



Hornsea Project Four

Applicant's comments on Natural England's
DCO submissions received at Deadline 5a

Additional submission, Date: 08 July 2022
Document Reference: G6.5
Revision: 01

Prepared Pinsent Masons, July 2022
Checked Hannah Towner-Roethe, Orsted, July 2022
Accepted Thomas Watts, Orsted, July 2022
Approved Julian Carolan, Orsted, July 2022

G6.5
Ver. A

Revision Summary

<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>	<i>Checked by</i>	<i>Approved by</i>
01	08/07/2022	Pinsent Masons	Hannah Towner- Roethe, Orsted	Julian Carolan, Orsted

Revision Change Log

<i>Rev</i>	<i>Page</i>	<i>Section</i>	<i>Description</i>
01	-	-	Additional submission into examination before Deadline 6

Table of Contents

- 1 Introduction4
- 2 Applicant’s responses on Natural England’s Deadline 5a DCO comments (REP5a-031)5

1 Introduction

- 1.1.1.1 At Deadline 5a, eight submissions were received from six stakeholders. This document contains comments on all of the DCO related submissions from Natural England in their submission Review of the Development Consent Order and Deemed Marine License ([REP5a-032](#)).
- 1.1.1.2 The Applicant has reviewed all comments in REP5a-031 and has provided responses to each individual point in Table 1 below. This document is submitted ahead Issue Specific Hearings (ISH) commencing 18 July, to assist the Examining Authority (ExA) in concluding the Agenda to address outstanding issues for ISH7 on the draft Development Consent Order (DCO).
- 1.1.1.3 Please see the Deadline 3 submission of [G1.1 Overarching Acronyms List \(REP3-014\)](#) and [G1.45 Overarching Glossary \(REP3-027\)](#) for overarching acronym and glossary lists.

2 Applicant's responses on Natural England's Deadline 5a DCO comments (REP5a-031)

Reference	Stakeholder's Written Representation	Applicant's Response
<i>Document Used: C1.1 Draft DCO including Draft DML</i>		
Point 1	<p data-bbox="349 304 510 328">Part 1 Article 2</p> <p data-bbox="349 376 1193 584">Natural England notes the Applicant's response [REP1-038]. Our position remains unchanged, we note that the recent Boston Alternative Energy project DCO has included an updated definition of Environmental Statement that allows for documents submitted after application to be included. If this is not addressed in the DCO, updated ES chapters would need to be provided accounting for any new information provided during Examination.</p>	<p data-bbox="1216 304 2101 512">The Applicant maintains that it's definition of "environmental statement" is appropriate and sufficiently secured. It is also consistent with all other recently made DCOs including the Hornsea Three Offshore Wind Farm Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard Offshore Wind Farm Order 2022, the East Anglia ONE North Offshore Wind Farm Order 2022 and the East Anglia TWO Offshore Wind Farm Order 2022.</p> <p data-bbox="1216 560 2101 727">The Applicant has reviewed the draft Boston Alternative Energy Facility Order (noting a decision has not yet been made on this application) and notes that the definition of environmental statement includes the words "as supplemented by the documents set out in Part 2 of Schedule 10". Part 2 of Schedule 10 of the draft DCO then lists updates to the Environmental Statement.</p> <p data-bbox="1216 775 2101 871">The Applicant considers this to be an unnecessary addition for Hornsea Four although there is no substantive difference in the approach taken in that order and the Hornsea Four DCO.</p> <p data-bbox="1216 919 2101 1198">Consistent with the approach taken in other recently made offshore wind DCOs, the Applicant has already amended Schedule 15 (certified documents) of the DCO to include a new Part 2 entitled "EXAMINATION DOCUMENTS FORMING PART OF THE ENVIRONMENTAL STATEMENT TO BE CERTIFIED". This provides a list of documents which have been submitted into Examination, and which will be certified by the Secretary of State pursuant to article 38 of the DCO as part of the environmental statement. These documents will thus fall within the definition of "environmental statement" in article 2 of the DCO.</p> <p data-bbox="1216 1246 2101 1382">The Applicant will update Part 2 of Schedule 15 of the DCO at Deadline 6 and then again at Deadline 7 of the Examination to ensure all references to Examination documents forming part of the environmental statement are up to date for the close of Examination.</p>

Reference	Stakeholder's Written Representation	Applicant's Response
Point 2	<p>Part 1 Article 2</p> <p>Natural England welcomes the submission of the Outline Operations and Maintenance Plan (OOMP) at Deadline 2. Our request to have the definition of maintain link to the OOMP remains, however, we note the inclusion of the definition of the OOMP within the deemed Marine License schedules and support the inclusion.</p>	<p>The Applicant considers referencing the Outline Operations and Maintenance Plan (OOMP) in the definition of "maintain" to be inappropriate, and so far as the Applicant is aware, without precedent. The Applicant is also unclear what purpose this addition would seek to serve.</p> <p>The Applicant notes Natural England's support for the inclusion of conditions securing an OOMP, along with appropriate definitions, and considers this matter to be closed.</p>
Point 3	<p>Schedule 1 Part 3 Requirements</p> <p>No further comment</p>	<p>This relates to Natural England's previous comment:</p> <p><i>"The maximum volumes of dredge works, such as sandwave clearance, are not provided here. We note that they are given in Schedule 1 Part 1, however, as this section details the maximum design parameters and as dredging is a significant impact and an important parameter to enforce, we would have expected it to be provided here. As the figures are provided in the DMLs and the maximums would be enforced by the MMO we do not think this is a major issue in and of itself."</i></p> <p>The Applicant maintains that maximum volumes are already sufficiently secured via the description of the authorised development in Part 1 of Schedule 1 of the DCO and the description of the licensable activities in the deemed marine licences in Schedules 11 and 12 and any further duplication is unnecessary.</p> <p>The Applicant is not aware of any such additional requirement being included in other offshore wind farm DCOs, including the Hornsea Three Offshore Wind Farm Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard Offshore Wind Farm Order 2022, the East Anglia One North Offshore Wind Farm Order 2022 and the East Anglia Two Offshore Wind Farm Order 2022.</p>
Point 4	<p>Schedule 1 Part 3 Requirement 2(2)(c)</p> <p>The Applicant has provided the requested information [REP1-038]. We have no further comment to make at this juncture.</p>	<p>This relates to Natural England's previous comment on the use of LAT and HAT.</p> <p>The Applicant notes this response and considers this matter to be closed.</p>
Point 5	<p>Schedule 1 Part 3 Requirement 2(6)</p>	<p>This relates to Natural England's previous comment:</p>

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>No change.</p>	<p><i>"This requirement gives the maximum footprint for all turbines. However, there is no limitation on the maximum scope per individual foundation. We would note the same issue with regard to the substation foundations at requirement 3(11) and (12). This issue is repeated in the Deemed Marine licences. We request that the maximum footprint for individual turbine foundations and other marine structures is provided within the DCO and the dMLs."</i></p> <p>The Applicant maintains that specifying this information in the DCO is unnecessary. The detail is presented in the pro-rata annex which is a certified document for the purposes of article 38 of the draft DCO and secured throughout the DCO including by requirements 2(3) and 4(14) of Part 3 of Schedule 1, by conditions 1(9) and 2(6) of Part 2 of Schedule 11 and condition 1(13) of Part 2 of Schedule 12.</p>
<p>Point 6</p>	<p>Schedule 1 Part 3 Requirement 24</p> <p>Natural England notes the Applicant's response [REP1-038]. Our position remains unchanged, however, we note the SoS may make a determination on the drafting.</p>	<p>This relates to Natural England's previous comment:</p> <p><i>"The relevant SNCB should be consulted upon any decommissioning plan and that consultation should be secured within this requirement. We request this requirement is updated to reflect this."</i></p> <p>The Applicant continues to consider the current drafting of Requirement 24 to be appropriate as the local planning authority can, at the appropriate time, consult with those bodies it deems appropriate. The Applicant's drafting has precedent in the Hornsea Three Offshore Wind Farm Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021 and the Norfolk Vanguard Offshore Wind Farm Order 2022. The Applicant acknowledges that the East Anglia ONE North Offshore Wind Farm Order 2022 and the East Anglia TWO Offshore Wind Farm Order 2022 each make provision for the SNCB to be consulted on the onshore decommissioning plan. Nevertheless, the Applicant maintains its position (supported by three recent offshore wind DCOs) that the relevant planning authority can determine necessary consultees at the appropriate time.</p>
<p>Point 7</p>	<p>Schedule 11 Part 2 Condition 4</p>	<p>The Applicant notes this response and considers this matter to be closed.</p>

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>The Applicant proposes limiting the cable repair deployment licensed under the DCO to 15 years and has updated the DCO accordingly. This is in line with the approach agreed between the SNCBs and MMO.</p>	
<p>Point 8</p>	<p>Schedule 11 Part 2 Condition 13(1)(j)</p> <p>Following further consideration and experience with regard to a Site Integrity Plan sign off process Natural England's position has changed slightly. We note that the condition as currently drafted also allows for the plan to be submitted far in advance which could lead to issues if the details of construction are not fully available. Therefore, we consider that the condition should state the plans should be submitted no sooner than 9 months and no later than 6 months prior to works.</p> <p>We note that whilst the Applicant has included this timeframe within the Outline SNS SAC SIP, they do not consider the timing requirement should be included in the DCO. Natural England maintains that the timeframe of the SIP needs to be secured in the DCO.</p>	<p>The Applicant has provided "indicative dates" in the Outline SNS SAC SIP for the review and revision process for the SIP. This does include an indicative timescale of between six to nine months prior to construction start for review of the SIP with Natural England and the MMO. These dates are however indicative, and the Applicant has discussed these timings with Natural England (07 July 2022). The Applicant proposes a phased approach to the sign-off for the SIP which has been informed by consultation with Natural England and applying lessons to be learned from the sign-off of the Hornsea Project Two SIP. The updated SIP will be submitted to the MMO 12 months before the start of construction for consultation (Phase 1). Comments received from the MMO will be used to update the Final SIP to be submitted for sign-off no later than four months prior to intended commencement (as secured by condition 14 of Part 2 of Schedules 11 and 12) (Phase 2). The timing of this proposed phased sign-off is to be agreed with MMO.</p> <p>The Applicant considers specifying "no sooner than 9 months" to be unnecessary. If sufficient details are not available to inform the SIP then the MMO has the power to refuse to approve it. Adding "no sooner than 9 months" would serve no useful purpose and could hinder early engagement between the Applicant and the MMO and Natural England which is appropriate, as determined from the sign-off for the Hornsea Project Two SIP.</p>
<p>Point 9</p>	<p>Schedule 11 Part 2 Condition 13 (5) and (6)</p> <p>Natural England notes the changes and welcomes that the Applicant has made it clear that only 2 piles may be piled in a 24-hour period and has updated the DCO accordingly [REP1-038].</p>	<p>The Applicant notes this response and considers this matter to be closed.</p>
<p>Point 10</p>	<p>Schedule 11 Part 2 Condition 14</p> <p>Natural England notes and welcomes the change for some of the documents [REP1-038]. However, our concerns still remain and we would like further dialogue</p>	<p>On the recommendation of Natural England and the MMO, the Applicant reviewed the documents to be submitted four months prior to construction and proposed a number of documents that could be submitted at 6 months, rather than 4 months. This list of documents was proposed based on the detailed information that will be available for</p>

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>on adding further documents to the list proposed by the Applicant. Such as the updated SIP document, for example (see Point 8 above).</p>	<p>inclusion within these documents at the 6 month point. Those documents that remained at four months require the inclusion of information that may not be available to the Applicant at the 6 month point because of survey requirements or the appointment of contractors. An example is the MMMP, which requires the Geotech 2 borehole and laboratory analysis data to update the Hornsea Four Ground Model. This will then inform the location specific foundation design, from which can be produced foundation specific piling logs. These are used to inform the relevant noise model updates to confirm the installation noise levels. The exact mitigation technology to be deployed, which minimises any potential noise impacts that have been identified in the updated noise models will be selected by the Principal Contractor in consultation prior to installation. The closer to construction that the mitigation technique is confirmed guarantees that the most suitable mitigation is deployed for each foundation and location. A requirement to confirm noise mitigation early in the construction process hampers the ability to choose the technology of greatest efficacy. The Applicant is satisfied this approach is effective and appropriate.</p>
Point 11	<p>Schedule 11 Part 2 Condition 18 No change.</p>	<p>This relates to Natural England's request for the Applicant to add conditions relating to noise monitoring.</p> <p>The Applicant updated the DCO at deadline 5a to add a new condition 18(3) to Part 2 of Schedules 11 and 12 which it believes addresses this request. As noted in response to 4.4.40 of the Applicant's comments on DCO submissions received at deadline 5, the drafting substantively aligns with the MMO's request with some minor amendments to:</p> <ol style="list-style-type: none"> 1. Allow the MMO to agree to an alternative period for submission of the noise measurement results; 2. Refer to impacts in excess to those assessed, to clarify the purpose of the condition; 3. Clarify that the mitigation measures are those specified in the marine mammal mitigation protocol.
Point 12	<p>Schedule 11 Part 2 Condition 18(2)(a)</p> <p>The Applicant has indicated their position and the drafting will not change. Natural England's position remains unchanged.</p>	<p>This relates to Natural England's previous comment requesting monitoring "an agreed selection of the most resistant piles" rather than the industry standard first four piles. The Applicant strongly resists this request as unnecessary and disproportionate. As</p>

Reference	Stakeholder's Written Representation	Applicant's Response
		Natural England notes in their comment the request is also "not in line with previous requirements for similar projects".
Point 13	<p>Schedule 11 Part 2 conditions 17- 19</p> <p>The Applicant has advised that conditions 17(3), 18(4) and 19 (3) of schedules 11 and 12 secure the marine mammal monitoring plan as they require the Applicant to carry out surveys in line with the outline Marine Mammal Monitoring Plan. Natural England questions this assertion as the Outline Marine Mammal Monitoring Plan is not referenced anywhere in the DCO/DML and the conditions themselves do not refer to marine mammals at all.</p> <p>We would welcome a legal opinion from the MMO on this point.</p>	<p>Conditions 17, 18 and 19 of Part 2 of Schedules 11 and 12 secure a marine monitoring plan which must be prepared in accordance with the outline marine monitoring plan. The outline marine monitoring plan is a certified document for the purposes of article 38 of the DCO. Document F2:7 Outline Marine Monitoring Plan was submitted with the DCO application and section 3.6 of that outline plan makes provision for monitoring for marine mammals. Therefore, whilst Natural England is correct and the conditions do not refer specifically to marine mammals, the plan secured by the conditions does make provision for marine mammal monitoring.</p>
Point 14	<p>Schedule 11 Part 2 condition 24</p> <p>Natural England welcome in principle the inclusion of a completion of construction condition, however we note that we may wish to raise issues at a later date following discussion with the MMO to agree industry wide standardisation of the condition.</p>	The Applicant considers this matter to be closed.
Point 15	<p>Schedule 12</p> <p>All issues raised under Schedule 11 also apply to Schedule 12 where similar conditions exist.</p>	Noted.
Point 16	<p>Schedule 12 Part 2</p> <p>Natural England welcomes the amendments the Applicant has made to add a condition and consider the proposed changes address these concerns [REP1-038].</p>	The Applicant notes this response and considers this matter to be closed.
Point 17	Schedule 12 Part 2 Condition 26(1)(a)	The Applicant has re-inserted condition 26 of Part 2 of Schedule 12 following further dialogue with the MCA.

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>Natural England notes that the requirement for a close out report has been entirely removed. We would note that our comment was not asking for the removal of the close out report, and we still consider there is a need for a close out report for the transmission assets to confirm the end of construction of the transmission works and to provide the final details on the deployment of cable, cable protection and the installation of the substations</p>	<p>The Applicant considers any further close out report requirement for the transmission assets to be unnecessary. Construction works will be carried out in accordance with the design plan prepared in accordance with condition 13(1)(a) and the cable specification and installation plan at condition 13(1)(h) of Part 2 of Schedule 12.</p> <p>The Applicant notes the requirement for a "close out" report was first included in the Norfolk Boreas Offshore Wind Farm Order 2022 and was included by the Secretary of State to address paragraph 2.29.2 of draft National Policy Statement EN-3 which states:</p> <p><i>"Currently, cumulative impact assessments for ornithology are based on the consented Rochdale Envelope parameters of projects, rather than the 'as-built' parameters, which may pose a lower risk to birds. The Secretary of State will therefore require any consents to include provisions to define the final 'as built' parameters (which may not then be exceeded) so that these parameters can be used in future cumulative impact assessments. In parallel we will look to explore opportunities to reassess ornithological impact assessment of historic consents to reflect their 'as built' parameters. Any ornithological 'headroom' between the effects defined in the 'as built' parameters and Rochdale Envelope parameters can then be released. We will also consider the potential applicability of these principles to other consent parameters."</i></p> <p>The decision letter for the Norfolk Boreas DCO states (at paragraph 5.57):</p> <p><i>"The Secretary of State has noted the Applicant's concerns in relation to the implications of potential reduced impacts of "as built" versus "as consented" projects³⁷. The Secretary of State notes that the Applicant has not furnished detailed information to address this point, but considers that to address this concern going forward it is appropriate to include a requirement in this and future Orders that the Applicant (and future applicants) must provide details of the final "as built" scheme at which point a further licence would be required for additional construction. This reflects the text proposed in paragraph 2.29.2 of the draft National Policy Statement for Renewable Energy Infrastructure (EN3)."</i></p>

Reference	Stakeholder's Written Representation	Applicant's Response
		<p>The purpose of the close out condition is therefore to address “ecological headroom” concerns relating to impacts on seabird species associated with the wind turbine generators. It is therefore irrelevant and unnecessary to include the condition in Schedule 12 of the DCO which is the deemed marine licence for transmission assets only.</p>
Point 18	<p>General</p> <p>Although we haven't raised this previously within this Examination, we have suggested to both the Applicant and the MMO that there may be merit in including the landfall activities within a separate schedule of the DCO/dML. Landfall works usually commence ahead of the other offshore transmission works and this results in developers seeking partial discharge of conditions and associated documents to enable these works to progress. We therefore query whether the inclusion of these works in a separate schedule would give greater clarity to all parties and allow more efficient discharge of conditions post consent. We would welcome feedback from the Applicant and the MMO on this suggestion.</p>	<p>The Applicant considers this to be unnecessary. The structure of the DCO and deemed marine licences provide for the discharge of requirements and conditions in stages, and the Applicant is satisfied this approach is effective and appropriate.</p>
<p><i>Draft DCO conditions for the compensation schedules, provided in B2.7 FFC SPA: Gannet and Kittiwake Compensation Plan and B2.8 FFC SPA: Guillemot and Razorbill Compensation Plan</i></p>		
Point 19	<p>Part 1 Condition 2</p> <p>Natural England notes the response and that the Applicant considers consultation on the KCIMP elsewhere is sufficient. However, as noted in our original response the draft KCIMP document is produced after the OOEG Terms of reference, timetables, requirements, membership and dispute mechanism. All of which the membership of the OOEG should be consulted upon if they are to be bound by these documents. As currently drafted the membership of this group are going to be informed of the obligations on them with no formal option to respond. We note that Section 1.4.1.3 of the Kittiwake Compensation Plan [REP5-017] states that “Terms of Reference would be agreed between the parties”. We consider this should be secured in the DCO condition.</p>	<p>The Applicant's proposed drafting requires a plan of work for the Hornsea Four offshore ornithology engagement group (H4 OOEG) to be approved by the Secretary of State prior to commencement of the relevant works. This approach i.e. approval by the Secretary of State without consultation with others is consistent with the drafting to secure derogation provisions included the Hornsea Three Offshore Wind Farm Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard Offshore Wind Farm Order 2022, the East Anglia ONE North Offshore Wind Farm Order 2022 and the East Anglia TWO Offshore Wind Farm Order 2022. The Applicant therefore considers the appropriateness of this provision to be established by the Secretary of State. To add additional consultation requirements for Hornsea Four is unjustified and further risks timely delay of the project. The Applicant does not therefore propose to amend its drafting.</p>
Point 20	Part 1 Condition 2 (e)	<p>The Applicant notes this error and will submit an updated Kittiwake Compensation plan at Deadline 7 to correct it.</p>

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>Whilst the Applicant being Chair has been removed from the DCO condition, it remains in the Kittiwake Compensation Plan [1.4.1.3; REP5-017]. We note that the Applicant does not consider any further change necessary, however Natural England's position remains unchanged.</p>	
Point 21	<p>Part 2/3 Condition 3 and 8</p> <p>The Applicant has confirmed that final versions of the compensation plans will be submitted prior to the final deadline. Natural England will comment on all versions of the compensation plans at appropriate deadlines. Natural England notes the correction to refer to the Statutory Nature Conservation Body and welcomes this change.</p>	Noted.
Point 22	<p>Part 2 Condition 3(c)</p> <p>Natural England welcomes the commitment to an increased lead in time to three full breeding seasons prior to operation, however as kittiwake do not breed until they are 4+ years old breeding recruits will not enter the biogeographic population until that point. Justification is needed on the deviation from 4 breeding seasons consented for Hornsea Project Three, Norfolk Boreas and Norfolk Vanguard, demonstrating that the required colony size/growth is achievable prior to wind farm operation for the reduced lead in time. We note that further information on this point was submitted at Deadline 5. We will provide further comment at Deadline 6.</p>	<p>Please see the Applicant's response to HRA.1.26 Norfolk Boreas and Norfolk Vanguard DCO decisions in G3.17 Applicant's comments on Natural England's Comments received at Deadline 2 (REP3-046) and Response HRA.1.26 in G2.2 Applicant's Responses to the ExA's First Written Questions (ExQ1) (REP2-038).</p>
Point 23	<p>Part 2 Condition 3(d)</p> <p>We note that in the updated DCO this now relates to Part 2 Condition 1(e). Natural England welcomes that the Applicant has updated the condition to include a requirement to monitor. However, the new requirement does not include a requirement to report the results of the monitoring and the effectiveness of the compensation for either measure.</p>	<p>In each case, the proposed drafting to secure compensatory measures for the relevant species (which remains without prejudice for guillemot, gannet and razorbill) makes provision for reporting to the Secretary of State. This is reflected in Natural England's comment at Point 27 below. The Applicant is therefore unclear what further provision Natural England is seeking and has sought further clarification from them. A response is awaited.</p>
Point 24	Part 2 Condition 3(e); Part 3 Condition 8 (a)(v) and (b)(iv)	This relates to Natural England's previous comment:

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>We note that in the updated DCO this now relates to Part 2 Condition 1(f), Part 6 Condition 1(a)(x) and (b)(iv). No change</p>	<p><i>"This condition should not just require a reporting of the consultation. It should require the Applicant to detail how the consultation responses have been considered and give information explaining why any recommendations or advice has not been included."</i></p> <p>The Applicant considers the requirement for the KCIMP to include "recording of H4OOEG consultations" to be appropriately phrased to ensure the Applicant narrates regard had to consultation feedback. Nevertheless the Applicant notes the wording used in the Hornsea Three Offshore Wind Farm Order 2020, the East Anglia ONE North Offshore Wind Farm Order 2022 and the East Anglia TWO Offshore Wind Farm Order 2022 refer to "recording of consultations and project reviews" and will amend the draft DCO and without prejudice compensatory measures drafting to reflect this wording at Deadline 6.</p> <p>It is more detailed than the requirement in the Norfolk Boreas Offshore Wind Farm Order 2022 and the Norfolk Vanguard Offshore Wind Farm Order 2022 to provide details of "minutes from all consultations with [insert relevant group]".</p>
Point 25	<p>Part 2 Condition 3 (f); Part 3 Condition 8(a)(vi) and (b)(v)</p> <p>The Applicant has requested clarification on this query. Natural England notes that the current drafting requires the Applicant to submit any adaptive measures required should the monitoring highlight the compensation measures are not providing compensation. We consider that, should the compensation be found to be not or only partially functioning, a consideration needs to be provided on what the implications of this failure are for the timeline of providing fully functioning compensation and what this may mean for the feature of the site. Natural England is happy to engage further on this issue to ensure clarity.</p>	<p>The Applicant has sought further clarity from Natural England on this point and awaits a response.</p>
Point 26	<p>Part 2 Condition 3(i)</p> <p>Natural England notes this has been corrected.</p>	<p>This referred to a typographical error. The Applicant considers this matter to be closed.</p>
Point 27	<p>Part 2 Condition 3(g); Part 3 Condition 8 (a)(vii) and (b)(vi)</p>	<p>This relates to Natural England's previous comment:</p>

Reference	Stakeholder's Written Representation	Applicant's Response
	<p>We note that in the updated DCO this now relates to Part 2 Condition 1(h), Part 6 Condition 1(a)(xii) and (b)(vi). No change.</p>	<p><i>"The reporting here should require the provision of this report to all members of the H4 OoEG. Or to the relevant statutory nature conservation body as a minimum".</i></p> <p>The Applicant considers reporting to the Secretary of State, as the regulator of the compensation requirements, to be appropriate. Reporting to the Secretary of State is consistent with the approach taken in the Hornsea Three Offshore Wind Farm Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard Offshore Wind Farm Order 2022, the East Anglia ONE North Offshore Wind Farm Order 2022 and the East Anglia TWO Offshore Wind Farm Order 2022.</p>
<p>Point 28</p>	<p>Part 3 Condition 8(a)(iii)</p> <p>We note that in the updated DCO this now relates to Part 6 Condition 1(a)(iii) and (b)(ii). We note the Applicant has indicated they will work towards implementation and delivery four full breeding seasons prior to works. However, we also note no proposed change of wording to secure this.</p>	<p>This relates to Natural England's previous comment:</p> <p><i>"As with the lead in times for artificial nest structures, we are concerned that implementation of predator eradication and/or control two years prior to operation of the wind farm does not give sufficient time for the measure to be delivering prior to impact."</i></p> <p>Based on previous examples explored in the Guillemot and Razorbill Predator Eradication Evidence Report (B2.8.3 Compensation measures for FFC SPA: Predator Eradication: Ecological Evidence (APP-196)), island eradication usually takes place over a period of up to two years, but it is anticipated that benefits to guillemot and razorbill populations would be evident the first breeding season following the eradication start (due to a reduction in the number of predators present).</p>
<p>Point 32 (NB: there were no points 29, 30 or 31 listed)</p>	<p>Part 4 Condition 12</p> <p>The Applicant has suggested this wording may be updated as the discussions on compensation progress. Natural England acknowledges that less detail will be required of a resilience measure compared to a compensatory measure, however it would be welcomed if known parameters (e.g. extent) could be committed to in the final DCO. We will consider all changes as they are made.</p>	<p>The Applicant considers the level of detail provided to secure the fish habitat enhancement is appropriate for a resilience measure.</p>

Reference	Stakeholder's Written Representation	Applicant's Response
Point 33	<p>General</p> <p>No change.</p>	<p>This relates to Natural England's comments:</p> <p><i>"We further note that none of the current conditions secure the need to produce the target level of compensation each year (on average). It should be noted the concerns regarding this are compounded further by our concerns on the adaptive management conditions and need to be addressed."</i></p> <p>The Applicant is not aware of any other offshore wind farm DCO specifying the target level of compensation each year as a condition, given the highly technical information this involves and the variability of the production of chicks in the marine environment not attributable to the relevant applicant or planned compensation. This information is instead presented in an underlying compensation plan, which is secured via DCO condition. The Applicant considers that approach to be necessary, appropriate and precedent.</p>
Point 34	<p>Part 1 Condition 1(a)(i); Part 6 Condition 1(a)(xiii) & 1(b)(vii)</p> <p>"provision for the option to be exercised at the sole discretion of the undertaker to pay a contribution (in addition to the sum stipulated in Part 3 of this Schedule) to the Marine Recovery Fund wholly or partly in substitution for the onshore compensation measure and/or the offshore compensation measure [predator eradication measures; bycatch eradication measures] or as an adaptive management measure for the purposes of paragraph 1.g. of this Part of this Schedule. The sum of the contribution to be agreed between the undertaker and Defra in consultation with the OOEG and included in the KCIMP [GRCIMP]." This is a new condition which Natural England will provide comment on at Deadline 6, upon consideration of new information submitted by the Applicant at Deadline 5 in relation to strategic compensation.</p>	<p>The Applicant notes this response and will review Natural England's comments when submitted at Deadline 6.</p>