



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on Natural England's Deadline 7 Submission

Revision A

Deadline 8

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1 The Applicant's Comments on Natural England Deadline 7 Submission

1. This document presents the Applicant's comments on the following Natural England Deadline 7 submissions:
 - Deadline 7 Cover Letter;
 - Appendix L4 Natural England's Response to The Examining Authority's Fourth Written Questions; and
 - Appendix L5 Natural England's Comments to the RIES Deadline 7.
2. Also see **The Applicant's Response to Natural England's Risk and Issues Log** [document reference 22.10].
3. It should also be noted that second written question Q2.14.1.1 [PD-012] requested a joint response from the Applicant and Natural England in relation to HRA conclusions and derogation requirements which was provided within Appendix B.2 of **Appendix B - Supporting documents to the Applicant's Responses to the Examining Authority's Second Written Questions** [REP3-103] submitted at Deadline 3 and which was subsequently updated at Deadline 7 (see **Supporting Documents for the Applicant's Responses to the Examining Authority's Fourth Written Questions** [document reference 21.5.1]). Throughout its Deadline 7 submissions, the Applicant noted that this document would be updated and resubmitted at Deadline 8; however, it has instead been combined with the relevant Natural England SoCGs.

1.1 Applicant's Comments on Natural England's Deadline 7 Cover Letter

Table 1-1 the Applicant's comments on Natural England's Deadline 7 Cover Letter

ID	NE Comment	Applicant Response
1. Natural England's Deadline 7 Submissions		
1	<p>Natural England has screened the relevant documents submitted by the Applicant at Deadline 6. Please find a summary of Natural England's position regarding these documents in Annex 1 below. Additionally, in Annex 1 below, Natural England highlight the responses that were deferred at Deadline 5 to Deadline 7. Natural England is also submitting the following detailed response, within the following thematic appendix:</p> <ul style="list-style-type: none"> • EN010109 440231 SEP DEP Appendix B2 - Natural England's Offshore Ornithology Position Paper Revision 1 Deadline 7 • EN010109 440231 SEP DEP Appendix K4 – Natural England's Risks and Issues Log Deadline 7 • EN010109 440231 SEP DEP Appendix L4 – Natural England's Response to ExA Fourth Written Questions Deadline 7 • EN010109 440231 SEP DEP Appendix L5 – Natural England's Comments to the RIES Deadline 7 	<p>Noted. The Applicant has provided a response within The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>Also see The Applicant's Closing Statement [document reference 22.11].</p>
2. Risk and Issues Log		
2	<p>At Deadline 7, Natural England has submitted an update to the Risk and Issue Log (Appendix K4). Because of audit trail requirements post consent and to ensure our advice has been taken into account, with any commitments secured for future reference; Natural England reiterates that unless there are fundamental changes made within a named document or plan, our positions included within our risk and issues log are unlikely to change. NB: This is because other than the initial Application documents, and decision documents all other examination correspondence is deleted after 5 years from the PINs website and is not transferred to the Marine Data Exchange.</p> <p>We highlight within the Log where assessments can be improved upon, and commitments made by the Applicant to help inform the ExA and SoS in their</p>	<p>See ID 1 above</p>

ID	NE Comment	Applicant Response
	determinations. The Risk and Issues Log is used to track issue progress and we signpost to our advice where applicable.	
3. Construction Scenarios		
3	<p>Natural England acknowledges the Applicant's response [REP6-015] that states that under Scenario 2 "if the two projects are constructed sequentially, whichever project is constructed first will install the ducts for the second project". We advise a requirement is secured in the DCO which states that; in any scenario where the projects are constructed sequentially the project which installs work in the intertidal area first will install the ducting for both projects. Natural England reiterates that this is a vital mitigation measure during the construction phase for both onshore ecology and the Norfolk Coast</p>	<p>The draft DCO already defines Scenario 2 as a '<i>sequential construction scenario in which either the Sheringham Shoal Extension Project is constructed first and SEL installs the ducts for the Dudgeon Extension Project or the Dudgeon Extension Project is constructed first and DEL installs the ducts for the Sheringham Shoal Extension Project</i>'. This is an inherent aspect of developing the projects under this scenario. No further amendment to the DCO is therefore necessary.</p>

1.2 Applicant's Comments on Natural England's Appendix L4 (Examining Authority's Fourth Written Questions)

Table 1-2 The Applicant's comments on Natural England's Appendix L4: Responses to the Examining Authority's Fourth Written Questions

ID	Question	NE Responses	Applicant's Comment
Q4.1. General and Cross-topic Questions			
Q4.1.4 Miscellaneous			
Q4.1.4.1	<p>Statements of Common Ground</p> <p>Applicant, submit final signed SoCG with electronic signatures at D8. Relevant parties, submit at D8 your confirmation that the final signed SoCG submitted by the Applicant is the version agreed with you. You may do so, by attaching to your submission the copy of the SoCG that is agreed with you.</p>	<p>Natural England is working with the Applicant on the final SoCG.</p>	<p>The final SoCGs have been discussed with Natural England and are submitted at Deadline 8.</p>
Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects			
Q4.2.1 Effects on Marine Life and Benthic Habitats			
Q4.2.1.1	<p>Response to NE Risk and Issue Log</p> <p>The NE issue and risk log [REP5-093] indicates that there are many points relating to coastal and physical processes, the MCZ and Benthic Ecology that Natural England still has concerns about, identified as red and amber in the log. However, the Applicant has responded to many of these points, particularly in the Applicant's comments on Natural England's Deadline 2 Submissions [REP3-107].</p> <p>a) In light of the Applicant's responses including [REP3-107], NE, submit an updated Issue and Risk Log addressing all the responses submitted by the Applicant, and if there is no change to the status,</p>	<p>As set out in our correspondence we are happy to review documents on request given sufficient time to do so. We wish to note that at this juncture of the examination, there is insufficient time to complete the requested review, especially given the significant number of submissions required for the final deadlines over the final week. Notably these include the Statements of Common Ground, RIES, and outstanding Habs Regs concerns.</p> <p>However, we have been responding on updated submissions through responses to ExA written questions and have provided subsequent updates to the R&I log where possible.</p>	<p>Noted. The Applicant has provided a response to the Natural England Risk and Issues log in The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p>

ID	Question	NE Responses	Applicant's Comment
	<p>explain why. Please expand on any outstanding concerns, in addition to explaining why there has been no change.</p> <p>b) Applicant, provide an updated response to the most recent version of the Risk and Issue Log Deadline 5 Update [REP5-093], with the aim to resolve any remaining risks and issues remaining with NE.</p>	<p>We highlight that our focus is on updated named plans and documents. We focus our attention on these documents due to our experience of post consent work. It should be noted that due to the long timeframes involved in construction of a NSIP personnel on both sides often change and, therefore, any details outside of the named plans and application documents are often lost. We also note that any commitments outside of the DCO, named plans and the environmental statement are difficult, at best, for a regulatory body to enforce post consent.</p>	
<p>Q4.3.1.2</p>	<p>Electro-Magnetic Fields</p> <p>The MMO [REP5-080] has stated that burial to 1.5m+ should prevent adverse impacts to benthic ecology receptors via electromagnetic field and/or heating. However, the Cable Burial Risk Assessment [APP-293] concludes with a recommendation that there should be a target depth of lowering of 1.0 m, with a proposed minimum of 0.6 m. What would be the consequences to benthic ecology where the depth of buried cable is less than 1m?</p>	<p>As previously advised [REP3-133, REP5-095], Natural England advises the current evidence is inconclusive on potential impacts from varying burial depths. We, therefore, advise a precautionary approach is taken. However, the onus is on the Applicant to provide sufficient evidence to demonstrate the impacts will be negligible.</p>	<p>As stated in ES Chapter 8 Benthic Ecology [APP-094], EMF was scoped out of the assessment in agreement with advice from Natural England and the MMO, as per the scoping response. As such the Applicant is unclear why EMF is being raised here with respect to benthic ecology.</p> <p>Notwithstanding this, it is noted that there may be a trade-off between minimising any EMF effects and impacts on the MCZ relating to burial depth. In this case, as has been discussed at length elsewhere and as set out in the Outline Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Cable Specification, Installation and Monitoring Plan (CSIMP) (Revision B) [document reference 9.7], the Applicant has noted the possibility of accepting a shallower minimum burial depth of 0.6m as a means of reducing the likelihood of needing to use external cable protection.</p>

ID	Question	NE Responses	Applicant's Comment
Q4.3.1.3	<p>Outline Benthic Mitigation Plan/Scheme</p> <p>The Applicant has stated that “Details of the benthic mitigation that applies are provided in Tables 8-3 and 8-4 of the ES [APP-094]. No other forms of mitigation are proposed by the Applicant”. a) For MMO and NE, does the proposed mitigation within these ES tables sufficiently cover the types and form of mitigation that would likely form part of a final mitigation scheme for any benthic habitats, or is there further mitigation that should be incorporated? b) Applicant, explain with reasons what further mitigation might be needed in a final mitigation scheme for any benthic habitats</p>	<p>a) We refer the ExA to our Relevant Reps [RR-063 Appendix G] where we provide a full list of mitigation measures that need to be considered by the Applicant. Natural England continues to advise that an outline Benthic Mitigation Scheme is submitted during examination in order to provide the Secretary of State the necessary comfort that the mitigation measures will suitably minimise impacts. We note a condition (Schedule 10 Part 2 Condition 13(1i)) has been included in the DCO, however, this only considers Annex 1 habitats and not features of the MCZ.</p> <p>b) For Applicant</p>	<p>The Applicant has updated Condition 12(1)(j) of Schedules 12 and 13 (i.e. the transmission DMLs to which the MCZ is only relevant) of the draft DCO (Revision K) [document reference 3.1] to include provision within the mitigation scheme for mitigation of MCZ features. The Applicant considers that this addresses the Natural England comment.</p>
Q4.3.2 Impact on subtidal chalk features			
Q4.3.2.2	<p>Sub-cropping Chalk</p> <p>The Applicant is unable to confirm that the cable installation will not impact the sub-cropping chalk [REP5-049]. Do you have any objections if, at the end of Examination, the Applicant cannot confirm avoidance of impacts to sub-cropping chalk.</p>	<p>Natural England has provided advice at [REP5-095] which remains unchanged. Therefore, based on the Applicant's response to the ExAWQ3 [REP5-049], the SoS will need to make a risk-based decision on the acceptability of the potential impacts to designated site features.</p>	<p>No comment required.</p>
Q4.3.3.1	<p>Secondary Scour</p> <p>Whilst NE has stated that a Secondary Scour assessment would be best practice, what would be the consequences if this was not submitted by the end of Examination, and does the responses [REP3-107, for example] and the commitment to mitigation (such as the use of scour protection wherever scour will occur) [APP-092] made by the Applicant in their</p>	<p>Natural England advises, if there is secondary scour, this may necessitate further requirement for scour prevention which has implications in its own right, which requires assessment during examination. Otherwise, an additional marine licence will be required post installation with no guarantee of the outcome.</p>	<p>The Applicant refers to its response at ID 8 of The Applicant's Response to the Examining Authority's Rule 17 Letter dated 12 July 2023 [document reference 22.2] which addresses the questions raised by the ExA on this point.</p>

ID	Question	NE Responses	Applicant's Comment
	<p>submissions address the possible impacts of secondary scour?</p>		
<p>Q4.3.3.4</p>	<p>Micro-siting around sand waves and megaripples</p> <p>The ES [APP-092, Table 6-3] states that “Route selection and micro-siting of the cables will be used to avoid areas of sea bed that pose a significant challenge to their installation, including for example areas of sand waves and megaripples. This will minimise the requirement for sea bed preparation (levelling) and the associated sea bed disturbance.”</p> <p>a) Applicant, explain how this is secured through the dDCO?</p> <p>b) NE and MMO, are you satisfied that this mitigation would be secured based on the dDCO?</p>	<p>b) Natural England advise there is general condition securing micrositing within the DML sections of the dDCO (Schedule 10 Part 2 Condition 13 (1) (a) (v) and similar conditions in the other DML schedules). This wording is the standard wording used for this condition; however, it should be noted that it is not always possible to micro-site the cable around all the features, both ecological and archaeological.</p>	<p>The Applicant has nothing further to add to its response to this question in the Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5].</p>
<p>Q4.3.4 Effects on the Marine Conservation Zone</p>			
<p>Q4.3.4.1</p>	<p>MEEB Requirement Much of the discussion as to whether a MEEB is required relates to whether cable protection is used within the MCZ.</p> <p>a) NE, are there other reasons why you would consider a MEEB is required, such as the impacts to mixed sediment areas or to sub-cropping chalk for example?</p> <p>b) Applicant may comment.</p>	<p>Natural England's primary concern is that of cable protection and lasting habitat change/loss. However, as highlighted for multiple OWF NSIPS, there is the potential for a persistent scar along cables installation within mixed sediment. Any depression/trench, groove/gap through more stable environments has the potential to impact the ecological structure and function of mixed sediment communities. Therefore, Natural England cannot advise with certainty that the conservation objectives of the MCZ will not be hindered.</p>	<p>The Applicant has nothing further to add to its response to this question in the Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5].</p>

ID	Question	NE Responses	Applicant's Comment
		<p>Natural England's advice has been that installation will be within the sediment veneer only and not impact sub-cropping chalk. Please our response to question Q4.3.2.2 above.</p>	
Q4.3.4.2	<p>MEEB and the dDCO The Applicant has submitted the Proposal Without Prejudice DCO Drafting (Revision C) [REP5-008], which at Part 4 includes a section setting out the Measures of Equivalent Environmental Benefit. Consider the wording as set out and respond as to its adequacy if the MEEB is required, particularly with regards to:</p> <p>a) The timings as set out, such as the provision under paragraph 33 that there should be no external cable protection works may be commenced within the Cromer Shoal Chalk Beds MCZ until the MEEB implementation and monitoring plan has been approved by the SoS.</p> <p>b) And, whether it is appropriate that there would be no requirement to implement the MEEB implementation and monitoring plan if no external cable protection works are required within the Cromer Shoal Chalk Beds MCZ?</p>	<p>a) Natural England notes that the condition as written does not require the MEEB to be deployed prior to any cable protection works. It only requires that the implementation and monitoring plan be approved. We consider that the condition should require that the MEEB should be in place prior to any impact. This is consistent with the SoS decisions on the Norfolk Boreas and Vanguard projects (Norfolk Projects) where compensation was proposed under similar circumstances</p> <p>b) Natural England highlights that this argument has been raised by the Norfolk Projects, however the SoS determined that this compensation/ MEEB needs to be in place prior to cable installation works.</p>	<p>The Applicant refers to its response at ID 9 of The Applicant's Response to the Examining Authority's Rule 17 Letter dated 12 July 2023 [document reference 22.2] which addresses the questions raised by the ExA on this point.</p>
Q4.3.4.3	<p>Removal of Cable Protection</p> <p>The Applicant has committed to removal of any cable protection within the MCZ at the point of decommissioning. a) Applicant, explain how this is secured? b) NE, are you satisfied that this is secured though the dDCO?</p>	<p>b) Natural England cannot find any condition or requirement within the DCO, DMLs or the proposed MEEB Schedule which requires the cable protection to be removed within the MCZ at the point of decommissioning. Therefore, we would have to conclude that is has not been secured.</p>	<p>The Applicant refers to its response to this question in the Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5].</p>
Q4.3.4.4	<p>MCZ Conservation Advice Package</p>	<p>Please find a link here to the recently published Conservation Advice Package for the Cromer</p>	<p>No comment required.</p>

ID	Question	NE Responses	Applicant's Comment
	Please provide a copy of the Cromer Shoals MCZ Conservation Advice Package for the Examination, highlighting any particular sections you feel are most relevant to this proposed development.	Shoal MCZ: Cromer Shoal MCZ Conservation Advice Package (naturalengland.org.uk). We draw your attention to the advice contained within the Supplementary Advice on Conservation Objectives (SACOs).	
Q4.5. Construction Effects Offshore			
Q4.5.1 Development Scenarios and Rochdale Envelope			
Q4.5.1.1	Collision Risk due to layout Paragraphs 2.6.108 and 2.6.109 of NPS EN-3 state that "Subject to other constraints, wind turbines should be laid out within a site, in a way that minimises collision risk." Whilst it is for the ExA, and ultimately the SoS, to determine whether the Proposed Development complies with the NPS, what is Natural England's views if the Proposed Development complies with the NPS?	Natural England advises the Applicant has provided indicative layouts only. The final layout will be provided post-consent as part of the pre-construction phase. Therefore, it is important that this policy statement is considered at this subsequent stage as part of mitigation, noting that this will be signed off by the MMO as the enforcing body.	No comment required
Q4.11. Draft Development Consent Order			
Q4.11.8 Schedules			
Q4.11.8.1	Schedules 12 and 13 Part 2 Condition 19 See related questions in Benthic ecology, Intertidal, Subtidal and Coastal effects.	Natural England is unable to find any questions related to the referred conditions in the questions above. However, we have answered all questions directed to us on these topics and so hopefully have addressed this question.	No comment required.
Q4.11.8.2	a) Post construction monitoring and subsequent remediation Do the dDML post construction monitoring conditions (Schedule 10, Part 2, Condition 20; Schedule 11, Part 2, Condition 20; Schedule 12, Part 2, Condition 19; and Schedule 13, Part 2, Condition 19) [REP6-002] or any other part of the dDCO bind	a) Natural England considers that only the during construction piling monitoring condition binds the Applicant to take any remediation or action (Schedule 10 Part 2 condition 19 (2) and (4) in Revision I of the dDCO).	The Applicant has nothing further to add to its response to this question in the Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5]. .

ID	Question	NE Responses	Applicant's Comment
	<p>the undertaker to take action should this post construction monitoring highlight any particular impacts that need remediation or further mitigation works?</p> <p>b) Highlight is any further provisions or drafting edits that could be required in the dDCO to ensure remediation or further mitigation works are undertaken on the basis of findings in the post construction monitoring.</p>	<p>b) Natural England considers that an additional condition could be added to the end of the monitoring sections to note that should monitoring highlight that impacts are a) significantly in excess of those assessed and/or b) beyond those predicted to occur a remediation/ further mitigation works plan should be submitted to the MMO for approval, following consultation with the relevant SNCB, and that mitigation works approved under the plan must be undertaken as approved.</p>	
Q4.11.8.4	<p>Deemed Marine Licences and Benthic Ecology</p> <p>Are you satisfied that the mitigation relevant to benthic ecology (including offshore physical processes/ marine geology) are all included with appropriate wording within the dDCO and dDMLs, including through the Requirements and Conditions?</p>	<p>Please see our response to Question 4.3.1.3 on Benthic mitigation above</p>	<p>No comment required</p>
Q4.12. Habitats and Ecology Offshore			
Q4.12.1 Effects on Ornithology			
Q4.12.1.3	<p>Cumulative Effects</p> <p>Are there any remaining concerns regarding the Applicant's assessment of cumulative effects (EIA-scale)? Explain with reasons</p>	<p>Natural England has no remaining concerns. Please see our Deadline 7 response where we provide our final position on cumulative impacts at the EIA scale.</p>	<p>No comment required</p>
Q4.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish			
Q4.12.2.1	<p>Environmental Impact Assessment perspective</p> <p>NE's Issues and Risks Log [REP5-093, point D1, D5, D6 and D10 in particular] raised some</p>	<p>Natural England provided a response to the population modelling in the Marine Mammal Technical Note and Appendix at Deadline 6. Our response highlighted that, aside from two queries that should be resolved, we consider</p>	<p>With regards to population modelling (Points D1, D9, D15 & D19 of the Risk and Issues Log [REP5-093], the Applicant has provided additional information on the population modelling at Deadline 7 (within the updated</p>

ID	Question	NE Responses	Applicant's Comment
	<p>outstanding issues with regards to marine mammal modelling information. Can NE set out the nature and scope of any perceived remaining deficiencies in the data, methodology, assumptions or modelling information and what, at this late stage, are the implications for the Applicant's conclusion/assessment?</p>	<p>the population modelling fit for purpose. We have not yet seen a response from the Applicant to the two queries, but expect one to be submitted at Deadline 7.</p> <p>Subject to the two queries being satisfactorily addressed, we consider that the population modelling is satisfactory to address our concerns raised in Points D1, D9, D15, and D19 in the Risk and Issues Log.</p> <p>As outlined in our Risk and Issues Log submitted at Deadline 5, we consider Point D5 to be sufficiently addressed as to not be of material concern. Point D6 is resolved.</p> <p>Point D10 was updated in the Risk and Issues Log submitted at Deadline 5 with a request for further information. We understand that the Applicant has been asked to respond to our request in RIES-Q12. We therefore await the Applicant's response.</p>	<p>Marine Mammals Technical Note and Addendum (Revision B) [document reference 16.14]). The Applicant considers this is sufficient to resolve Natural England's concerns.</p> <p>The Applicant notes that Point D5 is sufficiently addressed, and that Point D6 is resolved.</p> <p>The Applicant has provided an additional assessment of the potential for disturbance to seals at the Blakeney Point haul-out site with the Marine Mammals Technical Note and Addendum (Revision B) [document reference 16.14]) submitted at Deadline 7. The Applicant considers this assessment to be sufficient to resolve Natural England's concerns.</p>
Q4.12.2.2	<p>Mitigation for harbour porpoise</p> <p>NE [REP5-093, point D18] suggests the risk of a significant adverse effect on harbour porpoise could be mitigated through various commitments including a seasonal restriction. Is the Applicant willing to make the commitments and, if so, identify where the commitments are made and secured. If not, explain with reasons. NE confirm if, subject to mitigation, the risk of a significant adverse impact is sufficiently dealt with.</p>	<p>b) Natural England advises that committing to appropriate mitigation measures at this stage could reduce the risk of a significant adverse impact. We would need to see the exact details of the mitigation proposed to confirm whether they would be effective.</p>	<p>As the Applicant has set out previously (in response to WQ 3.12.2.4 ([REP5-049])), it does not consider it to be appropriate to determine which of the potential mitigation and management measures would be required to reduce the potential for significant effect on the Southern North Sea SAC. This is due to the final pile design and programme not being known at this stage. Finalising the mitigation and management measures post-consent also allows for the best information to be incorporated in relation to other projects that may be undertaking noisy activities in the same relevant season as the Projects. The potentially</p>

ID	Question	NE Responses	Applicant's Comment
			required mitigation and management options will be considered at an early enough point in the overall programme to allow for all mitigation and management options to be available to the Projects.
Q4.12.2.3	<p>Mitigation for grey seal</p> <p>NE [REP5-093, point D19] suggests a potential significant impact on grey seal that requires mitigation. Set out fully the situation including what mitigation is being considered, is required, is or is not being provided and where mitigation measures will be secured if to be used?</p>	<p>The Applicant has undertaken population modelling which demonstrates that no significant impact on grey seal is expected (from disturbance, by the project alone and in-combination, which point D19 pertains to). Therefore mitigation is not needed specifically for this feature and impact pathway.</p>	Noted.
Q4.14. Habitats Regulation Assessment			
Q4.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects			
Q4.14.1.2	<p>Conclusions to be drawn part 2</p> <p>The ExA, and the SoS, must be confident, where the derogations are engaged, compensatory measures must be taken to ensure that the overall coherence of the National Site Network is protected. Following the exercise in the above question Q4.14.1.1, the ExA ask for final detailed information regarding:</p> <p>a) Guillemot and Razorbill – reasons why an Aeol can/cannot be ruled out AND, if it cannot be, whether the ExA and SoS can have confidence in the compensatory measures provided by the Applicant.</p> <p>b) Red-Throated Diver – reasons why an Aeol can/cannot be ruled out AND, if it cannot</p>	<p>A) Natural England advises that AEol cannot be ruled out on FFC SPA guillemot and razorbill in-combination with other OWF due to displacement effects from the arrays and surrounding waters. Whilst the contribution of SADEP to the in-combination totals is modest, the as-yet-unproven nature of the measures means that we do not have confidence in the effectiveness of the proposed compensatory measures.</p> <p>b) Natural England's current position is that we cannot rule out AEol on Greater Wash SPA RTD due to disturbance/displacement effects from array displacement, cable installation and construction/O&M vessel movements, and on Outer Thames Estuary SPA RTD due to construction/O&M vessel movements. We have</p>	<p>a) The Applicant maintains its position that AEol can be ruled out for the guillemot and razorbill features of the Flamborough and Filey Coast (FFC) SPA. The SoS's conclusion within the Hornsea Project 4 (HP4) HRA supports the Applicant's position on razorbill and, given the SoS's conclusion on this matter, the Applicant has removed without prejudice razorbill compensation from the Without Prejudice DCO Drafting (Revision D) [document reference 3.1.3].</p> <p>In the event that the SoS is unable to rule out AEol for the guillemot feature of the FFC SPA, the compensation measures described in the Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4] and secured through the Without</p>

ID	Question	NE Responses	Applicant's Comment
	<p>be, what position that leaves the Examination without any preliminary submissions regarding compensatory measures.</p> <p>c) Grey seal, Harbour seal, Harbour porpoise – reasons why an Aeol can/cannot be ruled out AND, if it cannot be, what position that leaves the Examination without any preliminary submissions regarding compensatory measures.</p> <p>d) In relation to c) above, the ExA has already seen your reasons regarding concerns over the SIP process but ask specifically why the MMMP and SIP together are not enough to minimise the adverse impact to a point that AEol can be ruled out (depending, of course, on your earlier conclusions).</p>	<p>had constructive discussions with the Applicant regarding impact reduction/mitigation measures that have the potential to reduce the risk of adverse effects, and we await their Deadline 7 submissions on this matter. We will provide our final position on the RTD SPAs in the light of the Applicant's Deadline 7 submissions at Deadline 8.</p> <p>c) Natural England is currently awaiting the Applicant's response to our two queries on the population modelling (see response at Deadline 6). We are also awaiting response to several Points in the Risk and Issues Log. Until these responses have been provided, we cannot confirm our position on Aeol to grey seal and harbour seal. Nevertheless, we have already identified a primary risk of Aeol to the SNS SAC as a result of in-combination disturbance.</p> <p>D) The MMMP is sufficient to minimise adverse impact to marine mammal populations as a result of injury. Our current outstanding Aeol concern is regarding in-combination disturbance to the Harbour porpoise feature of the SNS SAC from underwater noise.</p> <p>The Applicant has identified the potential for Aeol to occur to the harbour porpoise feature of the SNS SAC, due to in-combination underwater noise disturbance exceeding the SNCB-agreed thresholds. We acknowledge that it is not possible to know at this stage with certainty which other projects will contribute to underwater noise disturbance at the same time as the Proposed Development. Hence, the</p>	<p>Prejudice DCO Drafting (Revision D) [document reference 3.1.3] can deliver on SEP and DEP's compensation requirements. The Applicant notes that the SoS concluded in the HP4 decision that bycatch reduction through the use of looming eye buoys would be effective and is 'technically feasible and deliverable' as compensation for impacts to guillemot.</p> <p>b) The Applicant maintains that, based on its assessments within the Apportioning and Habitats Regulations Assessment Updates Technical Note (Revision E) [document reference 13.3], an AEol on the red-throated diver feature can be ruled out. Nevertheless, in order to reach an agreed position with Natural England, the Applicant has committed to the following mitigation measures.</p> <p>The Applicant has committed to a seasonal restriction on export cable laying activity within the SPA as secured by Condition 24 of Schedules 12 and 13 of the draft DCO (Revision K) [document reference 3.1] and therefore potential impacts on RTD from export cable installation would be avoided.</p> <p>In addition, the Applicant updated the best practice protocol for minimising disturbance to red-throated divers within the Outline PEMP (Revision D) [document reference 9.10] to include further mitigation commitments regarding construction and O&M vessel movements.</p> <p>Finally, as noted within the Apportioning and Habitats Regulations Assessment Updates</p>

ID	Question	NE Responses	Applicant's Comment
		<p>need to revisit the in-combination assessment closer to the time of piling activities, when an accurate picture of all projects that could act in-combination is known, at which stage requisite mitigation measures can be identified to avoid Aeol. The SIP is the mechanism by which this has been achieved to date.</p> <p>However, the SIP process has so far only been tested in its ability to avoid exceedance of the daily threshold. It has not yet been tested in its ability to avoid exceedance of the seasonal threshold, which is more difficult to achieve. If a risk of exceeding the seasonal threshold is identified in the SIP, projects will have to reduce their contribution to the total underwater noise disturbance in that season, which may include different foundation types and installation methods, noise abatement systems, or scheduling of activities so that fewer occur within the season. These are all significant changes and we have low confidence in the feasibility of these being applied so close to the start of piling. In other words, Natural England considers that effectively deferring the consideration of AEOI to a subsequent permission carries with it some risk to the integrity of the SAC. Hence, Natural England's advice is that measures to mitigate the Project's contribution to in-combination underwater noise disturbance are strongly recommended at this stage.</p>	<p>Technical Note (Revision E) [document reference 13.3] submitted at Deadline 7, the Applicant put forward proposals for a turbine restriction zone at the south eastern corner of SEP to mitigate array-related displacement effects on the Greater Wash SPA. This resulted in an approximate 4.5% reduction in buildable area of SEP and would remove turbines from the only part of SEP that is located within 10km of GW SPA, where the SPA is not currently located within 10km of the existing Sheringham Shoal and Race Bank OWFs and/or outside of the red-throated diver 'maximum curvature analysis' (MCA) area within the SPA. Accordingly, it is the Applicant's position that this would effectively reduce the net displacement effect from SEP to zero, and would further support the Applicant's position that there would be no AEol in respect of this feature.</p> <p>However, following further consideration and discussions with Natural England on 14 July 2023, the Applicant has subsequently committed to an additional turbine restriction zone in the southwest corner of SEP at Deadline 8. This is documented in the Apportioning and Habitats Regulations Assessment Updates Technical Note (Revision E) [document reference 13.3] and the Works Plans (Offshore) (Revision D) [document reference 2.7], to be submitted at Deadline 8. The south-western and south-eastern exclusion areas together would reduce the buildable area within SEP by approximately 7.8%. Together with the above commitments,</p>

ID	Question	NE Responses	Applicant's Comment
			<p>this has allowed Natural England to rule out AEol on the RTD feature of the Greater Wash SPA (see the Final Statement of Common Ground with Natural England (Offshore Ornithology) (Revision B) [document reference 14.8]). This commitment is secured through the Works Plans (Offshore) (Revision D) [document reference 2.7].</p> <p>c) and d) See response at RIES-Q7 of Table .</p>
Q4.14.1.4	<p>Kittiwake Tower</p> <p>The HRA Derogations Update [REP6-010, plate 2] shows the designs of the kittiwake tower, with the preferred solution being installing new panels underneath the existing panels.</p> <p>a) Applicant, in the newly proposed arrangement in plate 2, are the quantity of benefits (chick yields) the same or equivalent to the benefits arising from the initial design concept with plate 1 as predicted in the quantity of benefits document [REP3-088]? If not, explain with reasons.</p> <p>b) NE, the ExA believes NE has yet to see the designs for the kittiwake tower shown in Plate 2 [REP6-010]. Provide comments on the designs and if there are any concerns regarding the anticipated success of these.</p>	<p>b) The kittiwake tower designs appear to address our initial concerns regarding having kittiwakes facing each other, leading to increased territorial encounters. It is difficult to judge the effectiveness of Plate 2 as a design as key information is not available e.g. how high off the ground the additional faces would be, and any implications for their attractiveness to kittiwake, which prefer nesting well off of the ground. From discussions with the Applicant the height of the lowest shelves above the ground will be 8 metres. In order to ensure the new shelves are attractive to kittiwake, woodland and scrub management will need to be carried out on an ongoing basis to ensure it stays below this level, in order to reduce predation risk or the perception of it. We also note that 2 of the designs presented in Plate 2 appear to leave the south-facing shelves in place. This has not been discussed at any length, though on balance Natural England considers there may be some merit in leaving the south-facing side of the structure intact, to minimise change and maintain existing levels of activity around the colony. However, these</p>	<p>b) <u>Vegetation Management</u></p> <p>The nearby woodland and scrub will be managed for the benefit of kittiwake nesting as a condition of RWE's kittiwake tower planning permission (DC/22/01188/FUL). In addition, the ground below and immediately around the Saltmeadows tower is owned and managed by Gateshead Council who cut the grass in the area below and immediately around the tower to ensure that there is no scrub development close to the tower and that there is short grass below the tower. The amount of scrub and shrubs on the edge of the Saltmeadows tower site has been reduced recently as a measure to reduce risk of crow impacts on kittiwakes colonising the new nearby RWE tower. Because Gateshead Council uses a cherry-picker for Northumbria Ringing Group to access the kittiwake nests on the Saltmeadows tower for kittiwake ringing and monitoring, it is reasonable to expect that the vegetation management that is in place around the Saltmeadows tower will continue into the future</p>

ID	Question	NE Responses	Applicant's Comment
		<p>are only preliminary comments, and we consider that the Applicant should present a more detailed set of design parameters with an associated ecological rationale for the above issues before the Examination closes, for example drawing upon existing information regarding nest site selection in the Newcastle Gateshead colony.</p>	<p>to ensure that no scrub develops close to the tower.</p> <p><u>Height Above Ground Level</u></p> <p>The Applicant can confirm that the height of the lowest panels installed below the existing will be a minimum of 8 metres above ground level.</p> <p>On the existing tower all ledges are used to an extent by kittiwakes, with the smallest number of nests tending to be on the top ledge and numbers on the lowest ledge similar to those on ledges immediately above. There is no evidence to suggest that kittiwakes currently avoid the lowest ledge on the existing tower, but there is evidence to suggest that they avoid the top ledge. The top ledge may be more exposed to avian predators such as large gulls or crows. Designing an overhanging top to the structure may help to make the highest ledges more attractive by inhibiting access by large gulls or crows.</p> <p>More broadly around the Tyne colonies, many kittiwake nests are less than 5m above the ground. This is even the case for many nests in areas of high human activity, such as on the Tyne Bridge, on the Newcastle Guildhall, and on houses/shops/streetlights in the Newcastle Quayside area. It is also the case at Akzo Nobel, where many kittiwake nests are well below 5m above ground level. Similarly, many kittiwake nests at Dunbar harbour and at Lowestoft are below 5m above ground level. Therefore the new faces with ledges at least 8m above ground level should provide</p>

ID	Question	NE Responses	Applicant's Comment
			considerably more ground clearance for kittiwakes than is essential.
Q4.14.1.7	<p>Issue Specific Hearing 7 questions Firstly, refer to the agenda for ISH7 and then review the transcripts and recordings [EV-092] to [EV-102]. Subsequently, please answer the following regarding the newly identified sandwich tern compensatory measures at Blakeney (rat eradication):</p> <p>a) Does this compensatory measure have both merit and your support?</p> <p>b) Would this new measure at Blakeney offer suitable resilience and be of a suitable scale to cover for any mortality debt accrued whilst the Loch Ryan proposals are establishing?</p> <p>c) Is the measure sufficiently developed to carry weight in the decision-making process and reassure you that the harm caused by the Proposed Development would be offset?</p> <p>d) Any other comments regarding this compensatory measure that are important and relevant for the Examination?</p>	<p>a) We consider that the proposed initiative has potential merit with respect to providing resilience to the overall Sandwich Tern compensation package as a supporting or 'secondary' measure. As noted by the Applicant, Natural England and National Trust brought this option to the Applicant's attention and therefore we do support its ongoing development.</p> <p>b) We see this measure as providing ongoing resilience to the Loch Ryan proposals rather than specifically with respect to the early years.</p> <p>c) Our principal concern is the limited of information presented to the Examination regarding the Loch Ryan proposals. We broadly consider that the Blakeney Point measure is sufficiently developed as a supporting/resilience element of the compensation package, and have provided advice to the Applicant to strengthen the proposals. However, in the absence of further detail regarding Loch Ryan, it cannot be said that the predicted collision mortality will be offset. Should further information on either the Loch Ryan and Blakeney Point measures be submitted at Deadline 7 we will endeavour to advise on these at Deadline 8.</p> <p>d) See comment c) above – it is important that further information regarding the Loch Ryan proposals is presented before the close of the Examination.</p>	<p>a) no comment</p> <p>b) no comment</p> <p>c) and d) The Applicant provided further details at Deadline 7 including indicative site options for the inland pool (Figure 7-2 and 7-3 of Appendix 2 - Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2]), identified as a result of the ongoing site assessment and landowner engagement. The Applicant has set out a robust programme of ongoing work that will see the designs for Loch Ryan progress post-examination. The Applicant has received and submitted into the Examination a letter of support from the landowner in the preferred area of search and an in-principle letter of support from the local planning authority. It is agreed with Natural England the proposals at Loch Ryan are ecologically sound and can provide the necessary level of compensation for Sandwich tern impacts.</p>

ID	Question	NE Responses	Applicant's Comment
Q4.14.1.8	<p>Derogation case in the round</p> <p>Whilst the SoS, as the competent authority, is to secure compensatory measures (as required), the ExA must be confident that the overall package of compensatory measures are taken to ensure the coherence of the NSN is protected. To this extent, we would like to hear the final positions of the parties as to whether the derogations case, with the compensatory measures, as a whole, is justified and would ensure that the coherence of the NSN is maintained. Refer to any legislation, guidance and national policy as necessary.</p>	<p>The ecological rationale for the proposed compensatory measures is generally robust, with the exception of the Sandwich tern measures on Farne Islands SPA, which we consider offering rather minimal benefits, and the guillemot/razorbill compensatory measures, which rely on measures that are either remote from the impacted site and/or have not been demonstrated to be effective. However, to varying degrees the measures lack sufficient definition to be considered secured at this stage. We will set out our views in more detail at Deadline 8, in order to take account any further information submitted by the Applicant at Deadline 7.</p>	<p>The Applicant maintains that the measures for improved breeding success at the Farne Islands SPA would provide benefit to the breeding population of Sandwich tern within the SPA that would meaningfully deliver compensation for the impacts on this feature of the NNC SPA.</p> <p>As stated above, as a result of the SoS's decision of no AEol for razorbill for HP4, the Applicant has withdrawn its without prejudice compensatory measures for this species from the Without Prejudice DCO Drafting (Revision D) [document reference 3.1.3]. It is noted that bycatch reduction as a means of compensating for impacts on the guillemot feature of the FFC SPA was considered to be effective and deliverable by the SoS in the HP4 decision.</p>
Q4.14.1.9	<p>Confirmation of Position</p> <p>If the Hornsea Project Four DCO was refused by the SoS, would your position regarding AEol on any species (bird or marine mammal) change? Explain with reasons.</p>	<p><u>Birds</u></p> <p>Our advice on FFC SPA kittiwake, NNC SPA/GW SPA Sandwich tern and GW SPA/OTE SPA red-throated diver would not be affected by the refusal of Hornsea 4. However, if Hornsea 4 were refused, our advice would be that SADEP would not result in an in-combination AEol on FFC SPA guillemot, razorbill and seabird assemblage.</p> <p><u>Marine mammals</u></p> <p>If Hornsea Project Four DCO was refused, our position regarding AEol on marine mammal species would not change. Our primary concern of AEol on marine mammal species is with regards to the SNS SAC and in-</p>	<p>No comment</p>

ID	Question	NE Responses	Applicant's Comment
		<p>combination disturbance thresholds being exceeded. Removal of Hornsea Project Four from the total in combination disturbance would not be sufficient to avoid exceeding the thresholds. Please note that our advice to SADEP regarding committing to mitigation measures 'up front' to minimise the risk of in-combination AEOL on the SNS SAC was also provided to Hornsea 4 during that Examination.</p> <p>Our advice on grey and common seal SAC features is not affected by whether Hornsea 4 is consented or refused.</p>	
<p>Q4.14.1.10</p>	<p>Red-throated Diver and SEP</p> <p>In terms of concerns about physical displacement and disturbance to red throated divers, much of the proposed new windfarm at SEP would be positioned to the northeast of the existing windfarm of SOW. To that extent, would not the displacement and disturbance effect have already occurred and therefore any effects from SEP would not have any greater influence? (for instance, would the divers already be avoiding that part of the GWSPA because of the physical presence of SOW and, with SEP being further away, that means the extent of the disturbance/displacement would not cause a further reduction?)</p>	<p>We agree with the ExA that the principal areas of concern as regards array displacement from the Sheringham extension lie to the west and east of Sheringham Shoal. These are areas that are either i) beyond the displacement shadow of the existing Sheringham Shoal OWF (or indeed Race Bank OWF), or ii) are in the outer reaches of those displacement shadows, where RTD usage is reduced to some extent but the majority of RTD remain, and therefore could be subject to impacts from the additional presence of the extension projects. In these areas, we consider that SEP could exert significant displacement effects, either because i) those areas are presently unaffected by OWF, or because ii) those RTD that have remained despite the existing OWF will be subject to further displacement effects. We have discussed these nuances with the</p>	<p>See the Applicant's response Q4.14.1.2 b above. Natural England agree that AEOL on the red-throated diver feature of the Greater Wash SPA can be ruled out.</p>

ID	Question	NE Responses	Applicant's Comment
		Applicant to inform their mitigation strategy and await their Deadline 7 submission.	
Q4.14.1.11	<p>Hornsea Project Four</p> <p>The Applicant reports [REP5-043, paragraph 38] that the Hornsea Project Four applicant strongly objected to the 'bespoke approach' to assessment advocated by NE. At several other times in that document, it is highlighted that the Hornsea Project Four applicant held strong reservations for the 'bespoke approach.' The ExA notes that Natural England have advocated the same/ similar approach in this instance.</p> <p>Applicant</p> <p>a) In simple terms, do you share the same concerns as the Hornsea Project Four applicant?</p> <p>b) What weight, if any, do you feel the ExA should give to the 'bespoke approach' and the ultimate results of it on your assessments?</p> <p>NE</p> <p>c) Set out clearly the reasoning, rationale and justification for using the 'bespoke approach' when it appears, from the evidence before this Examination, to deviate significantly from your standard approach and guidance.</p>	<p>c) The Hornsea 4 Examination concluded last year following full and detailed scrutiny of Natural England's advice by the Hornsea 4 ExA panel. Their Examiners report and recommendations, which doubtless have reported on this issue, is already with the Secretary of State for consideration, with Hornsea 4 due to be determined two days after SADEP Deadline 7. In this context, it is unclear why PINS considers it necessary at this precise point in time to interrogate Natural England's advice into the Hornsea 4 Examination via the Examination of a different proposal, and furthermore to express an opinion not informed by the breadth of consultation provided during the Hornsea 4 examination process.</p> <p>We refer the ExA to the following submissions into the Hornsea 4 Examination, which set out the scientific rationale for the 'bespoke approach' in more detail:</p> <p>REP5-115 - EN010098-001702-DL5 - Natural England - Comments on any submissions received at Deadline 4 and 4a.pdf (planninginspectorate.gov.uk)</p> <p>REP6-056 - EN010098-001921-Natural England - Comments on any other submissions received at Deadline 5a.pdf (planninginspectorate.gov.uk)</p> <p>We are also unclear on what basis the ExA considers that '<i>Natural England have</i></p>	No comment

ID	Question	NE Responses	Applicant's Comment
		<p><i>advocated the same/similar approach in this instance</i>. Assuming <i>'this instance'</i> refers to SADEP, we advise the ExA that our approach to assessing the impacts of SADEP on FFC SPA guillemot and razorbill is entirely standard and fully in line with SNCB displacement guidance, and in no way follows the 'bespoke' approach taken in our Hornsea 4 OWF advice. This is because the site-specific issues identified with Hornsea 4 do not apply equally to SADEP.</p>	
<p>Q4.14.1.12</p>	<p>Pink Footed Geese Provide a concluding statement which fully summarises the progress made on agreeing a pink-footed geese management plan. If a management plan cannot be agreed before the close of the Examination, explain with reasons why this will not be possible. In addition, set out specific areas where agreement has not been reached and explain what is required in order for both parties to reach agreement on a management plan.</p>	<p>We understand from the Applicant they do not wish to progress Best Practice guidance on mitigation for PFG. Therefore, there is insufficient time remaining within the examination to inform an agreed PFG mitigation plan.</p> <p>The Applicant has provided further confirmation directly to NE, that there is a commitment for a pink footed geese mitigation plan within the Outline EMP and will commit to further engagement with Natural England post examination. If appropriate, we will respond to further updates to the EMP submitted by the Applicant at D7. However, our general advice remains unchanged that outline mitigation measures should be included as separate plans as part of the consenting phase.</p> <p>As our concerns as to what the PFG mitigations will include remain outstanding at this time, our position is that we are unable to provide the decision maker the necessary comfort that appropriate mitigation measures will (and can) be adopted to remove and/or</p>	<p>The Outline Ecological Management Plan (Revision E) [document reference 9.19], commits the Applicant to provide a Pink Footed Geese Mitigation Plan (see section 3.3.1). The Outline Ecological Management Plan includes an example of what could be included within the management plan, the exact details to be confirmed and finalised once pre-construction surveys have concluded. This demonstrates that mitigation is readily available. The Outline Ecological Management Plan is secured by Requirement 13 (Ecological management plan) of the draft DCO (Revision K) [document reference 3.1] which is approved by the Local Planning Authority, in consultation with Natural England and other bodies, where relevant.</p> <p>Notwithstanding, the Applicant is providing the following drafting on a without prejudice basis:</p> <p>Protection of Pink Footed Geese <i>1.(1) No phase of the of the onshore works within 10.4km of the North Norfolk Coast Special Protection Area may commence until a scheme for protection and mitigation measures</i></p>

ID	Question	NE Responses	Applicant's Comment
		<p>suitably reduce the risk of the likelihood of AEoI to the pink-footed geese feature of the North Norfolk Coast SPA and Ramsar.</p> <p>Natural England advises that a condition is added to the DCO that ensures that until the PFG mitigation measures are agreed no works can commence. This has been included within our updated R&I Log at D7.</p>	<p><i>for pink footed geese has been submitted to and approved by the relevant planning authority in consultation with Natural England.</i></p> <p><i>(2) The scheme of protection and mitigation measures submitted for approval under sub-paragraph (1) must include-</i></p> <ul style="list-style-type: none"> <i>(a) details of pre-construction surveys to be undertaken to establish whether any pink footed geese are present on any of the land affected, or likely to be affected, by that phase of the onshore work;</i> <i>(b) details of ongoing monitoring to be undertaken during the phase of the onshore work; and</i> <i>(c) details of the mitigation measures to be undertaken if the pre-construction or ongoing monitoring identifies the presence of pink footed geese in any of the land affected, or likely to be affected, by that phase of the onshore work.</i> <p><i>(3) The relevant phase of the onshore works must be carried out in accordance with any scheme approved under sub-paragraph (1).</i></p> <p><i>(4) Sub-paragraph (1) does not apply if the relevant planning authority confirms, after consultation with the Natural England, that no scheme of protection and mitigation measures for pink footed geese is required for the relevant phase of the of the onshore works.</i></p> <p>A 10.4km buffer zone is proposed under sub-paragraph 1) on the basis that the Best Practice Advice on the North Norfolk Coast</p>

ID	Question	NE Responses	Applicant's Comment
			<p>SPA Pink Footed Geese [REP1-137] references studies which confirms average foraging range of 10.4km. Whilst it is acknowledged that the guidance states that 'Pink Footed Geese are regularly observed making foraging flights to other parts of the country, more than 20km' no evidence supporting this statement is provided and it is therefore not considered reasonable to impose a 20km restriction.</p> <p>The Applicant is not aware of any precedent for the above requirement, as it is not aware of any DCO that has secured a pink footed geese management plan through a standalone requirement. In fact, where mitigation for this species has been secured (for example, Hornsea Project Three), it was done so in a similar manner to what is proposed by the Applicant in this application (i.e. within an existing management plan).</p> <p>The Applicant has included drafting at sub-paragraph (4) that would allow the requirement for a scheme of mitigation to be waived by the planning authority, following consultation with Natural England, if this was considered to be unnecessary. The Applicant considers that, should the Secretary of State consider a standalone requirement is needed, this sub-paragraph would provide for a proportionate approach to be taken and avoid a detailed plan being prepared where one is not necessary. There is precedent for the inclusion of such a provision in made DCOs, for example</p>

ID	Question	NE Responses	Applicant's Comment
			requirement 34 of The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015.
Q4.18. Seascape and Visual Effects			
Q4.18.1 Effects on Designated and Historic Landscapes			
Q4.18.1.1	<p>Effects on the statutory purpose of the Norfolk Coast AONB</p> <p>NE refers to further clarification on this subject from Norfolk Coast Partnership, expected at D6 [REP6-028]. No further information has been submitted. Provide final concluding statements, or a joint concluding statement, setting out your position on this subject.</p>	<p>Natural England advises the Norfolk Coast Partnership this was submitted and accepted at the discretion of the ExA as a late submission at Deadline 5 EN010109-001868-NCAONB-Response_June23_Redacted.pdf (planninginspectorate.gov.uk).</p> <p>In this response we note the Norfolk Coast partnership now defers to Natural England for the remainder of examination.</p>	Noted.

1.3 Applicant's Comments on Natural England's Appendix L5 (RIES)

Table 1-3 Natural England Appendix L5

ID	Natural England Comment	Applicant Response
Introduction		
1	Natural England has reviewed the Report on the Implication for European Sites (RIES) [PD-020] for the Sheringham Shoal Extension Project (SEP and Dudgeon Extension Project (DEP). In Table 1, we provide answers to the question posed within the RIES. Further comments are detailed in Table 2.	Noted.
General Comments		
2	Natural England acknowledges that only submissions up to Deadline 5 on the 13th June 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 before it is included within an ExA report to the Secretary of State (SoS). As previously advised to PINS and BEIS, Natural England does not	Noted.

ID	Natural England Comment	Applicant Response
	consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments, as the RIES draws no AEol conclusions.	
3	If it is considered that the conservation objectives for any designated site interest feature will be hindered, or this is reasonable scientific doubt regarding this, then an Adverse Effect on Integrity (AEol) cannot be excluded.	
4	Please be advised that as a Statutory Nature Conversation Body (SNCB) our remit doesn't extend beyond advising on the ecological merits of proposals, thus excluding us from making comment on Imperative Reasons of Overriding Public Interest (IROPI) submissions.	

Table 1-4 The Applicant's comments on Appendix L5 Table 1: Questions within the RIES

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
RIES-Q1	To the Applicant	No response required		
RIES-Q2	To NE and all IPs - Except for those sites/features listed in Table 2-1 of this RIES, the ExA is not aware of any representations from IPs identifying any additional UK European sites or qualifying features for inclusion in the Applicant's HRA. IPs are invited to	Natural England has no further representation to add.		Noted.
RIES-Q3	To NE and NS – Please can you confirm whether you are content with the Applicant's screening	Natural England is content with the Applicant's screening as updated during examination.		Noted.

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
	assessment for European sites as updated during the Examination [REP4-009].			
RIES-Q4	To the Applicant	No response required		
RIES-Q5	To NE - Can NE confirm it is still in agreement that there would be no AEol to this SAC and qualifying feature from the Proposed Developments, alone or in-combination with other plans or projects.	Natural England confirms it is still in agreement that there would be no AEol to the Berwickshire and North Northumberland Coast SAC and grey seal qualifying feature from the Proposed Developments, alone or in-combination with other plans or projects.		Noted.
RIES-Q6	To the Applicant	No response required		
RIES-Q7	To the Applicant and NE – please provide a position statement for the marine mammal SACs and their qualifying features. Please provide any comments on the matters in Table 3-3 to clarify the ExA's understanding, where you consider this to be inaccurate/contain omissions.	<p>The Applicant and Natural England have created a joint position statement regarding marine mammal SACs and their qualifying features which is being submitted by the Applicant at Deadline 7.</p> <p>This position statement reflects Natural England's current position on the marine mammal SACs and their qualifying features. Please note that Natural England is expecting a response from the Applicant on two outstanding queries on the population modelling at Deadline 7. We anticipate that once we have received additional information from the Applicant at Deadline 7, we will update our position statement to a final position statement.</p> <p>Natural England's position on the points raised in Table 3-3 of the RIES are as follows:</p>		<p>The Applicant updated the Marine Mammals Technical Note and Addendum (Revision B) [document reference 16.14] to address Natural England's comments in REP6-029.</p> <p>The Final Statement of Common Ground with Natural England (Offshore) (Revision B) [document reference 14.7] submitted at Deadline 8 shows that there is agreement between the Applicant and Natural England that AEol on all marine mammal sites and features can be excluded with the exception of harbour porpoise of the Southern North Sea SAC due to Natural England's concerns on the SIP process in the post-consent phase.</p> <p>The Applicant understands Natural England's outstanding concerns on the SIP process in the post-consent phase are related to the management and implementation of SIPs by the MMO, rather than being related to the SEP and DEP specific SIP. The MMO have stated that they <i>"are satisfied</i></p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>ID 3-3-1 – Natural England is satisfied with the revised assessment provided by the Applicant regarding the Humber Estuary SAC in Annex 2 of the Marine Mammals Technical Note and Addendum. Please see our detailed response to the population modelling in the Marine Mammals Technical Note and Addendum submitted at Deadline 6.</p> <p>ID 3-3-2 – Please see our detailed response to the population modelling in the Marine Mammals Technical Note and Addendum submitted at Deadline 6.</p> <p>ID 3-3-3 – see response to RIES-Q10a and RIES-Q10b.</p> <p>ID 3-3-4 – see response to RIES-Q11.</p> <p>ID 3-3-5 - Natural England is satisfied with the revised assessment provided by the Applicant regarding the Wash and North Norfolk Coast SAC in Annex 2 of the Marine Mammals Technical Note and Addendum. Regarding the population modelling undertaken for the Wash and North Norfolk Coast SAC, please see our response at Deadline 6.</p> <p>ID 3-3-6 - Please see our response to RIES-Q10a.</p> <p>ID 3-3-7 – We are satisfied with the Applicant’s assessment of barrier effects to harbour seal, as stated in our Risk and Issues Log submitted at Deadline 5.</p> <p>ID 3-3-8 – We await the Applicant’s response on this point and RIES-Q12.</p>		<p><i>that the SIP is currently provides sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for marine mammals would not be breached” (MMO’s response to Q3.12.2.4 [REP5-080]).</i></p> <p>The Applicant also notes that the SoS’s decision on Hornsea 4 confirms that the Site Integrity Plan (SIP) remains the appropriate means of mitigating disturbance effects. This supports the Applicant’s position on this matter.</p> <ul style="list-style-type: none"> • ID 3-3-1 & ID 3-3-2 – See above response, the Applicant and Natural England are agreed that AEol can be excluded for all sites except SNS SAC. • ID 3-3-3 - See response to RIES-Q10a and RIES-Q10b. • ID 3-3-4 – See response to RIES-Q11. • ID 3-3-5 – Noted regarding Annex 2 of the Marine Mammal Technical Note and Addendum (Revision B) [document reference 16.14]. See above response relating to the potential for in-combination disturbance of bottlenose dolphin, grey seal and harbour seal. • ID 3-3-6 – See response to RIES-Q10a. • ID 3-3-7 – Noted. • ID 3-3-8 – See above response relating to the potential for disturbance at seal haul-out sites within The Wash and North Norfolk Coast SAC. • ID 3-3-9 – See above response relating to the potential for in-combination disturbance of bottlenose dolphin, grey seal and harbour seal.

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>ID 3-3-9 - Natural England provided a detailed response to the population modelling of the Marine Mammals Technical Note and Addendum at Deadline 6. Please refer to this response. In summary, there were two outstanding queries on the population modelling. The Applicant has indicated that they will submit an updated Marine Mammals Technical Note and Addendum at Deadline 7 which addresses the outstanding queries.</p> <p>ID 3-3-10 – Please see our response to RIES-Q13. Please also see our concerns raised regarding the SIP process.</p> <p>ID 3-10-11 – We are satisfied with the Applicant’s assessment of geophysical and seismic sources, as stated in our Risk and Issues Log submitted at Deadline 5. Please also see our concerns raised regarding the SIP process.</p> <p>ID 3-10-12 – Please see our response to RIES-Q14.</p> <p>ID 3-3-13 - Please see our response to RIES-Q15.</p> <p>ID 3-3-14, 3-3-15, 3-3-16 – The Applicant has updated their assessment of in-combination disturbance against the seasonal threshold (as we noted in the Risk and Issues Log submitted at Deadline 5); we are satisfied with the updated assessment. As stated in the RIES, we consider our concerns around the SIP process to be unresolved.</p>		<ul style="list-style-type: none"> • ID3-3-10 – See response to REIS-Q13. • ID 3-3-11 – Noted. See above response on Natural England’s outstanding concerns on the SIP process. • ID 3-3-12 – See response to REIS-Q14. • ID 3-3-13 – See response to REIS-Q15. • ID 3-3-14, 3-3-15 & 3-3-16 – Noted. See above response on Natural England’s outstanding concerns on the SIP process. • ID 3-3-17 – See response to REIS-Q16. • ID 3-3-18 – See response to REIS-Q17. • ID 3-3-19 – See response to REIS-Q18. • ID 3-3-20 – The Applicant considers that the information provided within the OIPMP for marine mammals is sufficient at this stage of the Projects. The OIPMP provides information on the aims of the monitoring proposals, and the key knowledge gaps the monitoring will aim to achieve, including, where relevant, investigating the effectiveness of mitigation. The Applicant considers that flexibility in the final monitoring design and timeframes is appropriate to ensure the final project design and programme can be properly considered, and to ensure that other monitoring plans and future research is taken into account.

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>ID 3-3-17 – Please see our response to RIES-Q16.</p> <p>ID 3-3-18 – Please see our response to RIES-Q17. Please also see our concerns raised regarding the SIP process.</p> <p>ID 3-3-19 – Please see our response to RIES-Q18.</p> <p>ID 3-3-20 - As stated in the RIES, we consider this matter relating to the OIPMP to be unresolved.</p>		
RIES-Q8(a)	<p>To NE – Can NE confirm whether the updated OEMP [REP3-068] and updated Outline CoCP [REP5-029] satisfy its request for further information to be provided in the OLEMS.</p>	<p>Natural England advises that while there are commitments and some outline mitigation measures included within the OEMP [REP3-068] and/or Outline CoCP [REP5-029], the detail is not consistent between documents and not sufficient for the purposes of bentonite breakout (see ID RIES-Q8(b) and pink-footed geese (RIES-Q9).</p> <p>Our general advice remains unchanged that outline mitigation measures should be included as separate plans as part of the consenting phase.</p> <p>In addition, as advised through the examination, we have advised the Applicant to combines the Outline Landscape Management Plan and the Outline Ecological Management Plan into a joint Outline Landscape and Ecological Management Strategy (OLEMS). This request is based upon our experience with other Offshore Wind Farm NSIPs and has been successfully undertaken by East Anglia ONE North (EA1N) and East Anglia</p>		<p>Noted. See responses to ID RIES-Q8(b) and RIES-Q9.</p> <p>The Applicant maintains its position regarding not combining the Outline Landscape Management Plan and the Outline Ecological Management Plan into a joint Outline Landscape and Ecological Management Strategy (OLEMS) and refers to its previous responses.</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>TWO (EA2). Given the nature of these documents, there is a need to cross reference between documents, particularly in discharging DCO requirements post consent.</p>		
RIES-Q8(b)	<p>To NE: Does NE consider the necessary mitigation is adequately secured through the dDCO (current version [REP5-029]) and is NE of the view that an AEoI can be excluded to the SAC and its qualifying features?</p>	<p>As above, our general advice remains unchanged that outline mitigation measures should be included as separate plans as part of the consenting phase.</p> <p>Natural England notes the Applicant's intention within the outline CoCP [REP5-030] to produce a bentonite breakout plan post consent. The condition within the DCO that the final CoCP will be in accordance with the outline document secures this commitment.</p> <p>However, through examination we were expecting the Applicant to submit an outline bentonite breakout mitigation plan and therefore we had reserved any comment on the measures within the OCoCP [REP5-030].</p> <p>Natural England advises we have concerns with the second and third bentonite mitigation measures outlined in Para 137 of the Outline CoCP [REP5-030]. These measures to use sand bags and pumping bentonite back to a lagoon are only workable in drier conditions and therefore not applicable to all situations within the River Wensum SAC.</p> <p>Therefore, until an outline bentonite mitigation plan is agreed, Natural England is unable to conclude with certainty that the likelihood of AEoI to the white-clawed crayfish, brook</p>		<p>Mitigation in respect of the River Wensum SAC is secured within the Outline Ecological Management Plan (Revision E) [document reference 9.19] (submitted at Deadline 7) and the Outline Code of Construction Practice (Revision G) [document reference 9.17] which are secured by Requirements 13 and 19 of the draft DCO (Revision K) [document reference 3.1], respectively.</p> <p>The Applicant understands that this question relates to a request made by Natural England to provide a standalone Bentonite Breakout Management Plan, noting that Horizontal Directional Drilling (HDD) methods will be used to cross the River Wensum SAC to mitigate impacts to qualifying features of the River Wensum SAC such as white-clawed crayfish (see paragraph 68 of the Outline Ecological Management Plan (Revision E) [document reference 9.19] submitted at Deadline 7).</p> <p>For the reasons set out below, the Applicant considers that such a requirement is unnecessary and would not comply with the relevant policy on when requirements should be imposed. Furthermore, the issues raised by Natural England in respect of the risk of bentonite breakout are not unique to SEP and DEP. Such a risk will be present in any development that utilises HDD methods for installation (whether cables, pipelines or otherwise). The Applicant is proposing to control this risk in an industry standard manner and in accordance with how this has been secured in other DCOs and in other consenting regimes.</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>lamprey and bullhead features of the River Wensum SAC can be avoided.</p> <p>However, as advised in REP3-145 once the mitigation measures are agreed, Natural England is likely to agree that the risk of AEol to the River Wensum SAC will be significantly reduced. Therefore, along with the Environment Agency, Natural England wishes to be a named consultee to the outline bentonite mitigation plan.</p>		<p>On that basis, the Applicant has not provided without prejudice wording for a Requirement within the draft DCO.</p> <p>The policy position on the use of requirements within DCOs is set out in paragraph 4.1.7 of EN-1 (paragraph 4.1.16 of draft EN-1 (March 2023)). This states that the Secretary of State should only impose requirements where they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The policy goes on to state that the Secretary of State should take account of guidance in the (now replaced) guidance in Circular 11/95 or any successor to it. Paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance on the use of planning conditions are up to date national policy and reiterate the policy requirements that conditions (or requirements) should be kept to a minimum. The NPPF and PPG re-state the same policy requirements as those set out in Paragraph 4.1.7 EN-1.</p> <p>The Applicant responded direct to Natural England's concerns within row I2 of the Natural England's Risk and Issues Log at Deadline 5 [REP5-065]. The Applicant is also submitting an updated response to the Risks and Issues Log [document reference 22.16] at Deadline 8].</p> <p>The Applicant considers that mitigation measures are already sufficiently secured that remove any risk of AEol to the white-clawed crayfish, brook lamprey and bullhead features of the River Wensum SAC.</p> <p>The Outline Code of Construction Practice (Revision G) [document reference 9.17] contains mitigation measures for sediment management (Section 8.1.1), pollution prevention (Section 8.1.2) and bentonite breakout (8.1.4). The implementation of Requirement 19 of the draft DCO</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
				<p>(Revision K) [document reference 3.1]. Sub-paragraph 19(1) states:</p> <p>“(1) No phase of the onshore works may commence until a code of construction practice (which must accord with the outline code of construction practice) for that phase has been submitted to and approved by the relevant planning authority following consultation as appropriate with Norfolk County Council, the Environment Agency, Natural England and, if applicable, the MMO.”</p> <p>Sub-paragraph (3) goes on to state that all construction works for each phase must be undertaken in accordance with the relevant approved code of construction practice.</p> <p>The Applicant notes that Natural England is a named consultee for the planning authority when it comes to them discharging requirement 19.</p> <p>A final Bentonite Breakout Plan would be developed prior to construction and would be informed by further detailed design and surveys including hydrofraction survey at all drill sites. A site-specific risk assessment would then be undertaken as part of the post consent detailed design process (see paragraph 131 of the Outline Code of Construction Practice (Revision G) [document reference 9.17]). This will include measures to ensure drilling stops once a breakout is reported (there will be a drop in pressure at the drill head). At the request of Natural England, the Outline Code of Construction Practice (Revision G) [document reference 9.17], para. 144] requires that any bentonite breakout within designated sites are to be reported to Natural England as soon as possible and, in any event, within 24 hours.</p> <p>The Applicant considers that including these measures in the code of construction practice is the appropriate</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
				<p>mechanism to secure these mitigations. The Applicant notes that this is well precedented and other nationally significant infrastructure projects do not include standalone plans for bentonite breakout and, instead, incorporate these within the Outline Code of Construction Practice at the consenting phase e.g. Hornsea Four Offshore Wind Farm Order (2023), Norfolk Boreas Offshore Wind Farm Order (2021), and The Hornsea Three Offshore Wind Farm Order (2020). Similarly, the Construction and Environmental Plan submitted in support of the Aquind Interconnector DCO application included details of measures that will used to avoid and mitigate impacts of a bentonite breakout. No commitment has been provided by that project to prepare a standalone Bentonite Breakout Plan.</p> <p>The Applicant has assessed the risk of impact to the to the white-clawed crayfish, brook lamprey and bullhead features of the River Wensum SAC within the Report to Inform the Appropriate Assessment (RIAA) (onshore) Technical Note [REP2-050] (the assessment on the habitat feature and Desmoulin's whorl snail having already been carried out in the previously submitted RIAA [APP-059]. The technical note concludes that following the mitigation identified in the document (Sections 2.3.2.1 to 2.3.2.3), which has been incorporated within the Outline Code of Construction Practice (Revision G) [document reference 9.17], there would be no adverse effect on the integrity of the River Wensum SAC in relation to the conservation objectives for white-clawed crayfish, bullhead or brook lamprey (that conclusion having previously been made for the habitat feature and Desmoulin's whorl snail in the RIAA [APP-059]).</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
				<p>To include a standalone requirement in respect of bentonite breakout would be unnecessary duplication of controls on development. That can lead to complications and delay in the discharge of requirements and would be unreasonable to impose. Such a requirement would not comply with the relevant policy in EN-1. Natural England have given no good reason to depart from the well-precedented approach. As outlined above, Natural England will be consulted by the Applicant in developing the final bentonite breakout plan and will be consulted by the planning authority in discharging requirement 19.</p> <p>In the event that the Examining Authority is minded to impose a Requirement relating to the Bentonite Breakout Management Plan, and recommends this to the Secretary of State, the Applicant requests the opportunity to be consulted on the proposed drafting of such a Requirement.</p>
RIES-Q9	<p>To the Applicant and NE – please provide an update with regards to the discussions concerning pink- footed goose mitigation measures and how these are to be secured. Could the Applicant confirm whether amendments are required to the dDCO to secure such measures. Does NE agree that there would be no AEol to this feature of the SPA and Ramsar?</p>	<p>As per our advice to WQ4.14.1.12, we understand from the Applicant they do not wish to progress Best Practice Guidance on mitigation for pink-footed geese (PFG). Therefore, there is insufficient time remaining within the examination to inform an agreed PFG mitigation plan.</p> <p>The Applicant has provided further confirmation directly to NE, that there is a commitment for a pink footed geese mitigation plan within the Outline EMP and will commit to further engagement with Natural England post examination. If appropriate, we will respond to further updates to the EMP submitted by the Applicant at D7. However, our general advice remains unchanged that outline mitigation</p>		<p>The Applicant refers to it's response in The Applicant's Response to the Examining Authority's Rule 17 Letter dated 12 July 2023 [document reference 22.2].</p> <p>The Applicant has proposed to use a bespoke iteration of Natural England's emerging PFG mitigation guidance, which the Applicant considers is more appropriate for the anticipated impacts of SEP and DEP on PFG. Confirmation is awaited from Natural England as to whether NE consider the proposed mitigation approach would suitably address the negligible/low project-specific risks of SEP and DEP on PFG.</p> <p>The Applicant notes Natural England's comment regarding not being able to provide PINS with necessary comfort that appropriate mitigation measures will be adopted to remove the risk of AEol. The Applicant is seeking clarification from Natural England as to the impact pathway by which there</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
		<p>measures should be included as separate plans as part of the consenting phase.</p> <p>As our concerns as to what the PFG mitigations will include remain outstanding at this time, our position is that we are unable to provide the decision maker the necessary comfort that appropriate mitigation measures will (and can) be adopted to remove and/or suitably reduce the risk of the likelihood of AEol to the pink-footed geese feature of the North Norfolk Coast SPA and Ramsar.</p> <p>Natural England advises that a condition is added to the DCO that ensures that until the PFG mitigation measures are agreed no works can commence.</p> <p>This has also been included within our updated R&I Log (Tabs A and I at D7).</p>		<p>could be an AEol due to disturbance and/or displacement of PFG from functionally linked land, following implementation of the proposed PFG mitigation measures (the watching brief and avoidance of fields suitable for and being used by PFG until and unless they have exhausted it as a feeding resource). The Applicant anticipates the proposed mitigation approach would be fully effective and thereby allow a conclusion of No AEol to be reached, because of the absence of an impact pathway.</p>
Marine Mammals				
RIES-Q10a	<p>To NE - Could NE confirm whether the Applicant's response to this matter at Deadline 1 [REP1-034] addressed the point raised by NE that an assessment of impacts to seal SACs (Humber Estuary and The Wash and North Norfolk Coast SAC) should include impacts to functionally linked habitat in the wider</p>	<p>Whilst Natural England maintains that impacts to functionally linked habitat of seal SACs should be considered for LSE, we are content that there would be no AEol from this pathway.</p>		<p>Noted.</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
	environment that is used by the seal qualifying features?			
RIES-Q10a	RIES-Q10b: To NE - Noting that D16 in the latest Risk and Issues Log [REP5-093](original Point 68 of NE's RR) identifies that the Applicant has in part addresses its concerns, could NE expand on its outstanding	As above, in response to RIES-Q10a.		Noted.
RIES-Q11	RIES-Q11: To NE –Can NE confirm whether the Applicant has satisfied its request for an updated assessment of barrier effects with information on movements (from telemetry data) and area lost due to effects. Please expand on any remaining concerns with the assessment of barrier effects.	The Applicant has provided an updated assessment of barrier effects that provides part of the requested information. We are content that there would be no AEoI from this pathway.		Noted.
RIES-Q12	To the Applicant	No response required		-
RIES-Q13:	To NE - Point 74 of NE's RR [RR-063] does not specifically appear in NE'S Risk and Issues Log [REP5-093]. It is unclear if	The clarification provided by the Applicant in the Marine Mammals Technical Note has addressed Natural England's concerns on the matter.		Noted.

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
	<p>the clarification provided by the Applicant at Deadline 2 [REP2-051] and in the Marine Mammals Technical Note [REP3-115] with regards to simultaneous piling has addressed NE's concerns on this matter. Please can NE respond.</p>			
<p>RIES-Q14</p>	<p>To NE: Can NE Confirm whether the Applicant has addressed its concerns in its Deadline 2 response [REP2-051]. Please expand on any remaining concerns.</p>	<p>The Applicant has sufficiently addressed Natural England's concerns (Point 72 in NE's RR) in its Deadline 2 response. There are no remaining concerns.</p>		<p>Noted.</p>
<p>RIES-Q15</p>	<p>To NE: Can NE confirm whether the Applicant has addressed its concerns in its Deadline 2 response [REP2-051]. Please expand on any remaining concerns.</p>	<p>Whilst Natural England maintains that an assessment of impacts to sandeel would be beneficial, but we consider it unlikely that impacts to sand eels for marine mammals will have an AEoI from this pathway. This is due to sufficient alternative prey availability.</p>		<p>Noted.</p>
<p>RIES-Q16</p>	<p>Can NE confirm whether the Applicant has addressed its concerns in the Marine Mammals Technical Note [REP3-115]. Please expand on any remaining concerns.</p>	<p>The Applicant has sufficiently addressed Natural England's concerns (General Comments, Assessment: In combination, Paragraph 1 in NE's RR) in its Deadline 2 response. There are no remaining concerns.</p>		<p>Noted.</p>

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
RIES-Q17	To NE - Noting NE's response at Deadline 5 [REP5- 094] to WQ3 Q3.12.2.4 and initial comments in its RR [RR-063], together with statements made in the Applicant's Marine Mammal Technical Note [REP3- 115] that 'any mitigation measures to reduce the disturbance of harbour porpoise in the project specific SIPs may also reduce the potential disturbance of grey seal/harbour seal', does the matter of the use of the MMMP and SIP for disturbance also relate to the seal SACs (Humber Estuary SAC and The Wash and North Norfolk Coast SAC) or only the SNS SAC?	<p>The SIP is a mechanism to control and mitigate in-combination disturbance to the SNS SAC only.</p> <p>The MMMP outlines mitigation measures to minimise the risk of auditory injury to all marine mammals from underwater noise.</p>		<p>The Applicant considers Natural England's outstanding concerns on the SIP process in the post-consent phase are related to the management and implementation of SIPs by the MMO, rather than being related to the SEP and DEP specific SIP. The MMO have stated that they "<i>are satisfied that the SIP is currently provides sufficient control over the timing and nature of noisy activities to ensure that the relevant in-combination disturbance impact thresholds for marine mammals would not be breached</i>" (MMO's response to Q3.12.2.4 [REP5-080]).</p> <p>The Applicant notes that the SoS's decision on Hornsea 4 confirms that the Site Integrity Plan (SIP) remains the appropriate means of mitigating disturbance effects. This supports the Applicant's position on this matter.</p>
RIES-Q18	To NE – Can NE confirm whether the Applicant has addressed its concerns in its Deadline 3 response [REP3-017]. Please expand on any remaining concerns,	The Applicant has sufficiently addressed Natural England's concerns (General Comment 2 in NE's RR) in its Deadline 3 response. There are no remaining concerns.		Noted.

RIES ID	RIES Question	Natural England Comment	RAG Status	Applicant Response
RIES-Q19	To the Applicant	No response required		

Table 1-5 The Applicant's comments on Appendix L5 Table 2: Detailed Comments

NE ID	Page/ Section/Table Ref	Natural England Comment	RAG Status	Applicant Response
Offshore Ornithology				
1	Outer Thames Estuary SPA. Page 100 3-4-21	Within the REIS it is stated that “The Applicant [REP4-031] stated at Deadline 4 that, as it had set out in its RIAA [APP-059] (Paragraph 1088), it maintains that 1% mortality is sufficiently precautionary and that there is no evidence to support the application of 10% mortality for birds displaced by O&M vessels. The Applicant [REP4-031] stated this it can present the 10% mortality values in the update to the Apportioning and Habitats Regulations Assessment Updates Technical Note to be submitted at Deadline 5.” Natural England observes that this information was not included by the Applicant within the Apportioning and HRA Update (Revision C) [REP5-043] submitted at Deadline 5. However, subsequent clarifications from the Applicant regarding vessel activity within the Outer Thames Estuary and Greater Wash SPAs has meant that in this instance, having site of the 10% mortality rate calculations is not critical to our conclusions of impacts on these sites. Amend REIS to clarify		<p>The Applicant notes that the best practice protocol for minimising disturbance to red-throated divers was updated at Deadline 7 (see the Outline PEMP (Revision D) [document reference 9.10] to include updated vessel management commitments as agreed with Natural England that would further mitigate potential effects on the red-throated diver feature of the Outer Thames Estuary SPA.</p> <p>As noted in the Final Statement of Common Ground with Natural England (Offshore Ornithology) (Revision B) [document reference 14.8], the Applicant and Natural England are agreed that an AEoI on the Outer Thames Estuary SPA can be ruled out.</p>

NE ID	Page/ Section/Table Ref	Natural England Comment	RAG Status	Applicant Response
		this. No further updates necessary for this impact pathway.		
2		<p>We note that in regards the in-combination impact to Guillemot, Razorbill and the seabird assemblage at FFC SPA, we have already reached a conclusion of AEol for these features at the close of the Hornsea 4 Examination. The additional impacts arising from SEP and DEP (albeit at a level that results in conclusion of no AEol alone or together) will add to the adverse effect for these features and will continue to result in a conclusion of AEol in combination.</p> <p>Amend REIS to clarify Natural England's position at the end of the Hornsea 4 Examination and the implications for our SADEP integrity judgements.</p>		<p>The Applicant notes that in his recent decision on Hornsea Project 4, the SoS confirmed that in-combination AEol of the razorbill and seabird assemblage features of the FFC SPA can be excluded. The project-alone effects from SEP and DEP are not at a level that would be anticipated to tip the threshold of adverse effect and therefore the Applicant would anticipate that this would also be his conclusion for SEP and DEP.</p>