for Natural England's and the Applicant's approaches respectively. Given that the Applicant considers impacts predicted using Natural England's approach to be highly precautionary, and that the Applicant's assessment is suitably precautionary, the Applicant considers that the impact on puffin of 0.42 birds, with an addition to baseline mortality of 0.144%, is unlikely to have a substantial effect on the puffin population or the seabird assemblage feature at the FFC SPA. Natural England are not able to rule out a conclusion of AEoI for the in-combination impacts to the seabird assemblage at FFC SPA. However, they note that the Project's species-specific compensation measures for kittiwake, guillemot and razorbill, 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.
The Greater Wash SPA		
8	**The RSPB will provide any updates to our position on AEoI after review of the submissions, including updated assessment of project-specific displacement effects from the ORCP, to be made by the Applicant at D5.**	The Applicant welcomes the RSPB's statement that they agree with Natural England's position that, with the implementation of a seasonal restriction, as has been included in the DCO, 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.
9	**The RSPB has reviewed Natural England's recent submission on this matter (REP4a-137) and is in agreement with Natura England's position.**	
Farne Islands SPA		
10	**The RSPB concerns in relation to the conclusions of no AEoI on the Farne Islands SPA are as follows.** **The impacts arising from distributional change associated with the development in combination with other wind growth rate of Guillemot at the Farne Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.995 and 0.998. This means that after the 35-year lifetime of the development, the population size of the SPA is expected to be between 83.0 and 93.6% of what it would have been in the absence of the developments.**	The Applicant considers that impacts predicted using Natural England's approach are highly precautionary and that actual impacts are likely to be much less. The impact predicted for the Farne Islands SPA using Natural England's precautionary approach is 2.2 birds per year which equates to an increase in baseline mortality of 0.079% in relation to the latest count at the SPA (2019) and 0.056% in relation to the citation count. In addition, the PVA predicts Counterfactual Growth Rate (CGR) of 0.995 to 0.998. Where CGR is 0.995 or higher (as is the case in this situation) when compared to the unimpacted population growth, it is

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	As a result of the scale of these impacts, the RSPB is unable to rule out AEoI from disturbance and displacement effects on the Guillemot qualifying feature of the Farne Islands SPA in-combination with other plans or projects.	standard practice to interpret these results as there being no material impact on the population. As such, the Applicant is confident that AEoI can be ruled out for guillemot at the Farne Islands SPA, and that the Project's contribution to an in-combination impact can be seen as immaterial.

5 References

Birkhead, T.R. and Hatchwell, B.J. The effects of the 2023 bird flu outbreak on the population biology of Common Guillemot on Skomer Island. 2025. British Birds 118. January 2025, 8-19.

Tremlett, C.J., Morley, N., and Wilson, L.J. (2024) 'UK seabird colony counts in 2023 following the 2021- 22 outbreak of Highly Pathogenic Avian Influenza' *RSPB Research Report* 76. RSPB Centre for Conservation Science, RSPB, The Lodge, Sandy, Bedfordshire, SG19 2DL.