



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Response to the Secretary of State's
Request for Information dated 22 November 2023

Revision A

Request for Information

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1 The Applicant's Response to the Secretary of State's Request for Information dated 22 November 2023

1. The following tables set out the Applicant's response to the Secretary of State's Request for Information dated 22 November 2023.

2 Navigation and Shipping

Table 1 Applicant's responses to Navigation and Shipping request for information

Number	Respondent	Question	Applicant Response															
3.	The Applicant Maritime and Coastguard Agency	<p>The Secretary of State notes the mitigation proposed by the Maritime and Coastguard Agency ("MCA") in the form of an obstacle free zone. The Applicant and the Maritime and Coastguard Agency are invited to confirm their positions on such wording either as a condition in the Deemed Marine Licenses and/or a requirement in Schedule 2 of the Development Consent Order ("DCO"). In particular, comments are requested on the Works or infrastructure to which such a condition should apply. Confirmation should also be provided as to whether the coordinates set out below, in particular suggested amendments to the NE and SE corner, are correct:</p> <p><i>No infrastructure [listed in Work No. XX] shall be installed within the area defined by the coordinates as specified below and no part of any wind turbine generator, including its blades, may overfly into the area:</i></p> <table border="1"> <thead> <tr> <th>Point ID of the area</th> <th>Latitude (D°M.MM')</th> <th>Longitude (D°M.MM')</th> </tr> </thead> <tbody> <tr> <td>A (NW corner)</td> <td>53° 21.1541' N</td> <td>1° 10.1853' E</td> </tr> <tr> <td>B (SW corner)</td> <td>53° 19.0449' N</td> <td>1° 12.3327' E</td> </tr> <tr> <td>C (NE corner)</td> <td>53° 21.1558' N</td> <td>1° 11.8346' E</td> </tr> <tr> <td>D (SE corner)</td> <td>53° 19.5696' N</td> <td>1° 13.6102' E</td> </tr> </tbody> </table>	Point ID of the area	Latitude (D°M.MM')	Longitude (D°M.MM')	A (NW corner)	53° 21.1541' N	1° 10.1853' E	B (SW corner)	53° 19.0449' N	1° 12.3327' E	C (NE corner)	53° 21.1558' N	1° 11.8346' E	D (SE corner)	53° 19.5696' N	1° 13.6102' E	<p>In the event the Secretary of State is minded to grant development consent, the Applicant considers that the Secretary of State has 3 options available.</p> <p><u>Option A (the Applicant's Position)</u></p> <p>This is the Applicant's preferred outcome in line with all its previous submissions in relation to this matter, which are referenced in the final paragraph of Burges Salmon LLP's letter to the Secretary of State of 01 December 2023. This involves granting development consent without a structure/obstacle free zone within DEP-N as reflected in the Applicant's Works Plans (Offshore) (Revision D) [REP8-003] and the Draft Development Consent Order (DCO) (Revision L) [document reference 3.1].</p> <p><u>Option B (the MCA's Position)</u></p> <p>The Applicant maintains that the MCA's proposed mitigation requiring a structure free zone is not justified or appropriate. However, in the event the Secretary of State is minded to include the proposed MCA wording in the DCO, the Applicant has set out the amendments that would need to be made to the Applicant's draft DCO (Revision L) [document reference 3.1] in Table 1 of Appendix A.1 Shipping and Navigation – Without Prejudice Changes to the DCO within Supporting Documents for the Applicant's Response to the Secretary of State's</p>
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Number	Respondent	Question	Applicant Response
			<p>Request for Information dated 22 November 2023 [document reference 23.2.1].</p> <p>The Applicant considers that, in the event the MCA wording is adopted, it should be included as an additional deemed marine licence (DML) condition in Schedules 11 and 13 of the draft DCO. These are the DEP DMLs for the DEP generation and transmission assets. The MCA's proposed wording is only relevant to DEP and to Work Nos. 1B (DEP WTG Array) in all 4 scenarios and 3B (DEP Offshore Substation Platform) in the event of scenario 1, 2 or 3. It is not relevant to work no. 3C in the event of scenario 4 as in this scenario (which provides for integrated offshore transmission works) there would only be one offshore platform for both SEP and DEP located in the SEP array area.</p> <p>The Applicant notes the revised coordinate ordering provided by the Secretary of State represents that put forward by the MCA, with the exception that the coordinates now match the notation in Figure 1 of Maritime and Coastguard Agency Deadline 7 Submission - Responses to the Examining Authority's Fourth Written Questions (WQ4) [REP7-096].</p> <p>The Applicant believes it is preferable that the coordinates are listed in counterclockwise sequence so that when drawn point to point the polygon rendered is a quadrilateral rather than two congruent triangles. This is a standard of geographical information systems and has been followed in Table 1 of Appendix A.1 Shipping and Navigation – Without Prejudice Changes to the DCO within</p>

Number	Respondent	Question	Applicant Response
			<p>Supporting Documents for the Applicant's Response to the Secretary of State's Request for Information dated 22 November 2023 [document reference 23.2.1].</p> <p><u>Option C (MCA position based on 10m controlling depth)</u></p> <p>The Applicant notes that it submitted a without-prejudice position at Deadline 7 and Deadline 8 using the MCA's calculation of an acceptable width but based from the correct controlling depth of 10m (see Deadline 7 Submission – 21.5 The Applicant's Responses to the Examining Authority's Fourth Written Questions [REP7-065] and Deadline 8 Submission – 22.25 The Applicant's Comments on the Maritime and Coastguard Agency's Deadline 7 Submission [REP8-074] and the Burges Salmon LLP letter of 01 December 2023). The Applicant's position at Deadlines 7 and 8 was that this could be secured by removing Work No 1B and 3B (DEP WTG array and DEP Offshore Substation Platform, respectively) from an area in the northwest extent of DEP (see Deadline 8 Submission – 2.7.2 Works Plans (Offshore) (Without Prejudice) (Revision B) [REP8-004]).</p> <p>In the event the Secretary of State considers that the MCA wording should be included but that the coordinates should be corrected to reflect the 10m controlling depth, the Applicant has set out the amendments that would need to be made to the Applicant's draft DCO (Revision L) [document reference 3.1] in Table 2 of Appendix A.1 Shipping and Navigation – Without Prejudice Changes</p>

Number	Respondent	Question	Applicant Response
			<p>to the DCO within Supporting Documents for the Applicant's Response to the Secretary of State's Request for Information dated 22 November 2023 [document reference 23.2.1].</p>
4.	The Applicant	The Applicant should also provide revised works plans to reflect the condition/requirement set out at paragraph 5 above.	<p>The Applicant has submitted a further set of offshore works plans to reflect Option B above. These are 2.7.3 Works Plans (Offshore) (Without Prejudice) [document reference 2.7.3].</p> <p>The Applicant notes that if the Secretary of State is minded to reflect Option A in the DCO the correct offshore works plans to reference are Deadline 8 Submission – 2.7 Works Plans (Offshore) (Revision D) [REP8-003] and if the Secretary of State is minded to use Option C in the DCO it should reference Deadline 8 Submission – 2.7.2 Works Plans (Offshore) (Without Prejudice) (Revision B) [REP8-004].</p>

3 Civil Aviation

Table 2 Applicant's responses to Civil Aviation request for information

Number	Respondent	Question	Applicant Response
5.	The Applicant NATS	The Applicant and NATS are invited to provide an update on the progress of discussions on mitigations to address any impacts of the Proposed Development on Primary Surveillance radar and whether NATS is in a position to withdraw its objection to the Proposed Development.	A form of agreement to secure the necessary mitigation has been agreed between the parties and is subject only to execution and completion of that agreement. Requirement 28 of the Draft Development Consent Order (Revision L) [document reference 3.1] is in NATS' agreed form of drafting. On this basis, the Applicant understands that NATS will withdraw their objection pursuant to their Relevant Representation [RR-062] and Additional Submission [AS-043] and confirm the same to the Secretary of State directly.

4 Crown Land Consent

Table 3 Applicant's responses to Crown Land Consent request for information

Number	Respondent	Question	Applicant Response
6.	The Applicant	The Applicant is requested to confirm whether consents have been obtained from the relevant Crown Authorities namely the Secretary of State for Defence and the Secretary of State for Transport (or National Highways) for the Crown Land affected by the Proposed Development consistent with the Book of Reference [REP8-014, Part 4].	<p><u>Secretary of State for Transport</u></p> <p>The Applicant has been in discussions with National Highways and the Department of Transport since the close of Examination. Having considered and reviewed further information, the Applicant is now satisfied that the Secretary of State for Transport (SoST) has not retained an interest in plots 28-002, 28-004, 28-005, 28-006, 28-007, 28-008, 28-009, 28-010 and 35-002 as previously identified in the Book of Reference and on the Crown Land Plan. The Applicant has therefore updated the Book of Reference (Revision I) [document reference 4.1] to remove the interests noted for the SoST and updated the Crown Land Plan (Revision E) [document reference 2.4] to remove those plots. As such, no section 135 consent is required from the SoST.</p> <p><u>Secretary of State for Defence</u></p> <p>The Applicant has been in discussions with the MOD since the close of Examination.</p> <p>The Applicant has obtained s135 consent from the Secretary of State for Defence in respect of plots 01-002, 01-003, 01-005, 01-006, 01-007, 01-008, 01-011, 01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-026, 01-027, 01-028, 01-029, 01-030, 01-031, 01-032, 01-033, 01-034,</p>

Number	Respondent	Question	Applicant Response
			<p>01-035 and 01-037. A copy of the letter can be found at Appendix A.4 Ministry of Defence s135 Letter within the Supporting Documents for the Applicant's Response to the Secretary of State's Request for Information dated 22 November 2023 [document reference 23.2.1].</p> <p>Having considered and reviewed further information in relation to plots 16-014, 16-015, 16-017, 35-009, 35-010 and 35-011, the Applicant is now satisfied that the Secretary of State for Defence has not retained an interest in plots 16-014, 16-015, 16-017, 35-009, 35-010 and 35-011 as previously identified in the Book of Reference and on the Crown Land Plan. The Applicant has therefore updated the Book of Reference (Revision I) [document reference 4.1] to remove the interests noted for the Secretary of State for Defence and updated the Crown Land Plan (Revision E) [document reference 2.4] to remove those plots. As such, no section 135 consent is required from the Secretary of State for Defence in respect of plots 16-014, 16-015, 16-017, 35-009, 35-010 and 35-011.</p>

5 Compulsory Acquisition

Table 4 Applicant's responses to Compulsory Acquisition request for information

Number	Respondent	Question	Applicant Response
7.	The Applicant National Trust	The Secretary of State notes the National Trust's objection to the compulsory acquisition of land held inalienably by the National Trust at Weybourne Woods for the Proposed Development. The Applicant and the National Trust are invited to provide an update on whether agreement has now been reached in relation to the relevant plots of land and whether the objection from the National Trust has been withdrawn.	The Applicant notes the National Trust's submissions made to the Secretary of State on 20 December 2023, which were shared with the Applicant. The submissions fairly reflect the current position, and it is hoped that a resolution will be reached very early in January. We will further update the Secretary of State at that time.

6 Protective Provisions

Table 5 Applicant's responses to Protective Provisions request for information

Number	Respondent	Question	Applicant Response
8.	The Applicant National Gas Transmission National Grid Electricity Transmission	After the close of the Examination National Gas Transmission and National Grid Electricity PLC confirmed that they were withdrawing their objection. The Applicant, National Gas Transmission and National Grid Electricity Transmission are asked to confirm whether protective provisions within the DCO are now agreed and if so to provide any amendments to the draft of the DCO provided by the Applicant at the close of Examination.	<p>The agreed form of protective provisions for National Gas Transmission were included in Part 6 of Schedule 14 of the draft Development Consent Order (DCO) (Revision J) [REP7-005].</p> <p>The agreed form of protective provisions for National Grid Electricity Transmission were included in Part 7 of Schedule 14 of the draft DCO (Revision J).</p> <p>This was confirmed in The Applicant's Statutory Undertakers Position Statement (Revision D) (Clean) [REP7-049] in updates, the text of which was agreed with National Gas Transmission and National Grid Electricity Transmission at the time.</p> <p>No further changes to the draft DCO are required.</p>
9.	The Applicant National Highways Orsted Perenco	The Applicant, National Highways, Orsted (in relation to Hornsea 3), and Perenco are asked to confirm whether they have reached agreement on the respective protected provisions for inclusion in the DCO.	<p>1. <u>National Highways</u></p> <p>The Applicant has reached an agreed position with National Highways. An agreed form of protective provisions has been included in the draft DCO (Revision L) [document reference 3.1] at Part 14 of Schedule 14. The Applicant understands National Highways will write to the Secretary of State directly to confirm withdrawal of its objection. Additional changes have been made to the draft DCO (Revision L) [document reference 3.1] at Article 6 in line with the agreed position. The Applicant understands that National Highways will also write to the Secretary of State to request the inclusion of this wording in Article 6.</p>

Number	Respondent	Question	Applicant Response
			<p>Please see the Draft Development Consent Order (Tracked) (Tracked Revision K/L) [document reference 3.1.1] and Schedule of Changes to Revision L of the Draft Development Consent Order [document reference 3.1.2].</p> <p>2. <u>Orsted</u></p> <p>The Applicant, Orsted Hornsea Project Three (UK) Limited (“Hornsea Three”), and Orsted Hornsea Project Four Limited (“Hornsea Four”) have substantially agreed the terms of a cooperation agreement with work currently being undertaken to finalise the appendices so that engrossments can be prepared. The agreement remains subject to final approvals, signing and dating at which point Hornsea Three and Hornsea Four will be in a position to remove their objections and will confirm that protective provisions on their behalf are not required. The Applicant understands Hornsea Three and Hornsea Four are writing to the Secretary of State by the 20 December deadline to confirm the same. It is anticipated that the cooperation agreement will be completed shortly after Christmas and the Applicant will write to the Secretary of State by 8 January to provide an update on the position by that date.</p> <p>3. <u>Perenco</u></p> <p>The Applicant has reached an agreed position with Perenco. An agreed form of protective provisions has been included in the draft DCO (Revision L) [document reference 3.1] at Part 15 of Schedule 14. The Applicant understands Perenco will write to the Secretary of State</p>

Number	Respondent	Question	Applicant Response
			<p>directly to confirm that agreement has been reached, to confirm withdrawal of its objection and to confirm withdrawal of its version of protective provisions submitted at Deadline 7 [REP7-122].</p> <p>4. <u>Network Rail</u></p> <p>For the avoidance of doubt, the Applicant also includes the following update for Network Rail. As confirmed to the Planning Inspectorate by email on 18 October 2023, Network Rail and the Applicant have now reached an agreed position regarding protective provisions. The draft DCO (Revision L) [document reference 3.1] now contains the agreed set of protective provisions for the benefit of Network Rail.</p> <p>5. <u>Norwich Western Link</u></p> <p>Whilst the Applicant notes that the Secretary of State has not requested an update in relation to the Norwich Western Link (NWL), the Applicant understands that Norwich County Council (NCC) will be writing to the Secretary of State to provide its own update. The Applicant therefore confirms that it has been in ongoing discussions with NCC in its capacity as the promoter of the NWL since the close of Examination and has made significant progress in agreeing the terms of a suitable cooperation agreement to reflect the status of the proposed NWL at this time. The Applicant continues to maintain the position that it is within all the parties' interests to negotiate and agree a cooperation agreement but that it is not necessary for that process to be completed at this time. Regardless, the</p>

Number	Respondent	Question	Applicant Response
			<p>Applicant will continue working with NCC to finalise a suitable cooperation agreement as quickly as possible.</p> <p>With regards to the protective provisions requested by NCC at Deadline 7 in relation to the NWL [REP7-087], the Applicant maintains that the protective provisions proposed by NWL are unreasonable and inappropriate for the reasons set out in the Applicant's Deadline 8 Submission – 22.6 The Applicant's Comments on Norwich Western Link's Deadline 7 Submission [REP8—057] and expanded further below. The Applicant maintains that the Secretary of State should not include protective provisions for NCC in its capacity as promoter of NWL.</p> <p>In the Final Statement of Common Ground with NWL [REP8-051], NCC refer to protective provisions included in the Thurrock Flexible Generation Plant Development Consent Order 2022 (“Thurrock DCO”) for the benefit of National Highways to protect its then proposed Lower Thames Crossing (“LTC”) development. NCC suggested that the Thurrock DCO is an example of a publicly promoted infrastructure project which at the time was in a similar position to NWL and sets a precedent for their proposed protective provisions. The Applicant submits that, while the protective provisions secured by National Highways in the Thurrock DCO provide an in-principle precedent for protective provisions being included for a future development without an application for consent, the circumstances of the Thurrock DCO can be clearly distinguished from the present case including:</p>

Number	Respondent	Question	Applicant Response
			<p>a) National Highways had already prepared a full DCO application for the LTC scheme at the time of the Thurrock DCO examination in 2021. National Highways had previously submitted a DCO application in October 2020 and then on 20 November 2020 withdrew it (on the basis of early feedback from the Planning Inspectorate). Owing to this, National Highways and Thurrock Power Limited (i.e. the applicant) had been constructively engaging on the interface of their schemes over a period of three years and National Highways was able to share a copy of the October 2020 application to Thurrock Power Limited for reference. The parties were then able to use this information to prepare a detailed overlay of the order limits for the Thurrock DCO and the proposed LTC DCO at an early stage of the examination. Engagement between National Highways and Thurrock Power Limited was also able to identify a number of scenarios for consideration, including construction programmes. This clearly contrasts with the present case, where NCC is in the process of preparing its application.</p> <p>b) By Deadline 3 of the Thurrock DCO examination, National Highways and Thurrock Power Limited had started working together to agree appropriate protective provisions for the LTC scheme for</p>

Number	Respondent	Question	Applicant Response
			<p>inclusion in the draft development consent order¹. This clearly contrasts with the present case, where NCC provided their version of protective provisions to the Examining Authority at Deadline 7 without notice to the Applicant. As previously stated at Deadline 8, the Applicant had understood the agreed position between the Applicant and NWL throughout the Examination including at a meeting on 17 May 2023 was that protective provisions were not required and instead a cooperation agreement would be entered into at an appropriate time.</p> <p>c) The protective provisions in the Thurrock DCO clearly defined the LTC scheme and include a range of limited and specific requirements in relation to particular work numbers and land plots based on the mutually understood overlap of the two schemes. This sharply contrasts with the approach taken in NCC's proposed protective provisions for NWL, which impose blanket restrictions and seek to apply onerous requirements over a disproportionately extensive area and on works which are also poorly defined.</p> <p>However, in the event that the Secretary of State is minded to include protective provisions for the benefit of NCC, the Applicant has prepared alternative provisions which take a</p>

¹ [EN010092-001231-DL3 BDB Pitmans LLP on behalf of Highways England.pdf \(planninginspectorate.gov.uk\)](#)

Number	Respondent	Question	Applicant Response
			<p>more reasonable and proportionate approach to the interactions between the two developments and better reflect the provisions agreed for the LTC in the Thurrock DCO. The Applicant has taken into account comments from NCC and submits these protective provisions on a without prejudice basis. These are included in Appendix A.3 Protective Provisions for NWL (Without Prejudice) within the Supporting Documents for the Applicants Response to the Secretary of State's Request for Information dated 22 November 2023 [document reference 23.2.1].</p>

7 Habitats Regulations Assessment

Table 6 Applicant's responses to Habitat Regulations Assessment request for information

Number	Respondent	Question	Applicant Response
11.	The Applicant	The Applicant is invited to provide further information in relation to compensation measures identified for Sandwich tern as set out below:	Noted.
12.	The Applicant	The Applicant is requested to provide further information on the design principles and details of the inland pool at Loch Ryan, including progress towards acquiring the land. This should include information on the feasibility and effectiveness of the habitats to be created and that they will be sufficiently attractive for nesting Sandwich terns. Information provided should demonstrate a clear and secure route to implementation and long-term management.	<p>The Applicant has updated the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7] which provides a detailed update on progress on compensatory measures since the close of Examination. A summary of matters considered relevant to this request is provided below.</p> <p><u>Agreement with stakeholders</u></p> <p>Table 2.1 of the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7] summarises the stakeholder consultation undertaken since the close of Examination. With respect to Loch Ryan, 17 separate meetings have been held with stakeholders which were either solely dedicated to the Loch Ryan proposals or at which the Loch Ryan proposals were discussed. These included update meetings with stakeholders who have been involved from the very beginning of discussions on potential Sandwich tern compensation options, i.e. Natural England, RSPB and National Trust, alongside meetings with local and national Scottish stakeholders with a specific interest in the Loch Ryan proposals, i.e. Dumfries and Galloway Council, Scottish Environmental Protection Agency (SEPA), NatureScot, Marine Directorate, Crown Estate Scotland</p>

Number	Respondent	Question	Applicant Response
			<p>and RSPB Scotland. The Applicant presented progress on its Loch Ryan proposals at these meetings including discussion of concept designs (see below) with feedback being sought on <i>inter alia</i> planning and design considerations. The feedback received was largely very positive and the discussions have informed the ongoing refinement of the proposal. In light of this broad stakeholder support for the proposed site and design, the Applicant is progressing towards submission of an application for planning permission in Q1 2024.</p> <p><u>Land agreements</u></p> <p>The Applicant and the landowner of the proposed site have continued to engage positively following the close of Examination. A site location for the inland pool and concept design is provided in Sandwich Tern Compensation - Loch Ryan Inland Pool Site Location and Concept Design Figures [document reference 23.3]. The Applicant and landowner have worked together on the refinement of site selection and design of the proposal to fit within the activities of the wider estate. The proposed lease area is agreed between the Applicant and the landowner. Commercial terms are being progressed by the parties' respective agents (see HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7] which includes a further landowner letter of support within Appendix E). Further details on landowner discussions and agreements are provided in the HRA Derogation and Compensatory</p>

Number	Respondent	Question	Applicant Response
			<p>Measures Update Note (Revision E) [Section 4.3.1.3, document reference 13.7].</p> <p>For completeness, it was noted in The Applicant's Responses to the Examining Authority's Second Written Questions [Q2.14.1.10, REP3-101] that SEL and DEL have compulsory acquisition powers through the Electricity Act 1989 (section 10(1) and schedule 3), which they would consider using if they were unable to secure the necessary land or rights voluntarily. It is the Applicant's strong preference to acquire the land/rights voluntarily and, as positive progress has been made to secure the preferred site to deliver the compensation measure, no compulsory purchase order has been progressed or is considered necessary at this time.</p> <p><u>Design principles</u></p> <p>Concept design work for the inland pool location has progressed considerably since the close of Examination. A concept design drawing is provided in Sandwich Tern Compensation - Loch Ryan Inland Pool Site Location and Concept Design Figures [document reference 23.3] which shows the positive progress that has been made regarding the design of the inland pool.</p> <p>The pool has been designed, at concept design stage, to allow an influx of sea water with every tidal cycle, and this will be by two inlet pipes with non-return valves to allow flow into the pool during high tides, and one outlet pipe and non-return valve to allow discharge of flow during low tides (see Figure 2 of document reference 13.7). This arrangement is by gravity and requires limited maintenance</p>

Number	Respondent	Question	Applicant Response
			<p>with very few moving parts and has the potential to operate in perpetuity with only occasional maintenance.</p> <p>The design of the pool has been informed by a site visit undertaken by the Applicant to St John's Pool Nature Reserve in Caithness in October 2023. St John's Pool has a colony of Sandwich terns and is a model for the Loch Ryan proposal. The site owner provided a detailed tour of the reserve, offering very useful guidance and advice that has fed into the concept design and that will be considered further during detailed design. This advice has been incorporated into the concept design shown in Sandwich Tern Compensation - Loch Ryan Inland Pool Site Location and Concept Design Figures [document reference 23.3] and includes, for example, inclusion of a tidal 'spit', inclusion of a small freshwater pool, digger/vehicle access track to the islands for maintenance, consideration of the types of substrate to be used on the islands that will be most attractive to Sandwich terns, use of Sandwich tern lures, predator management considerations, maintenance requirements and how to optimise public viewing.</p> <p>A detailed update on the design considerations is provided in Section 4.3.1.4 of HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7].</p> <p>Based on the evidence which suggests an inland pool on the shores of Loch Ryan would be likely to attract breeding Sandwich terns (see section 7.4.1 of Appendix 2 Sandwich Tern Compensation Document (Revision B)</p>

Number	Respondent	Question	Applicant Response
			<p>[REP7-016]) and the lessons that can be learned from sites such as St John's Pool, the Applicant is confident that the site location and concept design as proposed will be suitably attractive to Sandwich terns.</p> <p>The Applicant is committed to maintaining consultation with key stakeholders, including Natural England, as the proposals mature through planning, detailed design and ultimately, establishment of the Sandwich Tern Compensation Steering Group.</p> <p><u>Planning, licences and consents</u></p> <p>As described in Section 4.3.1.3 of the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7], the Applicant is intending to submit a planning application in Q1 2024. Dumfries and Galloway Council and the Marine Directorate have recently confirmed, following an EIA Screening request submitted by the Applicant, that it is not EIA development and therefore an EIA is not required.</p> <p>Topographical, environmental and hydrological surveys have been undertaken throughout 2023 which have informed planning and concept design.</p> <p>The Applicant has continued to engage with Dumfries and Galloway Council following the close of Examination. This has been in the form of meetings and included a site visit to Loch Ryan to review the preferred location and seek advice on planning feasibility.</p> <p>In addition, engagement with Crown Estate Scotland has been undertaken with respect to obtaining an agreement</p>

Number	Respondent	Question	Applicant Response
			<p>for lease, and with the Marine Directorate with respect to obtaining a marine licence, given that aspects of the inland pool (i.e., the tidal valves) will be located below mean high water springs. Both parties have confirmed that there is no anticipated impediment to these consents / licences being granted.</p> <p>The Applicant now moves into the next phase of the planning process and has arranged four public consultation events in the local area ahead of a targeted full planning application in Q12024 with a decision expected in the summer of 2024.</p> <p><u>Clear and secure route to implementation and long-term management</u></p> <p>As set out in the updates within the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7], the detail and design of the inland pool proposed at Loch Ryan has progressed considerably since close of the Examination. There is now well-developed concept design that (i) meets the previously identified design requirements for the inland pool, including size, form and location (ii) is in a location supported by the landowner, (iii) has broad in-principle stakeholder support and (iv) has undergone pre-application consultation through the planning process, with a planning application due to be submitted early in 2024.</p> <p>A detailed delivery programme up until planning decision is provided in Section 4.3.1.5 of the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7] that demonstrates a clear route</p>

Number	Respondent	Question	Applicant Response
			<p>to implementation. As noted within the delivery programme and above, a planning decision is expected in summer 2024 which could allow for construction to begin in summer 2025 and therefore there is potential for the inland pool to be in place and operating ahead of the 2026 breeding season. This is dependent on receiving planning approval in summer 2024 and detailed engineering designs, contractor procurement etc.</p> <p>The Applicant considers that the progress on its Loch Ryan proposal as detailed in the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7] and summarised above, coupled with the detail and process set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [REP7-016] demonstrate a clear route to successful implementation and long-term management of the inland pool at Loch Ryan.</p>
13.	The Applicant	Further information is requested on the alternative compensation measures required for adaptive management in relation to the site at Blakeney. The Applicant is asked to provide information as to how the threat of rat predation could be overcome successfully, particularly given the potential for rats to swim past any land barrier and the quantity of benefits arising from the measure as well as the effectiveness of any potential future measures.	<p>Firstly, the Applicant wishes to clarify that the predator management compensation proposal at NNC SPA (Blakeney Point) is not proposed simply for adaptive management, but as a supplementary measure to be delivered as part of a package alongside the main compensation measure at Loch Ryan. This supplementary measure provides resilience to the Applicant's Sandwich tern compensation proposals through providing an alternative means of compensation delivery at a local level.</p> <p>As set out in the response at Q3.14.1.6 of The Applicant's response to the Examining Authority's</p>

Number	Respondent	Question	Applicant Response
			<p>Third Written Questions [REP5-049] and within the Deadline 7 update to Sandwich Tern Compensation Document (Revision B) [REP7-016], the Blakeney compensation proposal is being progressed in parallel to the Farne Islands proposal, but it is expected that only one (not both) of these would be delivered as part of its proposed package of measures, alongside the primary measure at Loch Ryan.</p> <p>In respect of the Secretary of State's request for information on the details of the proposal at Blakeney Point, a detailed response to this point and update on the Applicant's proposals for its supplementary Sandwich tern predator management compensation proposal at Blakeney is provided in Section 4.2.2.1 of the HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7].</p>
14.	The Applicant	The Applicant is invited to provide further information in relation to compensation measures identified for guillemot as set out below:	The Applicant has updated the Guillemot Compensation Document (Revision E) [document reference 5.5.4.2] to remove the without prejudice compensation proposals for razorbill and to address this request from the Secretary of State. A detailed response to this request is provided in Section 11.2.5 of that document.
15.	The Applicant	The Applicant is requested to present further information to demonstrate that the compensatory measures for guillemot in the southwest of England would provide quantifiable and qualitative benefits to the nearest SPAs and the coherence of the National Site Network.	In summary, the Applicant notes that it had provided calculations which demonstrated its bycatch reduction compensatory measure proposal for guillemot provided quantifiable benefits to the population of birds associated with the National Site Network (NSN), so addressing issues concerned with the coherence of the NSN, in the Guillemot and Razorbill Compensation Document

Number	Respondent	Question	Applicant Response
			<p>(Revision D) [REP7-020]. However, this has now been updated in the Guillemot Compensation Document (Revision E) [document reference 5.5.4.2] to address an error in some of the calculations relating to guillemot compensation (which has a small effect only on the final estimates), to remove the calculations for razorbill, and to present clear workings for its guillemot proposal which are based on the best available evidence of bycatch reduction levels for the species.</p> <p>The Applicant notes that detailed knowledge on the distribution of birds from the different contributory breeding colony populations and different age classes within the Biologically Defined Minimum Population Size (BDMPS) is lacking and therefore the calculations provided within the Guillemot Compensation Document (Revision E) [document reference 5.5.4.2] assume that these birds are uniformly distributed throughout the BDMPS (Furness 2015). As such, it is considered that the calculations provide an indicative estimate only of how the level of the estimated total bycatch reduction relates to the compensation that would be provided in terms of breeding adult birds from the NSN (although it is also the case that this indicative estimate is likely to be highly precautionary). Given this, it is considered that the calculations provided allow estimation of the bycatch reduction that is required to compensate potential mortality at the level of the overall NSN but not at the level of the individual SPA populations that contribute to the UK Western Waters BDMPS.</p>
16.	The Applicant	Further information is requested on the alternative compensation measures required for adaptive	The Applicant notes that its proposals for predator eradication from a breeding colony has been identified as

Number	Respondent	Question	Applicant Response
		<p>management, specifically, further clarity and detail relating to the Applicants own predator eradication measures and evidence that, if required, Hornsea 4 would collaborate with the Applicant.</p>	<p>a measure that <i>could</i> be taken forward as part of a collaborative delivery model, whereby the Applicant would seek to deliver compensation (or adaptive management) through a partnership arrangement with one or more other offshore wind farm developers.</p> <p>Given SEP and DEP's small contribution to the in-combination effect on the guillemot feature of the Flamborough and Filey Coast SPA (4 to 16 guillemot – Table 8-1 of Guillemot Compensation Document (Revision E)), the Applicant is confident that its bycatch reduction proposals are capable of delivering on its compensation requirement, if the SoS concludes an in-combination adverse effect on integrity cannot be ruled out and that compensation is required. Therefore, the Applicant does not envisage a scenario where it would be required to collaborate with another developer on predator eradication measures.</p> <p>Based on this, the Applicant has not sought to progress the detail on the option of collaborating on predator eradication measures for guillemot.</p> <p>Hornsea 4 has undertaken an extensive body of work which has identified the most feasible locations to implement predator eradication measures for guillemot. However, the project is at a relatively early stage in implementing these in order to discharge its DCO requirements. Orsted has advised that whilst it is still finalising its own requirements in respect of compensation, it is unable to commit to collaborating on its predator eradication proposals with the Applicant. Nevertheless, the</p>

Number	Respondent	Question	Applicant Response
			<p>Applicant will continue to engage with Hornsea 4 on potential future collaboration opportunities.</p> <p>It should be noted that the Applicant and the Hornsea 4 developer (Orsted) are collaborating at the wider industry level, and will continue to do so, through the following workstreams / initiatives:</p> <ul style="list-style-type: none"> • Offshore Wind Industry Council (OWIC) Developer Derogation Group • Collaboration on Offshore Wind Strategic Compensation (COWSC), which includes predator reduction as a 'Strategic Ecological Compensation Study' and on which further information is provided in Section 4.4.3 of HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7].

8 Offshore In-Principle Monitoring Plan

Table 7 Applicant's responses to Offshore In-Principle Monitoring Plan request for information

Number	Respondent	Question	Applicant Response
17.	The Applicant The Marine Management Organisation Natural England	<p>During the Examination there was discussion as to the condition wording for the Offshore In-Principle Monitoring Plan and, in particular whether concerns raised in any post-monitoring would be addressed. The Marine Management Organisation, Natural England and the Applicant are invited to comment on a possible addition to Condition 20 (of Schedules 10 and 11) and Condition 19 (of Schedules 12 and 13) of the draft Deemed Marine Licences:</p> <p><i>“(7) In the event that the reports provided to the MMO under sub-paragraph (4) identify that there are significant adverse effects post-mitigation, the Applicant shall notify the MMO and the relevant ANCBs of this in writing with a view to agreeing to a course of adaptive management/mitigation to reduce such effects. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent. Any such agreed or approved adaptive management/mitigation should be implemented in full to a timetable first agreed in writing with the MMO.”</i></p>	<p>The Applicant's position remains that a condition of the nature proposed is unnecessary and unreasonable. The Applicant's position remains as set out in its response at 4.11.8.2 within The Applicant's Responses to the Examining Authority's Fourth Written Questions [REP7-065]. In summary, the Applicant considers that no clear explanation has been given by Natural England that would justify imposing a condition of this nature, which would depart from the well preceded post-condition monitoring requirements included in other offshore wind farm development consent orders. Without such a justification, the condition can only be considered unnecessary and unreasonable.</p> <p>The Applicant notes that the condition as drafted in the Draft Development Consent Order (Revision K) [REP8-005] already goes further than the conditions included in the deemed marine licences for other offshore wind farm DCOs by making provision for additional monitoring where this is considered necessary.</p> <p>Notwithstanding the Applicant's position, if the Secretary of State is minded to include the proposed addition to Condition 20 (of Schedules 10 and 11) and Condition 19 (of Schedules 12 and 13), the Applicant considers that some amendments are necessary to the condition wording proposed in paragraph 17 of the Secretary of State's</p>

Number	Respondent	Question	Applicant Response
			<p>request for information dated 22 November 2023. The Applicant's amendments are set out in in red below:</p> <p>"(7) In the event that the reports provided to the MMO under sub-paragraph (4) identify that there are unanticipated significant adverse effects post-mitigation, the Applicant shall notify the MMO and the relevant ASNCBs of this in writing with a view to agreeing to a course of adaptive management/mitigation to reduce such effects. In the event that this any agreed adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent. Any such agreed or and approved adaptive management/mitigation should be implemented in full to a timetable first agreed in writing with the MMO. Where a separate consent is required to undertake the agreed adaptive management/mitigation, the Applicant shall only be required to undertake the adaptive management/mitigation if and when such consent is granted."</p>

9 Pink-Footed Goose Mitigation Strategy

Table 8 Applicant's responses to Pink-Footed Goose Mitigation Strategy request for information

Number	Respondent	Question	Applicant Response
19.	Natural England	Natural England is invited to comment on the without-prejudice draft DCO Requirement provided by the Applicant [REP8-052, ID 5, page 16].	<p>The Applicant notes at paragraph 19 of the Secretary of State's request for information dated 22 November 2023 that Natural England has been asked to comment on the without-prejudice draft DCO Requirement relating to a Pink Footed Geese Mitigation Strategy.</p> <p>As set out within ID 5 of The Applicant's Response to the Examining Authority's Rule 17 Letter dated 12 July 2023 [REP8-052], the Applicant's position is that mitigation requirements are already adequately secured through the Outline Ecological Management Plan (Revision E) [REP8-025], a final version of which would be approved and implemented under Requirement 13 of the Draft Development Consent Order (Revision K) [REP8-005]. If the Secretary of State agrees with the Applicant that a standalone requirement relating to pink footed geese is unnecessary, then this would remain the version of the Outline Ecological Management Plan to be included in Schedule 18 of the DCO as a certified document.</p> <p>In the event that the Secretary of State grants the development consent order including a standalone requirement for submission and implementation of a scheme for protection and mitigation measures for pink footed geese, the Applicant considers that it would no longer be necessary to include measures for the protection of pink footed geese within the Outline Ecological Management Plan. To do so would duplicate controls on development, potentially causing uncertainty as to the</p>

Number	Respondent	Question	Applicant Response
			<p>discharge of those requirements and subsequent implementation.</p> <p>As such, the Applicant is submitting an updated Outline Ecological Management Plan (Revision F) [document reference 9.19] with pink footed geese measures removed. In the event that a standalone requirement relating to pink footed geese is included in the DCO as granted, the Applicant would request that this version be included as the certified version of the Outline Ecological Management Plan within Schedule 18 of the DCO.</p>

References

Furness, R. 2015. Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Nat. Engl. Comm. Rep. 164.