



**RWE Renewables UK Dogger Bank  
South (West) Limited**

**RWE Renewables UK Dogger Bank  
South (East) Limited**

**Dogger Bank South Offshore  
Wind Farms**

**The Applicants' Responses to Relevant  
Representations**

**Pre-Examination Procedural Deadline**

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## Glossary

Term	Definition
Agreement for Lease (AfL) Area	The Area of the seabed leased by The Crown Estate to the Applicants.
Agricultural Land Classification	Agricultural Land Classification is a grading system used to assess and compare the quality of agricultural land in England and Wales. A combination of climate, topography and soil characteristics and their unique interaction determines the grade of the land. The grades range from 1 to 5. Grade 1 being excellent, Grade 2 very good, Grade 3a and 3b good to moderate (no subdivide), Grade 4 poor and Grade 5 very poor.
Array Areas	The DBS East and DBS West offshore Array Areas, where the wind turbines, offshore platforms and array cables would be located. The Array Areas do not include the Offshore Export Cable Corridor or the Inter-Platform Cable Corridor within which no wind turbines are proposed. Each area is referred to separately as an Array Area.
Baseline	The existing conditions as represented by the latest available survey and other data which is used as a benchmark for making comparisons to assess the impact of the Projects.
Biodiversity Net Gain	An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected to ensure that the current loss of biodiversity through development will be halted and ecological networks can be restored.
Collector Platforms (CPs)	Receive the AC power generated by the wind turbines through the array cables, collect it and transform the voltage for onward transmission to the Offshore Converter Platforms (OCPs).
Concurrent	Installation of monopiles or pin piles happening at the same time at the DBS Projects.
Concurrent Scenario	A potential construction scenario for the Projects where DBS East and DBS West are both constructed at the same time.
Cumulative Effect / Impact	The combined impact of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single Receptor / resource.

Term	Definition
Decommissioning Plan	A document which would define the extent of works, in relation to the onshore infrastructure, which are required to be undertaken at the end of the operational lifetime of the Projects. The plan would be subject to agreement with relevant stakeholders at the time.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Dogger Bank South (East) Limited	RWE Renewables UK Dogger Bank South (East) Limited (DBSEL), company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB.
Dogger Bank South (West) Limited	RWE Renewables UK Dogger Bank South (West) Limited (DBSWL), company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the value, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Electrical Switching Platform (ESP)	The Electrical Switching Platform (ESP), if required would be located either within one of the Array Areas (alongside an Offshore Converter Platform (OCP)) or the Export Cable Platform Search Area.
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Gravel	Loose, rounded fragments of rock larger than sand but smaller than Cobbles. Sediment larger than 2mm (as classified by the Wentworth scale used in sedimentology).
Habitats Regulations Assessment (HRA)	The process that determines whether or not a plan or project may have an adverse effect on the integrity of a European Site or European Offshore Marine Site.

Term	Definition
High Voltage Alternating Current (HVAC)	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
Horizontal Directional Drill (HDD)	HDD is a trenchless technique to bring the offshore cables ashore at the landfall and can be used for crossing other obstacles such as roads, railways and watercourses onshore.
Impact	Used to describe a change resulting from an activity via the Projects, i.e. increased suspended sediments / increased noise.
In Isolation Scenario	A potential construction scenario for one Project which includes either the DBS East or DBS West array, associated offshore and onshore cabling and only the eastern Onshore Converter Station within the Onshore Substation Zone and only the northern route of the onward cable route to the proposed Birkhill Wood National Grid Substation.
Inter-Platform Cable Corridor	The area where Inter-Platform Cables would route between platforms within the DBS East and DBS West Array Areas, should both Projects be constructed.
Jointing Bays	Underground structures constructed at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The point on the coastline at which the Offshore Export Cables are brought onshore, connecting to the onshore cables at the Transition Joint Bay (TJB) above mean high water.
Landfall Zone	The generic term applied to the entire landfall area between Mean Low Water Spring (MLWS) and the Transition Joint Bays (TJBs) inclusive of all construction works, including the landfall compounds, Onshore Export Cable Corridor and intertidal working area including the Offshore Export Cables.
Local Authority	The Local Authority is a body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and the Broads Authority, as set out in Section 43 of the Planning Act 2008. East Riding of Yorkshire Council (ERYC) is the Local Authority for the entirety of the Onshore Development Area.
Main River	Main Rivers are usually large rivers or streams that are designated under the Water Resources Act (1991) and are shown on the statutory Main River Map. They are managed by the Environment Agency, who carry out construction, maintenance and improvement works to manage flood risk.

Term	Definition
Mean Low Water Springs (MLWS)	MLWS is the average of the heights of two successive low waters during a 24 hour period.
Monitoring Area (MA)	The area around each pile location to be monitored in the pre-piling watch, and where possible during any breaks in piling or soft-start by either Marine Mammal Observers (MMObs) or Passive Acoustic Monitoring Operator (PAM-Op).
National Policy Statement (NPS)	A document setting out national policy against which proposals for NSIPs will be assessed and decided upon.
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP.
Navigational Risk Assessment (NRA)	A document which assesses the hazards to shipping and navigation of a proposed Offshore Renewable Energy Installation based upon Formal Safety Assessment.
Non-statutory consultee	An organisation or individual that the Applicants may choose to engage (if there are planning policy reasons to do so) who are not designated in law but may be likely to have an interest in a proposed development.
Offshore Development Area	The Offshore Development Area for ES encompasses both the DBS East and West Array Areas, the Inter-Platform Cable Corridor, the Offshore Export Cable Corridor, plus the associated Construction Buffer Zones.
Offshore Export Cable Corridor	This is the area which will contain the Offshore Export Cables (and potentially the ESP) between the Offshore Converter Platforms and Transition Joint Bays at the landfall.
Offshore Export Cables	The cables which would bring electricity from the offshore platforms to the Transition Joint Bays (TJBs).
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.

Term	Definition
Onshore Export Cable Corridor	This is the area which includes cable trenches, haul roads, spoil storage areas, and limits of deviation for micro-siting. For assessment purposes, the cable corridor does not include the Onshore Converter Stations, Transition Joint Bays or temporary access routes; but includes Temporary Construction Compounds (purely for the cable route).
Onshore Export Cables	Onshore Export Cables take the electric from the Transition Joint Bay to the Onshore Converter Stations.
Onshore Substation Zone	Parcel of land within the Onshore Development Area where the Onshore Converter Station infrastructure (including the haul roads, Temporary Construction Compounds and associated cable routing) would be located.
Onward Cable Connection	Area of 400kV HVAC onshore export cable from the Onshore Converter Stations to the Proposed Birkhill Wood National Grid Substation.
Order Limits	The limits within which the Projects may be carried.
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the applicants and is reasonably required to assess the environmental effects of the development.
Projects Design (or Rochdale) Envelope	A concept that ensures the EIA is based on assessing the realistic worst-case scenario where flexibility or a range of options is sought as part of the consent application.
Sand	Sediment particles, mainly of quartz with a diameter of between 0.063mm and 2mm. Sand is generally classified as fine, medium or coarse.
Scoping Opinion	The report adopted by the Planning Inspectorate on behalf of the Secretary of State.
Scour	The erosive action of running water in streams, which excavates and carries away material from the bed and banks. Scour may occur in both earth and solid rock material and can be classed as general, contraction, or local scour.
Scour protection	Protective materials to avoid sediment erosion from the base of the wind turbine foundations and offshore substation platform foundations due to water flow.
Sediment	Particulate matter derived from rock, minerals or bioclastic matter.
Sediment transport	The movement of a mass of sediment by the forces of currents and waves.

Term	Definition
Sequential	Installation of monopiles or pin piles happening one after another at the DBS Projects.
Soft-start	The procedure used to commence piling at a lower hammer energy.
Special Area of Conservation (SAC)	Strictly protected sites designated pursuant to Article 3 of the Habitats Directive (via the Habitats Regulations) for habitats listed on Annex I and species listed on Annex II of the Directive
Statutory consultation	The statutory consultation ran in two periods. The first period ran between 6 <sup>th</sup> June and 17 <sup>th</sup> July 2023, with a second period running between 4 <sup>th</sup> August and 15 <sup>th</sup> September 2023 to gather responses from third-parties missed during the initial consultation period. The PEIR was presented as part of this consultation.
Statutory consultee	Organisations and individuals that are required to be consulted by the Applicants under section 42 of the Planning Act 2008. Not all consultees will be statutory consultees (see non-statutory consultee definition).
Statutory Nature Conservation Bodies (SNCBs)	Comprised of JNCC, Natural Resources Wales, Department of Agriculture, Environment and Rural Affairs/Northern Ireland Environment Agency, Natural England and Scottish Natural Heritage, these agencies provide advice in relation to nature conservation to government.
Targeted consultation	Period of consultation carried out after the statutory consultation which focused on those directly impacted by changes adopted as a result of the statutory consultation. 13 <sup>th</sup> November to 10 <sup>th</sup> December 2023.
Temporary Construction Compound	An area set aside to facilitate construction of the Projects. These will be located adjacent to the Onshore Export Cable Corridor and within the Onshore Substation Zone, with access to the highway.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	The Projects DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).
Vessel Monitoring System (VMS)	Satellite tracking system using a device on a vessel which transmits the location, speed and course of the vessel.
Wind turbine	Power generating device that is driven by the kinetic energy of the wind.

## Acronyms

Acronym	Definition
AD	Air Defence
AEoI	Adverse Effects on Integrity
AEP	Annual Energy Production
ALARP	As Low As Reasonably Practicable
ALC	Agricultural Land Classification
ANS	Artificial Nesting Structure
AONB	Areas of Outstanding Natural Beauty
AoS	Area of Search
ATI	Ancient Tree Inventory
AYM DCO	Awely Mor Development Consent Order
BAP	Biodiversity Action Plan
BMV	Best Most Versatile
BNG	Biodiversity Net Gain
CAA	Civil Aviation Authority
CEA	Cumulative Effects Assessment
Cefas	Centre of Environment, Fisheries and Aquaculture Science
CFWG	Commercial Fisheries Working Group
CLO	Community Liaison Officer
CP	Collector Platform
CSS	Countryside Stewardship Schemes
CTMP	Construction Traffic Management Plan
db	Decibel



Acronym	Definition
DBD	Dogger Bank D
DBS	Dogger Bank South
DBSEL	RWE Renewables UK Dogger Bank South (East) Limited
DBSWL	RWE Renewables UK Dogger Bank South (West) Limited
DCO	Development Consent Order
DDV	Drop Down Video
DIO	Defence Infrastructure Organisation
DML	Deemed Marine License
EGL2	Eastern Green Link 2
EIA	Environmental Impact Assessment
EMF	Electro-magnetic Field
EPS	European Protected Species
EPR	Flood Risk Activity Permits
ERCoP	Emergency Response Co-operation Plan
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ESDAL	Electronic Service Delivery for Abnormal Loads
ESO	Electricity System Operator
ESP	Electrical Switching Platform
ETG	Expert Topic Group
EU STECF	European Union Scientific, Technical and Economic Committee for Fisheries
ExA	Examination Authority
FFC	Flamborough and File

Acronym	Definition
FLCP	Fisheries Liaison and Co-existence Plan
GWDE	Groundwater Dependent Terrestrial Ecosystems
HAP	Highest Astronomical Tide
HDD	Horizontal Directional Drill
HGV	Heavy Goods Vehicle
HND	Holistic Network Design
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulation Assessment
HVAC	High Voltage Alternating Current
ICES	International Council for the Exploration of the Sea
IHLS	International Herring Larvae Survey
ILA	Important Landscape Area
IP	Interested Party
IPMP	In Principal Monitoring Plan
JLAF	Joint Local Access Forum
JNCC	Joint Nature Conservation Committee
kg	Kilogram
Km	Kilometre
LFA	Low Flying Area
LIR	Local Impact Report
LMP	Landscape Management Plan
LNR	Local Nature Reserve
LVIA	Landscape and Visual Impact Assessment

Acronym	Definition
LWS	Local Wildlife Site
LWT	Lincolnshire Wildlife Trust
MCAA	Marine and Coastal Access Act
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MOD	Ministry of Defence
MRF	Marine Recovery Fund
NAS	Noise Abatement Systems
NE	Natural England
NEQ	Net Explosive Quantity
NFFO	National Federation of Fishermen's Organisation
NGET	National Grid Electricity Transmission Plc
NIS	Non-Native Invasive Species
NPG	Northern Powergrid (Yorkshire) Plc
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
NSSS	North Sea Sandeel Survey
NZNSS	Net Zero North Sea Storage Limited
oANS	offshore Artificial Nesting Structure

Acronym	Definition
OCOCP	Outline Code of Construction Practice
OCP	Offshore Converter Platform
OCPRP	Outline Communications and Public Relations Procedure
OCR	Obstacle Crossing Register
OCTMP	Outline Construction Traffic Management Plan
OEMP	Outline Ecological Management Plan
OES	Operator of Essential Services
OSMP	Outline Soil Management Plan
OWF	Offshore Wind Farm
PAD	Principle of Disagreement
PAM	Passive Acoustic Monitoring
PEIR	Preliminary Environmental Information Report
PIZ	Primary Impact Zone
PRoW	Public Rights of Way
PSA	Particle Size Analysis
RAF	Royal Air Force
RCA	River Condition Assessments
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RRH	Remote Radar Head
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SAR	Search and Rescue

Acronym	Definition
SIP	Site Integrity Plan
SIZ	Secondary Impact Zone
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SoCG	Statement of Common Ground
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuD <sub>s</sub>	Sustainable Drainage Systems
TA	Transport Assessment
TCC	Temporary Construction Compound
TMCo	Traffic Management Co-ordinator
TTS	Temporary Threshold Shift
UKHSA	UK Health Security Agency
UWN	Underwater Noise
UXO	Unexploded Ordnance
VHF	Very-high Frequency
VMS	Vessel Monitoring System
VP	Viewpoints
WSI	Written Scheme of Investigation
WR	Written Representations

# 1 Introduction

1. This document presents the Applicants' responses to Relevant Representations (RR) received from Interested Parties (IPs) following the closure of the Dogger Bank South statutory consultation period under section 56 of the Planning Act 2008. IPs have been identified as local authorities, town and parish councils, statutory consultees, non-statutory organisations, statutory undertaker/asset owners, persons with an interest in the Order land, and members of the public.
2. A total of 67 representations were received. The Applicants' responses to each of the representations are set out within this document in subsequent sections and tables below.
3. The exception to this is the Natural England Relevant Representation [RR-039]. Within RR-039, it outlines that its purpose is also to act as the Written Representation for Natural England on the proposals, and the size of the representation is therefore too substantial to enable reasoned responses to comments made within the two weeks notification provided by the Rule 6 letter. It is the Applicants' intention to submit their response to this representation at Deadline 1.
4. For ease of referencing and to facilitate future cross-referencing, the Applicants have used the existing Planning Inspectorate RR identification number (e.g. RR-001) and created a unique identifier for each response by itemising the RR into paragraphs or sections (e.g. RR001: 1.1). The ID numbers can be found in the first column of each table.

## 2 Responses to Local Authority Relevant Representations

5. The Applicants' responses to relevant representations received from local authorities are provided in this section.

## 2.1 East Riding of Yorkshire Council

Table 2.1.1 – Applicants’ response to East Riding of Yorkshire Council relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-012	<p>The East Riding of Yorkshire Council (ERYC) are the host authority for the Dogger Bank South Wind Farm Development Consent Order (DCO) application. The ERYC would like to confirm, as host authority, under section 102(1)(c) of the Planning Act 2008, we are automatically Interested Parties for the duration of the examination and therefore do not need to register to participate. Thank you for the opportunity submit Relevant Representation (RR). ERYC have liaised with the applicants for some time and have provided comments throughout the pre-submission period. ERYC will provide detailed comments within its Local Impact Report (LIR) and may submit a Written Representation (WR) during the examination. The LIR will set out the views of the ERYC following a detailed appraisal of the DCO application. ERYC consider that an assessment of the following issues are pertinent to the consideration of the case, and a full assessment of these will follow in the LIR:</p> <ul style="list-style-type: none"> <li>• Landscape and visual effects;</li> <li>• Impact on living conditions including noise and air quality during construction, and outlook during and post-construction;</li> <li>• Ecology, biodiversity and trees;</li> <li>• Highways, traffic and transport;</li> <li>• The impact on Public Rights of Way;</li> <li>• Flood risk and drainage;</li> <li>• Archaeology, and heritage impacts.</li> </ul> <p>Detailed consideration is required of the individual impacts of the project, together with any cumulative impacts of other nearby applications. The Council has identified the above considerations as needing assessment but reserves the right to amend its position or comments following detailed analysis. ERYC will continue to engage with the NSIP process and seek to work proactively with the Inspector and the applicants in connection with this project.</p>	<p>The Applicants acknowledge these comments and thanks East Riding of Yorkshire Council (ERYC) for submitting a Relevant Representation (RR).</p> <p>ERYC are correct in that host local authorities are automatically registered as Interested Parties in a Nationally Significant Infrastructure Project (NSIP) Examination, however noting that the Planning Inspectorate advises that they should still register to have their say and submit a relevant representation (Advice Note ‘Nationally Significant Infrastructure Projects: Advice for Local Authorities’ (Planning Inspectorate, August 2024)).</p> <p>The Applicants acknowledge ERYC’s statement that detailed comments will be provided within the Local Impact Report (LIR) and Written Representations (WR) during the examination. For clarity the list of pertinent issues raised in ERYC’s Relevant Representation, and key application documents of relevance, is provided below.</p> <ul style="list-style-type: none"> <li>• Landscape and visual effects: <ul style="list-style-type: none"> <li>○ Chapter 23 Landscape and Visual Impact Assessment [APP-192]; and</li> <li>○ Design and Access Statement [APP-233].</li> </ul> </li> <li>• Impact on living conditions including noise and air quality during construction, and outlook during and post-construction: <ul style="list-style-type: none"> <li>○ Chapter 25 Noise [APP-201];</li> <li>○ Chapter 26 Air Quality [APP-208]; and</li> <li>○ Outline Code of Construction Practice [APP-234].</li> </ul> </li> <li>• Ecology, biodiversity and trees; <ul style="list-style-type: none"> <li>○ Chapter 18 Terrestrial Ecology and Ornithology [APP-140];</li> <li>○ Appendix 18-10 Biodiversity Net Gain Strategy [APP-157]; and</li> <li>○ Outline Ecological Management Plan [APP-235].</li> </ul> </li> <li>• Highways, traffic and transport: <ul style="list-style-type: none"> <li>○ Chapter 24 Traffic and Transport [APP-195]; and</li> <li>○ Outline Construction Traffic Management Plan (OCTMP) [APP-238].</li> </ul> </li> <li>• The impact on Public Rights of Way: <ul style="list-style-type: none"> <li>○ Chapter 23 Land Use [APP-169]; and</li> <li>○ Outline Public Rights of Way Management Plan [APP-234].</li> </ul> </li> <li>• Flood risk and drainage: <ul style="list-style-type: none"> <li>○ Chapter 20 Flood Risk and Hydrology [APP-163];</li> <li>○ Outline Code of Construction Practice [APP-234];</li> <li>○ Outline Drainage Strategy [APP-237];</li> <li>○ Appendix 20-3 - Water Environment Regulations Compliance Assessment [APP-166]; and</li> <li>○ Appendix 20-4 Flood Risk Assessment [APP-168].</li> </ul> </li> <li>• Archaeology, and heritage impact: <ul style="list-style-type: none"> <li>○ Chapter 22 Onshore Archaeology [APP-172]; and</li> </ul> </li> </ul>



I.D.	Relevant Representation	Applicants' Comment
		<ul style="list-style-type: none"> <li>○ <b>Outline Onshore Written Scheme of Investigation</b> [APP-239].</li> </ul> <p>The approach to onshore Cumulative Impact Assessment is detailed within <b>Appendix 6-1 Onshore Methodology</b> [APP-077]; with the results of Cumulative Impact Assessments reported within each individual Environmental Statement (ES) topic chapter.</p> <p>The Applicants welcome ERYC's continued engagement with the Projects and will continue to work proactively with ERYC throughout the Examination process, including through the development of a Statement of Common Ground.</p>

## 2.2 Hull City Council

Table 2.2.1 – Applicants' response to Hull City Council relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-024: 1	Outline Construction Traffic Management Plan Volume 8. 2.5.2 Non-Special Order Abnormal Loads Para. 41: Consideration should be given to consultation with National Highways on this matter.	<p>The prescribed approach for the movement of abnormal loads is for applications to be submitted to relevant highway authorities, <i>et al.</i> through the Electronic Service Delivery for Abnormal Loads (ESDAL) system. The approval of abnormal loads via ESDAL is managed by National Highways on behalf of the Secretary of State for Transport. National Highways will therefore be consulted and required to approve any abnormal load movements via their network as part of the prescribed ESDAL process. This commitment is included within paragraph 43 of the <b>Outline Construction Traffic Management Plan</b> (OCTMP) [APP-238]. The final Construction Traffic Management Plan(s) will need to be approved by the relevant planning authority in consultation with the relevant highway authority, National Highways and Hull City Council, which is secured by Requirement 14 of the <b>Draft Development Consent Order</b> (DCO) [APP-027].</p> <p>In addition to, and to supplement the ESDAL process, paragraph 41 of the <b>OCTMP</b> [APP-238] further includes a commitment to first consult the local highway authorities before submitting the formal approval via ESDAL. This supplementary commitment is included as experience from similar projects has shown that with regard to the local road network there can be multiple options for how to route vehicles and local highway authorities are able to provide guidance upon which local routes may be most suitable prior to submitting the formal ESDAL notification (thereby minimising potential delays and objections). This supplementary approach is less necessary when considering roads managed by National Highways, which form part of Strategic Road Network and are therefore best suited to the movement of abnormal loads and there are few route options.</p>
RR-024: 2	5.3 Enforcement Para. 118: Consideration should be given to the need for a maximum timescale for reporting breach and remedy, to ensure transparency, accountability and timely resolution.	Section 5.3 of the <b>OCTMP</b> [APP-238] notes that: " <i>On receipt of a report of a potential breach, the TMCo would investigate the circumstances and compile a report for the relevant highway authority as soon as reasonably practicable</i> ". The Applicants consider that to define an arbitrary timescale for reporting could be counterproductive as it may prevent a thorough investigation of the circumstances being completed and or corrective measures being implemented. The Applicants consider that the current wording requiring a report to be submitted as soon as reasonably practicable is appropriate.
RR-024: 3	Table 5-1 OCTMP Action Plan: Consideration should be given to the appointment of the CLO and TMCo a minimum period in advance of commencement of construction, in order to ensure familiarity with and efficacy of related processes on and from commencement.	The Community Liaison Officer (CLO) and Traffic Management Co-ordinator (TMCo) will be identified in the final CTMP which must be submitted in advance of the commencement of construction. The Applicants plan to discuss this in further detail with Hull City Council, but notes that the final CTMP (with named CLO / TMCo) will be subject to an eight week sign off period as per the standard timeframe for signing off DCO Requirements.
RR-024: 4	Draft Development Consent Order Volume 3. SCHEDULE 2, PART 1, Requirements Traffic and Transport - 14 Hull City	The <b>Draft DCO</b> [APP-027] includes proposed requirement wording (Requirement 14) that outlines that no phase of the onshore works may commence until a construction traffic management plan (which must be in accordance with the outline construction traffic management plan)

I.D.	Relevant Representation	Applicants' Comment
	<p>Council would wish to be consulted on Construction Traffic Management Plans as a matter of course.</p>	<p>has for that phase been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and National Highways or Hull City Council (if appropriate).</p> <p>If appropriate is included within the <b>Draft DCO</b> [APP-027] requirement wording noting that there are some matters within the <b>OCTMP</b> [APP-238] that do not require the approval of Hull City Council as part of producing the final CTMP. An example would be the matter of agreeing the design of accesses as none of the accesses are located within the administration area of Hull City Council.</p> <p>Where matters are proposed to be agreed with just East Riding of Yorkshire Council these are noted as such within the <b>OCTMP</b> [APP-238], whereas where matters are to be agreed with all three highway authorities these are noted for agreement with the relevant highway authorities (defined in the <b>OCTMP</b> [APP-238] as East Riding of Yorkshire Council, National Highways and Hull City Council).</p>

### 3 Responses to Town and Parish Council Relevant Representations

6. The Applicants' responses to relevant representations received from town and parish councils are provided in this section.

### 3.1 Beeford Parish Council

Table 3.1.1 – Applicants’ response to Beeford Parish Council relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-003	There will be traffic implications at Beeford crossroads during the laying of the pipeline from landfall through part of Beeford Parish. There are already problems with the amount of traffic at this unregulated junction which will be exacerbated by the construction traffic.	<p><b>Chapter 24 Traffic and Transport</b> [APP-195] includes a detailed assessment of the potential for the Projects construction traffic to have an adverse effect upon the impacts of severance, amenity, road safety and driver delay. The assessment identifies that with the application of additional mitigation measures the residual effects would not be significant. Additional mitigation measures specific to the junction of the A165 and Beeford Road have been discussed and agreed with the local highway authority (East Riding of Yorkshire Council) and include:</p> <ul style="list-style-type: none"> <li>Controlling the number of daily heavy goods vehicles (HGV) movements that would travel via Beeford Road (Link 5, shown on <b>Figure 24-2</b> [APP-196]) to a peak of no more than 24 per day, i.e. approximately two to three HGVs per hour.</li> <li>Establishing a one-way system for the Projects construction traffic to direct HGV drivers to travel east via Beeford Road (Link 5) toward the Landfall and then for HGV traffic to return north along the B1242 (Link 4) toward the A165. This one-way system would reduce the volume of traffic required to turn through the A165/Beeford Road junction and is depicted in Figure 1 of the <b>Outline Construction Traffic Management Plan</b> (OCTMP) [APP-238].</li> </ul> <p>These additional mitigation measures are captured within <b>OCTMP</b> [APP-238]. The final Construction Traffic Management Plan will need to be approved by the local highway authority prior to commencement of the relevant works, which is secured by Requirement 14 of the <b>Draft Development Consent Order</b> [APP-027]. The <b>OCTMP</b> also includes details of measures to manage, control and monitor routing of the Projects’ construction traffic movements.</p>

### 3.2 Cherry Burton Parish Council

Table 3.2.1 – Applicants’ response to Cherry Burton Parish Council relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-006	Following discussion the Parish Council would consider the use of any pylons as a major impact and would oppose their use in this project.	The Applicants can confirm that there are no pylons required for the Projects. A full description of the Projects is included in <b>Chapter 5 Project Description</b> [APP-071].

### 3.3 Rowley Parish Council

Table 3.3.1 – Applicants’ response to Rowley Parish Council relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-048	This project will have a significant visual impact on Residents of Bentley and a detrimental effect on businesses in this location, farmers, campsites etc where the viability of the businesses will be in doubt. This is an area for walkers ‘Beverley 20’ Route. Wildlife would be	The Applicants acknowledge the objection and provide direction to further information on the matters raised in Rowley Parish Council’s Relevant Representation.

I.D.	Relevant Representation	Applicants' Comment
	<p>disturbed as many species have been seen in the area. The area is of high landscape value, has an ancient woodland, a water course and part of the Yorkshire Wolds. Roads and traffic around Bentley, coming in from the north side of the site will increase traffic east &amp; west. The Parish Council strongly object to this application.</p>	<p>A comprehensive, iterative site selection process for the Onshore Substation Zone in which the Onshore Converter Stations are located was undertaken to ensure the most suitable land to deliver the Projects was selected. The final location for the Onshore Converter Stations was identified considering environmental and engineering assessments, existing and planned developments, engineering technical feasibility including proximity to the grid connection point, local communities and consultation feedback, landowner engagement and environmental considerations including designated sites, nature reserves, land use, historic features. The site selection process of the Projects aimed to minimise impacts on the environment and local residents. The findings from the site selection process are included in <b>Chapter 4 Site Selection and Alternatives</b> [APP-067] of the Environmental Statement (ES).</p> <p><b>Landscape and Visual Impact Assessments</b></p> <p>The visual impact of the Projects on residents of Bentley has been assessed and presented in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192].</p> <p>As detailed in <b>Chapter 23 Landscape and Visual</b> [APP-192], the Onshore Substation Zone avoided some of the most sensitive landscape and visual receptors, located in the Parish of Rowley. The chosen site is located in a relatively flat landscape, with some existing woodland planting in place. The site also avoids the candidate Yorkshire Wolds Areas of Outstanding Natural Beauty (AONB) to the north, and large numbers of residential receptors located at Beverley in the north-east.</p> <p>The operational stage would result in direct impacts on the Yorkshire Wolds Important Landscape Area (ILA). These impacts would be focussed within the Onshore Substation Zone near the eastern boundary of the ILA and would include the permanent loss of landscape features such as hedgerows and arable farmland, which are identified as key attributes for the Yorkshire Wolds ILA. However, the primary impacts would relate to the ongoing visual presence of the Onshore Converter Stations within this part of the ILA, which would affect key characteristics such as "long distance views dominated by the sky". Given the undulating character of the landscape, and presence of existing plantations (trees) and hedgerows, close views of the Onshore Converter Stations would be somewhat contained and kept relatively localised. Mitigation has been embedded into the design of the Projects through the <b>Outline Landscape Management Plan</b> [APP-236]. Once matured, this landscaping would help to integrate the Onshore Converter Stations into the existing landscape of the Yorkshire Wolds ILA, including arable fields and boundary trees / hedgerows.</p> <p>In terms of visual effects of the Onshore Converter Stations, significant visual effects are predicted in <b>Chapter 23 Landscape and Visual</b> [APP-192] for sensitive receptors at the following viewpoints (VP), during the construction and operational stages:</p> <ul style="list-style-type: none"> <li>● VP1: Butt Farm (major);</li> <li>● VP2: Copleflat Lane, Bentley (major);</li> <li>● VP3: Beverley 20 near Broadgate (moderate); and</li> <li>● VP4: Oriel Close, off Broadgate (moderate).</li> </ul> <p>A landscape mitigation scheme would be implemented (see <b>Figure 23-6</b> [APP-193]) and <b>Outline Landscape Management Plan</b> [APP-236] around the Onshore Converter Stations. This would aim to reduce the level of effect. The effects identified above are assessed based on planting at year 1 providing little or no mitigation. Once more matured (year 10), the mitigation planting would help provide additional screening of the Projects and the residual significance of effect would be moderate (significant) for viewpoints 1, 2 and 3. The residual effect for viewpoint 4 would reduce to minor (not significant). The final Landscape Management Plan will need to be approved by the relevant planning authority prior to commencement of the relevant works, which is secured by Requirement 10 of the <b>Draft Development Consent Order</b> [APP-027].</p>

I.D.	Relevant Representation	Applicants' Comment
		<p><b>Butt Farm Campsite and the Beverley 20</b></p> <p>A significant (major adverse) effect on the Butt Farm Campsite has been identified in <b>Chapter 29 Tourism and Recreation</b> [APP-219]. This is related to the major significant adverse landscape and visual effects identified during construction and operation of the Onshore Converter Stations at Butt Farm. These would be limited to within 1km of the Onshore Converter Stations and will be mitigated by the landscaping proposed in <b>Outline Landscape Management Plan</b> [App-236] after ten years. This will reduce the residual significance of effect to moderate adverse which is still significant in Environmental Impact Assessment terms.</p> <p>Any reasonable loss of business to the Butts Farm campsite is a matter of compensation which would be assessed and addressed by the Applicants.</p> <p>A number of PRoW cross the Onshore Development Area including Beverley 20, these will be managed through the measures set out in <b>Outline Public Rights of Way Management Plan</b> which is included in <b>Appendix A of Volume 8, Outline Code of Construction Practice</b> [APP-234]. Impacts on long distance PRoW and tourism are assessed in <b>Chapter 29 Tourism and Recreation</b> [APP-219]. No significant effects are identified during construction or operation on either of these receptors.</p> <p><b>Agriculture and Land Use</b></p> <p>The impact of the Projects on the loss of agricultural land, soil degradation and impact on Environmental Stewardship schemes are assessed in <b>Chapter 21 Land Use</b> [App-169].</p> <p>During operation, the impacts to land use along the Onshore Export Cable Corridor are limited. However, residual impacts to changes in land use and agri-environmental schemes during operation have been assessed as potentially major adverse (significant), at the Onshore Substation Zone as the total permanent land take associated within the Onshore Substation Zone for the Projects is approximately 33ha (based on two Onshore Converter Stations, landscaped areas, access route and drainage requirements). The significance of effect in relation to the loss of agricultural land during the operation of the Projects cannot be reduced as the land would be unavailable for use in the medium to long-term. However, it should be noted, that following completion of construction, land within the Onshore Substation Zone will be returned to agriculture, as shown in the <b>Outline Landscape Management Plan</b> [APP-236]. In addition, private agreements or compensation will be sought with relevant landowners / occupiers.</p> <p>The <b>Outline Code of Construction Practice</b> [App-234], specifically Appendix A, the Outline Soil Management Plan and Appendix C, the Outline Public Rights of Way Management Plan provide details of proposed mitigation measures and practices to be adopted to reduce the potential impacts of the Projects on agricultural land and recreational routes. The final Code of Construction Practice will need to be approved by the relevant planning authority prior to commencement of the relevant works, which is secured by Requirement 19 of the <b>Draft Development Consent Order</b> [APP-027].</p> <p><b>Terrestrial Ecology</b></p> <p>The impact of the Projects on wildlife and woodland have been assessed and presented in <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140]. The impacts during the construction phase are only of temporary nature and the Projects seek an enhanced outcome for biodiversity and general landscape.</p> <p>The <b>Outline Code of Construction Practice</b> [APP-234] and <b>Outline Ecological Management Plan</b> [APP-235] provides details of proposed mitigation measures and ecological monitoring to address and monitor the effects of the Projects. Final versions of these documents will need to be approved by the relevant planning authority prior to commencement of the relevant works, which is secured by Requirements 12 and 19 of the <b>Draft Development Consent Order</b> [APP-027].</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>An <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13], including an Outline Arboricultural Method Statement has been submitted at the Pre-Examination Procedural Deadline on the 8<sup>th</sup> October 2024. No veteran or ancient trees will be affected by the current design, considering the mitigation measures included in the Outline Arboricultural Method Statement which forms <b>Appendix A</b> of the <b>Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13]. However, the Applicants acknowledge that some trees within the Onshore Substation Zone will have to be removed prior to construction and are detailed in the report.</p> <p><b>Traffic Matters</b></p> <p>Table 24-2-7 of <b>Appendix 24-2 Transport Assessment (TA)</b> [APP-198] details how each section of the Projects would be accessed. With regard to the village of Bentley, Table 24-2-7 describes that the onshore export cable route and the proposed Onshore Converter Stations between the A1079 to the A164 would be accessed from a new access with the A1079 (access locations are shown on Figure 24-2-2c of the <b>TA</b> [APP-198]). This access strategy ensures that neither of the Projects' traffic would be required to travel through the village of Bentley.</p> <p>Furthermore, additional mitigation measures are captured within the <b>Outline Construction Traffic Management Plan</b> [APP-238]. The final Construction Traffic Management Plan will need to be approved by the local highway authority prior to commencement of the relevant works, which is secured by Requirement 14 of the <b>Draft Development Consent Order</b> [APP-027]. The OCTMP includes details of measures to manage, control and monitor routing of the Projects' construction traffic movements.</p>

### 3.4 Tickton & Routh Parish Council

Table 3.4.1 – Applicants' response to Tickton & Routh Parish Council relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-051	<p>The Parish Council wishes to register as an interested party. The Parish Council has been led to believe registering an interest at this initial stage is the only means of being consulted at later stages of the development process. Detailed representations will be made when the full proposals are put forward by the developer. Tickton &amp; Routh Parish Council oppose any issues which may impact the parishes of Tickton and Routh including, but not exclusively, issues affecting the road networks in and around the parishes.</p>	<p>With regard to initial comments upon the issues affecting road networks, the Applicants would direct the Parish Council to <b>Chapter 24 Traffic and Transport</b> [APP-195] and the <b>Outline Construction Traffic Management Plan (OCTMP)</b> [APP-238].</p> <p><b>Chapter 24 Traffic and Transport</b> [APP-195] includes a detailed assessment of the potential for the Projects' construction traffic to have an adverse effect upon the impacts of severance, amenity, road safety and driver delay. The assessment identifies that with the application of additional mitigation measures (as required) that the residual effects would not be significant.</p> <p>Additional mitigation measures are captured within the <b>OCTMP</b> [APP-238]. The final Construction Traffic Management Plan will need to be approved by the local highway authority prior to commencement of the relevant works, which is secured by Requirement 14 of the <b>Draft Development Consent Order</b> [APP-027]. The OCTMP includes details of measures to manage, control and monitor routing of the Projects' construction traffic movements.</p>

## 4 Responses to Statutory Consultees Relevant Representations

7. The Applicants' responses to relevant representations received from statutory consultees are provided in this section.
8. Statutory consultees are organisations and individuals that are required to be consulted by the Applicants under section 42 of the Planning Act 2008.



## 4.1 Corporation of Trinity House of Deptford Strond

Table 4.1.1 – Applicants’ response to Corporation of Trinity House of Deptford Strond relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-008	<p>Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended).</p> <p>The role of Trinity House as a General Lighthouse Authority under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction.</p> <p>Trinity House is grateful to be registered as an interested party and will continue to provide comments to the Examining Authority (ExA) where applicable during the examination process. Our areas of concern are the impact the development may have on the safety of navigation, vessel routeing, and the subsequent provision of aids to navigation, within Trinity House’s area of jurisdiction.</p> <p>Throughout the application process we wish to remain engaged with the applicant, and ExA where appropriate, to ensure that any identified mitigation measures for hazards identified in the Navigation Risk Assessment (NRA) are compliant with National and International Guidelines, and adequately secured within the relevant documentation.</p> <p>Trinity House recognises that the applicant is unable to confirm the final layout during the application process and will assume the scenario of the applicant utilising the whole development area when assessing navigational hazards for our purposes. We are content for the applicant to commence discussions on potential layouts alongside the examination process should it so wish.</p> <p>Trinity House is likely to have further comments to make on the application and the draft DCO(s)/DML(s) throughout the process. We have provided the applicant with our preferred wording for clauses relating to the provision of aids to navigation under the DCO(s)/DML(s) and for the associated development that may be consented in respect thereof. It is also necessary to ensure that an appropriate saving provision is included by the applicant to safeguard Trinity House’s position more broadly under the DCO(s)/DML(s).</p> <p>We will assess the documentation submitted for examination to ascertain whether our requirements are adequately covered and, in particular, should the applicant propose to use alternative wording in the DCO(s)/DML(s), as is their privilege, from that typically used in comparable legislation.</p> <p>Trinity House has engaged with the developer on mitigation measures to ensure navigation safety and vessel routeing through meetings around the Preliminary Environmental Information Report (PEIR), Hazard Workshops and the NRA, prior to the examination process commencing.</p>	<p>The Applicants have extensively consulted with relevant shipping and navigation stakeholders including Trinity House throughout the Navigational Risk Assessment (NRA) process including through the Scoping Opinion, dedicated meetings, Hazard Workshops, and the Preliminary Environmental Information Report. This has led to the completion of a comprehensive <b>NRA</b> [APP-124] and therefore the Applicants are confident that the Statement of Common Ground between the Applicants and Trinity House will be fully agreed and completed during the examination process.</p> <p>As the Interested Party notes, the final array layout will be determined post consent in consultation with Trinity House and the Maritime and Coastguard Agency, as outlined in Table 20-1 of the <b>NRA</b> [APP-124] and the <b>Draft DCO</b> [APP-027].</p>

## 4.2 The Crown Estate

Table 4.2.1 – Applicants’ response to The Crown Estate relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-009	<p>The Crown Estate requests to be registered as an Interested Party in the examination of the Dogger Bank South Offshore Wind Farms. Our interest in the projects are that RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd hold Agreements for Lease from The Crown Estate.</p>	<p>The Applicants acknowledge The Crown Estate’s comments and welcome further engagement through the examination process with regard to the Agreements for Lease.</p>

## 4.3 Environment Agency

Table 4.3.1 – Applicants’ response to Environment Agency relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-015: 1	<p><b>Flood Risk</b></p> <p><u>Lifetime of development</u></p> <p>We note that the lifetime of the development has increased to 30-32 years. We also note the rationale explaining the approach to the lifetime of development (including with respect to the credible maximum scenario) and are happy with the approach taken.</p> <p>Regarding the landfall area, please note that the new national product mapping coastal erosion (NCERM2) is due for publication in December 2024. This should be checked to ensure that coastal erosion in the area of landfall is not greater than is currently predicted to ensure the development is protected from the impacts of coastal erosion. We note that the landfall zone allows for the TJB’s to be located beyond the current areas at risk of coastal erosion.</p> <p>We are pleased to see that previous comments have been taken on board and have been addressed.</p>	<p>The Applicants acknowledge this comment. The new national product mapping coastal erosion (NCERM2) will be reviewed, when available.</p>
RR-015: 2	<p>We note that trenchless techniques are to be used for main river crossings, with a minimum depth of 2m and an expected maximum depth of 20m, with entry and exit points at least 20m from either the top of bank or the landward to of a defence. Crossing methodologies are to be agreed with the Environment Agency prior to construction.</p> <p>It is noted that monitoring will take place while defences are being crossed to ensure that there is no detrimental impact on our assets and that the current standard of protection is maintained.</p> <p>The above will be secured through the OCoCP (Vol.8 – 8.9) and requirement 19 of the Draft DCO.</p> <p>In 7.20.20.1 Consultation responses we note that main river crossings will be at a depth to minimise potential interaction with current or possible planned infrastructure.</p> <p>Please note we would expect to see clear span methods used if crossing main rivers for access purposes.</p> <p>We therefore recommend that the final depth below each main river crossing be both based on detailed site investigation and agreed with the Environment Agency (as detailed in the ES and the FRA).</p> <p>With that in mind the following watercourses are those where we have most concern, and where depths are likely to need to be maximised:</p> <ul style="list-style-type: none"> <li>- Monk Dyke</li> <li>- Routh &amp; Meaux East Drain</li> <li>- River Hull</li> <li>- Beverley &amp; Barmston Drain.</li> </ul> <p>We would need to ensure that the proposed cable does not prevent us from carrying out remedial or future works, such as embankment reprofiling or piling. We would also strongly recommend a meeting with respect to the main river crossings to include our Asset Performance and Projects teams to discuss the crossings.</p>	<p>There are four Environment Agency Main rivers which may require a temporary crossing for access. These are located in <b>Appendix 5-2 Obstacle Crossing Register</b> [APP-074] and include Stream Dike (Wx-025), Holderness Drain (Wx-035), Monk Dike (WX-029) and Meaux and Routh East Drain (WX-030).</p> <p>The Applicants can commit to the temporary crossing of the Stream Dike and Holderness Drain for access by clear span bridge.</p> <p>There is however no construction access to the location between Monk Dike and Meaux and Routh East Drain. There is also no construction access available to the land between the watercourses to allow construction of embankments / footings for clear span temporary bridges and therefore a culvert crossing of one watercourse would be needed to achieve access. The Applicants would propose the crossing of Monk Dike by clear span bridge and the crossing of Meaux and Routh East Drain by temporary culvert crossing. This will be discussed with the Environment Agency as part of the Statement of Common Ground (SoCG) Discussions on the 9<sup>th</sup> October 2024. Any agreed changes would be made to the <b>Appendix 5-2 Obstacle Crossing Register</b> [APP-074] at Deadline 2.</p> <p>The Applicants acknowledge any meetings to agree the crossing method statement with the Environment Agency, could include the Asset Performance and Projects teams to agree the appropriate depth for main river crossings. This detail can be added to the <b>Outline Code of Construction Practice</b> [APP-234] at Deadline 2.</p> <p>In response to the Environment Agency query on what distance above the proposed cable the Applicants would be comfortable to allow piling to occur above it. This would depend on ground conditions and method of piling. The Applicants would require notification of any works within 20m of the cable ducts and an impact assessment to be undertaken to ensure that the consequences of any piling works were as low as reasonably practicable (ALARP) risk to our assets. This will be discussed with the Environment Agency as part of the SoCG discussions on the 9<sup>th</sup></p>

I.D.	Relevant Representation	Applicants' Comment
	<p>With respect to the depth of the crossings below main rivers, what distance above the proposed cable would the applicant be comfortable / allow piling to occur above it? For example, if the cable were at a depth of 20m what depth would we be able to pile to, 10m, 15m, 18m? (i.e. would there be an exclusion zone above the cable?)</p>	<p>October 2024 and any agreement recorded in the draft SoCG to be issued at Deadline 1.</p> <p>A Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, including those listed in RR-015: 2, this would include an agreement on the minimum depth below bed level for the installation of the Cable ducts based on detailed site investigation. This detail will be added to Section 5.15 of the <b>Outline Code of Construction Practice</b> [APP-234] secured through Requirement 19 of the <b>Draft DCO</b> [APP-027], at Deadline 2 to provide further clarification.</p>
RR-015: 3	<p>We note that if Flood Risk Activity Permits (EPR) are not disapplied through the DCO process that the applicant will ensure that all relevant permits are applied for and gained before works commence.</p>	<p>The Applicants acknowledge this comment. If Flood Risk Activity Permits (EPR) are not disapplied through the DCO process, the Applicants will ensure that all relevant permits are applied for prior to construction.</p>
RR-015: 4	<p>In section 20.4.4.4.2 of the FRA we note that the majority of the temporary construction compounds are to be located in flood zone 1.</p> <p>This section also details that there are likely to be 2 temporary construction compounds located in flood zone 2 &amp; 2 in flood zone 3. We would recommend that these are in accordance with the mitigation recommendations in East Riding of Yorkshire Council's Level 1 SFRA.</p>	<p>The Applicants reviewed the proposed locations of each of the temporary construction compounds alongside each source of flood risk within <b>Appendix 20-4 Flood Risk Assessment</b> [APP-168]. Where possible, temporary construction compounds have been located within Flood Zone 1 or in areas at low risk from surface water flooding. The Applicants acknowledge the recommendation with regard to those Temporary Construction Compounds which need to be located within either Flood Zone 2 or Flood Zone 3. Mitigation measures, as recommended in the East Riding of Yorkshire Council Level 1 SFRA will be considered by the Applicants and may be included within the <b>Outline Code of Construction Practice</b> [APP-234], at Deadline 2. The final Code of Construction Practice(s) will need to be approved by the relevant planning authority prior to the commencement of the relevant works, which is secured through Requirement 19 of the <b>Draft DCO</b> [APP-027].</p>
RR-015: 5	<p>We note that the OCoCP includes details from the Flood risk and Hydrology chapter and FRA that are to be secured through this document / Requirement 19.</p>	<p>The Applicants acknowledge this comment.</p>
RR-015: 6	<p>We would recommend that vibration is taken into account when considering impact on main rivers or their associated defences – to ensure that it does not have an adverse effect on those assets and does not reduce the standard of protection afforded by those assets.</p>	<p>The Applicants acknowledge this comment and note that all crossings under Main Rivers and their associated defences will be undertaken using trenchless techniques to minimise any impact in these locations and to ensure there is no resulting change in flood risk or the standard of protection provided by the defences.</p> <p>Furthermore, the Applicants have committed to a minimum depth of at least 2m below bed level at all Main River crossings, as detailed in section 6.3.2.6 of the <b>Outline Code of Construction Practice</b> [APP-234] <i>'Trenchless techniques will be used for Main River crossings as confirmed and agree with the Environment Agency, LLFA and IDB there will be no impact on flood risk during the construction works. The cable entry and exit pits will be at least 20m from any 'Main River,' or from the nearest toe of any flood defences and would be installed at a depth to minimise potential interaction with current, or any planned, infrastructure (e.g., sheet piles), at least 2m below the channel bed'</i>.</p> <p>Vibration and settlement predictions will be considered in the detailed design of the trenchless crossing e.g. Horizontal Directional Drilling (HDD) methodology to specify a drill path and depth to avoid impact on existing assets being crossed. As detailed in section 6.3.2.7 the of the <b>Outline Code of Construction Practice</b> (OCoCP) [APP-234],</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>the Applicants have committed to Flood Defence Monitoring to be agreed with the Environment Agency prior to construction. This will be discussed further with the Environment Agency at a SoCG meeting on the 9<sup>th</sup> October 2024.</p> <p>The Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, including those listed in RR-015: 2. Further detail on construction vibration will be added to Section 5.15 of the <b>Outline Code of Construction Practice</b> [APP-234] secured through Requirement 19 of the <b>Draft DCO</b> [APP-027], at Deadline 2 to provide further clarification.</p>
RR-015: 7	<p><b>Draft DCO Part 2 Section 6 (a) and Schedule 15 Part 3 disapplication of EPR / protective provisions for the EA</b></p> <p>The applicant requests disapplication of the provision of the Environmental Permitting Regulations (England &amp; Wales) 2016 (EPR), which relate to permits for flood risk activities. The applicant has included a suggested form of protective provisions for the benefit of the Environment Agency.</p> <p>We are currently considering whether or not it would be appropriate to agree to this disapplication of EPR. We do not normally agree to disapplication without protective provisions in our preferred form being included in the DCO.</p>	<p>A copy of the Environment Agency's preferred form of protective provisions was requested prior to submission of the DCO, but have not been received. The Applicants' draft protective provisions were provided to the Environment Agency on 8<sup>th</sup> March 2024. The Environment Agency agreed with the Applicants, via email on the 15<sup>th</sup> March 2024 they would provide further comments on the Applicants draft Protective Provisions after submission. The Applicants will review and consider any proposed changes to the draft DCO provisions when they are made available.</p>
RR-015: 8	<p><b>Fluvial Geomorphology</b></p> <p><u>Appendix 20-3 WER Compliance assessment - Table 20-3-4 Scoping Assessment for the River Water Bodies, Page 80</u></p> <p>"All operational activities have been scoped out"</p> <p>In our response to the Scoping Opinion in December 2021 we noted:</p> <p>"direct disturbance of surface water bodies during operation has been scoped out as post-construction there will be no mechanisms by which elements of the Projects could directly disturb water bodies".</p> <p>If the cable route crosses chalk river / floodplain habitat, even via trenchless techniques, there may be potential for the underground service to impact upon the processes controlling groundwater/surface-water interaction. In chalk streams such interactions are very important. Based on this, perhaps the potential impact of direct disturbance of surface water bodies during the operational phase should be scoped in.</p> <p>Based on the above, we would like to see justification for the decision to scope out all operational activities.</p>	<p>As described in section 20.6.1.1 of <b>Chapter 20 Flood Risk and Hydrology</b> [APP-163], the direct disturbance of surface water bodies refers to trenched watercourse crossings and the use of temporary water course crossings for the haul road. As stated in section 20.3.1 of <b>Chapter 20 Flood Risk and Hydrology</b> [APP-163], during the Projects' scoping stage, it was agreed that the direct disturbance of surface water bodies would be scoped out during the operational phase. Once the Projects are operational there will be no mechanisms by which elements of the Projects could directly disturb water bodies.</p> <p>The cable route does not cross any chalk rivers.</p> <p>Potential operational impacts associated with underground infrastructure, which crosses below floodplains, are assessed in the Table 20-3-6 of <b>Appendix 20-3 Water Environment Regulations Compliance Assessment</b> [APP-167]. The scoping questions for the groundwater body crossed by the Projects include impacts on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and any additional surface water bodies that could become noncompliant. The area of permanent infrastructure in the groundwater catchment is equivalent to 0.04% of the catchment area. Note that this figure is incorrectly stated as 0.05% in <b>Appendix 20-3 Water Environment Regulations Compliance Assessment</b> [APP-167]. The document will be updated to give the correct figure at Deadline 2. Although there may be localised changes to flow paths and directions of groundwater in the vicinity of buried/near surface infrastructure, these small scale changes are unlikely to impact GWDTEs or dependent surface water features. Any localised dewatering needed for unplanned emergency repairs is unlikely to significantly alter the movement or level of groundwater in the wider groundwater body (which measures 1,967km<sup>2</sup>) or affect gross patterns of groundwater flow.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-015: 9	<p><a href="#">Appendix 20-3 WER Compliance assessment</a> – Page 41</p> <p><i>"Onshore infrastructure would not create a permanent barrier to the downstream movement of water or sediment, or the upstream movement of fish."</i></p> <p>We would like confirmation that there will be no permanent culverted structures as part of the scheme. If there are, please present mitigation for their effects.</p>	<p>There is one permeant culvert proposed, where the access road to the Onshore Converter Stations crosses a drain, see crossing WX-063 in <b>Appendix 5-2 Obstacle Crossing Register</b> [APP-074]. There are also three locations along the temporary construction accesses where the Projects may be utilising existing bridge / culvert structures for temporary cable corridor access, see crossings Wx-046, Wx-047 and Wx-048 in <b>Appendix 5-2 Obstacle Crossing Register</b> [APP-074]. The option for construction of an adjacent temporary culvert or bridge has been allowed for at these locations within the space retained within the Order Limits. However, if the existing crossings can be upgraded to a suitable standard, the new crossings could remain as permanent features. The measures listed in the <b>Outline Code of Construction Practice</b> [APP-234], para 162 for temporary features would also apply to the permanent culvert design. The permanent culverts will be adequately sized to avoid impounding flows (including allowing for increased winter flows as a result of climate change) and the invert set below bed level to allow bedload transport. This additional detail for permanent culverts will be added to the <b>Outline Code of Construction Practice</b> [APP-234], at Deadline 2.</p>
RR-015: 10	<p><a href="#">Appendix 20-3 Water Environment Regulations Compliance Assessment</a> – Pages 82/65 and <a href="#">7.5 Environmental Statement</a> – Pages 128/311-312 (Plate 5-12)</p> <p><i>"The Onshore Export Cable Corridor would use trenchless methods to cross Main Rivers. This means that Main Rivers would not be directly disturbed."</i></p> <p>Please provide evidence that the trenchless crossing techniques used will be a sufficient depth below the watercourse to prevent any future interaction of the cable with the riverbed which may result from vertical incision. Cross-referencing with the geomorphology report should be made to show site-specific considerations have been made.</p>	<p>The <b>Outline Code of Construction Practice</b> [APP-234] states at para 192, that <i>"The Onshore Export Cables will be set below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time"</i>.</p> <p>The <b>Outline Code of Construction Practice</b> [APP-234], also states in section 5.15 that a Crossing Method Statement, will be agreed with the Environment Agency prior to construction. <i>'The Crossing Method Statement(s) will set out construction operations to be undertaken (including construction methods and types of plant required) and the associated environmental and health and safety issues for certain crossings where an increased risk is identified. The method statements will include details of crossing techniques to be deployed at crossings, including sensitive environmental crossings (such as Main Rivers). These will be developed with the relevant asset owner or key stakeholder such as the Environment Agency, Internal Drainage Board (IDB), Network Rail or the relevant planning authority.'</i></p> <p>The depth of the crossing will consider both further detailed geotechnical investigations and the outcomes of <b>Appendix 20-2 Geomorphological Baseline Survey Technical Report</b> [APP-166] report which can be used to understand the likely response to high flows and give some indication of the potential for scour. This can be agreed with the Environment Agency as part of the Crossing Method Statement(s).</p> <p>The Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, including those listed in RR-015: 2. Further detail on the depth of the crossing considering further detailed geotechnical investigations will be added to section 5.15 of the <b>Outline Code of Construction Practice</b> [APP-234] secured through Requirement 19 of the <b>Draft DCO</b> [APP-027], at Deadline 2 to provide further clarification.</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>Thirteen major watercourses were identified for the geomorphological walkover survey in <b>Appendix 20-2 Geomorphological Baseline Survey Technical Report</b> [APP-166]. All of the surveyed reaches are largely artificial drains characterised by re-sectioning for flood defence and drainage purposes. All of the surveyed reaches are set within sediment deposition zones, with slow flows, low gradients and low velocities contributing to the settling out of fine sediments/silts by low energy glide flows. Most channels are characterised by riparian vegetation, which will help to increase channel roughness and reduce flow velocities. There was little evidence of active bank erosion or bank protection structures, which suggests that high energy erosive flows are uncommon in the study area. Most of the fine sediment in the surveyed areas is likely to have been sourced from the surrounding arable fields.</p> <p>Overall, the geomorphological characteristics of the study area suggest there is limited potential for significant vertical channel incision of sufficient magnitude to expose the buried Onshore Export Cables.</p> <p>The Applicants have committed to a minimum depth of at least 2m below bed level at all Main River crossings, as detailed in section 6.3.2.6 of the <b>Outline Code of Construction Practice</b> [APP-234] 'Trenchless techniques will be used for Main River crossings as confirmed and agree with the Environment Agency, LLFA and IDB there will be no impact on flood risk during the construction works. The cable entry and exit pits will be at least 20m from any 'Main River,' or from the nearest toe of any flood defences and would be installed at a depth to minimise potential interaction with current, or any planned, infrastructure (e.g., sheet piles), at least 2m below the channel bed.'</p>
RR-015: 11	<p><u>7.5 Environmental Statement – Pages 136/340</u></p> <p><i>"It is anticipated that the onshore electrical cables would be left in-situ with ends cut, sealed and buried to minimise environmental effects associated with removal."</i></p> <p>The development should avoid designs which present legacy risks to natural processes and geomorphology beyond the project lifespan. The decommissioning phase of this project involves leaving cables in-situ. Therefore, as outlined in the comment above, we would like to see evidence that the cables are placed at a sufficient depth under the watercourses to avoid exposure resulting from potential future incision which would become an impediment to natural processes. The development should not pose a risk to future restoration of floodplain areas and watercourses and should consider the long-term evolution of the fluvial systems present.</p>	<p>The Applicants acknowledge this comment.</p> <p>With regards to the long-term impact, it is noted that the <b>Outline Code of Construction Practice</b> [APP-234] states at para 192, that <i>"The Onshore Export Cables will be set below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time"</i>.</p> <p>A geomorphology walkover survey has been undertaken (<b>Appendix 20-2 Geomorphological Baseline Survey Technical Report</b> [APP-166]). All of the surveyed reaches are largely artificial drains characterised by resectioning for flood defence and drainage purposes. All of the surveyed reaches are set within sediment deposition zones, with slow flows, low gradients and low velocities contributing to the settling out of fine sediments/silts by low energy glide flows. Most channels are characterised by riparian vegetation, which will help to increase channel roughness and reduce flow velocities. There was little evidence of active bank erosion or bank protection structures, which suggests that high energy erosive flows are uncommon in the study area. Most of the fine sediment in the surveyed areas is likely to have been sourced from the surrounding arable fields.</p> <p>Overall, the geomorphological characteristics of the study area suggest there is limited potential for significant vertical channel incision of sufficient magnitude to expose the decommissioned (buried Onshore Export Cables). Further information on the decommissioning phase will be set out in a Decommissioning Plan to be prepared</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>within six months of the permanent cessation of commercial operation of the Projects and approved by the relevant planning authority. This would include the consideration of the removal of the buried Onshore Export Cables and associated environmental effects at that time. The requirement for a decommissioning plan is secured by Requirement 27 of the <b>Draft DCO</b> [APP-027].</p>
RR-015: 12	<p><u>General considerations</u></p> <p>The following are general guiding principles to consider when designing watercourse crossings to avoid negatively affecting geomorphology and natural processes:</p> <ul style="list-style-type: none"> <li>- We encourage the use of trenchless techniques such as Horizontal Directional Drilling (HDD) to minimise the likelihood of cables entering the water environment and unnecessary interference with natural processes.</li> <li>- Ensure that watercourse crossing design is informed by assessment of fluvial processes and geomorphology. The depth of HDD crossing should consider the likelihood of vertical channel change which will vary.</li> <li>- Drilling pits should be located a sufficient distance from the watercourse to prevent damage to the banks of the river and the riparian zone.</li> </ul>	<p>The Applicants acknowledge the general principles outlined by the Environment Agency. In line with the response to RR-015:6 it is noted that all crossings under main rivers and their associated defences will be undertaken using trenchless techniques to minimise any impact in these locations and to ensure there is no resulting change in flood risk, the standard of protection provided by the defences or impact on the water environment.</p> <p>As stated in RR-015: 10 the crossing design will consider geomorphological risks when agreeing the depth of cables below bed level with the Environment Agency, as part of the Crossing Method Statement.</p> <p>As stated in the <b>Outline Code of Construction Practice</b> [APP-234] in section 6.3.2.6 'The cable entry and exit pits will be at least 20m from any 'Main River,' or from the nearest toe of any flood defences'. The Applicants will seek agreement with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024 that this is a sufficient distance from the watercourse to prevent damage to the banks of the river and the riparian zone.</p> <p>The Applicants confirm that the general guiding principles outlined by the Environment Agency have been taken into consideration within the design of the Projects.</p>
RR-015: 13	<p><b>Biodiversity</b></p> <p><u>18.4.1.3 Local Planning Policy (page 52)</u></p> <p>There is a more recent East Riding of Yorkshire Local Plan than the one mentioned here, and this needs to be referred to.</p>	<p>The current East Riding of Yorkshire Local Plan adopted in 2016 is mentioned in the <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140]. There is a newer Local Plan update 2020-2039 that is still in draft format and its contents do not alter the outcome of the terrestrial ecology and ornithology assessment.</p>
RR-015: 14	<p><u>344.(page 115)</u></p> <p>If vegetation removal is required during the bird nesting season, an ornithologist/ecologist should be on site and oversee each section that is cut down. Leaving it for 48 hours after the initial check, risks birds coming in and starting nesting.</p>	<p>The Applicants acknowledge this comment. The proposed wording of the mitigation measure, will be considered and included within <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140] and the <b>Outline Ecological Management Plan (OEMP)</b> [APP-235], if appropriate at Deadline 2 following discussion with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024.</p>
RR-015: 15	<p><u>454. (page 151)</u></p> <p>As well as covering excavations at night, they should also be fitted with a ramp to allow pets and wild animals to escape if they should fall into them.</p>	<p>The Applicants acknowledge this comment. The proposed wording of the mitigation measure, will be considered and included within <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140] and the <b>OEMP</b> [APP-235], if appropriate at Deadline 2 following discussion with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024.</p>
RR-015: 16	<p><b>Biodiversity Net Gain</b></p>	<p>The Applicants acknowledge this comment. This comment introduces more detailed matters which are addressed below in RR-015: 17 to RR-015: 20.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p><b><i>Incomplete or inaccurate Biodiversity Net Gain (BNG) Information</i></b></p> <p>The information provided in the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024), and associated documents (provided in Annex B) is incomplete and inconsistent with best practice, including the statutory Biodiversity Metric guidance.</p> <p>We recommend that the that the following issues are addressed so that the proposed development, and the Biodiversity Net Gain (BNG) strategy, can be accurately assessed.</p>	
RR-015: 17	<p><u>Issues &amp; recommendations</u></p> <p><b>a) Missing Baseline Information / Data – River Condition Assessment</b></p> <p>The BNG strategy states "River condition assessments (RCA) were not carried out as part of the baseline habitat surveys."</p> <p>However, Table 18-10-9 of the BNG Strategy, and the associated Statutory Biodiversity Metric (Annex B), report an on-site baseline value of 28.04 Watercourse Units.</p> <p>Based on the current information, it is not clear how the on-site baseline value for Watercourse Units has been calculated. River condition assessments, which include field- and desk-based survey elements, are required to determine the 'condition' of the watercourse habitat (other than 'ditches', which have a separate condition assessment) within a proposed development site. This 'condition' information forms part of the statutory Biodiversity Metric calculation, and therefore informs the baseline biodiversity unit value. Without undertaking river condition assessments for the watercourse habitat within the proposed development site, the baseline number of on-site Watercourse Units cannot be accurately calculated.</p> <p>The BNG strategy also states "<i>Once design details have been finalised post-consent, RCA may be required of any watercourses which would be affected.</i>" To determine the baseline Watercourse Unit value of the on-site habitat, river condition assessments are required for watercourse habitat within the proposed development site. The requirement for river condition assessment applies to the on-site watercourse habitat regardless of whether it is affected/impacted – i.e. the post-development percentage change calculations are determined using the baseline watercourse unit value.</p> <p>We recommend that river condition assessments (and ditch condition assessments) are carried out for the watercourse habitat within the proposed development site, and that this information is provided prior (not after) to the consent. The BNG strategy document, and associated statutory Biodiversity Metric, should be updated to include the results of the river condition assessment.</p> <p>Without this information the outputs of the BNG assessment cannot be accurately assured. Equally, the likelihood of the proposed development being able to achieve no net loss or a net gain for biodiversity is difficult to determine.</p> <p>Please also note, river condition assessments must be carried out by a trained and accredited surveyor.</p>	<p>The Applicants acknowledge this comment. The requirement for RCAs to be carried out prior to consent will be discussed with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024 to reach agreement on the appropriate timing of the surveys during the optimal survey season and the approach to revising the <b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157] during the examination.</p>
RR-015: 18	<p><b>b) Watercourse Strategic Significance</b></p> <p>The statutory Biodiversity Metric calculation tool provided Annex B of the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024) records the strategic significance of all on-site baseline watercourse habitat as Low.</p> <p>Table 18-10-5 (Levels of strategic significance) of the BNG strategy describes strategic significance for terrestrial area-based habitat but doesn't include information specific to watercourse habitat. As such, it is unclear how strategic significance has been determined for watercourse habitat. If the strategic significance of baseline</p>	<p>The Applicants acknowledge this comment. The methods for assessing the strategic significance of watercourses will be outlined and calculations updated, where necessary as part of the Biodiversity Metric calculations and <b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157]. As stated in RR-015: 17 the Applicants will discuss this with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024 and agree a suitable timeframe for undertaking the RCA surveys and updating <b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157].</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>watercourse habitat has been under-recorded, there is a risk that Watercourse Unit losses are under-represented in the Biodiversity Metric calculation.</p> <p>To ensure the proposed development and associated BNG strategy can be accurately assured, we recommend that the BNG strategy is updated to outline how strategic significance has been determined for watercourse habitat.</p>	
RR-015: 19	<p><b>c) Watercourse Distinctiveness</b></p> <p>The statutory Biodiversity Metric calculation tool provided Annex B of the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024) only records two distinct lengths High distinctiveness watercourse habitat ('other rivers and streams') in the baseline calculation. The other ten distinct lengths of watercourse within the site are recorded as Medium distinctiveness ('ditch') habitat.</p> <p>For the purposes of BNG, ditch watercourse habitat is defined as <i>"artificially created linear water-conveyancing features which are less than 5 metres wide; and are likely to retain water for more than 4 months of the year."</i></p> <p>It is unclear whether the correct distinctiveness multipliers have been applied to the on-site watercourse habitat. The proposed development crosses a significant number of watercourses, including rivers and streams, as well as small artificial watercourses (ditches). The number of watercourse crossings listed in the Environmental Statement Volume 7 Appendix 5-2 Obstacle Crossing Register (dated June 2024) doesn't appear to be consistent with the number of rows listed in the on-site watercourse baseline worksheet of the statutory Biodiversity Metric provided in Annex B of the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024).</p> <p>If the distinctiveness of the of baseline watercourse habitat has been under-recorded, there is a risk that baseline number of Watercourse Units and any Watercourse Unit losses are under-represented in the Biodiversity Metric calculation. We recommend that the BNG strategy and associated statutory Biodiversity Metric is updated to explain how watercourse distinctiveness has been applied.</p>	<p>The Applicants acknowledge this comment. Figures presented within the Biodiversity Metric include some total/combined lengths of watercourses which is likely a contributing reason for the number of watercourses not aligning with <b>Appendix 5-2 - Obstacle Crossing Register</b> [APP-074]. As stated in RR-015: 17 the Applicants will discuss this with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024 and agree a suitable timeframe for undertaking the RCA surveys and updating <b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157].</p>
RR-015: 20	<p><b>d) Failure to Demonstrate No Net Loss or Biodiversity Net Gain</b></p> <p>Currently, the statutory Biodiversity Metric calculation tool provided Annex B of the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024) outlines that the proposed development will result in a net loss (-6.04%) in Watercourse Units and that the trading rules for watercourse units are not met.</p> <p>The measures outlined in section 18.10.5 (Feasibility of Biodiversity Net Gain) of the Environmental Statement Volume 7 Appendix 18-10 - Biodiversity Net Gain Strategy (dated June 2024) all relate to terrestrial area-based habitat. Sections 18.10.5.4 (Recommendations for Management to Maximise Biodiversity Benefits) and 18.10.5.5 (Off-site Compensation Proposals) of the BNG strategy also do not include information relating to Watercourse habitat / Units. Although the BNG strategy highlights that consultation with external stakeholders has revealed viable options for off-site Biodiversity Unit delivery, it is unclear if this includes options for Watercourse Units. All references to 'spatial risk' within the BNG strategy relate to Local Planning Authority or National Character Area boundaries, which are used to determine the multiplier for area-based Habitat Units. Spatial risk multipliers for off-site delivery of Watercourse Units are determined using waterbody or operational catchment boundaries.</p> <p>Currently, there is limited information to demonstrate that achieving no net loss or a biodiversity net gain for Watercourse Units is feasible.</p>	<p>The Applicants acknowledge this comment.</p> <p>The availability of 4.5 watercourse units (comprising 3.42 Ditch Units and 1.08 Other Rivers and Streams Units) has been provisionally identified via a private third-party. This quantum of units would allow the Projects to deliver no net loss, based on the calculations provided within the June 2024 <b>Biodiversity Net Gain Strategy</b> [APP-157].</p> <p>It is acknowledged however, that the current <b>Biodiversity Net Gain Strategy</b> [APP-157] and calculations require revision based upon revised RCA surveys, strategic significance, distinctiveness, and spatial risk and therefore, the quantum of watercourse units required to deliver no-net-loss may change.</p> <p>It is acknowledged and agreed that different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit value.</p> <p><b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157] will be updated to provide greater certainty that it is feasible for the Projects to demonstrate, as a minimum no net loss, for Watercourse Units. This Applicants will discuss this with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024 and agree a suitable timeframe for undertaking the surveys and updating <b>Appendix 18-10 - Biodiversity Net Gain Strategy</b> [APP-157].</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>While achieving a minimum 10% BNG is not yet a statutory requirement for NSIPs, it is our understanding that the proposed development is committed to achieving a no net loss or a biodiversity net gain in line with the principles and rules of the statutory Biodiversity Metric. It is an important rule of the Biodiversity Metric that the three types of biodiversity units (Habitat Units, Hedgerow Units and Watercourse Units) are unique and cannot be summed, traded, or converted. When reporting biodiversity gains or losses with the metric, the three different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit value.</p> <p>We recommend that the BNG strategy is updated to provide greater certainty that it is feasible for the proposed development to demonstrate a no net loss or biodiversity net gain for Watercourse Units – this includes undertaking robust baseline habitat condition assessments, and providing narrative of how on-site, or where necessary off-site, compensatory watercourse habitat is likely to be delivered.</p>	<p>As stated, achieving a minimum 10% BNG is not yet a statutory requirement for NSIPs and the Projects have committed to achieving a net gain where possible by working with private third-party to consider opportunities for net gain outside of the Order Limits.</p>
RR-015: 21	<p><b>Additional information: Opportunity for river restoration to support BNG &amp; Humber RBMP</b></p> <p>The final BNG strategy for the proposed development must demonstrate a minimum no net loss, and ideally an overall biodiversity net gain (uplift) for Watercourse Units. Impacts to watercourse habitats, including the riparian zone, should be avoided or minimised. Where feasible, watercourse enhancements should be sought on-site. Where off-site enhancements are necessary, we recommend that these are delivered in strategically significant locations close to the development site. The detail of watercourse habitat enhancements to meet the BNG objective, including details of the long-term management of habitat, should be included in the final BNG strategy and be approved prior to the commencement of the proposed development.</p> <p>In line with the Humber River Basin Management Plan (RBMP), we recommend that the proposed development is used as an opportunity to restore or improve water bodies within or close to the proposed development. Opportunities to improve the condition of on- or off-site water bodies that are likely to yield Watercourse Units include removal of redundant in-channel and riparian physical modifications, improvements to in-channel and riparian morphology, and improvements to the vegetation structure of the watercourse and its riparian zone.</p> <p>We recommend that watercourse habitat enhancements are proposed to support wider waterbody objectives under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.</p>	<p>The Applicants acknowledge this comment. This Applicants will discuss this with the Environment Agency at the SoCG meeting on the 9<sup>th</sup> October 2024.</p>
RR-015: 22	<p><b>Groundwater Protection</b></p> <p><i>We are pleased to see that our response to the 2023 consultation has been addressed with regards to groundwater and contaminated land (Geology and Land Quality Consultation Responses document, reference 7.19.19.1 dated June 2024). In addition to our 2023 response, our comments are as such:</i></p> <ul style="list-style-type: none"> <li>• Please note as per Land Contamination: Risk Management, any remediation that takes place must be followed by verification.</li> <li>• In reference to paragraph 135 of the Outline Code of Construction Practice (reference 8.9, dated June 2024), as per The Environment Agency's approach to groundwater protection, within SPZ1, the Environment Agency will normally object in principle to any planning application for a development that may physically disturb an aquifer. All groundwater abstractions intended for human consumption or food production purposes have a default SPZ1 with a minimum radius of 50 metres.</li> </ul> <p><i>If the HRA identifies unacceptable risks then the developer must provide appropriate mitigation. If this is not done or is not possible the Environment Agency will recommend that the planning permission is conditioned, or it will object to the proposal.</i></p>	<p>The Applicants acknowledge this comment.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-015: 23	<p><b>Waste</b></p> <p>While the onshore waste assessment commits to following the necessary regulatory requirements for waste management and has referenced the technical guidance document WM3, the following is included to reiterate the requirements regarding mirror entry non-hazardous wastes, waste assessments and sampling plans.</p> <p><u>Mirror entry non-hazardous wastes</u></p> <p>Some wastes can be classified as hazardous or non-hazardous depending on the concentrations of certain hazardous materials, to justify a non-hazardous classification, evidence must be provided, otherwise the waste should be classified as hazardous. These wastes are mirror entries in the list of waste. One particular mirror entry waste is EWC code 170504 soils and stones, for this waste to be correctly classified as non-hazardous it must have supporting evidence to show the waste is not hazardous.</p> <p>It is the duty of the producer of the waste to ensure waste is analysed and assessed in line with the WM3 guidance document.</p> <p>Waste which is transferred as a mirror entry non-hazardous waste without evidence is miss- classified and could result in the recipient accepting non permitted wastes, and subject them to inappropriate treatments and uses.</p> <p>A waste assessment should include:</p> <ul style="list-style-type: none"> <li>• a sampling plan</li> <li>• a waste analysis</li> <li>• Interpretation of the results, including a hazardous property assessment of the analysis.</li> </ul> <p>An assessment may also include details of the process which produced the waste and, in the case of soils, a site history report to ensure that the analysis has been tailored accordingly.</p> <p>Please note: Absolute hazardous entries may also require an assessment to determine the hazardous properties of the waste. This information is needed to complete the consignment note.</p> <p>Full details can be found in the waste classification guidance, technical guidance WM3  <a href="https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421111/Waste_classification_technical_guidance_WM3.pdf">Waste_classification_technical_guidance_WM3.pdf (publishing.service.gov.uk)</a></p>	<p>The Applicants note in some cases wastes can be classified as either non-hazardous or hazardous depending on the specific properties of the actual wastes generated, as set out in the hazardous waste technical guidance WM3. Appendix E, Outline Site Waste Management Plan of the <b>Outline Code of Construction Practice</b> [APP-234] will be updated in the detailed Site Waste Management Plan produced by the Contractor prior to construction to include additional details of the required sampling and testing of specific project wastes to inform their classification. The results of the waste sampling (including sampling plan, analysis results, and interpretation) will provide the evidence base that will support the classification (whether non-hazardous or hazardous) and will be used when consigning wastes with their specific EWC codes.</p>

## 4.4 Forestry Commission

Table 4.4.1 – Applicants' response to Forestry Commission relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-019	<p>Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186c). For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission /Natural England Standing Advice on Ancient Woodland – "Ancient woodland, ancient trees and veteran trees: advice for making planning decisions", the supporting guidance included within it, and Keepers of Time – A Statement of Policy for England's Ancient and Native Woodland (published June 2005).</p>	<p>Bentley Moor Wood (designated Local Wildlife Site (LWS)) is an ancient &amp; semi-natural woodland and deciduous woodland priority habitat. This woodland is located wholly within the Onshore Development Area at the proposed Onshore Substation Zone. The layout of Onshore Converter Stations and associated landscaping has been designed to avoid direct impacts on this LWS. Buffer zones greater than the recommended 15 metres from the ancient woodland boundary have been incorporated into the design to avoid direct impacts. An area to the west, adjacent to the main woodland block, has been incorporated into the landscape design to allow the development of a woodland edge component by natural regeneration as the</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic, the proposal is likely to require a larger buffer zone. We would be keen to engage further with the developer in relation to any mitigation and compensation strategies.</p> <p>In relation to the presence of non-ancient woodland within the proposal, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible. What is most important to the Forestry Commission in this case is that there will be no loss or detrimental impact as a result of this proposed development on ancient woodland as mentioned above. We hope these comments are helpful to you.</p> <p>We look forward to hearing from you with regards to any future planning applications for this site. If you have any further queries or would like a follow up meeting to discuss this planning application, please do not hesitate to contact the Forestry Commission on the email address provided above.</p>	<p>current land use does not allow for this highly valuable ecotone to establish, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236].</p> <p>An <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13], including an Outline Arboricultural Method Statement has been submitted at the Pre-Examination Procedural Deadline on the 8<sup>th</sup> October. This includes measures to ensure the detailed design of Sustainable Drainage Systems (SuDs) for the Onshore Substation Zone avoids impacts on Bentley Moor Wood.</p> <p>Overall, the Onshore Development Area has been chosen and designed to minimise impact on trees and reduce tree losses as well as other protected species and habitats. The arboricultural survey has been carried out according to the British Standard BS 5837 '<i>Trees in relation to demolition, design and development</i>' and has identified veteran trees within the Onshore Development Area, no ancient trees were recorded. However, as detailed in the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13] no veteran trees will be affected by the current design, considering the mitigation measures included in the Outline Arboricultural Method Statement which forms Appendix A of the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13]. A further detailed arboricultural impact assessment will be undertaken prior to construction to inform the final Landscape Management Plan, as detailed in the Outline Ecological Management Plan [APP-235].</p> <p>The <b>Outline Ecological Management Plan</b> [APP-235] and <b>Outline Landscape Management Plan</b> [APP-236] will be updated at Deadline 2 to include reference to the Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment [application ref: 10.13] to ensure the proposed mitigation measures in the Outline Arboricultural Method Statement are incorporated into the detailed design and secured through Requirements 10, 11 and 12 and in the <b>Draft Development Consent Order</b> [APP-027].</p> <p>With regards to indirect impacts, the results of the air quality assessment at Bentley Moor Wood Ancient Woodland (see <b>Chapter 26 Air Quality</b> [APP-208] and <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140]) suggest a potential &lt;1% increase in ammonia and nitrogen deposition for all traffic scenarios (In Isolation, Concurrently or Sequentially) when only the Projects traffic is considered, and &gt;1% for all traffic scenarios when Projects traffic is considered in-combination with traffic growth and cumulative traffic. It should be considered that impacts are temporary and relate to peak construction movement emissions that would not be continuous throughout the construction period. It should also be noted that background levels of ammonia and nitrogen deposition are already in exceedance at Bentley Moor Wood LWS, due to regular baseline traffic movements along the A1079 and other background sources such as livestock and fertiliser application. The <b>Outline Code of Construction Practice</b> [APP-234] includes measures to address pollution control and dust management to avoid or minimise impact of the Projects on all woodlands within and adjacent the Onshore Development Area during the construction phase.</p> <p>The proposals for soft landscaping in the <b>Outline Landscape Management Plan</b> [APP-236] focus on the area around the Onshore Converter Station. Retention of</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>existing trees and vegetation is proposed wherever possible, including the hedgerow south of Butt Farm caravan site, and the whole of Bentley Moor Wood which will be protected throughout the construction works, as detailed in the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> [application ref: 10.13]. Together with Eleven Acre Plantation and the woodland at Johnson's Pit, which are outside the Development Area, these features will form the basis of a landscape framework around the Onshore Converter Stations and provide biodiversity connections or green corridors between these existing woodlands and hedgerows within the Onshore Substation Zone.</p>

## 4.5 Historic England

Table 4.5.1 – Applicants' response to Historic England relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-022: 1	<p>The Historic Buildings and Monuments Commission for England is generally known as "Historic England". Historic England was established under the National Heritage Act 1983 and is the lead body for the heritage sector and the Government's principal adviser on the historic environment.</p> <p>. HBMCE was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of HBMCE under Section 33 are as follows:</p> <p>"...so far as is practicable:</p> <p>(a) to secure the preservation of ancient monuments and historic buildings situated in England;</p> <p>(b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and</p> <p>(c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation".</p> <p>We also have a role in relation to maritime archaeology under the National Heritage Act 2002 and advise Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.</p> <p>Historic England is a statutory consultee on all Nationally Significant Infrastructure Projects.</p> <p>We have been notified by you of the acceptance of the DCO application and wish to Register as an Interested Party.</p> <p>Historic England's interest in this scheme is focused on the following designated and non-designated but nationally important heritage assets:</p>	<p>No response is required.</p>
RR-022: 1.1	<p><b>1) Archaeology:</b></p> <p>The proposal includes both onshore and offshore components. We have reviewed the assessment of the archaeological resource identified in the applicant's Environmental Statements (Offshore: APP-133; Onshore: APP-172) and the associated WSI documents (Offshore:APP-246; Onshore: APP-239). We acknowledge the</p>	<p>The Applicants acknowledge the comment, please see RR-022: 1.1.1 to RR-022: 1.2.4.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>volume of material produced and consider that the documents set out a clear basis for directing effective and functioning work packages in the onshore and offshore realms. However, we have the following concerns:</p>	
RR-022: 1.1.1	<p>1.1 Offshore.</p> <p>Schedule 18 of the draft DCO (APP-027) contains provisions relating to habitats compensation. Associated with this are compensation plans relating to Kittiwake (APP-052) and Guillemot and Razorbill (APP-056), in addition to other documents. We are concerned that the compensation measures proposed may have an adverse effect on elements of the historic environment, which will need to be assessed. We therefore request that the applicant includes in the DCO an obligation to conduct a WSI in relation to the compensation measures proposed in the plans referred to above, similar to that contained at Schedules 10 and 11 (15(1)(e)) of the draft DCO.</p>	<p>Any potential offshore artificial nesting structure (ANS) for kittiwake would be applied for under a separate marine licence outside of this Development Consent Order (DCO) application. The Applicants can confirm that that any proposals for habitat compensation would include the assessment of effects of any proposed work on the historic environment. It is anticipated that a Written Scheme of Investigation (WSI) for such works would be a condition of the corresponding marine licence and, to this end, a separate WSI for the pre-construction, construction, operation &amp; maintenance, and decommissioning phases of proposed locations for installation of the ANS would be submitted alongside the marine licence application for the ANS. As such, the Applicants' position is that the DCO does not need to include an obligation to conduct a WSI in relation to the compensation measures.</p>
RR-022: 1.1.2	<p>This is an essential mitigation requirement, considering the current absence of a desk-based assessment and any geophysical data for the proposed compensation areas, especially given the possible risk of encountering elements of the historic environment.</p>	<p>The Applicants acknowledge the comment, please see response to RR-022: 1.1.1.</p>
RR-022: 1.1.3	<p>In addition, the present Outline Offshore WSI (Volume 8 (June 2024) APP-239) needs to appropriately consider mitigation and offsetting works in relation to pre-construction, construction, operation &amp; maintenance, and decommissioning phases of proposed locations for installation of the Artificial Nesting Structures (ANS) (as described in the above referenced Project-Level Kittiwake Compensation Plan).</p>	<p>The Applicants do not agree that the <b>Outline WSI (Offshore)</b> [APP-246] should be updated. Instead, a separate WSI for the pre-construction, construction, operation &amp; maintenance, and decommissioning phases of proposed locations for installation of the ANS would be submitted alongside a separate marine licence application for the ANS.</p>
RR-022: 1.1.4	<p>However, in general we do consider that the Outline Offshore WSI (APP-239) section 5 'Methodology for Further Site Investigation' presently sets out a clear basis for directing effective and functional archaeological work packages, specifically related to the development of a finalised design plan. Although it is important that each archaeological work package methodology is set out clearly within carefully developed archaeological method statements, these need to be submitted to Historic England in good time prior to work commencing, given they are key for addressing project specific development impacts and potential risks over the entire duration of the project lifecycle.</p>	<p>The Applicants acknowledge the comment, please see response to RR-022: 1.1.3.</p>
RR-022: 1.1.5	<p>As an important element of realising beneficial effects (referred to in the National Policy Statement EN-3, paragraph 2.8.176) as part of the assessment and completing the broader mitigation process, we acknowledge that the Applicant will ensure consideration to implementing a programme of public outreach and publication. This is rightly reflected within the Environmental Statement Volume 7 Chapter 17 – Offshore Archaeology and Cultural Heritage (APP-133) and the accompanying Outline Written Scheme of Investigation (Offshore), Volume 8 (APP-246), but please refer to item 4) below which identifies additional concerns around the production of public benefit.</p>	<p>Please see responses RR-022:4.1 to RR-022:4.8 below.</p>
RR-022: 1.2.1	<p>1.2 Onshore:</p> <p>We consider that the approaches identified in the WSIs are correctly identified as 'Outline' and need the addition of considerable detail in order to assemble and deliver a coherent (and appropriate) archaeological strategy. There are elements therein needing greater clarification (e.g.: APP-239 Section 9 Public Outreach / Community Engagement;), and additional survey and evaluation.</p>	<p>The Applicants consider that the surveys carried pre-application are sufficient to inform the consent decision and the principles of the <b>Outline Onshore WSI</b> [APP-239], which acknowledges in section 7 that further archaeological work is required to define the final WSI(s) and sets out a process for this work to be carried out and verified by consultees, including Historic England.</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>The outreach sections of the <b>Outline Onshore WSI</b> [APP-239] were presented as an initial draft, reflecting the early stage of the proposals.</p> <p>The Applicants are engaging with Historic England to agree more detailed proposals and these will be included in the full WSI(s) to be submitted and approved post-consent in accordance with requirement 18 of the <b>Draft DCO</b> [APP-027].</p>
RR-022: 1.2.2	<p>It is also the case that, in common with Environmental Statements associated with infrastructure projects, the stress is on identifying individual 'sites', and chronology; there is little or no assessment of 'landscape', or the landscape scale of the intervention.</p>	<p>The broad approach to Environmental Impact Assessment (EIA) was agreed at the Historic England and East Riding of Yorkshire Council Expert Topic Group (ETG) meeting on 25 May 2023 (<b>Appendix 22-1 Onshore Archaeology and Cultural Heritage Consultation Responses</b> [APP-174]). No further comment regarding assessment on a landscape scale was included in Historic England's Section 42 Consultation response received in July 2023 (<b>Appendix 22-1 Onshore Archaeology and Cultural Heritage Consultation Responses</b> [APP-174]).</p> <p>National Policy Statement (NPS) EN-1 requires assessment of effects on heritage assets. By definition, designated heritage assets are individual locations. In these cases, effects are considered not only in terms of all of the individual elements of the proposed development that may give rise to an effect but also to thematic and perceptual connections between these and related heritage assets insofar as these connections are manifest. This is most clearly reflected in the assessment of effects arising through change to setting, where, for example, effects arising from the loss of related heritage assets or change to specific views that contribute to significance are assessed as outlined in <b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178].</p> <p>It is acknowledged that the value of individual heritage assets is influenced by their relationship to chronologically and thematically associated features within the landscape. This aspect of value has been considered in presenting a baseline that considers the wider historical and archaeological background (<b>Chapter 22 Onshore Archaeology and Cultural Heritage</b> [APP-172], section 22.5). Furthermore, the assessments of significance of individual heritage assets are based on an understanding of their value in this context.</p> <p>A project wide research agenda was developed following feedback from Historic England and East Riding of Yorkshire Council ETG meeting on 19 March 2024. This is provided within section 6 of the <b>Outline Onshore WSI</b> [APP-239]. In line with comments received from the ETG meeting on 19<sup>th</sup> March 2024 this research agenda was revised. The research framework was designed to draw on a landscape level approach to guide further stages of evaluation and mitigation and draws on published regional and national research agendas to reflect that wider context.</p> <p>This research agenda is explicitly designed to be an iterative strategy, using the results of each stage of investigation to refine and focus the aims of subsequent study as the full potential of the archaeological remains observed becomes apparent (<b>Outline Onshore WSI</b> [APP-239], section 6).</p> <p>The Applicants would welcome further comment from Historic England to develop this research framework as the Projects progresses.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-022: 1.2.3	The proposed archaeological response is, as it should be, strongly aligned with compliance demands, but the outcome is an approach that is lacking in creativity, and any meaningful public benefit (see 4) below).	Please see responses RR-022:4.1 to RR-022:4.8 below.
RR-022: 1.2.4	Generally, for both offshore and onshore investigations, the client project team should include provisions for meetings with Historic England and local authority curators, planners and conservation officers at important staged milestones. Furthermore, whilst we accept that archaeological risk cannot be fully quantified prior to application submission, we consider the earlier and more well planned - through incorporating archaeological advice from their appointed retained archaeologists - that the project can be in pre-construction surveys and investigations the less likely associated construction delays are to be experienced.	The Applicants acknowledge the comment and welcome further consultation with heritage stakeholders as the Projects progress. An Enhanced Advisory Service is in place with Historic England, and the Applicants continue to engage with heritage stakeholders through site meetings, further discussions and the development of Statements of Common Ground (SoCG).
RR-022: 2.1	<p><b>2) Setting and its contribution to significance:</b></p> <p>Numerous Scheduled Monuments, Listed Buildings, Conservation Areas and one Registered Park and Garden lie within the areas of search.</p>	The Applicants acknowledge this comment, no response is required.
RR-022: 2.2	The information currently submitted with regard to the proposed built elements of the scheme is limited, and far from clear. However, the principal element has been assessed and depicted as a visualisation (APP-192 for Landscape and Visual text, para 23.6.2.3.1 onwards, and APP-193 Fig 23-15a2; APP-193 Fig 23-15a3). These visualisations of the 'worst case scenario' (two Onshore Converter Stations within the Converter Station Area) indicate the scale and massing of one possible product of the scheme, as seen from the nationally important Scheduled Monument of 'Heavy Anti-aircraft gunsite, 350m west of Butt Farm', NHLE 1019186. The extent, massing, scale of the proposed structure and its proximity to the Scheduled Monument represents a considerable concern for Historic England. We consider that the proposed Onshore Converter Station(s) represents 'less than substantial harm' to the significance of the site, but at the high end of this scale. However, this high degree of 'harm' needs to be addressed. This can be achieved by removing the intervention, reducing its impact, or finding ways to mitigate that harm. We do not consider that screening through planting is an effective or lasting mitigation measure in this instance.	<p>This comment raises two different points which the Applicants will address separately. The first is one of the utility of the photomontage visualisation, and the second is over the nature and magnitude of the effect on the 'Heavy Anti-aircraft gunsite, 350m west of Butt Farm' (NHLE 1019186).</p> <p>Cultural heritage specific viewpoints were presented and discussed at a Joint Landscape and Visual Impact Assessment and Archaeology and Cultural Heritage ETG meeting on 13th December 2022 where all viewpoint locations were agreed (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.2).</p> <p>The location of the viewpoint at the 'Heavy Anti-aircraft gunsite, 350m west of Butt Farm' was micro-sited to show the clearest view of the proposed Onshore Converter Stations (<b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23-15</b> [APP-193]). The photomontage has been produced to relevant professional standards (<b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23-1 to Figure 23-15</b> [APP-193]) and shows the 'worst case' scenario within parameters outlined in section 5.7.2 of <b>Chapter 5 Project Description</b> [APP-071]. The options for the final finish of the Onshore Converter Stations are set out in the <b>Design and Access Statement</b> [APP-233] (Section 4.3).</p> <p>Historic England note an effect equating to a less than substantial harm to the significance of the asset. The Environmental Statement (ES) also identifies harm of less than substantial magnitude, but concludes that this harm would be towards the lower end of this spectrum following the application of mitigation (<b>Chapter 22 Onshore Archaeology and Cultural Heritage</b> [APP-172], section 22.6.2.1.5).</p> <p>It is difficult to comment on Historic England's view as expressed without further detail on the rationale for their assessment. Comments made at the 5<sup>th</sup> December 2023 ETG meeting (<b>Appendix 22-1 - Onshore Archaeology and Cultural Heritage Consultation Response</b> [APP-174]) were primarily around the proximity of the proposed Onshore Converter Stations and the effectiveness of the proposed planting as screening for that development.</p>



I.D.	Relevant Representation	Applicants' Comment
		<p>The ES assessment considers, in line with Historic England GPA2 and GPA3 that the principal contribution of significance of the heritage asset is from its historic interest. The gun emplacements form a visible relict of a larger defensive establishment that is associated with the defence of Hull in WWII and a well-preserved example of this type of emplacement (albeit the remainder of the site is no longer manifest). Setting contributes to this interest in that the viewer can still, with a degree of prior knowledge, appreciate the wider layout of the site, and the relationship of the non-extant hutted accommodation and radar mat with the scheduled gun emplacements. The site offers unobstructed views of the sky all round, but particularly to the principal arc of fire from southwest to north-east, away from Hull and Beverley and the hutted accommodation and radar mat, to minimise the potential for collateral damage from falling shrapnel and blast. There is a degree of evidential value that resides primarily in the potential preservation of remains of other elements of the site. The asset does not hold significance for architectural or aesthetic value in the definition set out by NPS EN-1 (paragraph 5.9.3).</p> <p>With the introduction of the Onshore Converter Stations to the south the contribution of setting to historic value would remain largely unchanged. While planting would impinge slightly on the historic site, no manifest elements of the site would be lost, and the viewer's ability to read and understand the site would be minimally affected.</p> <p>There would be a limited effect on the evidential value of the site as a result of the loss of minor peripheral elements of the operational site, but the geophysical survey and evaluation trenching has shown that these features were ephemeral, and any loss of archaeological information would be very limited indeed.</p> <p>While there is no architectural / aesthetic value contributing, the visible presence of the Onshore Converter Stations would distract somewhat from historic interest, but the use of planting to screen the closest low-level elements of the converter station, and the use of an appropriate surface finish (<b>Design and Access Statement</b> [APP-233], section 4.3) would reduce the prominence of the Onshore Converter Stations, and the site would remain in a definably rural setting. Consequently, the effect is more accurately characterised as moderate adverse, in that the principal contribution of setting to the significance of the asset would remain.</p> <p>Additionally, Historic England's assessment does not consider the various mitigation proposals set out in section 22.5.6.3.3 of <b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178]. These include proposals for interpretation and investigation of the site which have been shared with Historic England (via email on 28<sup>th</sup> March 2024, 6<sup>th</sup> August 2024 and 10<sup>th</sup> September 2024).</p>
RR-022: 2.3	<p>It is clear from the supporting text in the Environmental Statement (APP-192, para 91, page 69) that the design component of the Converter Stations is a work in progress: 'the final design of the Onshore Converter Station may differ from the model shown in these visualisations but would not be substantially larger...' [our italics]. Similarly, APP-192, para 93, page 69 states that the Environmental Statement visualisation does 'not show details of finishes or colours...'</p>	<p>The options and process for selection and agreement of the final design and finish of the Converter Stations are set out in the <b>Design and Access Statement</b> [APP-233] (section 4.3). This sets out a post consent design review process (<b>Design and Access Statement</b> [APP-233], section 5) that reflects and standardised approach across infrastructure projects that is intended to allow the detailed design process to be used to maximise any mitigation. It should also be noted that current photomontages illustrate the worst-case scenario in terms of Onshore Converter Station design parameters.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-022: 2.4	Two elements are missing from the visualisations and the assessment of setting, experience and significance. There is no reference to views from a third location, those views showing both the Converter Station(s) and the heritage asset; and there is no attempt to present or assess dynamic and kinetic views as the viewer moves through the landscape.	<p>Cultural heritage specific viewpoints were presented and discussed at a Joint Landscape and Visual Impact Assessment and Archaeology and Cultural Heritage ETG meeting on 13th December 2022 where all viewpoint locations were agreed (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178]).</p> <p>Kinetic and dynamic views have been considered in the assessment of assets such as <i>The Minster Church of St John</i> (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.6.8) and Walkington Conservation Area (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.6.4) where views of that nature contribute to the significance of the heritage asset.</p> <p>The photomontage is an aid to assessment, and cannot by its nature consider experience, significance, or movement through the landscape, these points are addressed in the assessment in <b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178] and summarised below:</p> <ol style="list-style-type: none"> <li>1. The key views out from the Heavy Anti-aircraft gunsite are to the north and west reflecting its field of fire. With the Onshore Converter Stations located to the south these views would remain unchanged.</li> <li>2. The Heavy Anti-aircraft gunsite is well screened in views from the north and west in which the Onshore Converter Stations would appear by the hedgerow that it is built into (<b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23-9</b>) [APP-193]. There are very few third-party views in which the Heavy Anti-aircraft gunsite is discernible that would be affected by the converter stations.</li> <li>3. Views to and from Butt farm farmhouse (approximate position of the WWII battery headquarters and command structures) would also remain unchanged.</li> </ol> <p>The Applicants consider that the assessments of change to setting presented in the ES provide an appropriate description and analysis of the contribution to significance of views of and from heritage assets. In accordance with the advice in GPA3, kinetic views such as those referenced by Historic England are considered where these contribute to the significance of the asset by revealing or elucidating different aspects of their significance.</p>
RR-022: 2.5	Therefore it is not yet possible to understand the full impact of the built elements of the scheme on the setting and significance of listed buildings, conservation areas, the scheduled monument identified above and the Registered Park and Garden at Risby Hall.	<p>Please see response to RR-022:2.4 with reference to understanding the full impact of the built elements of the Projects on listed buildings, conservation areas and scheduled monuments identified as being impacted by the Projects.</p> <p>At Risby Hall Registered Park and Garden, there no visibility of the Onshore Converter Station from within the parkland and as a result kinetic views as the viewer moves around the asset would not be affected (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.6.9.2). The planting scheme to the boundary of the parkland, in common with other English gardens of the period, blurs the boundary between designed and agricultural landscapes, and in the flat landscape the parkland is readily perceived. In line with best practice, the viewpoint CH5 (<b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23.15c</b> [APP 193])</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>provided illustrates the 'worst-case visibility of the proposed development from the area immediately outside the parkland. This very limited visibility was assessed as not being of a prominence or character that would give rise to any loss of the historic or architectural interests of the asset and consequently no effect would arise' (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.6.9.3).</p>
RR-022: 2.6	<p>As in 1) above, solutions can be found through dialogue with the relevant national and local authority curatorial and statutory bodies.</p>	<p>As noted in RR-022: 2.4, the Applicants consider that the assessments of change to setting presented in the ES provide an appropriate description and analysis of the contribution to significance of views of and from heritage assets. In accordance with the advice in GPA3, kinetic views such as those referenced by Historic England are considered where these contribute to the significance of the asset by revealing or elucidating different aspects of their significance.</p> <p>As noted in RR-022: 2.2, cultural heritage specific viewpoints were presented and discussed at a Joint Landscape and Visual Impact Assessment and Archaeology and Cultural Heritage ETG meeting on 13<sup>th</sup> December 2022 where all viewpoint locations were agreed (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.2). The broad approach to EIA was agreed at the Historic England and East Riding of Yorkshire Council ETG meeting on 25<sup>th</sup> May 2023 (<b>Appendix 22-1 Onshore Archaeology and Cultural Heritage Consultation Responses</b> [APP-174]).</p>
RR-022:3.1	<p><b>3) Assessment Methodology:</b></p> <p>We disagree with elements of the Assessment Methodology identified in Table 22-7, APP-172, and used throughout the Environmental Statement. Buildings listed at Grade II are nationally important, not 'Medium' importance. We agree with the 'Definition of magnitude of impact to heritage assets' (Table 22-8), but because the importance of Grade II buildings has been downgraded, the magnitude of impact and the significance of impact will be distorted accordingly.</p>	<p>The ES sets out in Table 22-7 of <b>Chapter 22 Onshore Archaeology and Cultural Heritage</b> [APP-172] that Grade II listed buildings are considered with other heritage assets of 'regional/national importance', distinguishing them from designated heritage assets 'of the highest significance' which are considered to be of national/international importance. This distinction follows the distinction in NPS EN-1 (paragraphs 5.9.29 to 5.9.30) and National Planning Policy Framework (NPPF) paragraph 206. This methodology was set out at scoping and in the Preliminary Environmental Information Report (PEIR). Historic England's Section 42 Consultation received in July 2023 noted that 'We do not agree with Table 22-7. Grade II buildings are nationally important' (<b>Appendix 22-1 Onshore Archaeology and Cultural Heritage Consultation Responses</b> [APP-174]). The level of importance of Grade II Listed Buildings was revised in the ES chapter to be of 'regional/national importance' (<b>Chapter 22 Onshore Archaeology and Cultural Heritage</b> [APP-172]).</p> <p>The assessment considers a number of Grade II Listed Buildings (<b>Appendix 22-5 Onshore Infrastructure Settings Assessment</b> [APP-178], section 22.5.6) all of which there would be either no change or negligible impact from the Projects.</p> <p>The increased valuation of Grade II listed buildings advised by Historic England would therefore not result in any effects identified in the ES as not significant becoming significant.</p> <p>Conversely, what is important in planning policy terms is that harm to designated heritage assets is appropriately identified, and there are no cases where Historic England have identified a harm to the significance of a designated heritage asset that was assessed in the ES as of Medium importance.</p> <p>No harm has been identified to heritage assets of this importance and no significant effects would be introduced if Historic England's advice were to be followed,</p>

I.D.	Relevant Representation	Applicants' Comment
		therefore it is neither accurate nor helpful to point to any 'distortion' of the assessment. This comment demonstrably has no material bearing on the assessment presented in the ES.
RR-022: 4.1	<p><b>4) Cumulative impact and public benefit:</b></p> <p>There are now several green energy infrastructure projects following a similar route from the Yorkshire coast to end points either between Hull and Beverley, East Riding of Yorkshire, or at Drax, North Yorkshire.</p>	The Applicants acknowledge this comment, no response is required.
RR-022: 4.2	The Environmental Statement should provide more thorough assessment of the cumulative impact of this and other related energy proposals (see APP-192, para 159, page 93 for a reference to the several other consented and proposed green infrastructure projects in the area).	<p>The cumulative impact assessment presented in section 22.8 of <b>Chapter 22 Onshore Archaeology and Cultural Heritage</b> [APP-172] was carried out in line with the <b>Onshore Cumulative Effects Assessment Methodology</b> [APP-077] which was agreed at scoping.</p> <p>The Applicants have arranged a meeting with Historic England to further discuss this point, which will be detailed in the SoCG between the Applicant and Historic England, to be submitted to the Planning Inspectorate at Deadline 1.</p>
RR-022: 4.3	Similarly, we would wish to see positive statements in the Environmental Statement about the sharing of knowledge between the several infrastructure projects following the same route from the Yorkshire coast.	<p>As outlined within the <b>Onshore Outline WSI</b> [APP-239] (paragraphs 173 – 182) all archaeological data from the Projects will be made publicly available following best practice guidelines and as set out in NPS EN1 (paragraph 5.9.17).</p> <p>The Applicants recognise the opportunity/benefits for the collaborative approach and would be happy to work with Historic England to explore the areas in which this may be practicable.</p>
RR-022: 4.4	However, we consider that the suggested public outreach and community engagement recommendations (APP-239, section 9) represent a considerable missed opportunity to deliver public benefit. This is not a failing of just the DBS proposal, but is now apparent across all the green infrastructure schemes. The numerous interventions in the offshore and onshore spheres should be thought of as a once in a generation opportunity to generate understanding of the cultural heritage and engagement in it and with it for many years. We would wish to see a greater, more holistic approach to the ways in which public benefit could be generated across the entire project, both onshore and offshore, rather than thinking of the two domains as completely distinct, with two different public outreach and community engagement aims.	<p>The outreach sections of the <b>Onshore Outline WSI</b> [APP-239] were presented as an initial draft, reflecting the early stage of the proposals. These were amended following ETG feedback. Proposals for interpretation and investigation of the Heavy anti-aircraft gunsite at Butt Farm have been shared with Historic England (via email on 28<sup>th</sup> March 2024, 6<sup>th</sup> August 2024 and 10<sup>th</sup> September 2024) and a site visit is planned to further discuss these proposals.</p> <p>Cross project work cannot be guaranteed as the Applicants have no control over other entities such as Hornsea Four, Dogger Bank D, or National Grid.</p> <p>The Applicants acknowledge that cross-scheme collaboration and provision of public benefit beyond that required to mitigate an identified adverse effect is desirable, though not deemed as required in order to offset the impact of the Projects.</p>
RR-022: 4.5	The suggested proposals for public benefit and engagement as it relates to the offshore part of the scheme are identified at APP-246, paras 187 – 190. We consider that the suggested approach is limited and needs considerable modification.	Paragraphs 187 - 190 of the <b>Outline WSI (Offshore)</b> [APP-246] sets out the Applicants' commitment to developing an approach, in consultation with key stakeholders, including Historic England, to engagement with academic and industry-wide research initiatives to deliver public benefit through data sharing and enhancement of the marine archaeological record. Paragraph 231 of the <b>Outline WSI (Offshore)</b> [APP-246] recognises that the results of the archaeological works also have potential to generate significant public interest and, depending upon the significance of the results, sets out the Applicants' commitment to consideration of a programme of

I.D.	Relevant Representation	Applicants' Comment
		<p>public outreach. Paragraph 231 also refers to the programme of public outreach and community engagement proposed in the <b>Onshore Outline WSI</b> [APP-239] and explains that opportunities to integrate both onshore and offshore archaeology in this programme would be explored post-consent.</p> <p>As such, the Applicants are engaging with Historic England to agree the approach to more detailed proposals should consent be granted. The detailed proposals will be included in the final WSI(s) to be submitted and approved post-consent in accordance with requirement 18 of the <b>Draft DCO</b> [APP-027]</p>
RR-022: 4.6	<p>An example is the approach to the archaeology and remains of the Mesolithic period. In APP-172, para 22.5.3.2, para 96, p 54, the text indicates that there are no non-designated Mesolithic sites (there are no designated Mesolithic sites either), but we now understand that the whole of the now submerged Doggerland/Northsealand (upon which the turbines are to be constructed and through which the cabling is to be laid) was a huge resource for Mesolithic communities. The implication of the recommendation therefore is that there is no story to tell onshore communities, when the reality is that the Mesolithic landscape would have looked completely different, and by implication the modern landscape can be thought of in completely different ways. These 'other' stories or the ways of telling 'other' stories could be a fundamental part of an improved public benefit offer, generating engagement, participation, learning, art and sense of identity.</p>	<p>The Applicants are engaging with Historic England to agree the approach to more detailed proposals, which will be included in the final WSI(s) to be submitted and approved post-consent in accordance with requirement 18 of the <b>Draft DCO</b> [APP-027].</p> <p>The focus is mitigating any harm to those heritage assets within the onshore zone that would be affected by the Projects. In the case of the examples provided (Mesolithic deposits and WWI and WWII defensive structures), it would not be appropriate to develop a public benefit offer based on elements of the historic environment that are not present or would not be harmed by the Projects. The Applicants are open to discussions with Historic England around further developing the outreach scheme presented in section 9 of the <b>Outline Onshore WSI</b> [APP-239] to better address the effects of the Projects, but this must be based on opportunities that are germane to and offered by the Projects and any associated archaeological mitigation.</p>
RR-022: 4.7	<p>The same can be said about the more recent archaeological remains. The coastline contains numerous World War One and World War Two remains (in addition to the Butt Farm scheduled monument), and in the offshore zone there are numerous wrecks and crashed aircraft of the same period. These two elements can be linked to tell a more complete story.</p>	<p>The Applicants are engaging with Historic England to agree the approach to more detailed proposals, which will be included in the final WSI(s) to be submitted and approved post-consent in accordance with requirement 18 of the <b>Draft DCO</b> [APP-027].</p> <p>Please see response to RR-022:4.6 above.</p>
RR-022: 4.8	<p>Whilst one aspect of the proposals is the benefit and security of green energy, the possibilities for wider public benefits are being missed. We remain willing to assist the applicant in the formulation of an appropriate outreach and engagement scheme befitting the scale of the project.</p>	<p>The Applicants are engaging with Historic England to agree the approach to more detailed proposals, which will be included in the final WSI(s) to be submitted and approved post-consent in accordance with requirement 18 of the <b>Draft DCO</b> [APP-027].</p> <p>Please see response to RR-022:4.6 above.</p>

## 4.6 Marine Management Organisation

Table 4.6.1 – Applicants’ response to Marine Management Organisation relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-030: 1.1	<p><b>1. The Proposed Development</b></p> <p><b>1.1 Proposed Development Details</b></p> <p>1.1.1 The Dogger Bank South (DBS) Offshore Wind Farms (OWF) project comprises the two OWFs (DBS West and DBS East) and associated offshore and onshore infrastructure including offshore and onshore high voltage electricity cables, onshore and offshore electricity substation(s), connection(s) to the National Grid and ancillary and temporary works.</p> <p>1.1.2 Both projects are located in the southern North Sea with the closest point to the coast being 100 kilometres (km) away from DBS West and 122 km away from DBS East. The total array area for both projects is 874 kilometre squared (km<sup>2</sup>) and includes 170km<sup>2</sup> for the inter platform cabling corridor located between DBS East and DBS West with a maximum of 200 turbines across both sites.</p> <p>1.1.3 The proposed developments will be comprised of export cables which make landfall near Skipsea. The maximum offshore cable length is 682km (188km for DBS East and 153km for DBS West), with two power cables required per project totally four power cables across both projects.</p> <p>1.1.4 Five DMLs are included in the draft DCO:</p> <ul style="list-style-type: none"> <li>• Marine Licence 1: DBS East Project Offshore Generation</li> <li>• Marine Licence 2: DBS West Project Onshore Generation</li> <li>• Marine Licence 3: DBS East Project Offshore Transmission</li> <li>• Marine Licence 4: DBS West Project Onshore Transmission</li> <li>• Marine Licence 5: DBS East Project and DBS West Project Offshore Transmission</li> </ul> <p>1.1.5 DBS West and DBS East may be constructed at the same time, or at different times.</p> <ul style="list-style-type: none"> <li>• If built In isolation, either Project could be constructed in five years.</li> <li>• If built concurrently, both Projects could be constructed in five years.</li> <li>• If built sequentially, construction on either Project could commence first, but with staggered / overlapping construction.</li> <li>• If built sequentially, construction of the first Project would be completed within 5 years, with construction of the second Project being completed within 7 years.</li> </ul>	No response is required.
RR-030: 2.1	<p><b>2. General comments on the application</b></p> <p><b>2.1 Marine Policies and Plans</b></p> <p>2.1.1 The Applicant has provided a compliance assessment table within Volume 8: Policy Compliance Assessment Tables, which show they have had regard to the relevant marine policies and plans. This includes consideration of the National Policy Statements (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3), NPS for Electricity Networks Infrastructure (EN-5), and the East Inshore and Offshore Marine Plans, and the Northeast Inshore and Offshore Marine Plan.</p>	No response is required.
RR-030: 3.1	<p><b>3. Development Consent Order (DCO) and Deemed Marine Licences (DMLs) – APP-027</b></p> <p><b>3.1 Draft Development Consent Order – Major Comments</b></p>	The Applicants have responded to the detailed comments below. See RR-030: 3.11 and <b>Table 4.6.2</b> .

I.D.	Relevant Representation	Applicants' Comment
	3.1.1 The MMO has reviewed the draft DCO and provided detailed comments below and in Table 1 below.	
RR-030: 3.2.1	<p><b>3.2 Unexploded Ordnance (UXO)</b></p> <p>3.2.1 The MMO welcomes the Applicant's commitment in 'Chapter 5 – Project Description' to apply for a marine licence post-consent for UXO investigation and clearance. This will ensure appropriate mitigation is in place. The MMO would highlight that there is a requirement for the investigation marine licence to be applied for separately to ensure this information from the investigation is included within the clearance licence.</p>	The Applicants acknowledge this comment. Two separate marine licences would be applied for post-consent to allow for the investigation and clearance of any Unexploded Ordnance (UXO).
RR-030: 3.2.2	3.2.2 Currently the Applicant expects 41 UXO clearances to be determined. The Applicant has assessed the impacts of UXO detonation within the ES - '8.29 Unexploded Ordnance (UXO) Risk Management – Potential UXO Predictive Numbers'.	The Applicants acknowledge this comment.
RR-030: 3.2.3	3.2.3 The MMO notes that in Table 11-6-2 of Appendix 11-6 Unexploded Ordnance Clearance information and assessment, it is stated that "Underwater noise monitoring would be undertaken for all UXO clearances following the Protocol for In-Situ Underwater Measurement of Explosive Ordnance Disposal for UXO (National Physical Laboratory, 2020) (if required)". The MMO welcomes the proposal to undertake noise monitoring for all UXO clearance operations, although no further details are provided at this stage. We expect that this will be further discussed in due course.	The Applicants acknowledge this comment. Further discussion with the MMO on this point will occur as part of the marine licence application for UXO clearance during the post-consent phase.
RR-030: 3.3.1	<p><b>3.3 Article 5 Benefit of the Order</b></p> <p>3.3.1 MMO requests the following sections are removed:</p> <p><i>"[...] (3) Subject to paragraph (6), the undertaker may with the written consent of the Secretary of State and where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee, except where paragraph (8) applies, in which case no consent of the Secretary of State is required."</i></p> <p><i>"[...] (6) The Secretary of State must consult the MMO before giving consent to the transfer of the benefit of the whole of any deemed marine licences under paragraph (3)."</i></p> <p><i>"[...] (9) Prior to any transfer or grant under this article taking effect the undertaker must give notice in writing to the Secretary of State, and if such transfer or grant relates to the exercise of powers in their area, to the MMO and the relevant planning authority."</i></p> <p><i>"[...] (14) Section 72(7) and (8) of the 2009 Act do not apply to a transfer of grant of the benefit of the provisions of any deemed marine licences to another person by the undertaker pursuant to an agreement under this article save that the MMO may amend any deemed marine licence granted under Schedule 10 (Marine Licence 1: DBS East Project Offshore Generation – Work Nos. 1A, 4A and 7A), Schedule 11 (Marine Licence 2: DBS West Project Offshore Generation – Work No. 1B, 4B and 7B), Schedule 12 (Marine Licence 3: DBS East Project Offshore Transmission – Work Nos. 2A, 3A, 5A, 6A, 7A and 8A), schedule 13 (Marine Licence 4: DBS West Project Offshore Transmission – Work Nos. 2B, 3B, 5B, 6B, 7B and 8B), and Schedule 14 (Marine Licence 5: DBS East Project and DBS West Project Offshore Transmission – Work Nos. 5A, 5B, 7A and 7B) of the Order to correct the name of the undertaker to the name of a transferee or lessee under this article 5 (Benefit of the Order)."</i></p>	<p>For the reasons set out below, the Applicants do not agree with the removal of the parts of Article 5 of the <b>Draft DCO</b> [APP-027] requested by the MMO.</p> <p>Paragraph (14) of Article 5 disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of a Deemed Marine Licence (DML). The drafting is based on the Model Provisions and reflects a long-established precedent regarding the transfer of DCO powers and DMLs that has been endorsed by the Secretary of State (SoS) many times, including most recently in the Sheringham Shoal and Dudgeon Extensions DCO. Where a transfer of the DML is sought under Article 5, the SoS would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before determining whether to grant consent, noting that Article 5 (paragraphs (6) and (9)) includes provisions requiring notification and consultation with the MMO where a transfer or grant of the benefit of a DML is proposed.</p> <p>From a procedural perspective, it is important that the DCO and any DML can be transferred together using the process set out in Article 5. It is considered important that the timing of any transfer or grant of powers / authorisations under the DCO and a DML be aligned, as there is considerable overlap between the authorisations and the requirements/conditions. This justifies a departure from the procedure under the Marine and Coastal Access Act 2009. Having deemed the marine licence in the DCO, it is also appropriate that any transfer under the Order include the DML as part of the wider transfer – it is one element of the wider order powers and should not be separated out from the authority to construct, operate and maintain the Nationally Significant Infrastructure Project (NSIP) granted by the Order.</p> <p>The Planning Act 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>ancillary to the operation of that DML (s122(3)), including transfer of the benefit. Section 122(5)(a) and (c) set out that a DCO may “apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order” or “include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order”. The ability to transfer a DML is related to the deeming and it is therefore a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>Overall, the drafting of this article reflects the equivalent provision in recent offshore wind DCOs including Hornsea Three, Norfolk Boreas, Norfolk Vanguard, East Anglia One North, East Anglia Two, Awel y Môr, Hornsea Four and Sheringham Shoal and Dudgeon Extensions. As noted above, this article is necessary to provide the Applicants with the appropriate commercial freedom to sell or lease the authorised projects while ensuring that the SoS can control such sale or lease through the need to obtain their consent.</p>
RR-030: 3.4.1	<p><b>3.4 Explanation for the text amendments:</b> 3.4.1 Article 5(3) allows for the permanent transfer of the DML with the consent of the Secretary of State (SoS).</p>	The Applicants acknowledge this comment.
RR-030: 3.4.2	3.4.2 The proposed drafting represents a clear departure from the MCAA 2009, which would normally require the licence holder (here “the undertaker”) to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the SoS providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer.	Please refer to the response to RR-030: 3.3.1 above.
RR-030: 3.4.3	3.4.3 Article 5(6) is also of concern because there is no obligation for the SoS to take into account the views of the MMO when providing its consent. From a regulatory perspective it is highly irregular that a decision to transfer a licence should not be the decision of the regulatory authority in that area (the MMO).	This drafting follows precedent including the recently made Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, where an almost identical submission was made by the MMO, and the wording of the equivalent article was specifically considered by the SoS. In that case the equivalent article as made (Article 5) provides: “(6) The Secretary of State must consult the MMO before giving consent to the transfer of the benefit of the whole of any deemed marine licences under paragraph (3).” The Applicants accordingly submits that this issue has been considered by the SoS, precedent should be followed and that it is not for the Applicant to impose requirements on the SoS as to how they deal with any views expressed by the MMO. This drafting is well precedented and cannot reasonably be described as ‘highly irregular’ in the context of offshore wind DCOs. In addition to Sheringham Shoal and Dudgeon Extensions as quoted above, this wording has also been included in multiple offshore wind DCOs, including (as examples and not an exhaustive list) Hornsea Four (Article 5(6)), Hornsea Three (Article 5(6)), East Anglia Three (Article 5(3)) and Galloper (Article 7(2)).
RR-030: 3.5	<p><b>3.5 Powers already existing to transfer.</b> 3.5.1 Article 5(14) explicitly disapplies sections 72(7) and (8) of MCAA 2009, which would otherwise govern these procedures. This conflicts with MMO’s stated position that the DML granted under a DCO should be regulated by the provisions of MCAA 2009, and specifically by all provisions of section 72. Section 72(7)(a) permits a licence holder to make an application for a marine licence to be transferred, and where such an application is approved</p>	The Applicants disagree that transfers of the DMLs should be regulated by the provisions of section 72 of the Marine and Coastal Access Act (MCAA) 2009. Where a transfer of a DML is proposed, the SoS would be looking at that in the context of all the provisions of the DCO. There are some Articles and Requirements relating to offshore matters within the DCO which overlap with the DMLs. In that context, it is entirely appropriate that the SoS has the ability to approve the transfer of a DML.



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	<p>for the MMO to then vary the licence accordingly (s. 72(7)(b)). This power should be retained and used in relation to the DML granted under the DCO.</p>	<p>Article 5(14) confirms that section 72(7) and (8) (variation, suspension, revocation and transfer) of the 2009 Act does not apply to a transfer of the DMLs falling within Article 5. Section 72(7) permits the licensing authority to transfer a marine licence to another person. Section 72(8) provides that "a licence may not be transferred except in accordance with subsection 7". Article 5 however provides for a transfer to take place in a different way to section 72(7). Since Article 5 is different from the precise wording of section 72(7) of the 2009 Act it is necessary to specify that section 72(7) only applies to a transfer not falling within Article 5 in order to enable Article 5 to operate. Without specifying this, Article 5 might be claimed to be inoperative because of adopting a different wording from section 72(7).</p> <p>The Applicants also note that this approach is aligned with "good practice point 11" in the Planning Inspectorate Advice Note 15: drafting Development Consent Orders (2018), which states that "Applicants should give careful consideration to the terms of the transfer Article they include in their draft DCO so as to ensure that it reflects how they envisage the NSIP being operated post-consent and, if possible, avoid potential inconsistencies between how DCO and DML transfer arrangements would operate." The Applicants' approach is intended to ensure that inconsistencies in the transfer arrangements do not arise.</p>
RR-030: 3.6	<p><b>3.6 Inconsistencies with PINS guidance</b></p> <p>3.6.1 The wording is inconsistent with the PINS Guidance on how DMLs should operate within a DCO. Advice Note Eleven, Annex B – Marine Management Organisation   National Infrastructure Planning (<a href="http://planninginspectorate.gov.uk">planninginspectorate.gov.uk</a>) provides that where the undertaker chooses to have a marine licence deemed by a DCO, the MMO, "will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO".</p>	<p>The Applicants note the MMO's position but do not agree that the wording is inconsistent with the Planning Inspectorate Advice Note 11: Advice on working with public bodies in the infrastructure planning process, Annex B - MMO (2024). The Applicants note that the Planning Inspectorate Advice Note does not contain language that is absolute and that the advice is qualified by the wording "wherever possible" and "generally". The Applicants submit that the DMLs contained in the <b>Draft DCO</b> [APP-027] are "generally consistent" with those issued independently by the MMO but, for the reasons given above, there is good reason for the transfer provisions in article 5 to depart from the procedure set out in the MCAA 2009. The wording of Article 5 is well-precedented and has been accepted by the SoS many times in the context of offshore wind farm DCOs, most recently in the DCO for Sheringham Shoal and Dudgeon Extensions.</p>
RR-030: 3.7	<p><b>3.7 Inconsistent with intention of the DCO regime</b></p> <p>3.7.1 Under the DCO legislative regime, it remains possible for developers (undertakers) to seek consent for a marine licence directly with the MMO (rather than having a DML integrated into the DCO). This flexibility underlines the fact that the DCO process simply integrates the existing mechanism for granting a marine licence. It should not therefore be used as a vehicle to alter or distort established processes and procedures, such as those for the transfer of a marine licence.</p>	<p>The Applicants note the MMO's position but for the reasons set out above, submit that the drafting of Article 5 and the transfer mechanism provided for the DMLs is appropriate, necessary and has been accepted by the SoS many times.</p>
RR-030: 3.8	<p><b>3.8 Undermining enforcement capabilities of the MMO</b></p> <p>3.8.1 Piecemeal changes to aspects of the marine licence regime by way of the DCO can undermine the ability to enforce the marine licence. Under the DCO, it remains the MMO who will be responsible for enforcing marine licences (both deemed or granted independently). It is therefore vital that all marine licences are clear and enforceable. Consistency is a key element in achieving this, and this is best achieved by ensuring that the MMO has full responsibility for the marine licence process.</p>	<p>The Planning Act 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that DML (s122(3)), including transfer of the benefit. Section 122(5)(a) and (c) set out that a DCO may "apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order" or "include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order". The ability to</p>

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		<p>transfer a DML is related to the deeming and it is therefore a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>The MMO will remain the responsible body for enforcing the DMLs and the transfer provisions in Article 5 do nothing to undermine this position. The drafting of Article 5 is well-precedented and the Applicants submit that therefore it does not represent a piecemeal change to any aspect of the marine licence regime. The drafting of Article 5 is consistent with other comparable offshore wind DCOs; the Applicants are not seeking to introduce new or un-precedented drafting. The Applicants' position is that the provisions of the DMLs are clear and enforceable.</p>
RR-030: 3.9	<p><b>3.9 Purpose of Secretary of State written consent is unclear.</b></p> <p>3.9.1 Not only is this unnecessary (given that Parliament has already created a statutory regime for such a process), but it is also unclear what purpose the written consent of the SoS actually serves here.</p> <p>For example:</p> <p>If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under MCAA 2009 (which the MMO opposes), why is it considered necessary or appropriate for the SoS to 'approve' the transfer of the DML (even going so far as to include an obligation to consult the MMO?).</p> <p>It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by MMO under MCAA 2009?</p>	<p>Where a transfer of the DML is sought under Article 5, the SoS would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before determining whether to grant consent, noting that Article 5 (paragraphs (6) and (9)) includes provisions requiring notification and consultation with the MMO where a transfer or grant of the benefit of a DML is proposed. It is for the SoS to determine the criteria that they would take into account when determining whether to approve any transfer.</p> <p>The Applicants submit that the transfer provisions in Article 5 are necessary and that there are good reasons why any transfer should not be governed by the MCAA 2009, set out above in the response to RR-030: 3.5.</p>
RR-030: 3.10	<p><b>3.10 Practical concerns</b></p> <p>3.10.1 It is unclear how the wording would work in practice. It would be necessary to vary the licence to change the details of the licence holder.</p> <p>3.10.2 The transfer of the licence would happen first, and then the licence would still need to be varied. After the transfer of the licence, the new licensee would have a marine licence which would still be in the name of the licensee who had transferred the licence. The new licensee would have no authorisation to carry out any acts until the variation had taken place and until the variation had been affected, the old licence holder would remain liable for any actions undertaken.</p> <p>3.10.3 Once again this creates additional confusion and administrative layers in lieu of relying on the existing legislative provisions. The procedure under s. 72 MCAA avoids this issue, which is an additional reason why it is preferred.</p> <p>3.10.4 Because of this confusion and potential duplication, it is the position of the MMO that these provisions should be removed, and that any transfer should be subject to the existing regime under the MCAA 2009, with the decision maker remaining the MMO.</p>	<p>As stated above, the drafting of Article 5 is not novel. The approach has been accepted by the SoS on multiple previous occasions and therefore has been deemed to be administratively workable.</p> <p>Article 14(5) expressly allows the MMO to amend any DML granted under Schedules 10 – 14 of the <b>Draft DCO [APP-027]</b> to correct the name of the undertaker to the name of the new transferee or lessee under Article 5.</p> <p>The dual approach of the SoS amending a DCO and the MMO varying any related DML to reflect changes that affect both consents is often relied upon when non-material changes to DCOs and DMLs are made post-consent.</p> <p>For the reasons stated above, the Applicants are of the position that relying on the procedure under section 72 of the MCAA 2009 is not appropriate in the context of any transfer of the DCO and DMLs under Article 5.</p>
RR-030: 3.11	<p><b>3.11 Schedule 10 – Schedule 14 DMLs</b></p> <p>3.11.1 The MMO has provided detailed comments in Table 1 below. Please find a summary of the main concerns below.</p> <p>Determination dates:</p> <p>3.11.2 The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions of this nature. The time it takes the MMO to make such determinations depends on the quality of the application</p>	<p>3.11.1 The Applicants have responded to the MMO's detailed comments in Table 1 below.</p> <p>3.11.2 and 3.11.3 The Applicants require certainty that the discharge of conditions under the DMLs will not cause undue delay to the delivery of the Projects. The Applicants note that, whilst the MMO is not subject to set determination periods for the discharge of conditions for marine licences issued by the MMO, the MMO does aim to make a decision on most marine licence applications within 13 weeks of an</p>

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	<p>made, the complexity of the issues and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p> <p>3.11.3 The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML, given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods. This applies for the following conditions:</p> <ul style="list-style-type: none"> <li>• Extension of time Periods (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML)</li> <li>• Pre-construction plans and documentation (condition 15 on DML 1 and 2, condition 13 on DML 3 and 4 and condition 11 on DML 5)</li> <li>• Site integrity plans (condition 16 on DML 1 and 2 and condition 14 on DML 3 and 4)</li> </ul> <p>3.11.4 Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in as timely a manner as it is able to do so.</p> <p>3.11.5 The MMO's view is that it is for the developer to ensure that it applies for any such approval (with all information required) in sufficient time as to allow the MMO to properly determine whether to grant or refuse the application. The MMO believes that if time scales are included within the DML for plans, then these should be 6 months and not 4 months.</p> <p>3.11.6 However, without prejudice to this position, the MMO is open to discussions on which documents should be 6 months and which documents could be 4 months, in order to take into account the concerns that the Applicant may have.</p>	<p>application being validated. It would therefore seem reasonable that the MMO is able to make a decision on the discharge of conditions within a period double that length. The Applicants therefore submit that six months is a reasonable amount of time for the MMO to determine any approvals sought, noting that the provisions of the DMLs (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML 5) do allow for an alternative timeframe to be agreed between the MMO and the undertaker, which could be utilised in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.4 The Applicants welcome the MMO's confirmation that it does not delay determining whether to grant or refuse such approvals unnecessarily. This supports the Applicants' position that six months should be a sufficient amount of time for such approvals to be considered, noting that an alternative timeframe can be agreed in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.5 and 3.11.6 The Applicants' position is that the submission of certain plans for approval at least four months prior to commencement of operation of licensed activities is appropriate and precedented (for example Hornsea Four and East Anglia One North OWFs). Notwithstanding that, the Applicants welcome that the MMO is open to discussion on this point and will therefore seek to agree the relevant timescales with the MMO and update the Examining Authority (ExA) once those discussions have taken place.</p>
<p>RR-030: 3.12</p>	<p><b>3.12 Definition of maintenance</b></p> <p>3.12.1 The MMO notes that the works permitted under the definition of 'maintain' are not linked or limited to the Outline Offshore Operations and Maintenance Plan (OOOMP) or those assessed in the ES. The MMO considers that these works should be restricted to those that have been assessed and consented and the definition should clearly demonstrate this. This comment also applies to schedules 10-14 (see also MMO's comments on definition of 'maintain' in Table 1, point 5).</p>	<p>The Applicants do not consider that the wording within the definition of "maintain" in the <b>Draft DCO</b> [APP-027] and in each DML in schedules 10 - 14 of the <b>Draft DCO</b> [APP-027] needs to be updated. The purpose of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 is to identify the likely significant environmental effects that will arise from a project. That facilitates the relevant decision maker making an informed decision on the likely effects of the project before they grant or refuse consent. The detail in an Environmental Statement (ES) is not intended to be wholly prescriptive. That is not how the Environmental Impact Assessment (EIA) regime operates. In undertaking an EIA, a developer has to make certain assumptions about how the project will be undertaken, particularly in respect of the operation and maintenance phase. Key parameters that underpin the assessment will then be included in the terms of the consent granted. Where relevant, these key parameters relating to issues including, but not limited to, numbers of maintenance vessel movements, cable repair quantities, remedial cable protection quantities and number of jack-up activities have been included within the worst case scenario tables across ES chapters and within the assessments of operations and maintenance activities.</p>
<p>RR-030: 3.13</p>	<p><b>3.13 Decommissioning</b></p> <p>3.13.1 The Applicant discussed decommissioning with the MMO on 9 August 2024 via email. The Applicant has clarified that decommissioning is not covered by the DMLs as this will be subject to a separate marine licence</p>	<p>The Applicants acknowledge this comment and confirms that a draft decommissioning plan would be submitted prior to the construction of the Projects, as presented in <b>Chapter 5 Project Description</b> [APP-071], paragraph 193 "...a draft of which would be submitted prior to the construction of the Projects. The decommissioning</p>

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	<p>application at the time of decommissioning. The Applicant has stated that while some DML conditions reference decommissioning, this is to ensure that the project complies with the approved plans/schemes until completion of decommissioning.</p> <p>3.13.2 However, the MMO notes that works cannot commence until the decommissioning plan has been approved by the SoS.</p> <p>'Offshore decommissioning</p> <p>7.— (1) No DBS East Project offshore works may commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2)(a) of the 2004 Act has been submitted to the Secretary of State for approval.</p> <p>(2) No DBS West Project offshore works may commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval'.</p> <p>3.13.3 The MMO is reviewing the decommissioning process and will provide comments in due course.</p>	<p><i>plan and programme would be updated during the Projects' lifespan in accordance with requirements."</i></p>
<p>RR-030: 3.14.1</p>	<p><b>3.14 Disposal Sites</b></p> <p>3.14.1 The MMO notes that the Applicant is proposing five new Disposal Sites (one associated with each DML) (Disposal Site Characterisation Report Figure 3:1). These are the following:</p> <ul style="list-style-type: none"> <li>• East Array Offshore Export Cable Corridor Disposal Site</li> <li>• West Array Offshore Export Cable Corridor Disposal Site</li> <li>• DBS East Array Area Disposal Site</li> <li>• DBS West Array Area Disposal Site</li> <li>• Inter-Platform Cable Corridor Disposal Site</li> </ul> <p>However, in the main text of the document, the Applicant is proposing only four disposal sites. This should be clarified within the document. The disposal site(s) must also be clearly named within the appropriate DML.</p>	<p>Section 3 (paragraph 25) of the <b>Disposal Site Characterisation Report</b> [APP-242] presents the proposed disposal areas whilst Figure 3-1 displays the five different proposed disposal sites. The Offshore Export Cable Corridor is listed twice as DBS East or DBS West could be developed in isolation.</p> <p>Annex 1 also includes coordinates to delineate the five proposed disposal sites.</p> <p>The Applicants will update the appropriate DMLs to add the names of the relevant disposal sites and will submit an updated <b>Draft DCO</b> [APP-027] at Deadline 1.</p>
<p>RR-030: 3.14.2</p>	<p>3.14.2 The MMO notes that the Applicant intends to dispose of any sediment removed from within the Dogger Bank Special Areas of Conservation (SAC) during construction within the SAC. This is to ensure that no sediment is lost from the sandbank habitat. The MMO welcomes this but has concerns that this will allow sand to be placed on non-sand bank habitat within the SAC and potentially alter features. The MMO requests the condition is updated to state that dredged material is disposed on the same material type. This is to prevent dredged material being deposited on sensitive habitats. The MMO has provided recommended wording below (see condition comments in Table 1, point 77).</p>	<p>Please see the Applicants' response to point 77 in <b>Table 4.6.2</b>.</p>
<p>RR-030: 3.14.3</p>	<p>3.14.3 The MMO notes that "the disposal of dredged material has the potential to release sediment bound contaminants, such as heavy metals and hydrocarbons into the water column. However, levels of contaminants throughout the Offshore Development Area are generally very low. Elevated levels of arsenic, which are typical of the region, have been recorded at some locations, however regional information available indicates that these levels are below the range identified as being typical for the area and they are not at concentrations considered to pose an unacceptable risk to the marine environment". The characterisation report is therefore sufficient to designate the disposal sites.</p>	<p>The Applicants acknowledge this comment and welcome MMO's agreement.</p>
<p>RR-030: 3.14.4</p>	<p>3.14.4 The MMO is working to designate the disposal sites and will provide an update in due course.</p>	<p>The Applicants acknowledge this comment.</p>

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RR-030: 3.15	<p><b>3.15 Chemicals in the marine environment</b></p> <p>3.15.1 The MMO notes that the DCO permits the use of "cable protection measures such as the placement of rock and/or concrete mattresses, with or without frond devices;" (Work No 9A- B). Frond lines may be secured to a polyester webbing and whilst frond mats installed in the North Sea in 1984 remain in place today and have required no maintenance since being deployed, these are plastics. In addition, in Schedule 10 - 14 (Marine Licence 1-5) section 4, the substances and objects authorised for deposit at sea are - (g) plastics and synthetic material and (k) marine coatings, other chemicals and timber. Therefore, the Applicant should consider the risks of placing plastic infrastructure into the marine environment, should they degrade. This should be discussed in the Outline Scour Protection Plan (document 8.26).</p>	<p>The Applicants acknowledge this request and will update the <b>Outline Scour Protection Plan [APP-251]</b> in line with the request for Deadline 2.</p>
RR-030: 3.16.1	<p><b>3.16 Drafting Conditions</b></p> <p>3.16.1 The MMO notes the Applicant has provided a flowchart in the '1.4 Guide to the application' which shows which documents have been submitted as part of this DCO application and which documents will be submitted post-consent. The MMO notes that multiple conditions are linked to the same document.</p>	<p>The Applicants acknowledge this comment. The linkages between multiple documents and multiple conditions is intentional. This reflects the structure of conditions within the DMLs, the documents prepared in support of the DCO application and those intended to be produced in fulfilment of DML conditions in due course.</p>
RR-030: 3.16.2	<p>3.16.2 All conditions should clearly refer to the 'deemed marine licence' not the 'marine licence' to ensure accuracy.</p>	<p>The Applicants will review the terminology used in the <b>Draft DCO [APP-027]</b> and submit an updated <b>Draft DCO [APP-027]</b> for Deadline 1.</p>
RR-030: 3.16.3	<p>3.16.3 The Applicant should ensure all references in conditions link to the correct section as there are multiple numbering errors.</p>	<p>The Applicants will review and update where necessary the cross-references in the conditions of the DMLs and submit an updated <b>Draft DCO [APP-027]</b> for Deadline 1.</p>
RR-030: 3.16.4	<p>3.16.4 The MMO notes that while the Applicant has provided design parameter conditions for each DML, some of the key design parameters are not included. This includes:</p> <ul style="list-style-type: none"> <li>• The maximum number of piles, per day and per project and for both projects combined and separately (this should not exceed the overall total for the entire project assessed within the ES).</li> <li>• The maximum hammer energy for both pin pile and mono pile respectively.</li> <li>• The maximum dredge depth.</li> <li>• The maximum dredge volume per DML (this should not exceed the overall total for the entire project assessed within the ES); and</li> <li>• The maximum disposal volume per DML (this should not exceed the overall total for the entire project assessed within the ES).</li> <li>• All the maximum design parameters for the marine licensable activities must be clearly stated within the DML conditions.</li> </ul>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to reflect the comments made by the MMO and submit an updated <b>Draft DCO [APP-027]</b> for Deadline 1.</p>
RR-030: 3.16.5	<p><b>Invasive Species Management</b></p> <p>3.16.5 The MMO notes that OWF projects present potential vectors and stepping stones to other offshore infrastructure and the coast. The MMO advise that monitoring of non-native invasive species (NIS) is undertaken to manage colonisation of infrastructure during the operation lifetime.</p>	<p>Through the employment of biosecurity measures embedded into the Projects' design (as detailed in Table 9-3 of <b>Chapter 9 Benthic and Intertidal Ecology [APP-085]</b>), the potential for the spread and colonisation of non-native invasive species (NIS) will be negligible. As such the Applicants believe that monitoring of NIS during the operational stages of the Projects is not required.</p>
RR-030: 3.16.6	<p>3.16.6 The MMO notes that the onshore works have an invasive species management plan. The MMO understands invasive species management measures for the offshore works will be secured within the Project Environment Management Plan (PEMP) and Marine Pollution Contingency Plan (MPCP) and welcome this approach.</p>	<p>The Applicants welcome agreement from the MMO on this approach.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 3.17	<p><b>Additional Conditions</b></p> <p><b>3.17 Reporting of impact pile driving</b></p> <p>3.17.1 To comply with UK requirements on noise reporting, the MMO requests this condition is added to both Schedule 10, Schedule 11, Schedule 121 and Schedule 132.</p> <p>"25.— (1) Only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—</p> <p>(a) prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;</p> <p>(b) at six-month intervals following the commencement of pile driving or by 25 March for works which take place in the preceding year January to December (whichever is earlier), information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements; and</p> <p>(c) within 12 weeks of completion of impact pile driving or by 25 March for works which take place in the preceding year January to December (whichever is earlier), information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements.</p> <p>(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.</p> <p>(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time."</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to reflect the comments made by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>
RR-030: 3.18	<p><b>3.18 Maintenance reporting</b></p> <p>3.18.1 To ensure the MMO is able to know the maintenance activities throughout the lifetime of the operation including understanding any impacts, the MMO requests this condition is added to both Schedule 10 – Schedule 14.</p> <p>"26.— (1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.</p> <p>(2) The report must provide a record of the licensed activities as set out in condition 3 during the preceding year, the timing of activities and methodologies used.</p> <p>(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—</p> <p>(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition XX (1) of this licence.</p> <p>(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to reflect the comments made by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>
RR-030: 3.19	<p><b>3.19 Mitigation – seasonal restrictions</b></p>	<p>The Applicants have committed to seasonal restrictions on piling with the Electrical Switching Platform (ESP) search area (being the area shown on the works plans for Work Nos. 6A and 6B). This commitment is secured as standalone conditions 24 in</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>3.19.1 To ensure it is clear to all involved, the MMO requests any seasonal restrictions for any activities are clearly conditioned as a stand-alone condition and not within an additional plan.</p>	<p>DML3 and DML4 of the <b>Draft DCO</b> [APP-027]. The Applicants do not anticipate any further seasonal restrictions being required, but the MMO's position is noted. If the Applicants do make any additional commitments to seasonal restrictions, these will be included as standalone conditions to the relevant DML(s).</p>
<p>RR-030: 3.20</p>	<p><b>3.20 Ornithological Monitoring</b> 3.20.1 The MMO request a specific ornithological monitoring condition is added to the Deemed Marine Licences. This is to ensure the monitoring report and results are submitted. The MMO note ornithological monitoring is discussed within the Outline In Principle Monitoring Plan.</p>	<p>The Applicants disagree that there is a need for a specific ornithological monitoring condition in the DML as this is already secured through the submission and approval of the construction programme and monitoring plan under the relevant conditions of the DMLs (<b>Draft DCO</b> [APP-027]) (conditions 15(1)(b), 20, 21 and 22 of DMLs 1 and 2; conditions 13(1)(b), 18, 19 and 20 of DMLs 3 and 4; and conditions 11(1)(b), 14, 15 and 16 of DML 5). The construction programme and monitoring plan must accord with the <b>IPMP</b> [APP-247], which includes (at section 1.6.7) outlines of the in-principle monitoring proposed in relation to offshore ornithology. The construction programme and monitoring plan must be submitted to and approved by the MMO.</p>
<p>RR-030: 3.21.1</p>	<p><b>3.21 Piling Restrictions</b> 3.21.1 The MMO request piling restriction conditions are included within the DML 1 (Schedule 10) and DML 2 (Schedule 11). In particular the MMO notes that up to 4 piles within 24 hours will be undertaken across DBS West and DBS East. How does the Applicant intend to split this across the DMLs and ensure that the overall number assessed in the ES is not exceeded?</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>
<p>RR-030: 3.21.2</p>	<p>3.21.2 The MMO requests that no piling activity within the Offshore Export Cable Corridor (ECC) between the months of August and October is undertaken to mitigate for disturbance to the Banks population of Atlantic herring via impulsive underwater noise impacts. The MMO however note there is already a seasonal piling restriction covering this time period in DML 3 (Schedule 12, Condition 24), DML 4 (Schedule 13, Condition 24).</p>	<p>The Applicants are in the process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants' intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas.</p> <p>The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. The change proposed of relevance to these representations is the removal of all platforms from the Offshore Export Cable Corridor, which would mean that no piling activity will take place within the Offshore Export Cable Corridor.</p> <p>If this request is accepted by the ExA, the Applicants would expect this to address the concern raised by the MMO.</p> <p>Notwithstanding the proposed change, the Applicants do not anticipate any further seasonal restrictions being required, but the MMO's position is noted. If the Applicants do make any additional commitments to seasonal restrictions, these will be included as standalone conditions to the relevant DML(s).</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 3.21.3	<p>3.21.3 In addition, given that the ECC route goes through areas of 'high' and 'very high' potential spawning habitat for herring, it is necessary for a temporal restriction to be placed on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc) during the Banks herring spawning season (1st August – 31st October inclusive). This restriction should apply to both construction and maintenance activities. Activities such as trenching and cable burial cause direct disturbance to the seabed and are likely to cause direct harm to adult herring engaged in spawning, as well as herring eggs and early developmental stage (yolk-sac) larvae. It may be possible for this restriction to be refined spatially given that some areas of the cable route offshore are not situated within the herring spawning ground. However, any spatial refinement will be subject to the provision of an appropriately formed 'heat' map (see comments in point 5.5.3), which draws on the correct data and provides an accurate characterisation of the herring spawning habitat potential along the cable route. Sight of the individual data layers used to form the 'heat' map for herring will enable us to interrogate data on sediment suitability and larval abundance in more detail for use when applying a restriction spatially.</p>	<p>The Applicants welcome the MMO's pragmatism in the potential for the spatial refinement of the proposed temporal restriction. A Heat Mapping Report which will be submitted at Deadline 1, will present an updated heat map using the Kyle-Henney <i>et al.</i> (2024) methodology, and utilise Particle Size Analysis (PSA) data to ground-truth the underlying EMODnet data layers. Areas characterised as unsuitable potential spawning habitat by the PSA data (aligning the Folk classifications with the description of unsuitable habitat in Kyle-Henney <i>et al.</i> (2024) will be deemed as 'not a potential spawning habitat for Atlantic herring'.</p> <p>It is noted that entrainment of adult Atlantic herring is not considered a significant impact pathway in the context of an EIA for aggregate dredging (MMO, 2013, 2022 in Kyle-Henney <i>et al.</i>, 2024). The same rationale can be applied to cable installation due to similarities in activity on the seabed (albeit of lower magnitude than aggregate dredging).</p> <p>International Herring Larvae Survey (IHLS) larval abundance data will be presented in the Heat Mapping Report to provide additional context, and to characterise the importance of potential spawning habitat within the Offshore Export Cable Corridor. IHLS sampling stations may not be located directly within the Offshore Export Cable Corridor, and as such, the IHLS data-layer may overrepresent importance at a site-specific scale (Kyle-Henney <i>et al.</i>, 2024).</p> <p>The restriction as proposed in its current form does not align with the most recent restrictions pertaining to herring spawning in the North Sea. The Heat Mapping Report will assess the suitability of the proposed temporal restrictions, whilst also further refining regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.</p>
RR-030: 3.21.4	<p>3.21.4 The MMO welcomes that there will also be no piling activity within the Offshore ECC during the winter season (October to March inclusive) to ensure that no potential significant disturbance occurs within the SNS SAC. The MMO also welcome that there will be no concurrent monopile installation for the Electrical Switching Platform (ESP) in the Offshore ECC with the Project Array Areas concurrently. However, a condition should be added to DML 3 (Schedule 12) and DML 4 (Schedule 13) to state this.</p>	<p>The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants' intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas.</p> <p>The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. The change proposed of relevance to these representations is the removal of the ESP from the Projects Design Envelope, which would mean that no piling activity in relation to the ESP would occur.</p> <p>If this request is accepted by the ExA, the Applicants would expect this to address the concern raised by the MMO.</p>



I.D.	Relevant Representation	Applicants' Comment
		Notwithstanding the proposed change, the MMO's position is noted and updates to the DML conditions to address the concern will be made in due course if the Applicants' change request is not accepted by the ExA.
RR-030: 3.21.5	<p>3.21.5 The MMO requests clarity on if any dredging or clearance activities will take longer than 3 years from commencement? If this will occur, the following sediment sampling condition must be included in their the DMLs.</p> <p><i>Sediment Sampling</i></p> <p>(1) <i>The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.</i></p> <p>(2) <i>The sample plan request must be made—</i></p> <p>(a) <i>for capital dredging, at least six months prior to the commencement of any capital dredging;</i></p> <p><i>or</i></p> <p>(b) <i>for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.</i></p> <p>(3) <i>The sample plan request must include details of—</i></p> <p>(a) <i>the volume of material to be dredged;</i></p> <p>(b) <i>the location of the area to be dredged;</i></p> <p>(c) <i>details of the material type proposed for dredging;</i></p> <p>(d) <i>the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and</i></p> <p>(e) <i>the location and depth of any supporting samples.</i></p> <p>(4) <i>Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.</i></p>	The Applicants are not able to confirm at this stage whether any dredging or clearance activities will take longer than three years from commencement and on that basis, will update the <b>Draft DCO</b> [APP-027] to include a sediment sampling condition in the DMLs.
RR-030: 4.1	<p><b>4. Other Application Documents</b></p> <p><b>4.1 General Comments</b></p> <p>4.1.1 Where projects contain plans that impact both the MMO below MHWS (in the DML), and the Local Planning Authority (LPA) (in the DCO) and there are issues raised with duplication of the requirement, the MMO requests that the Applicant submits the full plan to be approved by both MMO and Council prior to works commencing for their respective approvals under each jurisdiction. Whilst there is a geographic overlap within which the LPA and the MMO operate, their jurisdictions, and therefore their approval, are not. As with other cases, where the MMO and Local Planning Authority have separate consents, they will seek to work together to reduce duplicating unnecessary burden.</p>	The Applicants acknowledge this comment.
RR-030: 4.2	<p><b>4.2 Cable Statement – Volume 8– APP-244</b></p>	The Applicants acknowledge this comment and will make the requested updates to sections 1.2 and 1.4.5.2 of the <b>Cable Statement</b> [APP-244] for Deadline 2.

I.D.	Relevant Representation	Applicants' Comment
	<p>4.2.1 The MMO requests 'Section 1.2 Purpose of the Cable Statement' is updated to state how and when the final cable statement will be agreed. This should state that the final document will be submitted to the MMO for approval.</p> <p>4.2.2 The MMO requests 'Section 1.4.5.2 UXO clearance' is updated to clarify that separate marine licence consents are required for UXO surveys and clearance (see 3.2 for further detail).</p>	
RR-030: 4.3	<p><b>4.3 Outline Project Environmental Management Plan – Volume 8.21 – APP-245</b></p> <p>4.3.1 The MMO are still reviewing this and will provide comments at Deadline 1.</p>	The Applicants acknowledge this comment.
RR-030: 4.4	<p><b>4.4 Outline Written Scheme of Investigation (Offshore) Volume 8.22 – APP-246</b></p> <p>4.4.1 The MMO has no comments at this time and defers to Historic England.</p>	The Applicants acknowledge this comment.
RR-030: 4.5.1	<p><b>4.5 Outline Offshore Operations and Maintenance Plan – Volume 8.24 – APP-248</b></p> <p>4.5.1 The MMO notes in Section 1.1, paragraph 5 that the Applicant has defined 'maintenance'. This definition should be updated to reflect the changes requested in section 3.12 above.</p>	<p>Please see the Applicants' response to RR-030: 3.12.</p> <p>The Applicants acknowledge this comment and will review the definition of 'maintenance' within the <b>Outline Offshore Operations and Maintenance Plan</b> [APP-248]. An update of the <b>Outline Offshore Operations and Maintenance Plan</b> [APP-248] and <b>Draft DCO</b> [APP-027] will be submitted at Deadline 1.</p>
RR-030: 4.5.2	<p>4.5.2 The MMO notes in Section 2.2 Discharging Consent Conditions, paragraph 23 that the Applicant states: 'Additional activities not outlined in this schedule may, if relevant, require future consents such as a Marine Licence under the Marine and Coastal Access Act 2009. Such activities will be discussed with the MMO prior to their undertaking, with relevant additional Marine Licences secured if appropriate'. The MMO welcomes this commitment.</p>	No response is required.
RR-030: 4.5.3	<p>4.5.3 Table 2.2 (below) shows the "Footprint of Potential Cable Re-Burial and Cable Protection Replacement for Both DBS East and DBS West". Column 4 shows "DBS East or DBS West Together", these numbers are different to the sum of the individual projects – please can this be clarified within the document.</p> <p>Table 2.2 - "Footprint of Potential Cable Re-Burial and Cable Protection Replacement for both DBS East and DBS West.</p>	<p>The Applicants acknowledge this comment. The reason the "Footprint of Potential Cable Re-Burial and Cable Protection Replacement" for DBS East or DBS West in isolation is lower than the sum presented for both Projects together reflects the fact that there may be inter-Project platform cabling which would only be present should both Projects be constructed. This explanation will be presented in an update to the <b>Outline Offshore Operations and Maintenance Plan</b> [APP-248] presented at Deadline 1.</p>

I.D.	Relevant Representation	Applicants' Comment																												
	<table border="1"> <thead> <tr> <th style="background-color: #00b050; color: white;">Parameter</th> <th style="background-color: #00b050; color: white;">DBS East In Isolation</th> <th style="background-color: #00b050; color: white;">DBS West In Isolation</th> <th style="background-color: #00b050; color: white;">DBS East or DBS West Together</th> </tr> </thead> <tbody> <tr> <td>Maximum estimated array cable repairs/replacement - lifetime quantity</td> <td>9</td> <td>9</td> <td>17</td> </tr> <tr> <td>Maximum estimated inter platform cable repairs/replacement - lifetime quantity</td> <td>2</td> <td>2</td> <td>6</td> </tr> <tr> <td>Maximum estimated array cable repairs/replacement - seabed disturbance per event (m<sup>2</sup>)</td> <td>6,000</td> <td>6,000</td> <td>6,000</td> </tr> <tr> <td>Maximum estimated area Array Area disturbance over Projects operational lifespan (m<sup>2</sup>)</td> <td>66,000</td> <td>66,000</td> <td>138,000</td> </tr> <tr> <td>Maximum estimated offshore export cable repairs/replacement - lifetime quantity</td> <td>7</td> <td>5</td> <td>12</td> </tr> <tr> <td>Maximum estimated offshore export cable repairs/replacement - seabed disturbance per event (m<sup>2</sup>)</td> <td>6,000</td> <td>6,000</td> <td>6,000</td> </tr> </tbody> </table>	Parameter	DBS East In Isolation	DBS West In Isolation	DBS East or DBS West Together	Maximum estimated array cable repairs/replacement - lifetime quantity	9	9	17	Maximum estimated inter platform cable repairs/replacement - lifetime quantity	2	2	6	Maximum estimated array cable repairs/replacement - seabed disturbance per event (m <sup>2</sup> )	6,000	6,000	6,000	Maximum estimated area Array Area disturbance over Projects operational lifespan (m <sup>2</sup> )	66,000	66,000	138,000	Maximum estimated offshore export cable repairs/replacement - lifetime quantity	7	5	12	Maximum estimated offshore export cable repairs/replacement - seabed disturbance per event (m <sup>2</sup> )	6,000	6,000	6,000	
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RR-030: 4.5.4	<p>4.5.4 The MMO notes that the list of activities to be undertaken during the operations and maintenance phase is provided as Table 2-3. This list is considered to be a live document which will be updated for the final Outline Operations and Monitoring Plan(s) and will be sent to the MMO for approval. This is appropriate.</p> <ul style="list-style-type: none"> <li>The MMO notes that the Table 2-3 Cables states a new licence will not be required for "New cable protection including at new locations up to the limits set out for the Projects as a whole during construction in the relevant Deemed Marine Licences, including protection at J tubes and cable crossings" and Wind turbine and platform foundations states "Additional and replacement scour protection around foundations, within the limits set out for the Projects as a whole during construction in the relevant Deemed Marine Licences, including at locations not protected as part of construction activities".</li> <li>This is not appropriate as new cable or scour protection placed in an area where there was no protection during construction is not classed as 'maintenance'. New cable or scour protection is not maintaining the existing cable or scour protection. Although the ES assesses a maximum parameter, the MMO views cable protection as a high-risk activity and therefore placing cable protection throughout the lifetime of the licence that was not placed during the construction phase should not be included within the OMP. A separate licence should be applied for.</li> <li>The wording on the rows "New cable protection beyond the maximum, in terms of both volume of material and area covered, set out in for construction under the relevant Deemed Marine Licences" and "New scour protection beyond the maximum, in terms of both volume of material and area covered, set out in the relevant Deemed Marine Licences" must be updated accordingly.</li> </ul> <p>For the Offshore Platforms section –is scour protection required in this section? Please update as above if this is required.</p>	<p>The Applicants acknowledge this comment. The requested amendment to clarify that a separate licence will be sought for the deposit of new cable and scour protection in areas where no protection was installed during construction will be made in an update to the <b>Outline Offshore Operations and Maintenance Plan [APP-248]</b>.</p> <p>The wording related to "New cable protection beyond the maximum, in terms of both volume of material and area covered, set out in for construction under the relevant Deemed Marine Licences" and "New scour protection beyond the maximum, in terms of both volume of material and area covered, set out in the relevant Deemed Marine Licences" will be updated to clarify that protection in new areas will require a separate Marine Licence.</p> <p>The updated <b>Outline Offshore Operations and Maintenance Plan [APP-248]</b> will be presented at Deadline 1.</p> <p>By way of clarification, detail related to scour protection for offshore platforms is presented under the heading "Wind Turbine and Platform Foundations" within Table 2-3.</p>																												
RR-030: 4.6	<p><b>4.6 Outline Scour Protection Plan – Volume 8.27 – APP-251</b></p>	<p>The Applicants acknowledge this comment and will update the <b>Outline Scour Protection Plan [APP-251]</b> in line with the request.</p>																												

I.D.	Relevant Representation	Applicants' Comment
	4.6.1 The MMO requests 'Section 1.1 Purpose of this document' is updated to state how and when the plan will be agreed. This should state that the final scour protection plan will be submitted to the MMO for approval.	
RR-030: 4.7.1	<p><b>4.7 Outline Fisheries Liaison and Co-existence Plan – APP-252</b></p> <p>4.7.1 The MMO notes the Applicant states 'The Marine Management Organisation will not act as arbitrator or be involved in any commercial negotiations with any association / organisation, and / or individual fishermen'. This is appropriate.</p>	The Applicants welcome agreement from the MMO on this point.
RR-030: 4.7.2	4.7.2 The MMO requests the below text in Section 1.2 paragraph 6 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval.	The Applicants acknowledge this comment and will update the <b>Outline Fisheries Liaison and Co-existence Plan</b> [APP-252] in line with the request.
RR-030: 4.7.3	4.7.3 'The MMO will be consulted on any material changes to the FLCP. At the time of Offshore Transmission Owner (OFTO) Transaction, post construction, RWE and Masdar will make the latest finalised FLCP available to the OFTO for their awareness'.	The Applicants acknowledge this comment.
RR-030: 4.8.1	<p><b>4.8 Outline Vessel Traffic Monitoring Plan – APP-254</b></p> <p>4.8.1 The MMO has no comments at this time and defers to the Maritime and Coastguard Agency (MCA).</p>	The Applicants acknowledge this comment.
RR-030: 4.9.1	<p><b>4.9 Habitat Regulations Assessment (Volume 6 – Part 1 of 4 Introduction and Terrestrial Ecology – APP-045)</b></p> <p>4.9.1 The MMO notes the following embedded mitigation incorporated into the design of the project: 'An Ecological Management Plan (EMP) will be developed in accordance with the Outline Ecological Management Plan (OEMP) (Volume 8, application ref: 8.10). The OEMP includes but is not limited to pre-construction, construction, and post mitigation measures relating to habitats, hedgerows, birds, bats, badgers, otters, water voles, reptiles, GCN, and other protected or notable species where relevant. The OEMP includes but is not limited to pre-construction, construction, and post mitigation measures relating to habitats, hedgerows, birds, bats, badgers, otters, water voles, reptiles, greater crested newt (GCN), and other protected or notable species where relevant. The EMP will include details of any long-term mitigation and management measures relevant to terrestrial ecology and ornithology and nature conservation. The EMP will be developed in consultation with the relevant stakeholders.'</p>	No response is required.
RR-030: 4.9.2	4.9.2 The MMO understands this will be secured in the DCO Schedule 1 Requirements (12) 'Ecological Management Plan'. Reference to this plan is not made within the DMLs. The MMO considers this is appropriate as the plan is for onshore terrestrial impacts. However, the Applicant should confirm no offshore mitigation and management measures will be secured within this document which relates to the marine licensable activities. However, the Applicant should confirm no offshore mitigation and management measures will be secured within this document which relates to the marine licensable activities.	The Applicants confirm that no offshore mitigation and management measures would be secured within the Ecological Management Plan.
RR-030: 4.10	<p><b>4.10 Habitat Regulations Assessment (Volume 6 – Part 2 of 4 Annex I Offshore Habitats and Annex II Migratory Fish – APP-046)</b></p> <p>4.10.1 The MMO thanks the Applicant for setting out how the embedded mitigation are secured in the DCO or DMLs (Table 6-2).</p> <p>4.10.2 The MMO supports the above inclusion of the embedded mitigation and the methods used to secure these measures.</p>	The Applicants welcome agreement from the MMO on this point.

I.D.	Relevant Representation	Applicants' Comment
RR-030: 4.11	<p><b>4.11 Habitat Regulations Assessment (Volume 6 – Part 3 of 4 Annex II Marnie Mammals) – APP-047</b></p> <p>4.11.1 The MMO thanks the Applicant for setting out how the embedded mitigation and additional mitigation are secured in the DCO or DMLs (Table 8-2, Table 8-3 respectively).</p> <p>4.11.2 The MMO supports the above inclusion of the embedded mitigation and the methods used to secure these measures.</p>	The Applicants welcome agreement from the MMO on this point.
RR-030: 4.12	<p><b>4.12 Habitat Regulations Assessment (Volume 6 – Part 4 of 4 Marine Ornithological Features) – APP-048</b></p> <p>4.12.1 The MMO thanks the Applicant for setting out how the embedded mitigation are secured in the DCO or DMLs (Table 9-9).</p> <p>4.12.2 The MMO notes that compensation measures are required, and these have been secured on the DCO (See Schedule 18 Compensation Measures). The MMO defers to NE regarding the appropriateness of the compensation.</p>	The Applicants acknowledge this comment.
RR-030: 4.13	<p><b>4.13 Marine Conservation Zone Assessment Screening Report – Appendix A- Volume 8.17.1 – APP - 241</b></p> <p>4.13.1 The MMO defer to Natural England as the SNCB.</p>	The Applicants acknowledge this comment.
RR-030: 4.14	<p><b>4.14 Stage 1 Marine Conservation Zone Assessment Screening Report - Volume 8.17 – APP-240</b></p> <p>4.14.1 The MMO thanks the Applicant for setting out how the embedded mitigation and additional mitigation are secured in the DCO or DMLs (Table 5-5).</p> <p>4.14.2 The MMO defer to Natural England as the SNCB.</p>	The Applicants acknowledge this comment.
RR-030: 4.15.1	<p><b>4.15 In Principle Monitoring Plan (IPMP) – APP-247</b></p> <p>4.15.1 The MMO considers most of the comments provided in our Section 42 response has been addressed satisfactorily. However, the MMO have the following comments to make:</p> <p>In Principle Monitoring Plan:</p> <p>The MMO raised previous comments in relation to what are the expectations and mitigations may be needed. This includes if there will be monitoring in relation to the MCZ. As the IPMP does not include MCZ monitoring the MMO has concerns in relation to the Holderness Inshore MCZ. The Applicant states that: <i>'As the Offshore Export Cable Corridor construction buffer zone overlaps with the Holderness Inshore MCZ, there still exists the potential for direct impacts from anchoring events during cable installation activities.'</i> Therefore, if any anchoring events do happen in the MCZ area, the MMO would expect that monitoring would be required to ensure that the prediction of no impact is validated.</p>	The Applicants have amended the commitment that no jack-up activities will occur with the Holderness Inshore Marine Conservation Zone (MCZ), to also include anchoring. Therefore, there is no longer any potential for direct impacts during cable installation activities to occur within the MCZ. As such, no monitoring is required for direct impacts on the MCZ. The <b>IPMP</b> [APP-247] will be updated during the examination process.
RR-030: 4.15.2	<p>4.15.2 The In Principle Monitoring Plan (IPMP) has been produced to provide the basis for delivering the monitoring measures as required by the conditions contained within the DMLs for the DBS OWFs. The report confirms that if piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type would be undertaken with the methods agreed with the MMO and relevant SNCB in the pre-construction period (point 3.21). This is in keeping with the standard requirements for OWF developments. The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst-case scenario assessed within the ES.</p>	<p>The Applicants recognise the importance of monitoring in the management and verification of the Projects' actual effects. The Applicants reiterate that they are committed to undertake underwater noise monitoring of the first four piles of each piled foundation type, as confirmed within the <b>IPMP</b> [APP-247] and that this approach is in line with the standard requirements for offshore wind farm developments. Monitoring locations would be confirmed within post-consent monitoring plans that will be submitted prior to the commencement of piling.</p> <p>The Applicants reiterate that the exact detail, including timings and expectations, of the proposed surveys would be agreed through the development of topic-specific</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>Please provide more information on the timing of these proposed surveys, and the expectations (i.e., what the monitoring is intended to observe), plus the Applicant's intentions should the observations not meet these expectations i.e., the express intention is monitor bed recovery in Holderness inshore MCZ and Smithic bank, plus scour impacts, implying potentially extensive surveying, interpretation and reporting requirements.'</p>	<p>monitoring plans that would be produced prior to the start of construction, as conditioned in the DMLs. The Applicants note that the details of monitoring programmes for Dogger Bank Creyke Beck A &amp; B (now Dogger Bank A and B) and Dogger Bank Teesside A &amp; B (now Dogger Bank C and Sofia) have been agreed at the post-consent stage account of the actual construction programmes and details of the works to be undertaken and would use the same approach, as is described in the <b>IPMP</b> [APP-247].</p>
<p>RR-030: 4.16.1</p>	<p><b>4.16 In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) - APP-250</b></p> <p>4.16.1 The MMO notes that within the final SIP, the Applicants would provide an up to date in-combination assessment using the most recent information on other schemes and planned programmes in order to inform the final assessment. This would include consideration of all data provided through both the Regulators SNS Activity Tracker and the Developers Activity Tracker shared between the key OWFs within (or within 26km of) the SNS SAC. The Applicant is willing to liaise directly with other OWF schemes to ensure the best information and most accurate detail is used to inform these assessments. The MMO welcome this approach</p>	<p>The Applicants welcome agreement from the MMO on this point.</p>
<p>RR-030: 4.16.2</p>	<p>4.16.2 The MMO request a map of the Southern North Sea SAC and the projects' location in relation to this be added to the document for context.</p>	<p>The Applicants acknowledge this request, the figure will be added to an updated version of the <b>In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC)</b> [APP-250], which will be provided at Deadline 1.</p>
<p>RR-030: 4.16.3</p>	<p>4.16.3 The MMO request the following sections are also included within the SIP:</p> <ul style="list-style-type: none"> <li>● Introduction <ul style="list-style-type: none"> <li>○ The Southern North Sea SAC</li> </ul> </li> <li>● Project Description <ul style="list-style-type: none"> <li>○ Project Commitments</li> </ul> </li> <li>● In Principle Management and Mitigation Measures <ul style="list-style-type: none"> <li>○ Measure X: Scheduling of UXO Clearance</li> <li>○ Measure X: Clustering of UXO devices</li> <li>○ Measures Not Applicable</li> <li>○ Other Mitigation Measures outside the scope of the SIP</li> </ul> </li> </ul>	<p>The Applicants acknowledge this request and will include the requested section in an updated version of the <b>In Principle SIP for the SNS SAC</b> [APP-250], which will be provided at Deadline 1.</p>
<p>RR-030: 4.17.1</p>	<p><b>4.17 Outline Marine Mammal Mitigation Protocol – Volume 8.25 – APP-249</b></p> <p>4.17.1 The MMO welcome that the Applicant will be considering all suitable mitigation options including the use of Noise Abatement when developing the final MMMP (as stated in Table 1-2). However, the MMO requests that a specific section regarding noise abatement is added to the MMMP. At this stage the MMO considers there is clear justification and evidence that noise abatement measures will be required for the project, to reduce the risk of potential impact on marine receptors.</p>	<p>The Applicants acknowledge this request and will add a section on the potential use of noise abatement systems (NAS) as mitigation into the <b>Outline Marine Mammal Mitigation Protocol (MMMP)</b> [APP-249], which will be provided at Deadline 1.</p> <p>The Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 4.17.2	<p>4.17.2 The MMO has reviewed the Outline Marine Mammal Mitigation Protocol (MMMP) and largely agrees with the approach set out in the document. The Outline MMMP is clear and informative and in keeping with other OWF developments. The only reservation at this stage is regarding the breaks in piling, as per Section 3.1.6 of the document. The current version of the MMMP has been updated to state that:</p> <p>"For any breaks in piling of more than 10 minutes but less than two hours, as long as MMObs and/or PAM Ops have been in continuous watch and no marine mammals are detected within the MA during the break period then piling can recommence with an altered soft-start procedure (e.g. five to six blows of the hammer at starting hammer energy) before continuing as required, provided there are no marine mammals within the Monitoring Area".</p>	<p>The Applicants acknowledge this request and will update the <b>Outline MMMP</b> [APP-249] to follow the breaks in piling procedure as stated in Joint Nature Conservation Committee (JNCC) guidelines for piling (2010). This will be provided at Deadline 1</p>
RR-030: 4.17.3	<p>4.17.3 This procedure is something that will need to be agreed with the MMO and Natural England. It was previously raised during the PEIR consultation that the JNCC (2010) guidance recommends that if there is a pause in piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If a watch has been kept during the piling operation, the Marine Mammal Observer (MMO) or PAM (Passive Acoustic Monitoring) operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft start immediately. However, if there has been no watch, the complete pre-piling search and soft-start procedure should be undertaken. The guidance recommends that the soft-start duration should be a period of not less than 20 minutes. Any requested variation from a 20-minute soft-start should be agreed with the relevant agency and regulator.</p>	<p>The <b>Outline MMMP</b> [APP-249] will be updated to match the JNCC (2010) guidance on piling. This will be provided at Deadline 1.</p>
RR-030: 4.17.4	<p>4.17.4 The Applicant has acknowledged and responded to this comment received on the PEIR regarding the MMMP:</p> <p>"Regarding breaks in piling and restarting of installation, this is a method that has been previously applied and approved at other offshore wind farm projects successfully. Due to the improvements in scientific understanding and the development of a better knowledge base of the efficacy of certain mitigation measures recommended in the JNCC (2010) protocol, further discussion regarding breaks in piling, the recovery rates of marine mammals will be undertaken post consent before the finalisation of the MMMP".</p>	<p>The Applicants acknowledge this comment.</p>
RR-030: 4.17.5	<p>4.17.5 The MMO welcomes that further discussions on this matter will take place before finalisation of the MMMP.</p>	<p>The Applicants welcome further discussion with the MMO on this point.</p>
RR-030: 5.1	<p><b>5.1 General Comments</b></p> <p>Decommissioning</p> <p>5.1.1 No final decision regarding the final decommissioning policy for the offshore project infrastructure including landfall, has yet been made. It is also recognised that legislation and industry best practice change over time. It is likely that offshore project infrastructure will be removed above the seabed and reused or recycled where practicable. The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and will be agreed with the regulator.</p> <p>5.1.2 It is anticipated that for the worst-case scenario, the impacts will be no greater than those identified for the construction phase. A decommissioning plan for the offshore works would be submitted prior to any decommissioning commencing.</p> <p>5.1.3 Whilst the MMO recognises that no final decisions as to the exact process or extent of works to decommission the projects will be made for some time, this response is not acceptable at the ES stage for a project of this nature and scale. This response was also raised as unacceptable when it was presented at the PEIR</p>	<p>The Applicants acknowledge the MMO's comments regarding decommissioning. The Applicants' approach to assessing decommissioning impacts within the ES has followed the industry standard approach and is proportionate to the level of information available to consider on the topic at this time.</p> <p>Each ES chapter has a "Potential Effects During Decommissioning" section which describes the impacts of relevance and details how / if they differ from construction.</p> <p>The decommissioning sequence will generally be the reverse of construction and will involve similar types and numbers of vessels and equipment. As such, the effects of decommissioning will be comparable or less than those during the construction phase.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>stage. A high-level outline of the works anticipated during the decommissioning phase, and the likely impacts arising from them, have been provided within PEIRs and ESs for other wind farm projects of a similar size. It is understood that this information is indicative given that the period of decommissioning will not occur for 30+ years, however this information is necessary for a complete assessment.</p> <p>5.1.4 The MMO requests the Applicant to amend the ES chapters by incorporating a section which clearly outlines the anticipated impacts to receptors from the decommissioning stage of the development. All impacts scoped into the decommissioning phase must be appropriately assessed in the ES so that it is clear to the examining authority that the Applicant has put sufficient thought into the impacts that their proposed development will have on the environment at all stages of its lifecycle. Presenting an incomplete assessment for a development of this nature and scale is not acceptable.</p>	
<p>RR-030: 5.2.1</p>	<p><b>5.2 Coastal Processes (Chapter 5 – Marine Physical Environment) – APP-071</b></p> <p>5.2.1 The MMO notes that consideration of the 30-year operational lifespan hasn't been discussed, in terms of what might be predicted would be happening at the end of the operational lifespan. This should be addressed. The MMO would like the Applicant to discuss the following within the cumulative impacts assessment:</p>	<p>This comment is an introduction to comments RR-030: 5.2.2. to RR-030: 5.2.6 and so no response is required. See responses RR-030: 5.2.2. to RR-030: 5.2.6 below.</p>
<p>RR-030: 5.2.2</p>	<p>5.2.2 Does the associated reduction in sediment transport rate result in new 'gradients' in transport across any many features or significant transport pathways, because sediment will be progressively removed from areas where the transport rate increases in the direction of transport?</p>	<p>Tidal currents are the dominant driver of bedload sediment transport across the Array Areas, and hence changes in tidal current velocities (bed shear stress) induced by the infrastructure would change sediment transport rates. The Applicants agree that changes to tidal currents could potentially alter the gradients of sediment transport from one area to another along sediment transport pathways over the 30-year operational lifespan of the Projects.</p> <p>The bed shear stress model outputs predict that (in general) the infrastructure would induce a reduction in sediment transport rates across the south of the Array Areas with a predicted increase across the north of the Array Areas. Residual sediment transport is approximately south-east to north-west, and so there is potential for less sediment to be transported (supplied) from the south to the north of the arrays, with more sediment from north of the arrays lost further to the north. This could potentially lead to accretion of the seabed in the south with erosion of the seabed in the north.</p> <p>However, these morphological changes are not significant over 30 years because the changes in bed shear stress are less than 3% of the baseline bed shear stress and would then remain constant during the operational lifespan. Change of this magnitude would have insignificant long-term effects on the mobilisation and sediment transport characteristics of the seabed sediments across the arrays. The sediment transport gradients would be effectively unchanged by the presence of the infrastructure.</p> <p>There would be no cumulative impacts on sediment transport gradients given there will be no overlap of the changes to bed shear stresses of DBS and other infrastructure. This is because the predominant south-east to north-west residual sediment transport direction is away from, not towards, the other offshore wind farms on Dogger Bank.</p>



I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.2.3	5.2.3 The size of the sedimentary features may mean that any eventual impacts due to small changes may take many years or decades to be manifest, but the projects have an (initial) lifetime of 30 years, and there are many adjacent developments of similar nature which may be introducing their own gradients.	<p>Given the resulting bed shear stress would only be 3% higher or lower than the baseline bed shear stress means the changes in erosion and accretion patterns of sedimentary features would have no significant manifestation over decadal time periods.</p> <p>Adjacent offshore wind farm developments of a similar nature are likely to introduce their own changes in sediment transport gradients, but they would not overlap with any changes induced by DBS, and so there would be no cumulative impacts.</p>
RR-030: 5.2.4	5.2.4 The MMO would like the Applicant to clarify the text in 8.8.4.1, paragraph 368. Is the number of a 1 in 1 year return period, correct? This is being described as a highly unlikely scenario, however the MMO would deem a 1 in 100-year return period to be highly unlikely; or a 1 in 10 year would better fit this description. Whereas a 1 in 1 year return period suggests over a 30-year life span that this scenario, while infrequent, is likely to happen numerous times. Please could the Applicant check and update the text if incorrect.	<p>A wave model has been run using three return periods. These were a 1 in 100-year event to represent extreme conditions, a 1 in 1 year event to represent the largest storm in a year and 50th percentile to represent typical daily conditions. The paragraph in question (paragraph 368 of <b>Chapter 8 Marine Physical Environment [APP-o8o]</b>) indicates that a cumulative wave effect of DBS with Hornsea Project Four could potentially only occur during a 1 in 1 year event. Given the 1 in 1 year event represents one storm over a period of one year, it means that this scenario would materialise only about 30 times over the operational lifespan of the Projects. Also, for a cumulative impact to occur the storm waves would have to approach from the north-east, which would be an infrequent occurrence because the dominant waves are from the north and north-west. The cumulative impact would therefore be infrequent (from both occurrence and wave directional perspectives) and short-lived.</p> <p>The Applicants agree that a 1 in 100-year event would be even more unlikely than a 1 in 1 year event. However, from the perspective of cumulative impact, the zone of influence of DBS is greater under the 1 in 1 year event compared to the 1 in 100-year event because the longer wave period during the extreme scenario reduces the energy lost through diffraction as the wave passes by the structures. Hence, the potential for a geographical overlap with Hornsea Project Four is greater for a 1 in 1 year event than a 1 in 100-year event.</p>
RR-030: 5.2.5	<p>5.2.5 Table 8.1 states the design parameters in Chapter 8 (Marine Physical Processes) of the ES. The MMO have a query over this volume for the changes on suspended sediment concentration and transport due to seabed preparation for foundation installation: 'Maximum volume of sediment disturbed due to seabed preparation (including scour protection) –57,325 m<sup>3</sup>'. Is there an explanation for how this volume was calculated? The MMO would have expected this to have been a higher volume.</p> <p>Please can the Applicant provide clarification on to how this volume was calculated?</p>	<p>The seabed preparation area for eight monopile foundations including scour protection is 49,778m<sup>2</sup>. The seabed preparation area for one gravity-based foundation is 64,871m<sup>2</sup>. The maximum thickness of seabed preparation is 0.5m. Hence, the worst case scenario for the volume of sediment disturbed due to seabed preparation (including scour protection) is:</p> $(49,778 \text{ [area]} \times 0.5 \text{ [thickness]}) + (64,871 \times 0.5) = 57,325\text{m}^3$
RR-030: 5.2.6	5.2.6 The MMO notes there are proposed embedded mitigation measures outlined in Table 8.3 of the E.S which relates to marine physical processes. These include the use of scour protection, consideration of methods around piling foundation types and cable burial and offshore export cable burial. These are all measures that the MMO would expect to see for a project of this nature and should be clearly reflected in the DML.	The Applicants acknowledge this comment.
RR-030: 5.3.1	<p><b>5.3 Dredge and Disposal (Chapter 8 – Marine and Physical Environment – APP-o8o)</b></p> <p>5.3.1 The MMO notes site-specific surveys and information sources were provided in Table 8-6 (Chapter 8-Marine and Physical Environment). Chemical characterisation was undertaken on twenty-eight samples that were collected and analysed by SOCOTEC (an MMO validated laboratory for trace heavy metals including arsenic, polyaromatic hydrocarbons (PAHs), total hydrocarbon content (THC), polychlorinated biphenyls (PCB) and di and</p>	The Applicants welcome agreement with the MMO on this point.

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	<p>tri butyl tin (DBT and TBT). Levels of metals observed were all less than the action level one with the exception of arsenic in three samples (ST161 and ST164 in the cable corridor and one in the DBS West array area), although this not unusual in England in some areas. For PAHs the levels in all samples were observed to be low as were the levels of PCBs for all stations that were seen to be below the limits of detection. Therefore, the MMO agrees with the Applicant's comment that the sediment contaminant concentrations are deemed to be low risk from a sediment disposal perspective, and in line with comments made at the intertidal ecology expert topic group meeting held on the 29 January 2024.</p>	
<p>RR-030: 5.3.2</p>	<p>5.3.2 The MMO agrees with the findings and comments in the disposal site characterisation report. The MMO agrees that 'maintain reuse recycling' and other recovery options for the project are not appropriate for the disturbed/dredged and that this material should be released/allowed to return to the area within which it was removed. Drill arisings are anticipated to remain around the base of the monopiles although some dispersion should be anticipated. Table 7-3 of the characterisation report presents a summary of the worst-case sediment disposal quantities which in total would be a maximum of 63,519,020m<sup>3</sup>. Please see Table 1, point 47 within this document for further information.</p>	<p>The Applicants welcome the MMOs agreement with findings and comments in the <b>Disposal Site Characterisation Report</b> [APP-242].  Please see the response to point 47 in <b>Table 4.6.2</b>.</p>
<p>RR-030: 5.3.3</p>	<p>5.3.3 It is anticipated that only 5% of the offshore platforms and turbine locations will require drilling, no information on contaminant data in drill arisings is presented from the boreholes in the characterisation report, however in section 8.1 Marine and Physical Environment Responses the Applicant has stated that the drilled piles would only release geological material (i.e., uncontaminated material) depth samples therefore are not generally collected for offshore windfarms in relation to sediment contaminant assessments which the MMO deem acceptable.</p>	<p>The Applicants welcome agreement with the MMO on this point.</p>
<p>RR-030: 5.3.4</p>	<p>5.3.4 The MMO notes there is potential for overlap with some carbon and capture storage (CCS) projects and some other cables (Eastern Green Link 3 and 4) that are in the early phases of development/consultation, but limited information is currently available. Other subsea cables like Eastern Green Link 2 and Northern Endurance CCS, whilst having spatial overlap, are not expected to temporally align and so no cumulative effects from cable laying are anticipated. The MMO notes that the site characterisation for disposal of any overlap will be completed within their assessments and consent.</p>	<p>The Applicants welcome agreement with the MMO on this point.</p>
<p>RR-030: 5.3.5</p>	<p>5.3.5 The MMO agrees with mitigation measures to reduce the disturbance of sediment and requirements for dredging by placing different foundations in different areas to reduce the requirement for levelling etc.</p>	<p>The Applicants welcome agreement with the MMO on this point.</p>
<p>RR-030: 5.3.6</p>	<p>5.3.6 It should be noted that there are no agreed upper action level 2 (AL2) threshold values for polyaromatic hydrocarbons, the MMO suggests that the reference to AL2 for THC is removed from point 70 in the Disposal site Characterisation report.</p>	<p>The Applicants acknowledge this comment and will remove this in a future revision of the <b>Disposal Site Characterisation Report</b> [APP-242].</p>
<p>RR-030: 5.4.1</p>	<p><b>5.4 Benthic ecology (Chapter 9 – Benthic and Intertidal Ecology – APP-085)</b>  5.4.1 The design of the pre-construction monitoring survey will be submitted to the MMO at least four months prior to the first survey and will be designed to ensure that the effects on habitats from the Project construction are in line with those assessed in the ES and HRA (document referenced in paragraph 8 of chapter 9 in the ES). The MMO agrees with the approach to survey design whereby the Applicant will interpret the pre-construction geophysical data (multibeam and side scan sonar) prior to the collection of sediment samples from across the array, and within the cable export area that coincides with the Dogger Bank SAC. However, the MMO requests that the design of the pre-construction monitoring survey is submitted at least six months prior to the first survey. (points 3.11.2-3.11.6).</p>	<p>The Applicants welcome MMO's agreement with the survey design and will amend the submission of the design of the pre-construction monitoring survey to be submitted at least six months prior to the first survey.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.4.2	5.4.2 The MMO recommends that the Applicant interprets the available geophysical data to inform a ground truthing survey (using seabed imagery) to confirm the presence / absence of Annex I biogenic reef along the entire cable route. This will enable adequate micro-siting to avoid Annex I reef and identify areas where this may not be possible. This is in line with developments of a similar nature.	<p>Table 9-3 within <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] details the commitment to pre-construction surveys and micro-siting.</p> <p>Pre-construction surveys will be undertaken to determine the presence of potential Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats within the proposed wind turbine locations or the Offshore Export Cable Corridor. The preconstruction survey methodology would be agreed with the MMO in consultation with Natural England. The survey design would be based on best practice at the time and is anticipated to consist of a mixture of geophysical, drop-down video (DDV) and grab surveys (as applicable) to ensure a comprehensive ground-truthing of the proposed final wind turbine locations and cable route design. Initial geophysical surveys will be reviewed with DDV ground truthing surveys to confirm presence as appropriate. This shall then be used to inform detailed layout design in the design plan and will inform the mitigation scheme requirements.</p> <p>These pre-construction surveys are secured in conditions 15 and 20 of DMLs 1 and 2, conditions 13 and 18 of DMLs 3 and 4; and conditions 11 and 14 of DML 5.</p>
RR-030: 5.4.3	5.4.3 The MMO broadly agrees with the approach set out by the Applicant regarding the pre-construction monitoring survey to determine the presence of Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats within the development area and inform the detailed layout design to avoid as necessary. However, the MMO notes this does not seem to be reflected in the Applicant's assessment of the significance of effect on the BAP priority habitat 'Piddocks with a sparse associated fauna in Atlantic circalittoral very soft chalk or clay' identified in the DBS (East) array, whereby no additional mitigation is proposed to diminish adverse effects of the development on this habitat. The MMO defers to the SNCB regarding the impact of construction activities on 'Piddock' habitat and recommends the Applicant provides further clarification on specific mitigation measures to avoid Piddock' habitat.	Please see the response to RR-030: 5.4.2, above.
RR-030: 5.4.4	<p>5.4.4 The MMO notes that currently the requirement for post-construction benthic monitoring, as part of the licence conditions of the DML, will be informed by the presence of habitats of principle importance identified through pre-construction survey. It is the MMO's understanding that if none are found, there is no requirement for benthic monitoring and any assessment of the impact to the benthic assemblage will be carried out independently.</p> <p>Inclusion of the requirement to provide the information on the "as built plan" of the development (relevant sections of the draft DCO referenced in paragraph g) will allow subsequent assessment of any change from the pre-construction condition of the benthic environment by informing the design of future research surveys.</p>	<p>The <b>IPMP</b> [APP-247] details the pre-construction surveys that would be undertaken to determine the presence of potential Annex I / UK BAP Priority Habitats / sandeel within the Array Areas or the Offshore Export Cable Corridor.</p> <p>Grab sampling would be undertaken in the Array Areas, Inter-Platform Cable Corridor and in the area of the Offshore Export Cable Corridor that overlaps with the Dogger Bank SAC. The sampling stations would be selected to capture the different range of habitats and environments identified in the ES, in order to ensure that they are representative of the benthic environment in the Dogger Bank area. The survey methodology would be agreed with the MMO in consultation with Natural England.</p> <p>No benthic sampling is proposed for the section of the Offshore Export Cable Corridor that lies outside the Dogger Bank SAC. The requirement for this may be reviewed following the pre-construction survey and dependent on the final location of the export cables (i.e. if they are within close proximity of any UK BAP Priority Habitats).</p> <p>The detail of the post-construction monitoring will be confirmed based on the pre-construction results. However, at this stage the assumed strategy is to sample the same locations pre and post-construction, whilst taking an adaptive approach to the sampling effort and duration of the monitoring that is required.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5-5-1	<p><b>5.5 Fish ecology (Chapter 10 - Fish and Shellfish Ecology – APP-091)</b></p> <p>5.5.1 Table 10.3 of the Fish Ecology Chapter details the sources the Applicant has used to inform their characterisation of the existing environment. This table is surprisingly brief for a project of this scale and nature, and it appears that details of several data sources used to inform elements on the Fish Ecology Chapter (for example, vessel monitoring (VMS) data and “Centre of Environment, Fisheries and Aquaculture Science (Cefas) Inshore Fishing Activity” data) are missing. The Applicant should update this table to reflect all of the data sources used to inform the Fish Ecology Chapter.</p>	<p>A number of additional sources of information were used to characterise the Fish and Shellfish Ecology baseline and are cited throughout section 10.5 (<b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091]). It is acknowledged that the datasets mentioned within this comment may have been appropriate to include within the cited table, noting that these are referenced within section 10.5 in the context of the Latta <i>et al.</i> (2013) and Reach <i>et al.</i> (2013) methodologies. However, as these methodologies will be updated within a Heat Mapping Report, the 2013 methodologies (and associated data) will become outdated. The relevant datasets pertaining to the new methodology will be provided within the Heat Mapping Report at Deadline 1.</p> <p>Other citations, which were not referenced within the ES chapter, were used in the development of <b>Appendix 10-2 Fish and Shellfish Technical Appendix</b> [APP-094]. Details of these data sources are included below:</p> <ul style="list-style-type: none"> <li>• EMODnet: European Marine Observation and Data Network. Available online at: <a href="https://emodnet.ec.europa.eu/en">https://emodnet.ec.europa.eu/en</a> [Accessed September 2024].</li> <li>• IUCN Red List: IUCN. 2024. The IUCN Red List of Threatened Species. Version 2024-1. Available online at: <a href="https://www.iucnredlist.org">https://www.iucnredlist.org</a>. [Accessed September 2024].</li> <li>• FishBase: Froese, R. and D. Pauly. Editors. 2024. FishBase. World Wide Web electronic publication. Available online at: <a href="http://www.fishbase.org">www.fishbase.org</a> [Accessed September 2024].</li> <li>• MarLIN: Marine Life Information Network, 2016. Marine Life Information Network. Plymouth: Marine Biological Association of the United Kingdom. Available online at: <a href="http://www.marlin.ac.uk">www.marlin.ac.uk</a>. [Accessed September 2024].</li> </ul>
RR-030: 5-5-2	<p>5.5.2 Habitat suitability assessments for herring and sandeel are presented within Chapter 10. For herring and sandeel, ‘heat’ map outputs have been provided to indicate areas of seabed with potential to provide sandeel habitat or herring spawning habitat, following the MarineSpace methodologies (2013a and 2013b for sandeel and herring respectively). This approach is appropriate; however, a number of clarifications are needed with respect to the data used to form the ‘heat’ maps presented for herring and sandeel. These include:</p>	<p>No response is required.</p>
RR-030: 5-5-3	<p>5.5.3 Herring potential spawning habitat ‘heat’ map:</p> <p>i. The Applicant has used International Herring Larvae Survey (IHLS) data for the Banks herring population for the years 2011-2016. As standard, the MMO requires ‘heat’ maps to incorporate a minimum of 10 years of IHLS data, which is in line with the MarineSpace (2013b) method. The timeseries of data incorporated into the Applicant’s ‘heat’ map, is not only an insufficiently short timeseries to inform the ‘heat’ map but also does not represent the most recently available IHLS data for the Banks herring stock. This should be corrected.</p> <p>ii. The Applicant has also incorporated a “Cefas Inshore Fishing Activity 2010-2012” data layer; however, it is not clear what this data is. A search of publicly available data suggests this data layer may present “inshore fishing activity intensity as determined from fishing vessel sightings”, which raises questions as to how the data was gathered, the fishing gear type used, and how this data is applicable to herring (i.e. how can the Applicant be confident that inshore vessels were catching herring using pelagic gears). The timeseries of the data is also insufficiently short. 2-3 years of inshore fishing data does not provide sufficiently representative spatial coverage, and the MMO notes from Figure 10.7c that there is very little coverage for the area south of Flamborough Head, despite there being an established inshore fishing fleet based in Bridlington. These points need to be clarified.</p>	<p>All comments relating to the use of the Reach <i>et al.</i> (2013) herring suitability heat mapping methodology will be addressed in the Heat Mapping Report (to be provided at Deadline 1), which will present the updated Kyle-Henney <i>et al.</i> (2024) method.</p> <p>It is noted that the preferred habitat type (based on the Folk 16 classification) are Gravel and sandy Gravel, with marginal habitat type being gravelly Sand.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>iii. The Applicant also uses less VMS data (years 2011-2016) than is detailed in the Reach et al., (2013) and MarineSpace Ltd (2013b) methods. As outlined in points i and ii above, 5 years of data does not provide sufficiently representative spatial coverage, nor does the data range used by the Applicant represent the most recently available VMS data. A minimum of 10 years of the most recently available VMS data should be incorporated. In fact, the updated MarineSpace 'heat' mapping methodology prescribes that a timeseries of 2006-present should be used to form the VMS data layer.</p> <p>iv. The MMO notes from Figure 10.7g, that the Applicant has classified Sand as a preferred sediment type for herring. This is incorrect. Preferred sediment types for herring are Gravel and Sandy Gravel, and the marginally preferred sediment type for herring is Slightly Gravelly Sand. This must be amended.</p> <p>v. The Applicant has categorised their 'heat' scores into four categories. This is not necessarily incorrect, however in the original 2013 methodologies 'heat' is presented as a number score (2-15) which is then categorized as indicating a level of 'heat' (medium, high etc.), and both the number score and corresponding level of 'heat' are generally presented. Given the other uncertainties with the Applicant's 'heat' maps it would be helpful if the Applicant could clarify how they have grouped the scored layers and determined their 'low' to 'very high' categories.</p>	
<p>RR-030: 5-5.4</p>	<p>5.5.4 Sandeel potential habitat 'heat' map:</p> <p>vi. Given the similarities in the presentation of 'heat' in the Applicant's potential sandeel habitat 'heat' map, the MMO considers several of the clarifications outlined above are also required with regard to sandeel. As outlined above in point ii and iii, the range of data used to form the VMS data layer should be clarified. The same clarifications are also required of the "Cefas Inshore Fishing Activity 2010-2012" data layer which also appears to have been incorporated into the sandeel potential habitat 'heat' map.</p> <p>vii. The 'heat' map for sandeel presented in Figure 10.5 loosely follows the original 2013 method, which is not incorrect however the updated 'heat' mapping methodology for sandeel includes several new data layers which provide a stronger characterisation of sandeel potential habitat. These include the Wright et al., (2019) sandeel fishing areas and the Sandeel Presence data layer which draws on data from the Cefas OneBenthic database which provides direct anecdotal evidence of sandeel presence (as caught in grab samples) in the region. OneBenthic sandeel presence data can also be used to support and supplement the Applicant's own site-specific sandeel data.</p>	<p>The Applicants acknowledge this comment. The Heat Mapping Report (to be provided at Deadline 1) will include an update from the Latta <i>et al.</i> (2013) sandeel suitability methodology to the Reach <i>et al.</i> (2024) methodology as requested.</p>
<p>RR-030: 5-5.5</p>	<p>5.5.5 At the time of writing, the Preliminary Environmental Information Report (PEIR), MarineSpace (2013a and 2013b) represented the current and most appropriate 'heat' mapping methodologies for herring and sandeel and were recommended as the approach the Applicant should follow at the scoping stage. However, MarineSpace Ltd, in consultation with the MMO and Cefas Fisheries Advisors, have published updated versions of the methodologies (Kyle-Henney et al., 2023 and Reach et al., 2023) which take into account changes in data availability which have occurred since the original method was published and incorporate new data to enhance the 'heat' mapping process. Based on the uncertainties with the data used, the MMO's confidence in the Applicant's current habitat suitability 'heat' maps for herring and sandeel is undermined and with this in mind, the MMO requests that the Applicant revises their potential herring spawning habitat and potential sandeel habitat 'heat' maps preferably using the updated version of the MarineSpace methodologies.</p>	<p>The Applicants acknowledge this comment. The Heat Mapping Report (to be provided at Deadline 1) will include an update from the Latta <i>et al.</i> (2013) methodology to the Reach <i>et al.</i> (2024) methodology for sandeel; and the Reach <i>et al.</i> (2013) methodology to the Kyle-Henney <i>et al.</i> (2024) methodology for Atlantic herring as requested.</p>
<p>RR-030: 5-5.6</p>	<p>5.5.6 In addition to this the individual data layers (e.g. sediment data, 10 years of amalgamated IHLS data, VMS data etc.) should be presented in mapped form in a technical addendum to the ES for both herring and sandeel. Given that the Dogger Bank and Flamborough Head regions are regions of high importance for herring and</p>	<p>The Applicants acknowledge this comment. The Heat Mapping Report, which will be provided at Deadline 1, will include the individual data layers used to create the heat maps.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>sandeel, it is important that the habitat suitability 'heat' maps are correctly formed from appropriate data so that accurate assessments of the likely impacts can be made.</p>	
<p>RR-030: 5.5.7</p>	<p>5.5.7 It was previously recommended that the Applicant should supplement their sandeel habitat assessment with data from the North Sea Sandeel Survey (NSSS), which is carried out in Sandeel Area 1 in December each year. This is a targeted sandeel dredge survey that has been carried out since December 2004 and includes a number of stations in and around the DBS OWF. This survey also represents the best source of abundance data for sandeel in the Dogger Bank region, which is an area of known high importance for sandeel as acknowledged by the Applicant throughout the ES. It is disappointing that the Applicant has not presented this data to support their assessment of sandeel habitat suitability. The NSSS data can be downloaded from ICES at Datras: Download (ices.dk). A minimum of 10 years of the most recently available data must be presented in an appropriate format to support the Applicant's habitat suitability assessment.</p>	<p>This information is not specifically referred to within the Reach <i>et al.</i> (2024) methodology, and therefore is not directly used within the heat map unless it is a contributing dataset to the Cefas OneBenthic sandeel presence database. The OneBenthic dataset is the preferred source of sandeel presence data due to its regional distribution of datapoints, and ability to be updated with future datasets.</p> <p>It is noted that Cefas and the MMO did not request the North Sea Sandeel Survey (NSSS) data to be included during the development of the updated (2024) heat mapping methodology. As the heat mapping methodology utilised OneBenthic sandeel presence data, as approved by Cefas, this data-layer will be utilised within the Heat Mapping Report, provided at Deadline 1, to inform sandeel presence.</p>
<p>RR-030: 5.5.8</p>	<p>5.5.8 The Applicant has carried out site-specific benthic surveys, the results of which are included in the Environmental Features Report. The MMO notes from Figure 2.1 of the Environmental Features Report that both grab and drop-down video sampling was carried out throughout the western portion of the DBS West Array, but it appears that only grab sampling was carried out in the eastern half of the DBS East Array. The MMO notes from the report that taxa were recorded to the lowest possible taxonomic level, and Appendix B of the report includes the survey logs indicating that sandeel presence in grab samples was recorded. The MMO supports the Applicant's use of sandeel presence data from site-specific surveys to support their characterisation of the site for sandeel habitat.</p>	<p>The Applicants acknowledge this comment.</p>
<p>RR-030: 5.5.9</p>	<p>5.5.9 It should be noted that the sampling methods used in the site-specific benthic surveys (grab sampling, 2metre (m) beam trawl and drop-down video/photography) are not suitable for targeting sandeel and so an absence of sandeel from sample stations should not be interpreted as an absence of sandeel from those locations.</p>	<p>The Applicants acknowledge this comment. The limitations of such survey techniques are described in further detail by Reach <i>et al.</i> (2024) and will therefore be embedded within the Heat Mapping Report which will be provided at Deadline 1.</p>
<p>RR-030: 5.5.10</p>	<p>5.5.10 It was raised in the PEIR review that the Applicant's sandeel habitat suitability assessment refers to both sandeel spawning habitat, and sandeel supporting habitat interchangeably, which is not accurate. Sandeel are demersal spawners and their eggs form batches which attach to the seabed, but the method described by Latta <i>et al.</i>, (2013) which is used to generate the 'heat' map output assesses sandeel habitat suitability i.e., areas of seabed with higher or lower suitability to provide sandeel habitat, not spawning habitat. Sandeel display a high level of site fidelity and so importance is placed on maintaining suitable habitat, as sandeel will inhabit a suitable area for their lifecycle, and spawn in and within the vicinity of the sediments which they inhabit. This should be updated.</p>	<p>The Applicants acknowledge this comment, terminology will be clarified within the Heat Mapping Report which will be provided at Deadline 1.</p>
<p>RR-030: 5.5.11</p>	<p>5.5.11 There are several clarifications needed regarding the data which has been used to generate the Applicant's 'heat' map for sandeel. This includes clarifications on the 'heat' categories presented, as well as several of the data layers used to formulate the final output. The Applicant has supported their characterisation of habitat for sandeel by overlaying the 'heat' map with sampling points where observations of sandeel were made during site-specific benthic surveys. These observations from drop-down video and grab samples indicate that sandeel were observed at 26 out of the 104 sampling stations (as indicated in Figure 10.5). It should be noted however that an absence of sandeel from sample stations should not be interpreted as a complete absence of sandeel from those locations and additional data sources are available which should be used to supplement and support the characterisation of sandeel presence and abundance.</p>	<p>The Applicants acknowledge this comment, please see response above.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.5.12	5.5.12 The Applicant has presented a 'heat' map of potential herring spawning habitat loosely following the methodologies described by Reach et al., (2013) and MarineSpace et al., (2013b) in Figure 10.7a. Each of the component layers of the potential herring spawning habitat heatmap are presented in Figures 10.7b to 10.7g. Currently, Figure 10.7a shows that the DBS OWF ECC is set to be laid directly through an area of seabed with very high potential as herring spawning habitat. The DBS OWF array areas overlap areas of seabed with no, low and medium potential as herring spawning habitat. It should be noted that there are several significant clarifications needed regarding the data which has been used to generate the Applicant's 'heat' map for herring. This includes clarifications on the 'heat' categories presented, as well as several of the data layers used to formulate the final output.	The updated heat mapping methodologies will be presented within the Heat Mapping Report and provided at Deadline 1. All comments relating to the heat mapping methodology will be addressed by the update.  It is noted that the 2024 updated methodology removes the categorisation of heat, and instead utilises a continuous heat scale and expert judgement to identify potential spawning habitats.
RR-030: 5.5.13	5.5.13 The Applicant's 'heat' map of potential sandeel habitat currently shows that the entire DBS OWF array is located over an area of seabed with medium to high potential for sandeel habitat. Figure 10.5 shows that the export cable route also overlaps areas of seabed with medium to high potential for sandeel habitat, with some small areas of very high potential around the 12 nm inshore waters boundary.	The Applicants acknowledge this comment.
RR-030: 5.5.14	5.5.14 With respect to herring, Figure 10.7a shows that the DBS OWF export cable route is set to be laid directly through an area of seabed south of Flamborough Head with high and very high potential as herring spawning habitat. The DBS OWF array area itself overlaps with areas of seabed which have a much lower potential to provide herring spawning habitat (encompassing areas with no, low and medium potential as herring spawning habitat).	The Applicants acknowledge this comment.
RR-030: 5.5.15	5.5.15 The underwater noise (UWN) contours presented in Figures 10.8 - 10.10 show that a significant amount of the herring spawning ground at Flamborough Head will be affected under each of these piling scenarios. It is disappointing that the Applicant has not been proactive in their approach to the piling impact assessment and has not considered the use of noise abatement systems (NAS), such as bubble curtains, as a means of reducing the range of impact from UWN relative to herring.	The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8 <sup>th</sup> October 2024 ( <b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts.  The change proposed of relevance to this comment is the removal of the ESP. If the intended changes are accepted by the ExA, piling along the Offshore Export Cable Corridor will be removed from all construction scenarios. The remaining overlapping UWN impacts referenced in this comment pertain to the 135dB distances included within these figures following requests during previous consultation.  However, the position is maintained that the source from which this threshold is derived (Hawkins <i>et al.</i> 2014) is not fit for purpose, as per the reasons provided in the Underwater Noise Memo provided on 2 <sup>nd</sup> November 2024. Primary reasons include, but are not limited to, differences in species (herring were not the target species of the paper), and the environment (study undertaken in a quiet loch, as opposed to a busy region of the North Sea) within which the study was undertaken, and an absence

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		<p>of evidence that the behavioural changes noted within the study could be considered as an impact, particularly when considered at a population level.</p> <p>Further, statements within this study by the author confirm that: <i>"In this paper, data have been presented on the levels of impulsive sound to which sprat and mackerel respond. However, these data cannot yet be used to define the sound exposure criteria. More detailed studies of the behaviour of these species are required to establish whether the responses observed are likely to result in adverse effects upon the survival of individuals."</i></p> <p>Within a follow-up paper (Popper and Hawkins, 2014), this is expanded on further, with authors stating that they do not consider findings appropriate when defining underwater noise impacts on the study-specific species, let alone herring which were not considered within the paper: <i>"We would stress, however, that it would be premature to use these data to define sound exposure criteria for sprat and mackerel. Other schools of the same species, under different conditions, might respond differently"</i>.</p> <p>Therefore, the impacts of underwater noise on fish species relevant to this development are considered to be those defined within Popper <i>et al.</i> 2014, as presented within Figures 10-8-to 10-10 (<b>Chapter 10 Fish and Shellfish Ecology, Figures [APP-092]</b>).</p> <p>In relation to NAS, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>
RR-030: 5.5.16	5.5.16 Of the two Projects, DBS East represents the worst-case scenario in isolation. The worst-case scenario footprint of temporary habitat disturbance and direct damage associated with the construction phase of DBS East is approximately 31 km <sup>2</sup> (11.2 km <sup>2</sup> footprint for all generation asset construction works, including the array and inter-platform cables, and offshore platforms and foundations, and the footprint for the construction of all transmission assets, including the offshore export cable installation, is 19.8 km <sup>2</sup> ).	The Applicants acknowledge this comment.
RR-030: 5.5.17	5.5.17 The MMO disagrees with the Applicant's conclusion that impacts associated with UWN and vibration for the three piling scenarios will have a minor adverse effect on fish with a swim bladder used in hearing (herring) and can therefore be considered as "not significant in EIA terms". This conclusion is unacceptable given the extent of the noise disturbance which has been modelled by the Applicant. Throughout their assessment, the Applicant has recognised that Temporary Threshold Shift (TTS) effects and behavioural disturbances will occur across regions of high and very high potential for herring spawning, as well as areas of medium spawning potential.	The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8 <sup>th</sup> October 2024 ( <b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts.



I.D.	Relevant Representation	Applicants' Comment
		<p>The change proposed of relevance to this comment is the removal of the ESP. If the intended changes are accepted by the ExA, piling along the Offshore Export Cable Corridor will be removed from all construction scenarios. In this scenario potential TTS impacts are not expected to extend into seabed habitat which has a higher potential (suitable) to support spawning for Atlantic herring, however this will be confirmed within the Heat Mapping Report submitted at Deadline 1.</p> <p>Should these changes not be accepted by the ExA, the embedded mitigation relating to restrictions on piling along the Offshore Export Cable Corridor will be implemented to reduce potential impacts to regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.</p>
RR-030: 5.5.18	<p>5.5.18 The Applicant also provides the spatial area (km<sup>2</sup>) over which the effects of TTS and behavioural responses will be felt by hearing sensitive fish in their assessment, as well as the relative proportion of the Fish Ecology Study area:</p> <p>i. Under the scenario of one project being developed in isolation (2 monopiles installed concurrently), TTS onset is likely to occur across an area of 8,033 km<sup>2</sup> for each pile installed (29.9% of the Fish Ecology Study area). Behavioural responses based on the single threshold criteria of 135dB re 1µPa<sub>2s</sub> is modelled to occur across an area of 26,493 km<sup>2</sup> (99% of the Fish Ecology Study area).</p> <p>ii. Under the scenario for monopile installation at the potential ECC platform location, TTS onset is likely to occur across an area of 5,500 km<sup>2</sup> for each pile installed (20.5% of the Fish Ecology Study area). Behavioural responses are modelled to occur across an area of 24,444 km<sup>2</sup> (91% of the Fish Ecology Study area).</p> <p>iii. Under the scenario for concurrent pin piling at the DBS West, DBS East and the ECC platform locations, TTS onset is likely to occur across an area of 15,000 km<sup>2</sup> (55.8% of the Fish Ecology Study area). Behavioural responses are modelled to occur across an area of 31,724 km<sup>2</sup> (exceeding the Fish Ecology Study area).</p>	<p>The Applicants acknowledge this comment.</p>
RR-030: 5.5.19	<p>5.5.19 These values, alongside the UWN modelling, demonstrate the vast spatial extent across which physiological (TTS) and behavioural impacts will be experienced by herring. Throughout their assessment, the significance and likelihood of behavioural impacts to herring in identified as lower risk than it should be. For example, the Applicant has modelled the range of impact for behavioural responses based on the recommended single threshold criteria of 135dB re 1µPa<sub>2s</sub> from Hawkins et al. (2014), which is appropriate. However, the Applicant states that the "information within Hawkins et al. (2014) strongly indicates that impacts at a population level are not likely to occur at the 135dB re 1µPa<sub>2s</sub> range as a result of works within the Offshore Development Area. Therefore, although the area encompassed by the 135dB re 1µPa<sub>2s</sub> behavioural response threshold is extensive it is not considered to represent a realistic area of likely significant effects". This is not entirely accurate and a discussion of why the 135 dB SELs threshold is recommended for the purposes of modelling behavioural responses in herring and hearing sensitive fish is provided in Appendix 1.</p>	<p>Please see the response to RR-030 5.5.15.</p>
RR-030: 5.5.20	<p>5.5.20 The MMO strongly disagrees with the Applicant's assertion that "effects associated with underwater noise and vibration via impact piling and UXO within the Array Area are likely to occur. This effect is likely to result in a change that is noticeable but within natural variation, due to the limited presence of potential Atlantic herring spawning grounds within the area". The herring spawning ground off Flamborough Head cannot be considered 'limited' as it is the main and only substantive spawning ground for the Central North Sea (Banks) herring stock, and the importance of the spawning ground off Flamborough Head to the health of the North Sea population cannot be understated. The latest ICES advice (2024) for herring in Subarea 4 and divisions 3.a and 7.d, autumn spawners (North Sea, Skagerrak and Kattegat, and eastern English Channel) notes that a continuous decline in</p>	<p>The position of potential herring spawning grounds will be discussed further in the Heat Mapping Report (to be submitted at Deadline 1), which utilises the updated Kyle-Henney <i>et al.</i> (2024) method. In the context of the development, high and very high potential herring spawning grounds are present along a discrete section of the Offshore Export Cable Corridor. No high or very high potential herring spawning grounds are present within either of the proposed Array Areas. The thresholds provided for behavioural response associated with underwater noise in association with piling that may occur in these regions of high and very high potential herring</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>the spawning population of North Sea herring has been observed over recent years. Given their concerns, ICES has proposed a reduction in the fishing quota of 22.5% for North Sea herring (to 412,383 tons in 2025). ICES further advises that no activities that might have a negative impact on the spawning habitat of herring (e.g., extraction of gravel and offshore renewable energy) should occur unless the effects of these activities have been assessed and shown to be non-detrimental. At present, ICES is not fully able to quantify the level and relative impact of cumulative non-fisheries anthropogenic factors on the reproductive capacity of the stock. However, the Flamborough Head region represents an area of significance both for the Banks herring stock and the wider North Sea herring population and ICES' recommendation highlights the important link between habitat protection and population recovery (ICES, 2024). With this in mind, the MMO has provided several recommendations for temporal restrictions on noise generating activities at the DBS OWF (piling and UXO clearance) which are necessary to ensure that adult herring and their eggs and larvae are protected during their spawning season when their sensitivity to disturbance will be heightened. Please see points 5.5.26-5.5.33 for further details.</p>	<p>spawning along the Offshore Export Cable Corridor are not considered appropriate for the determination of potential impact, as described in the response to RR-030 5.5.15.</p>
<p>RR-030: 5.5.21</p>	<p>5.5.21 For both construction scenarios, the Applicant has concluded that "the low magnitude of impact for both Projects together (DBS East and DBS West), combined with the medium sensitivity of effect for the demersal fish, pelagic fish, and shellfish receptor groups, results in the assessment that temporary habitat disturbance and direct damage has a minor adverse effect, and is therefore not significant in EIA terms. No additional mitigation measures are considered to be required". This assessment encompasses the effects of direct habitat disturbance for both herring and sandeel, and the MMO do not agree with the Applicant's conclusion. As per comments in points 5.5.2-5.5.4 the MMO's confidence in the Applicant's 'heat' maps for potential herring spawning habitat and potential sandeel habitat is limited owing to clarifications needed as to the data used. The Applicant has correctly identified that herring and sandeel are both species with demersal spawning habits and so have a heightened sensitivity to disturbance of the seabed. The Applicant also recognised that this means herring and sandeel must therefore be considered more sensitive to temporary habitat disturbance and direct damage, especially in relation to their spawning and nursery areas. With this in mind the MMO has requested a temporal restriction on construction activities which interact with the seabed along the ECC route in order to prevent direct harm to adult herring engaged in spawning, as well as herring eggs and early developmental stage (yolk-sac) larvae. Please see further comments in point 3.5.33.</p>	<p>As stated in previous responses to comments, the Heat Mapping Report will provide updated figures based on the Kyle-Henney et al. (2024) and Reach et al. (2024) methodologies to include the updated heat mapping methods identifying potential Atlantic herring spawning habitat and sandeel supporting habitat respectively.</p> <p>It should be noted that the assessment of significance is based upon a defined EIA methodology, which assesses the sensitivity of a receptor to an impact and the exposure/magnitude of the impact (based upon the project description). Despite Atlantic herring and sandeel having a greater sensitivity to effects associated with seabed disturbance than other pelagic and demersal fish, this does not automatically result in the determination that an effect is significant. For example, the potential effects of cable installation are spatially limited in extent within potential Atlantic herring spawning habitat, especially when compared to the extent of potential habitat within the wider Humber region. Whilst some spawning activity has the potential to be disturbed (in the absence of temporal mitigation), the EIA will determine whether this would (Significant)/would not (Not Significant) result in a potential impact to the Banks spawning population through risk assessment.</p> <p>When considering the PSA data from project-specific surveys within the Offshore Development Area, the area of the Offshore Export Cable Corridor identified as higher potential spawning habitat is not fully supported by ground-truthing samples. The Heat Mapping Report will investigate such PSA data and make an assessment as to the suitability of the EMODnet data (which utilises British Geological Survey data) in informing the heat map at a project-specific scale, and conclusions will be adjusted as necessary.</p> <p>The restriction as proposed in its current form does not align with the most recent restrictions pertaining to herring spawning in the North Sea, both in its temporal and spatial restriction. The Heat Mapping Report will assess the suitability of the proposed temporal restrictions, whilst also further refining regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.</p>
<p>RR-030: 5.5.22</p>	<p>5.5.22 In addition to this, sandeel spawn in the areas that they inhabit, and therefore loss and disturbance to their habitat arising from construction activities has the potential to cause significant impacts to sandeel at a population level. Consideration should also be given to the fact that sandeel represent a key prey source for many</p>	<p>The Applicants acknowledge this comment changes to prey resource, including sandeel, has been considered in <b>Chapter 11 Marine Mammals</b> [APP-095], <b>Chapter 12</b></p>

I.D.	Relevant Representation	Applicants' Comment
	<p>animals at various trophic levels (including birds, marine mammals and other fish), and that localised reductions in prey abundance due to decreased sandeel (and herring) populations in the vicinity of the DBS OWF sites during the construction programme will have potentially far-reaching effects.</p>	<p><b>Offshore Ornithology [APP-103] and Appendix B Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC [APP-050].</b></p>
<p>RR-030: 5.5.23</p>	<p>5.5.23 The whole of the DBS OWF array area is located within the boundary of the Dogger Bank SAC, where sandeels are listed as a key species component of the characteristic communities of Dogger Bank SAC and play an important role in the biological 'structure and function' of the SAC's designated sandbank feature (MMO, 2022). Further to this, the sandeel stock 1r (covers the southern North Sea) has repeatedly fallen below biological reference points since 2004, indicating that the sandeel stock is poor condition (ICES, 2020). At present, the Applicant is proposing multiple construction scenarios, which could see DBS East and West developed sequentially over 7 years, or in isolation over a period of 5 years each. This represents a significant amount of disturbance over a significant period of time, in a region which is known to be of high importance for sandeel.</p>	<p>It is noted that the sandeel population within the Dogger Bank SAC is not currently under fishing pressure, as a result of a new UK Government bylaw. Fishing pressure results in mortality and localised population decline through the removal of individuals, whereas the installation of cables and piling of wind turbine generator foundations are not likely to result in comparable adult mortality, only displacement and TTS during the construction phase of the development. This is similar in effect to the offshore aggregate dredging industry, where sandeel are not considered at risk of entrainment by the dragheads that directly remove sediment (Reach <i>et al.</i> (2024)).</p> <p>The potential impacts of displacement and TTS are assessed within the EIA, and whilst they may have the potential for temporary effects, this would be spatially limited and sandeel have an ability to recover to disturbed areas (unless disturbed areas represent a change in habitat structure – e.g. rock berms and turbine foundations). These impacts are not considered to have a significant impact on sandeel at a population level.</p>
<p>RR-030: 5.5.24</p>	<p>5.5.24 The MMO does not consider that the Applicant's conclusion that no additional mitigation is sufficient. It is not sensible to recommend that all works which disturb areas of seabed with medium, high or very high potential as sandeel habitat be prohibited as this would prevent the development of DBS in its entirety given the project's location.</p>	<p>The Applicants acknowledge this comment. The MMO supports a sandeel monitoring study (see RR-030: 5.5.25 below) proposed by the Applicants to allow impacts on sandeel populations to be understood.</p>
<p>RR-030: 5.5.25</p>	<p>5.5.25 The MMO notes that the Applicant has proposed pre- and post- construction monitoring for sandeel which the MMO supports.</p>	<p>The Applicants acknowledge this comment.</p>
<p>RR-030: 5.5.26</p>	<p>5.5.26 The Applicant has outlined a number of embedded mitigation measures in Table 10.3 which are measures to be secured as commitments within the DML. These include:</p> <ul style="list-style-type: none"> <li>i. No piling activity within the Offshore ECC between the months of August and October to mitigate for disturbance to the Banks population of Atlantic herring via impulsive underwater noise impacts unless otherwise agreed with the relevant stakeholders.</li> <li>ii. Minimising the use of scour protection and external cable protection for any stretches of unburied cables and cable crossings.</li> <li>iii. There will be no concurrent monopile installation for the ECC platform with the project array areas concurrently.</li> <li>iv. Commitment to burying offshore export cables to 0.5-1.5m (depending on cable location) where practicable (subject to a cable burial risk assessment) to increase the distance between the offshore export cables and the seabed surface.</li> </ul>	<p>No response is required.</p>
<p>RR-030: 5.5.27</p>	<p>5.5.27 The MMO does not believe the embedded mitigation measures are sufficient to mitigate the likely significant impacts to herring from UWN as a result of piling and UXO clearance.</p>	<p>The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8<sup>th</sup> October 2024 (Change Notification Letter [application reference 10.2]). It is expected that the change request will be submitted in December</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts.</p> <p>The change proposed of relevance to this comment is the removal of the ESP. If the intended changes are accepted by the ExA, piling along the Offshore Export Cable Corridor will be removed from all construction scenarios. The potential effects of underwater noise will be reassessed in the Request for Design Change – Environmental Assessment Update document and submitted during the examination process. Please refer to the response to RR-030: 5.5.15 for the potential behavioural effects of underwater noise on Atlantic herring spawning activity.</p> <p>NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p> <p>Should removal of the ESP not be accepted by the ExA, it is acknowledged that proposed temporal mitigation relating to restrictions on work on the seabed along the Offshore Export Cable Corridor may be considered applicable to piling along the Offshore Export Cable Corridor as well, in order to reduce potential impacts to regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.</p>
RR-030: 5.5.28	<p>5.5.28 The Applicant has provided the additional modelling requested at the PEIR and Figures 10.8 – 10.10 show significant overlap for the effects of TTS and behavioural disturbance with areas of high and very high potential spawning habitat for herring for all of the piling scenarios modelled. This is particularly alarming as UWN propagating from the DBS OWFs in the central North Sea has potential to create an acoustic barrier to herring as they follow their migration clockwise through the central North Sea (Cushing, 2001). Such disturbance also has the potential to deter gravid adult herring from migrating to their spawning grounds which has implications for the recruitment success of the stock.</p>	<p>The Applicants would like the MMO / Cefas to evidence underwater noise barrier effects on North Sea Atlantic herring migration (particularly at level &lt;TTS), as there is no publicly available literature on the topic, and this is not an effect typically seen in offshore wind farm EIAs.</p>
RR-030: 5.5.29	<p>5.5.29 Given the availability of effective alternatives to unmitigated piling – i.e. noise abatement technologies to reduce noise at source - unmitigated pile driving cannot be justified on the basis that there are no realistic alternatives. Noise abatement measures would reduce the range of potential impacts from UWN on sensitive species and habitats, an issue which is especially pressing given the wider context of the current expansion of offshore wind developments across the Dogger Bank and wider North Sea. To ensure adequate preparations are made and potential delays avoided, it is therefore in the Applicant's interest to plan for noise abatement measures at the earliest opportunity and to incorporate such measures. The implementation of adequate NAS may also remove the need for seasonal piling restrictions, providing the Applicant can demonstrate that the range of impact from UWN in relation to the herring spawning ground is adequately reduced.</p>	<p>NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.5.30	5.5.30 Given the significant extent of overlap for the effects of TTS and behavioural effects with the herring spawning ground under the various scenarios, the importance of Flamborough Head spawning ground and the ongoing decline in the spawning population of North Sea herring and the Applicant's current proposals do not provide adequate protection for adult spawning herring because no NAS technologies have been included, it is necessary to recommend a temporal restriction on all piling and UXO clearance activities during the Banks herring spawning season (1st August – 31st October inclusive).	See response to RR-030: 5.5.15 regarding behavioural effects. In addition, NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.
RR-030: 5.5.31	5.5.31 The MMO notes the UXO clearance activities will be applied for under a separate marine licence application and therefore further discussions regarding timing restrictions for UXO clearance activity will be undertaken during this consent process.	The Applicants acknowledge this comment.
RR-030: 5.5.32	5.5.32 Please clarify whether the embedded mitigation measure outlined in point above includes all piling scenarios, and if not, amend this mitigation to make that the case. The MMO agrees that, given the location of the ECC platform within the herring spawning ground, no piling of any type should be undertaken at this location during the herring spawning season (1st August – 31st October inclusive).	<p>The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts.</p> <p>The change proposed of relevance to this comment is the removal of the ESP. If the intended changes are accepted by the ExA, piling along the Offshore Export Cable Corridor will be removed from all construction scenarios. The potential effects of underwater noise will be reassessed in the Request for Design Change – Environmental Assessment Update document and submitted during the examination process. Other embedded mitigation discussed within RR-030: 5.5.26 will be included regardless of piling approach.</p>
RR-030: 5.5.33	5.5.33 In addition, given that the ECC route goes through areas of 'high' and 'very high' potential spawning habitat for herring, the MMO welcomes the temporal restriction to be placed on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc) during the Banks herring spawning season (1st August – 31st October inclusive).	Embedded restriction measures presented within Table 10-3 ( <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091]) apply only to a restriction on piling along the Offshore Export Cable Corridor. These embedded restrictions do not apply in relation to works which interact with the seabed along the Offshore Export Cable Corridor that are not piling (including seabed preparatory works, cable trenching etc.).
RR-030: 5.5.34	5.5.34 This restriction should apply to both construction and maintenance activities. Activities such as trenching and cable burial cause direct disturbance to the seabed and are likely to cause direct harm to adult herring engaged in spawning, as well as herring eggs and early developmental stage (yolk-sac) larvae.	A temporal restriction on activities involving seabed disturbance as proposed in its current form does not align with the most recent restrictions pertaining to herring spawning in the North Sea, both in its temporal and spatial restriction. The Heat Mapping Report will assess the suitability of the proposed temporal restrictions, whilst also further refining regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.5.35	5.5.35 It may be possible for this restriction to be refined spatially given that some areas of the cable route offshore are not situated within the herring spawning ground. However, any spatial refinement will be subject to the provision of an appropriately formed 'heat' map (points 5.5.2-5.5.4), which draws on the correct data and provides an accurate characterisation of the herring spawning habitat potential along the cable route. Sight of the individual data layers used to form the 'heat' map for herring will enable us to interrogate data on sediment suitability and larval abundance in more detail for use when applying a restriction spatially.	The restriction as proposed in its current form does not align with the most recent restrictions pertaining to herring spawning in the North Sea. The Heat Mapping Report will assess the suitability of the proposed temporal restrictions, whilst also further refining regions of the development area where herring spawning potential is 'moderate' to 'higher' based on best available data.
RR-030: 5.5.36	5.5.36 The MMO is supportive of the Applicant's proposal to monitor sandeel habitat suitability and recognise that, at this stage, the proposal is high level, however the MMO does not consider that simply monitoring the sediment composition only will be sufficient in this case. The seabed beneath the DBS OWF project area, as well as the wider Dogger Bank region, will be undergoing a significant amount of disturbance as a result of offshore wind developments in the coming years. The Dogger Bank represents a region of high importance for sandeel, so much so that the whole Dogger Bank SAC was closed to bottom towed fishing in an effort to protect its designated sandbank features. Sandeels are listed as a species component of the characteristic communities of the Dogger Bank SAC and play an important role in the biological structure and function of the SAC's designated sandbank feature (MMO, 2022). Further to this, the sandeel stock 1r has repeatedly fallen below biological reference points since 2004, indicating that the sandeel stock is in poor condition (ICES, 2020). The development of the DBS OWF represents a significant source of disturbance to sandeel, lasting for a significant period of time, in a region which known to be of high importance for sandeel. With this in mind, the MMO note the applicant will be undertaking pre and post construction monitoring for sandeel habitat suitability (See Table 1-4 of In Principle Monitoring Plan – APP-247). This monitoring should ensure that the construction of the DBS OWFs does not significantly deteriorate the areas of medium, high and very potential habitat which fall within the array area and cable route. The MMO has made recommendations as to what we expect monitoring to entail. However, the MMO recognises that more detailed discussions on a suitable monitoring program will be needed and should include input from the SNCB (Natural England).	<p>The Applicants acknowledge this comment. The embedded mitigation to minimise the footprint of hard substrata (e.g. cable protection) where feasibly possible will act in tandem with the monitoring of substrate type to reduce potential impacts on sandeel.</p> <p>As previously noted, the potential disturbance to sandeel habitat will be limited in the long term to the footprint of turbine foundations and additional hard substrata placed on the seabed. Disturbance caused by cable laying and associated activities is expected to be short term, and sandeel are expected to fully recover in areas where no additional hard substrata is installed.</p>
RR-030: 5.5.37	5.5.37 At a minimum, the monitoring strategy should include analysis of sediment samples collected from various areas within the DBS array and surrounding areas (namely, from the primary impact zone (PIZ) in the main array area, the secondary impact zone (SIZ) immediately surrounding the array area, a reference area surrounding the SIZ (which theoretically would not have be disturbed during construction and would therefore act as a control), and from the export cable corridor).	The Applicants acknowledge this comment. As stated in RR-030: 5.5.36, the MMO recognise that the proposal is high level at this stage. Detail pertaining to the monitoring strategy will be discussed post-consent.
RR-030: 5.5.38	5.5.38 PSA of the sediment samples would allow for categorisation of the samples following the method described in Latto et al. (2013) and as retained in Reach et al. (2023) to determine whether the sediments are considered 'preferred', 'marginal' or 'unsuitable' as sandeel habitat.	The Applicants acknowledge this comment, please see the response to RR-030: 5.5.37 above.
RR-030: 5.5.39	5.5.39 Statistical analyses of this PSA data would then allow for differences in sediment composition from the different areas of the array (PIZ, SIZ etc) to be compared between the baseline (pre-construction) and subsequent post-construction surveys over multiple years.	The Applicants acknowledge this comment, please see the response to RR-030: 5.5.37 above.
RR-030: 5.6.1	<p><b>5.6 Shellfish (Chapter 10 - Fish and Shellfish Ecology – APP-091)</b></p> <p>5.6.1 The overall impact toward shellfish has been assessed as not significant for construction operations, therefore the Applicant has not proposed any monitoring during or post construction.</p>	The Applicants acknowledge this comment.
RR-030: 5.6.2	5.6.2 However, from the evidence provided, the Applicant has acknowledged that shellfish species are of high commercial value and potential spawning/nursery grounds are present at the site. In addition, the Applicant has	Throughout the impact assessment, no impacts were determined to have the potential for significant effect on shellfish populations. The presence of potential

I.D.	Relevant Representation	Applicants' Comment
	<p>not conducted any site-specific surveys to assess shellfish ecology. The MMO requests the Applicant considers a monitoring program for shellfish species.</p>	<p>spawning / nursery grounds, as well as the high commercial value of the shellfish stocks across the region are considered within the impact assessment and have been considered in forming a determination of no significant impact for shellfish.</p> <p>Sources used to determine the fish and shellfish ecology baseline draw on both commercial and scientific datasets and provide an informed picture of local shellfish populations. Site-specific surveys were not undertaken to inform the <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091], as project specific surveys on fish and shellfish often fail to provide an accurate representation of local baselines due to the limited temporal window over which they may realistically occur. Significant variation in species richness and abundance as a result of seasonal variation is better captured in landings data and long term scientific data sets, as have been used within this assessment.</p> <p>Monitoring would have been considered to validate the predictions made within the impact assessment had there been a sufficient uncertainty associated with these predictions. However, given the high level of confidence held in the impact assessment outcomes, it is not considered proportionate to include additional monitoring requirements. Therefore, the monitoring of shellfish populations within the region is not determined as likely to provide further insight into the potential impacts of the Projects.</p>
<p>RR-030: 5.6.3</p>	<p>5.6.3 For example, conducting appropriate surveys and gear types for each species are recommended such as potting surveys for European lobster (<i>Homarus Gammarus</i>), Brown crab (<i>Cancer pagurus</i>) and Common whelk (<i>Buccinum undatum</i>), dredge for King scallops (<i>Pecten maximus</i>) and queen scallops (<i>Aequipecten opercularis</i>), and trawl for Norway lobster (<i>Nephrops norvegicus</i>) to more accurately determine the impact upon shellfish populations within the array area. Conditions for the approval of this shellfish monitoring plan and submission of the results must be included within the DMLs as part of the In Principle Monitoring Plan.</p>	<p>Please see the response to RR-030: 5.6.2.</p>
<p>RR-030: 5.6.4</p>	<p>5.6.4 There were no specific mitigation measures identified in relation to shellfish, however the MMO agrees with the embedded mitigation measures which were summarised in Table 10-3 of the ES– Chapter 10 – Fish and Shellfish Ecology.</p>	<p>The Applicants acknowledge this comment and welcome MMO’s agreement.</p>
<p>RR-030: 5.7.1</p>	<p><b>5.7 Underwater Noise (Chapter 11 – Marine Mammals - APP-095 and Chapter 25 – Noise – APP-201)</b></p> <p>5.7.1 The MMO notes that several embedded mitigation measures are proposed in Chapter 11 - Marine Mammals. These are either secured via the Marine Mammal Mitigation Protocol for piling and/or DML Conditions. The embedded mitigation includes soft start and ramp – each piling event would commence with a soft-start at a lower hammer energy followed by a gradual ramp-up for at least 20 minutes to the maximum hammer energy required (the maximum hammer energy is only likely to be required at a few of the piling installation locations). This is appropriate; soft start procedures may help to reduce the total number of dangerous exposures in terms of auditory injury.</p>	<p>The Applicants acknowledge and welcome agreement with the MMO on the soft start procedure.</p>
<p>RR-030: 5.7.2</p>	<p>5.7.2 Comments on Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment:</p> <ul style="list-style-type: none"> <li>It is appropriate that the estimation of the source noise level for each charge weight has been carried out in accordance with the methodology of Soloway and Dahl (2014), which follows Arons (1954) and the Marine Technical Directorate Ltd (MTD) (1996). This is the standard and recommended practice that we would expect to see.</li> </ul>	<p>The Applicants note that potential mitigation options, including NAS, are listed within <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [AP-102] which would be finalised post consent.</p> <p>The Applicants acknowledge and welcome the agreement of the estimation of the noise source levels. An explanation of the low-yield clearance will be added to a future</p>

I.D.	Relevant Representation	Applicants' Comment																																	
	<ul style="list-style-type: none"> <li>In general, the predicted ranges look plausible, and reasonably match our predictions. We note that the report predicts a Permanent Threshold Shift (PTS) range of 13 km for very-high frequency (VHF) cetaceans and a 968 kilogram (kg) + donor charge weight. This is different (somewhat slightly smaller) than our predictions, where we estimate a PTS range of ~14.1 km using the methodology from Soloway and Dahl (2014). Nevertheless, the report acknowledges that an acoustic deterrent device (ADD) alone will not be sufficient to mitigate the potential risks to harbour porpoise (see paragraph 59 of Appendix 11-6). The MMO agrees that alternative mitigation measures such as noise reduction options could and should be required (e.g. bubble curtains) to avoid injury to this European Protected Species (EPS).</li> <li>It is noted that low yield is only mentioned once in the report, in Table 11-6-4 where a (SPL<sub>peak</sub>) source level of 281.9 dB re 1µPa @ 1m) is given. There is no further assessment as such of low yield, or an indication as to what the assumed charge weight is. Low yield, however, is further discussed in Appendix 11.3.</li> <li>Table 11-6-3 (below for reference): The first column lists the UXO devices potentially present. The middle column presents the Net Explosive Quantity (NEQ) for the UXO sizes potentially present. The final column in the table presents the NEQ for the UXO devices included within the assessment. It is not clear how these NEQ values in the final column relate to the other two columns.</li> </ul> <p>The table should be updated to clarify this.</p> <p><i>Table 11-6-3 Selection of UXO Potentially Present at the Projects</i></p> <table border="1" data-bbox="394 905 1249 1356"> <thead> <tr> <th>UXO devices potentially present</th> <th>NEQ for UXO sizes potentially present</th> <th>NEQ for UXO devices included within the following assessment</th> </tr> </thead> <tbody> <tr> <td>• German SC-50 Bomb</td> <td>• 25kg</td> <td>• 25kg</td> </tr> <tr> <td>• British 250lb MC Bomb</td> <td>• 55kg</td> <td>• 55kg</td> </tr> <tr> <td>• British 500lb MC Bomb</td> <td>• 116kg</td> <td>• 120kg</td> </tr> <tr> <td>• WWI German V Mine</td> <td>• 163kg</td> <td>• 240kg</td> </tr> <tr> <td>• German SC-500 Bomb</td> <td>• 220kg</td> <td>• 525kg</td> </tr> <tr> <td>• British 1000lb MC Bomb</td> <td>• 239kg</td> <td>• 698kg</td> </tr> <tr> <td>• WWII U-Boat Torpedo (Multiple Variants)</td> <td>• 280kg</td> <td></td> </tr> <tr> <td>• German LMB Mine</td> <td>• 483kg</td> <td></td> </tr> <tr> <td>• German SC-1000 Bomb</td> <td>• 554kg</td> <td></td> </tr> <tr> <td></td> <td>• 620kg</td> <td></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Table 11-6-5: Please note that the TTS SPL<sub>peak</sub> threshold for High Frequency (HF) cetaceans (i.e., Bottlenose dolphin, common dolphin, and white-beaked dolphin) is 224 dB re 1µPa and not 230 dB re 1 µPa.</li> <li>The unweighted SPL<sub>peak</sub> and SEL<sub>ss</sub> source levels used for the UXO clearance modelling are appropriately provided in Table 6-9 of the report. Please could Subacoustech explain how they obtain a SPL<sub>peak</sub> source level of 281.9 dB for low yield? The report earlier states that “as with the low order clearance, the low yield clearance still generates sound from the donor charge. Based on recent tests from clearance using the HYDRA system at the Seagreen Alpha and Bravo offshore wind farm development sites (Cook and Banda, 2021), the donor charge is predicted to be 750 g, which will be used in the calculations of noise impact on the environment”.</li> </ul>	UXO devices potentially present	NEQ for UXO sizes potentially present	NEQ for UXO devices included within the following assessment	• German SC-50 Bomb	• 25kg	• 25kg	• British 250lb MC Bomb	• 55kg	• 55kg	• British 500lb MC Bomb	• 116kg	• 120kg	• WWI German V Mine	• 163kg	• 240kg	• German SC-500 Bomb	• 220kg	• 525kg	• British 1000lb MC Bomb	• 239kg	• 698kg	• WWII U-Boat Torpedo (Multiple Variants)	• 280kg		• German LMB Mine	• 483kg		• German SC-1000 Bomb	• 554kg			• 620kg		<p>revision of <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP-102].</p> <p>The Applicants would like to highlight that not including the underwater noise modelling results for UXO clearance method low-yield was an error and are grateful for the identification. Results will be added to Table 11-6-5 and Table 11-6-6 in a future revision of <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP-102].</p> <p>In Table 11-6-3 of <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP-102]; the first column lists the UXO devices with the documented Net Explosive Quantity (NEQ) values in the second column. The third column in the table represents the NEQ value that is taken forward for the underwater noise modelling.</p> <p>The Applicants note the error within Table 11-6-6 of <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP-102] (MMO signposted the incorrect table) and confirm that the TTS SPL<sub>pk</sub> threshold for High Frequency (HF) cetaceans is 224dB re 1µPa and will be updated in a future revision of the report.</p> <p>Regarding Table 6-9 within <b>Appendix 11-3 Underwater Noise Modelling Report</b> [APP-099], the Applicants are grateful for identifying an error in the source levels. For a 750g charge, the Source Level should be 273.4dB SPL<sub>pk</sub> and 218.2dB SEL<sub>ss</sub>. This will be rectified in a future revision of the report.</p>
UXO devices potentially present	NEQ for UXO sizes potentially present	NEQ for UXO devices included within the following assessment																																	
• German SC-50 Bomb	• 25kg	• 25kg																																	
• British 250lb MC Bomb	• 55kg	• 55kg																																	
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• WWII U-Boat Torpedo (Multiple Variants)	• 280kg																																		
• German LMB Mine	• 483kg																																		
• German SC-1000 Bomb	• 554kg																																		
	• 620kg																																		
RR-030: 5-7-3	<p><b>Comments on Appendix 11-3 Underwater Noise Modelling Report:</b></p> <p>5.7.3 The report is largely transparent and informative, and it refers to appropriate noise exposure criteria for marine mammals and fish. The report considers various piling scenarios to assess the risk of potential impact on marine receptors. Section 4.2.2 appropriately notes that in a 24-hour period, there could be up to two monopile</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>																																	



I.D.	Relevant Representation	Applicants' Comment
	<p>foundations, or four pin pile foundations installed per vessel. Importantly, there is also the potential for multiple piling rigs to be operating concurrently. The following concurrent scenarios have been considered:</p> <ul style="list-style-type: none"> <li>• Concurrent monopile foundations (a total of four piles per day, two per site)</li> <li>• Two sequentially installed piles at DBS East: S location; and</li> <li>• Two sequentially installed piles at DBS West: W location.</li> </ul> <p>Concurrent multi-leg foundations (a total of 12 piles per day, four per site).</p> <ul style="list-style-type: none"> <li>• Four sequentially installed piles at DBS East: S location;</li> <li>• Four sequentially installed piles at DBS West: W location; and</li> <li>• Four sequentially installed at the export cable route (ECR) platform search area: SW location.</li> </ul> <p>The above scenarios must be clearly conditioned on the DMLs to ensure that the worst-case piling scenario is not exceeded.</p>	
RR-030: 5.7.4	<p>5.7.4 Table 4-2 presents the piling profile including the soft start and ramp up scenario used for the monopile foundation modelling. The bottom of the table states that there will be "7,500 strikes over 5 hours 20 mins per pile". This should be "7,500 strikes over 6 hours 20 mins per pile" and should be updated within the document.</p>	<p>The Applicants acknowledge that the MMO is correct and will update this in the next revision of <b>Appendix 11-3 Underwater Noise Modelling Report [APP-099]</b>.</p>
RR-030: 5.7.5	<p>Section 5.1 presents the maximum predicted unweighted SPL<sub>peak</sub> and the single strike sound exposure level (SEL<sub>ss</sub>) noise levels at a range of 750 m from the source. As we have previously advised for other offshore wind noise modelling reports, we appreciate the inclusion of this information, in addition to the source level values, as the values at 750 m correspond to true field noise values that should (in principle) be verifiable by monitoring measurements. Focusing on the SEL<sub>ss</sub> metric (see Table 5-2 below for reference), we observe that the monopile values (for a 15 m diameter pile and 6,000 Kilojoule (kJ) hammer energy) are only 2 decibels (dB) above the corresponding pin-pile values (for 5 m diameter piles and 2,500 kJ hammer energies). We note that this is somewhat at odds with the emerging evidence from literature, which suggests that the pile diameter is a very important factor in the scaling of piling noise (von Pein et al., 2020). At the same time, we are aware that the INSPIRE model is based on existing empirical data, which presumably does not yet exist for the parameters relevant to the monopile foundations at this wind farm, and thus needs to be extrapolated up to the scale anticipated for the current application.</p>	<p>The Applicants do not agree that the variation in parameters leads to as great a difference in underwater noise levels (at "source", or at any position) as would be suggested by von Pein <i>et al.</i> (2022). Following their methodology would lead to predictions of noise, noise impacts and impact ranges that would be vastly greater than have been monitored in real situations. We do not believe that the data presented in that paper supports its conclusions.</p> <p>The intentions of the paper represent a welcome contribution to the literature, but we would urge caution in the application of their conclusions. The authors apply a relatively simplistic calculation methodology, stating effectively that the effect of a doubling in energy leads to a 3dB increase in noise level for any doubling of energy e.g. 500kJ to 1,000kJ, or 3,000kJ to 6,000kJ. In practice it is much more complex than this, and the increases at higher energies lead to an increase much lower than 3dB.</p> <p>They also appear to greatly overestimate the effect of diameter. Their validation data in section 5.2 for pile diameter, although fitting in wide bounds of 7.5dB, also show empirical noise levels that appear to be trending down at the largest pile diameters and are almost identical at 3.5m diameter as at 7.8m.</p> <p>Subacoustech's research indicates that pile diameter, although contributory, has a relatively small effect on noise emission. As above, a scaling law leading to an increase of 9-10dB as a result of a changing pile diameter alone would produce noise level predictions that would be much greater than have been seen in direct measurements and lead to a greatly over-conservative assessment.</p>
RR-030: 5.7.6	<p>5.7.6 Monopile foundations (Section 5.2): The report highlights that two foundation scenarios have been considered for this study;</p> <p>(i) a monopile foundation scenario, installing a 15m diameter pile with a maximum blow energy of 6,000 kJ in all locations; and</p>	<p>No response is required.</p>

I.D.	Relevant Representation	Applicants' Comment
	(ii) Multi-leg foundation scenarios, installing a 4m diameter pile (array locations) or 3.8 m diameter pile (ECR platform search area locations) with a maximum hammer energy of 3,000 kJ.	
RR-030: 5.7.7	5.7.7 It appears that only a single monopile installed in 24 hours has been considered for the ECR platform search area locations, whereas for all other locations, a total of 2 monopiles installed in 24 hours has been considered. Please clarify why this is the case.	<p>This was because with two concurrent monopiles in the Offshore Export Cable Corridor, the potential impact to grey seal for TTS was high, the Applicants therefore restricted concurrent piling in the Offshore Export Cable Corridor at the time of the ES.</p> <p>However, the Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts.</p> <p>The change proposed of relevance to this comment is the removal of the ESP. If the intended changes are accepted by the ExA, piling along the Offshore Export Cable Corridor will be removed from all construction scenarios. The potential effects of underwater noise will be reassessed in the Request for Design Change – Environmental Assessment Update document and submitted during the examination process.</p>
RR-030: 5.7.8	Multi-leg foundations (Section 5.3): 5.7.8 As the MMO advised for the PEIR, for these kind of predictions (i.e., PTS out to 26 km, with receptors fleeing a few additional tens of km further away from their starting positions indicated by the PTS zones), much depends on the Received Levels far beyond 750 m. Therefore, monitoring at large ranges during the construction phase would be required to validate these predictions, otherwise it is rather speculative, and small changes in propagation assumptions can have large effects on these long-range predictions.	The Applicants acknowledge this comment and will refer to this when finalising the <b>IPMP</b> [APP-247], to ensure large ranges are monitored to validate the underwater noise modelling results.
RR-030: 5.7.9	5.7.9 The Applicant has acknowledged (in their consultation response log) that monitoring at large ranges during the construction phase would be required to validate any predictions from the underwater noise modelling presented in Appendix 11- 3. The proposed approach would be agreed and outlined, where relevant, including in relevant plans. The MMO cannot see reference to this within the In Principle Monitoring Plan and request the plan is updated.	The Applicants acknowledge this comment and will update the <b>IPMP</b> [APP-247] in a future revision to include this detail.
RR-030: 5.7.10	5.7.10 The impact ranges presented for both monopile, and pin pile foundations are significant, and the risk of potential impact is not going to be sufficiently mitigated using the standard measures that are typically employed (i.e., ADDs). At this stage in the process, and considering the sizable predictions, it is somewhat disappointing to see that no modelling has been presented to show the effect of noise abatement technologies (i.e., bubble	The Applicants have ensured that the underwater noise modelling have included the Projects worse case scenarios without mitigation. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.

I.D.	Relevant Representation	Applicants' Comment
	curtains). The MMO request that the Applicant considers noise abatement measures at the earliest opportunity and provides this modelling early in the Examination process.	
RR-030: 5.7.11	5.7.11 Concurrent location piling (Section 5.4): The MMO requested during the PEIR consultation that further information regarding the fleeing behaviour of animal agents assumed for modelling in the case of concurrent piling scenarios (2 or 3 simultaneous piling locations) is provided, as specific details were missing from the report. Appendix 11-3 itself has not been updated.	<p>The Applicants responded to the MMO's query during the PEIR consultation on page 18 of <b>Appendix 11-1 Marine Mammal Consultation Responses</b> [APP-097]: The response to the relevant query is provided below.</p> <p><i>"Acknowledged. The underwater noise modelling assessment for calculation of noise exposure from multiple piling sources active simultaneously is undertaken by first generating a sound field surrounding the sources, combining noise radiating from each piling location. The animal noise exposure is calculated assuming the animal begins at each one of the piling locations in sequence. The radius of impact (whether for stationary or fleeing) is then calculated, in the same way as for single pile locations, but of course with a greater overall spread of noise, both spatially and, potentially, temporally. This process is repeated at the starting position of each noise source, representing all of the potentially worst case locations. This results in an output for each of the piling locations. For each assessment metric (e.g. LF cetacean SELcum PTS), these results are overlaid and a combined contour drawn around the perimeter to calculate the total maximum cumulative impact area."</i></p>
RR-030: 5.7.12	<p>5.7.12 The Applicant has provided further information in the response to the previous consultation comments. Specifically, and for reference, the Applicant has provided the following:</p> <p><i>"The underwater noise modelling assessment for calculation of noise exposure from multiple piling sources active simultaneously is undertaken by first generating a sound field surrounding the sources, combining noise radiating from each piling location. The animal noise exposure is calculated assuming the animal begins at each one of the piling locations in sequence. The radius of impact (whether for stationary or fleeing) is then calculated, in the same way as for single pile locations, but of course with a greater overall spread of noise, both spatially and, potentially, temporally. This process is repeated at the starting position of each noise source, representing all of the potentially worst-case locations. This results in an output for each of the piling locations. For each assessment metric (e.g. LF cetacean SELcum PTS), these results are overlaid, and a combined contour drawn around the perimeter to calculate the total maximum cumulative impact area"</i></p>	No response required. Please see response to RR-030: 5.7.13.
RR-030: 5.7.13	5.7.13 We thank the Applicant for this information and would request that this is included within the underwater noise modelling report. This is to ensure that all information is clearly within the secured documents if the project is consented and helps with post consent discharging.	The Applicants will include this in the next revision of the <b>Appendix 11-3 Underwater Noise Modelling Report</b> [APP-099].
RR-030: 5.7.14	5.7.14 Based on previous conversations during the Evidence Plan Process with Subacoustech, the MMO presumed that the modelling might be based on the assumption of a distinct set of receptors that are fleeing on radial trajectories away from each source, with starting positions spread along these radials, i.e., taking the set of receptors and their fleeing as in the case of a single source, replicating this across the 2 or 3 distinct locations where the concurrent piling takes places, and then mapping on the overall effect zones based on the starting positions that resulted in the respective cumulative SEL effect. This assumed behaviour has the advantage of simplicity, although it can also potentially lead to certain situations like receptors fleeing away from one source and moving directly towards (and into, or passing very close to) another source, which is arguably unrealistic.	The Applicants acknowledge that this is correct, the modelled start location is at the noise source, stepping out along the radial (transect) until the criteria is met.

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.7.15	<p>5.7.15 A more realistic assumption would have the animal agents aiming to move in the direction of lowest noise levels relative to their current position (for example, along trajectories representing the “steepest descent” of combined noise levels from all sources). Another noteworthy result of the assumed fleeing behaviour are the effect zones with a “hole in the middle” shape (like the VHF cetacean PTS contour in Figure 5-4 and mentioned on page 58). It can be argued that this hole is a model artefact: a receptor that starts fleeing from within this hole (and thus “by definition” it does not accumulate PTS levels of exposure) would move into and then cross the PTS zone surrounding this hole along its 6+ hours journey, and could thus conceivably accumulate a larger noise exposure than an agent that starts directly (and is moving away) from this PTS zone.</p>	<p>This is indeed likely to be a more realistic assumption and appears to be in accordance with individual based modelling principles. However, it is also much more complex, and would probably represent a non-worst case situation.</p>
RR-030: 5.7.16	<p>5.7.16 The explanation of this apparent paradox consists in the fact that the agents starting directly from the PTS zone are not necessarily moving away from it (or away from the highest noise levels) but could be moving along it (like from one source towards another, as highlighted above). In the absence of this behaviour (fleeing into other sources), the probable outcome would be three separate PTS zones (one around each source and not connected).</p>	<p>The Applicants acknowledge this comment.</p>
RR-030: 5.7.17	<p>5.7.17 Overall, it can be argued that the fleeing behaviour assumed by the model (i.e., radially away from each source) results in larger effect zones (i.e., more precautionary results) than those resulting from other assumptions (like moving in the direction of lowest noise levels we suggested above). However, it should also be noted that the fleeing behaviour of animals in such complex scenarios (multiple, simultaneous noise source) is a rather uncertain topic and thus a degree of precaution is not unwarranted.</p>	<p>The Applicants would agree that improvements and aspiration for greater realism in movement modelling would be of benefit. However, at this stage, the worst case scenario provided by the modelling undertaken provides a strong basis for the precautionary assessment presented here.</p>
RR-030: 5.7.18	<p><b>Noise Abatement</b></p> <p>5.7.18 In Chapter 11 Marine Mammals, the document notes that based on a swim speed of 1.5 metres per second (m/s), prior to monopile installation, the ADD would need to be activated for a minimum of 145 minutes to “ensure” harbour porpoise were beyond the maximum 13 km PTS impact range, or 134 minutes (based on a swim speed of 3.25 m/s) to “ensure” minke whale are beyond the 26km range. The document further acknowledges that:</p> <p>“Tougaard et al. (2014) critically evaluated ADDs and the harbour porpoise noise criteria and found that avoidance of mostly ‘mid-frequency’ devices were at ranges between 1 and 7.5km. This indicates that even if the ADD is used for the 145 minutes a disturbance range of 13km might not be reached. The use of ADDs for 145 minutes has the potential to cause disturbance and may be deemed as excessive. Therefore, the assessments for disturbance during ADD activation is based on 80 minutes for monopiles. Through consultation with regulators, the maximum an ADD can be operated will be confirmed in the final MMMP prior to construction and will be based on the final pile design”.</p>	<p>No response is required. Please see response to RR-030: 5.7.19.</p>
RR-030: 5.7.19	<p>5.7.19 During the PEIR consultation it was highlighted that the PTS and TTS predictions for a 7,000-kJ hammer energy indicate that the standard mitigation measures which are typically employed for OWF developments (such as a monitoring zone, soft-start piling and Acoustic Deterrent devices (ADDs)) will not suffice. Given the availability of effective alternatives to unmitigated piling – i.e. measures to reduce noise at source, also known as noise abatement – it will be difficult for unmitigated pile driving to be justified on the basis that there are no realistic alternatives.</p> <p>Although the maximum (monopile) hammer energy has now been reduced from 7,000 kJ to 6,000 kJ in the ES, significant impact ranges are still predicted (please see comments below on Appendix 11.3). The Applicant has acknowledged this comment, stating that in developing the final MMMP, all suitable mitigation options would be considered, including the use of noise abatement measures (see Table 1-2 in the Outline MMMP).</p>	<p>The Applicants acknowledge the comment and are considering additional mitigation methods such as NAS to reduce the impact area, should this be required once the final project design is available post-consent. This means NAS is being included within the Projects’ procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-030: 5.7.20	<p>5.7.20 The MMO welcomes the Applicant's commitment to consider all suitable mitigation options, including the use of noise abatement measures within the outline MMMP. However, at this stage the MMO believes there is clear justification and evidence that noise abatement measures will be required for the Project, to reduce the risk of potential impact on marine receptors. The MMO requests that the modelling and mitigation requirements is updated to include Noise Abatement measures throughout all documents.</p>	<p>The Applicants are considering additional mitigation methods, such as NAS, that are listed in the <b>Outline MMMP</b> [APP-249] and in the <b>In Principle SIP for the SNS SAC</b> [APP-250], should this be required once the final project design is available post-consent.</p> <p>NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>
RR-030: 6.1	<p><b>6. Summary</b></p> <p><b>6.1 General Comments</b></p> <p><b>Update as required.</b></p> <p>6.1.1 The MMO has multiple concerns in relation to both the details within the ES and the conditions within the DMLs.</p> <p>6.1.2 We strongly request that the Applicant proactively engages with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through the Statement of Common Ground (SoCG) or Principle of Disagreement (PAD).</p>	<p>The Applicants acknowledge the MMO's comment and welcome continued engagement throughout the examination process. A draft SoCG has been prepared and has been shared with the MMO.</p>
RR-030: Appendix 1	<p><b>Appendix 1: Modelling behavioural responses</b></p> <p>135dB SELss threshold as a behavioural impact threshold for herring (startle response).</p> <p>The criteria for behavioural responses included in the Popper et al., (2014) guidelines are qualitative and broad by nature, owing to the inherent difficulties in quantifying the various ecological and behavioural responses of fish species to underwater noise at varying distances. As a result, given that these criteria can only be broadly defined, they can neither be considered conservative or unconservative. Furthermore, qualitative behavioural criteria cannot be easily mathematically modelled to illustrate a range of impact. Accordingly, this cannot be done appropriately with qualitative criteria. Determination of the maximum spatial extent of likely behavioural impacts can only be achieved by modelling a suitable quantitative threshold, based on the best available evidence.</p> <p>For the purpose of modelling behavioural responses in herring at their spawning ground, a threshold of 135dB (SELss) is recommended by the MMO as a conservative indicator of the risk of a behavioural response, especially for clupeid fishes such as herring. This 135-dB threshold is based on research by Hawkins et al., (2014), who exposed wild schooling sprat to short sequences of repeated impulsive playback sounds at different sound pressure levels, to resemble that of a percussive pile driver. Observed behavioural responses included the breakup of fish schools. The sound pressure levels to which the fish schools responded on 50% of the presentations were 163.2 and 163 dB re 1 µPa (peak-to-peak), and as a result the concluded single strike sound exposure level was 135 dB re 1 µPa<sup>2</sup> ·s.</p> <p>The MMO recognise that this may be a conservative threshold as the Hawkins study was carried out in Lough Hyne, which is an enclosed, quiet coastal sea loch, where fish were not accustomed to heavy disturbance from shipping and other sounds (Hawkins et al., 2014). However, sprat are a clupeid species, closely related and anatomically similar to herring, and similarly sensitive to underwater sound (sprats also possess a swim bladder involved in hearing). Given an absence of other peer-reviewed empirical evidence of behavioural responses in clupeid fishes to support an alternative threshold for impulsive noise, Hawkins et al., (2014) is currently considered the best available scientific evidence by the MMO, and as such, 135dB is deemed an appropriate threshold for modelling behavioural responses. Notwithstanding, the MMO would be willing to consider the use</p>	<p>Please see the response to RR-030: 5.5.15, and the Underwater Noise Memo provided on 2<sup>nd</sup> November 2024.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>of an alternative quantitative threshold for modelling behavioural responses in herring (or a similar clupeid fish), should the Applicant be able to provide one which is based on suitable, peer-reviewed literature.</p> <p>It is accurate that the 135dB SELSS threshold was determined based on sprat schooling in the water column rather than sprat (or herring) engaged in spawning. However, there is little empirical evidence to indicate how herring (or sprat) engaged in spawning activity may respond to impulsive piling noise. For example, herring may display a biological drive to spawn regardless of the UWN disturbance, however, it is equally possible that such disturbance may cause herring to abandon necessary migrations to the gravel beds on which they need to spawn in order to escape the disturbance, potentially resulting in reduced spawning success and limited recruitment of herring larvae into the Irish Sea stock. In the absence of appropriate, empirical evidence indicating that herring will continue to spawn when subject to significant UWN disturbance, a precautionary approach, based on the best available, peer-reviewed evidence, should be adopted (ICES, 2003, 2015, 2018). For the reasons given above, the MMO consider that the 135dB (as per Hawkins et al., 2014) is a precautionary, but appropriate threshold for the purpose of modelling behavioural responses in herring at their spawning ground.</p>	

Table 4.6.2 - MMO comments on draft DCO/DML and the Applicants' responses

	Main DCO	MMO Comments	Applicants' Comment
1	Part 1 – Preliminary Interpretation (2)(1)	Please can the Applicant confirm that 'building' does not include any offshore structures, and therefore that the protective works to building schedule does not apply to offshore structures.	The definition of "building" could apply to offshore structures. If the MMO have any concerns with this approach, the Applicants request that further details be provided.  The definition of "building" and the terms of Article 17 are well precedented, and commonly included in DCOs
2		Please can the Applicant confirm that 'building' does not include any offshore structures, and therefore that the protective works to building schedule does not apply to offshore structures.	These works will not include any marine licensable activities. These elements of the works have been included to afford vehicular access to the intertidal area to allow the clean-up of any drilling fluids which could escape from the bores drilled beneath the beach as part of the trenchless crossing works (e.g. Horizontal Directional Drilling works) at landfall
3		"deemed marine licences" means the marine licences set out in Schedules 10 (Marine Licence 1: DBS East Project Offshore Generation – Work Nos. 1A, 4A and 7A), 11 (Marine Licence 2: DBS West Project Offshore Generation – Work No. 1B, 4B and 7B), 12 (Marine Licence 3: DBS East Project Offshore Transmission – Work Nos. 2A, 3A, 6A, 7A and 8A), 13 (Marine Licence 4: DBS West Project Offshore Transmission – Work Nos. 2B, 3B, 6B, 7B and 8B) and 14 (Marine Licence 5: DBS	Throughout the DCO and DMLs all the definitions and titles must be updated to state the 5 DMLs are 'Deemed Marine Licences'. E.g. '(Deemed Marine Licence 1: DBS East Project Offshore Generation – Work Nos. 1A, 4A and 7A)'.  This is to ensure accuracy.

	Main DCO	MMO Comments	Applicants' Comment
	<p>East Project and DBS West Project Offshore Transmission – Work Nos. 5A, 5B, 7A and 7B);</p> <p>“Marine Licence 1” means the marine licence in Schedule 10 (Marine Licence 1:– DBS East Project Offshore Generation Work Nos. 1A, 4A and 7A);</p> <p>“Marine Licence 2” means the marine licence in Schedule 11 (Marine Licence 2: – DBS West Project Offshore Generation Work Nos. 1B, 4B and 7B);</p> <p>“Marine Licence 3” means the marine licence in Schedule 12 (Marine Licence 3: DBS East Project Offshore Transmission– Work Nos. 2A, 3A, 6A, 7A and 8A);</p> <p>“Marine Licence 4” means the marine licence in Schedule 13 (Marine Licence 4: – DBS West Project Offshore Transmission Work Nos. 2B, 3B, 6B, 7B and 8B);</p> <p>“Marine Licence 5” means the marine licence in Schedule 14 (Marine Licence 5: DBS East Project and DBS West Project Offshore Transmission Work Nos. 5A, 5B, 7A and 7B);</p>		
4	<p>“Jacket foundation” means a lattice type structure constructed of steel, which may include scour protection and additional equipment such as J-tubes, corrosion protection systems and access platforms;</p>	<p>The MMO advise the text is updated to align with the East Anglia 2 definition of jacket foundation (adapted accordingly for the DBS project):</p> <p>“Jacket foundation” means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p> <p>The Applicants note that steel suction buckets have been excluded from the Projects’ Design Envelope and so do not propose to include this in the updated definition</p>
5	<p>“maintain” includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (including</p>	<p>The MMO requests the text is updated to:</p> <p>“maintain” includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any [wind turbine generator, offshore electrical platform, construction, operations and maintenance platform or meteorological mast] described in Part 1 of Schedule 1 (authorised development to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly.</p>	<p>Please see the response to RR-030: 3.12 above.</p>

Main DCO		MMO Comments	Applicants' Comment
		The MMO notes that within conditions or within attached/ supporting Plans (for example "Offshore Operations and Maintenance Plan") where "replacement" is noted, that it references its limitations of the replacement to be in line with "like-for-like" or "as within the project envelope".	
6	"MHWS" or "mean high water springs" means the highest level that spring tides reach on average over a period of time;	The MMO request the definition is updated to:  'The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).	This definition is well precedented, and commonly included in DCOs.  No change to the <b>Draft DCO</b> [APP-027] is proposed.
7	"undertaker" means, subject to article 5 (benefit of Order),— (a) for the purposes of constructing, maintaining and operating the DBS East works and any related ancillary works, DBSEL; (b) for the purposes of constructing, maintaining and operating the DBS West works and any related ancillary works, DBSWL; and (c) in any other case, DBSEL and DBSWL;	The undertaker definition must be updated. This should exclusively be the named companies (RWE Renewables UK Dogger Bank South (East) Limited, company reference number 13656240 and RWE Renewables UK Dogger Bank South (West) Limited, company reference number 13656525,).  In addition, the Applicant should remove 'subject to article 5' (benefit of the order).  The above updates should also be made to the DBSEL and DBSWL definitions.	Company details are provided in the definitions of DBSEL and DBSWL. Please see response to RR-030: 3.5 in relation to Article 5.
8	(7) In this Order "includes" must be construed without limitation unless the contrary intention appears.	The MMO are discussing this section internally and will provide further comments in due course.	It is noted that the MMO are discussing this sub-paragraph.  The Applicants note that this wording is well precedented, and commonly included in DCOs.
9	Part 1 – Preliminary Interpretation (3)  (3) All distances, directions, and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project are to be taken to be measured along that work	The MMO advise the text is updated to:  (3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to in—  (a) requirements 2 to 9 in Part 3 of Schedule 1 (requirements); (b) conditions 1 to 9 in Part 2 of Schedule 13 (conditions); and (c) conditions 1 to 5 in Part 2 of Schedule 14 (conditions).  This is to ensure that the distances and lengths within the Deemed Marine Licences are not approximate. This is because the worst-case scenario for the marine licensable activities assessed in the ES needs to be clearly stated within the DML.	The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.



	Main DCO		MMO Comments	Applicants' Comment
10	Part 2 – Principal powers Development consent granted by the order	3) "Development consent granted by Order 3. Subject to the provisions of this Order including the requirements — (a) DBSEL is granted development consent for the DBS East works and related ancillary works; and (b) DBSWL is granted development consent for the DBS West works and related ancillary works; to be carried out within the Order limits".	The MMO requests the text is updated to "Development consent granted by Order 3. Subject to the provisions of this Order including the requirements — (a) DBSEL is granted development consent for the DBS East works and related ancillary works; to be carried out within the Order limits; and (b) DBSWL is granted development consent for the DBS West works and related ancillary works; to be carried out within the Order limits".	The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
11	Part 2 – Principal powers Benefit of the order	Please see section 3.3.1 in this document for further information	Please see section 3.3 in this document for further information.	Please see the response to RR-030: 3.3 above.
12	Part 4 – Supplemental powers Removal of human remains	19.—(1) In this article, "specified land" means the land within the Order limits.  (2) Before the undertaker carries out any development or works that disturb or may disturb any human remains in the specified land, it must remove the human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.  (16) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(a) does not apply to a removal carried out in accordance with this article	The MMO requests that this article specifies it is for land onshore. There are no known burial at sea locations within the offshore order limits, therefore any identification of human remains should be reported to the police and the body should not be removed. There is the potential that any human remains identified at sea are a war grave.	The Applicants acknowledge this comment and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
13	Part 4 – Interpretation	"PART 4 INTERPRETATION  30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 17 (protective work to buildings), article 26 (temporary use of land for carrying out the authorised project) or article 27 (temporary use of land for maintaining the authorised project) of the Dogger Bank South East and West Offshore Wind Farms Order 202[X]".	The Applicant has mislabelled the section. There is already a part 4.  Please confirm that this schedule interpretation is for the onshore works only.	This section relates to a new Part 4 to be inserted into the 1965 Act when being applied to the Order. It relates to the exercise of compulsory acquisition powers and is therefore not relevant offshore. No change to the <b>Draft DCO</b> [APP-027] is proposed.
14	Part – 6 Operations Deemed Marine Licence	35.—(1) The following marine licences are deemed to have been granted to DBSEL under Part 4 of MCAA 2009 for the licensed activities specified in Part 1 of each licence and subject to the conditions specified in Part 2 of each licence— (a) Marine Licence 1 (set out in Schedule 10); and (b) Marine Licence 3 (set out in	The MMO request the Marine Licences are labelled 'Deemed Marine Licence 1 etc'  This is to ensure accuracy.	Please see response at Row 3 above.

	Main DCO		MMO Comments	Applicants' Comment
		Schedule 12). (2) The following marine licences are deemed to have been granted to DBSWL under Part 4 of MCAA 2009 for the licensed activities specified in Part 1 of each licence and subject to the conditions specified in Part 2 of each licence— (a) Marine Licence 2 (set out in Schedule 11); and (b) Marine Licence 4 (set out in Schedule 13). (3) Marine Licence 5 (set out in Schedule 14) is deemed to have been granted to the undertaker under Part 4 of MCAA 2009 for the licensed activities specified in Part 1 of the licence and subject to the conditions specified in Part 2 of the licence.		
15	Part 7 Miscellaneous and general Application of landlord and tenant law	36. —(1) This article applies to— (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it; so far as the agreement relates to the terms on which any land that is the subject of a lease granted by or under that agreement is to be provided for that person's use. (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies. (3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to— (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter; (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land that is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.	Please confirm this is for onshore works only.	This wording is well precedented, and commonly included in DCOs.
16	Part 7 Miscellaneous and general Abatement of works abandoned or decayed	43.—(1) Where the DBS East Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSEL, by notice in writing require DBSEL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice	The MMO advises this condition is updated to say the undertaker must ensure they also obtain the necessary consents.	This wording is well precedented, and commonly included in DCOs.  Failure to obtain any necessary consents would be dealt with under the relevant consenting regime, and therefore inclusion of a requirement in this article to obtain necessary consents would be superfluous.

	Main DCO		MMO Comments	Applicants' Comment
		<p>to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.</p> <p>(2) Where the DBS West Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSWL, by notice in writing require DBSWL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.</p>		No change to the <b>Draft DCO</b> [APP-027] is proposed.
17	Part 7 Miscellaneous and general Arbitration	(2) For the avoidance of doubt, any matter for which the consent of the Secretary of State or the MMO is required under any provision of this Order shall not be subject to arbitration.	The MMO supports this condition.	The Applicants acknowledge the MMO's position.
18	Part 7 Miscellaneous and general Inconsistent planning permissions	Inconsistent planning permissions	There is no definition of planning permission. The MMO requests this is defined within the order.	The Applicants will amend the <b>Draft DCO</b> [APP-027] to clarify that references in this article to "planning permission" are to planning permission granted pursuant to Part 3 of the Town and Country Planning Act 1990.
19	Schedule 1 – Authorised Project Part 1 – Authorised Development	Inconsistencies between DCO and ES	Please see points 44 to 47 for further information	Please see responses below.
20	Schedule 1 – Authorised Project Part 2 – Ancillary works	"1. Works within the Order limits which have been subject to an environmental assessment recorded in the environmental statement comprising— (a) intrusive ground investigations including the making of boreholes and trial pits; (b) temporary landing places, moorings or other means of accommodating or anchoring vessels in the construction or maintenance of the authorised project; (c) temporary or permanent buoys, beacons, fenders and other navigational warning or ship impact protection works; and (d) temporary works for the benefit or protection of land,	The Applicant should clearly identify all marine licensable activities within the DMLs. If there are any ancillary works that will be subject to a separate marine licence application, this should be clearly stated within the documents.	At the request of the MMO, the draft DMLs do not include authorisation for UXO surveys and clearances, which will be subject to separate marine licence applications post-consent.  If the final Habitats Regulation Assessment (HRA) compensation measures for kittiwake involve provision of an offshore artificial nesting structure, this would also be subject to a separate marine licence application. The final HRA compensation measures for kittiwake will be set out in the kittiwake compensation implementation and monitoring plan submitted to the SoS for approval under

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		groundwater, watercourses or structures affected by the authorised project".	Part 2 of Schedule 18 of the <b>Draft DCO</b> [APP-027] post-consent, following consultation with the Kittiwake Compensation Steering Group (which will include the MMO).
21	Schedule 2 Part 1 Requirements	Inconsistencies between DCO and ES	Please see points 44 to 47 for further information.
22	Schedule 2 Part 1 Requirements	Notification of generation of power 28.—(1) DBSEL must notify the relevant planning authority and the MMO upon first generation of power from each phase of the DBS East Project no later than seven days after the occurrence of this event.  (2) DBSWL must notify the relevant planning authority and the MMO upon first generation of power from each phase of the DBS West Project no later than seven days after the occurrence of this event	The MMO would like to understand the inclusion of this notification and will provide further comment once this has been reviewed.  This notification has been included to align with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. As the <b>Draft DCO</b> [APP-027] authorises the construction of two projects, the notification ensures the relevant planning authority and MMO will have clarity as to when first generation is for each project.  The Applicants would be content to delete this requirement if the relevant planning authority and MMO do not consider it necessary.
23	Ministry of Defence Radar Mitigation 31.—(1) Where the layout plan for the DBS West Project approved under condition 15 of Marine Licence 2 would have unacceptable effects on the air defence radar capability of Remote Radar Head (RRH) Staxton Wold, no relevant wind turbine generator forming part of the DBS West Project is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State, having consulted with the Ministry of Defence, confirms satisfaction that appropriate mitigation will be implemented and maintained for the life of the authorised project and that arrangements have been put in place with the Ministry of Defence to ensure that the approved mitigation is implemented.	The MMO defer to the Ministry of Defence (MoD) for comment and will maintain a watching brief.	The Applicants acknowledge the MMO's position
24	Amendments to approved details 34.—(1) Where any requirement requires the authorised project to be carried out in accordance with the details approved by the relevant planning authority or another person (the "approving authority"), the approved details must be taken to include any amendments that may subsequently be approved by the approving authority (after consulting any person that the approving authority is required to consult under the relevant requirement).	For cases that contain definitions or the use of the terms "maintenance"/ "materially", the MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the Environmental Impact Assessment (EIA), and the statement that activities will be limited to those that 'do not give rise to any materially new or materially different environmental effects' should be updated to clarify this. The MMO considers that wording should be updated to 'do not give rise to any new or different environmental effects to those assessed in the Environmental Statement'. This also applies to the definition of "maintain".	This wording is well precedented and commonly included in DCOs. Most recently, it is included in the Sheringham and Dudgeon DCO (2024), which provides in its DMLs in Part 1:  "8(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental

	Main DCO	MMO Comments	Applicants' Comment
		(2) The approving authority must not approve an amendment unless it is satisfied that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement	The MMO does not consider that it is appropriate to use the word 'material' in these circumstances.
			effects from those assessed in the environmental statement.” It is necessary for DCOs to allow for a degree of flexibility, in particular to allow for the use of new or improved construction methods or emerging technologies. Allowing actions which can be demonstrated not to have materially new or different environmental effects cannot be contrary to the EIA regime, which is intended to proportionately control likely significant effects. The EIA regime is not intended to control any effect regardless of how insignificant it may be. If an effect is not materially new or different, it cannot give rise to a risk of a significant effect arising which is not assessed in the ES.
25	Part 2 Approval of matters specified in requirements  Further Information	Further information 3.—(1) In relation to any application referred to in paragraph 2, the discharging authority may request such further information from the undertaker as it considers necessary to enable it to consider the application. (2) If the discharging authority considers that further information is necessary, and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within ten days of receipt of the application, notify the undertaker in writing specifying the further information required. (3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the discharging authority must issue the application to the consultee within five working days of receipt of the application and notify the undertaker in writing specifying any further information requested by the consultee within five working days of receipt of such a request.  (4) If the discharging authority does not give the notification within the period specified in subparagraphs (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.	Please see points 3.11.2 to 3.11.6 for further information.
			Please see response to points 3.11.2 – 3.11.6 under RR-030: 3.11 above.
26	Schedule 16 Arbitration rules		The MMO notes that the MMO and DMLs are not referenced within the Arbitration Rules Schedule. This is appropriate as
			The Applicants acknowledge the MMO's position.

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			the MMO have their own mechanisms for appealing decisions.	
27	Schedule 18 Compensation measures PART 1, PART 2 and PART 3	2. The offshore works within the Dogger Bank SAC may not be commenced until a plan for the work of the DBCSG has been submitted to and approved by the Secretary of State. Such plan to include— (a) terms of reference of the DBCSG;  (b) details of the membership of the DBCSG which must include the relevant statutory nature conservation body and, where appropriate, the MMO as core members;  (c) details of the proposed schedule of meetings, timetable for preparation of the Dogger Bank CIMP and reporting and review periods; and (d) the dispute resolution mechanism.	The MMO notes that they will be a core member within the Dogger Bank Compensation Steering Group. This is appropriate as the compensation measures may require a marine licence consent and therefore the MMO should be aware of the discussions.  However, the MMO highlights that the MMO will not act as arbitrator and is in attendance in relation to the marine licensable requirements of such compensation. The MMO defers to the Statutory Nature Conservation Body (SNCB) on the need for, or amount of, compensation. The level of compensation required is not for the MMO to determine.	The Applicants acknowledge the MMO's position.
28	Schedule 18 Compensation measures PART 1, Part 2, PART 3	3. Following consultation with the DBCSG, the Dogger Bank CIMP must be submitted to the Secretary of State for approval in consultation with the MMO and relevant SNCB.	The MMO welcomes that the compensation measures are secured as a schedule on the DCO and that the MMO will be consulted. The MMO would like to remind the Applicant that some compensation measures may require a further marine licence consent. For example, construction, maintenance and decommissioning of the artificial nesting structures.	The Applicants acknowledge the MMO's position.
29	Explanatory note	'This Order grants development consent for, and authorises the construction, operation and maintenance of two offshore generating stations located in the North Sea approximately 100km and 122km from the East Riding of Yorkshire coast together with associated development. The Order authorises the compulsory purchase of land and rights in land and the right to use land and to override easements and other rights. This Order also grants deemed marine licences under Part 4 of the MCAA 2009 in connection with the wind farms. The marine licences impose conditions in connection with the deposits and works for which they grant consent.  A copy of the plans and book of reference referred to in this Order and certified in accordance with article 4.1 (certification of plans and documents, etc.) of this Order may be inspected free of charge at the offices of East Riding of Yorkshire Council at County Hall, Beverley, East Riding of Yorkshire, HU17 9BA.'	The Applicant has stated  'marine licences impose conditions in connection with the deposits and works for which they grant consent'.  The Applicant should clarify that it is the deemed marine licenses and should refer to the marine licensable activities.  Deposit is only one type of licensable activity.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Explanatory Note to the Draft DCO [APP-027]</b> to address the point raised by the MMO and submit an updated <b>Draft DCO [APP-027]</b> for Deadline 1.

Main DCO		MMO Comments	Applicants' Comment	
<b>Schedule 10 Schedule 14 – Deemed Marine Licences – Part 1</b>				
30	Part 1 Licensed marine activities Interpretation Titles For DML1 – DML5.	'Marine Licence....'	Throughout the DCO and DMLs all the definitions and titles must be updated to state the 5 DMLs are 'Deemed Marine Licences'. E.g.  '(Deemed Marine Licence 1: DBS East Project Offshore Generation – Work Nos. 1A, 4A and 7A)'.  This is to ensure accuracy.	Please see response above.
31	Part 1 Licensed marine activities Interpretation DML1 - DML5	"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this marine licence;	The MMO requests this is updated to clarify that the materials need approval by the MMO in order to be deposited.	This wording is well precedented, and commonly included in DCOs. It is considered that the additional detail proposed by the MMO is not appropriate or necessary for the purposes of defining the meaning of "authorised deposits".  No change to the <b>Draft DCO</b> [APP-027] is proposed.
32	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;	The MMO requests the condition wording is updated to the below to ensure that the reason why cable protection is being used is clear.  "cable protection" means measures for offshore cable crossings and where cable burial is not possible due to ground conditions or approaching offshore structures, to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;"	This wording is well precedented, and commonly included in DCOs. It is considered that the additional wording proposed by the MMO is not appropriate or necessary for the purposes of defining the meaning of "cable protection".  No change to the <b>Draft DCO</b> [APP-027] is proposed.
33	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, temporary deposits and temporary wet storage areas;	The MMO would like to remind the Applicant that temporary deposits are still licensable. The Applicant should not undertake temporary deposits that are not licensed under a DML. The MMO request the phrase 'temporary deposit' is removed from this definition within the DMLs.  Can the Applicant confirm where this has been assessed within the ES?	The Applicants would welcome a discussion with the MMO regarding the scope of "temporary deposits" before committing to making this change.
34	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"jacket foundation" means a lattice type structure constructed of steel, which may include scour protection and additional equipment such as J-tubes, corrosion protection systems and access platforms;	The MMO advise the text is updated to align with the East Anglia 2 definition of jacket foundation (adapted accordingly for the DBS project):  "jacket foundation" means a lattice type structure constructed of steel which is fixed to the seabed at [3 or more points with steel pin piles or steel suction buckets] and	The Applicants acknowledge this comment and will make appropriate updates to the draft DCO to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.

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			associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms.	The Applicants note that steel suction buckets have been excluded from the Projects' Design Envelope and so do not propose to include this in the updated definition.
35	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;	The MMO advise the text is updated to:  "maintain" includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical platform, construction, operations and maintenance platform or meteorological mast described in Part 1 of Schedule 1 (authorised developed) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly.  The MMO note that within conditions or within attached/ supporting Plans (for example "Offshore Operations and Maintenance Plan") where "replacement" is noted that it references its limitations of the replacement to be in line with "like-for-like" or "as within the project envelope".	Please see the response to RR-030: 3.12 above.
36	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"MHWS" or "mean high water springs" means the highest level that spring tides reach on average over a period of time;	The MMO request the definition is updated to:  'The height of Mean High Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).	This wording is well precedented, and commonly included in DCOs.  No change to the <b>Draft DCO</b> [APP-027] is proposed.
37	Part 1 Licensed marine activities Interpretation DML1 - DML 5	DML 1: "offshore works" means Work Nos 1A to 9A and any other authorised development associated with those works;  DML 2: "offshore works" means Work Nos 1B to 9B and any other authorised development associated with those works;  DML 3: "offshore works" means Work Nos 1A to 9A and any other authorised development associated with those works;  DML 4: "offshore works" means Work Nos 1B to 8B and any other authorised development associated with those works;  DML 5: "offshore works" means Work Nos 1A to 9A and 1B to 9B and any other authorised development associated with those works;	The MMO request that the offshore work definitions are updated for each to DML to define what the offshore works are for specific to each DML e.g. DML1 is only for 1A, 4A and 7A  DML2 is for 1B, 4B and 7B  DML3 is for 2A, 3A, 6A, 7A and 8A.  DML4 is for 2B, 3B, 6B, 7B, 8B  DML5 is for 5A, 5B, 7A and 7B	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.



	Main DCO		MMO Comments	Applicants' Comment
38	Part 1 Licensed marine activities Interpretation DML1 - DML4	"transition piece" means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and may include additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;	The MMO requests the text is updated to the following:  "transition piece" means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and includes additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;'	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
39	Part 1 Licensed marine activities Interpretation DML 5	"undertaker" means DBSEL and DBSWL;	The MMO request this is updated. Only one company can own the marine licence and be the undertaker. Please also include the company name and registration number.	Company details are provided in the definition of DBSEL and DBSWL.  Marine Licence 5 relates to cabling inter-linking the two Projects and would be owned jointly by DBSEL and DBSWL. A separate DML has been included in order to allow for the transfer of these transmission assets to an Offshore Transmission Owner in due course.  The Applicants are not aware of any legal restriction preventing a DML being granted to joint undertakers.  No change to the <b>Draft DCO</b> [APP-027] is proposed.
40	Part 1 Licensed marine activities Interpretation DML 3 and DML 4	"offshore collector platform" means a structure described in the environmental statement as an offshore collector platform with equipment to collect the HVAC power generated at the wind turbine generators, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;	The MMO request that Applicant remove the reference to the 'structure described in the Environmental Statement'.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
41	Part 1 Licensed marine activities Interpretation	"offshore converter platform" means a structure described in the environmental statement as an offshore converter platform with equipment to convert the HVAC power generated at the wind turbine generators into HVDC power, being a structure above LAT and attached to the seabed by means of a	The MMO request that you remove the reference to the 'structure described in the Environmental Statement'.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.

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	DML 3 and DML 4	foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;	
42	Part 1 Licensed marine activities Interpretation DML3 and DML 4	"offshore switching platform" means a structure described in the environmental statement as an offshore switching platform with equipment to facilitate and alter the inter-connection and onward transmission of power from two or more power transmission systems, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment	The MMO request that you remove the reference to the 'structure described in the Environmental Statement'.  The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
43	Part 1 Licensed marine activities Interpretation DML3 and DML4	under article 42 "outline offshore operations and maintenance plan" means the document certified as the outline offshore operations and maintenance plan by the Secretary of State under article 42 (certification of documents and plans, etc.) of the Order;	Please delete 'under article 42' as this appears to be an error.  The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
44	Maximum turbine height (from MHWS)	DML1 and DML 2 Part 2: Condition 1 (a)	The condition states that the scheme must not exceed a height of 394.08m when measured from MHWS, however the ES (Chapter 5, plate 5-4) indicates 394m.  Please ensure consistency across all documentation.  The height specified in Condition 1(1)(a) is consistent with the height specified in Table 5-2 'Offshore Scheme Summary' of <b>Chapter 5 Project Description</b> [APP-071] of the ES.  Plate 5-4 presents indicative wind turbine parameters only, and it is noted in a footnote that all measurements are provided to the nearest integer.  No change to the <b>Draft DCO</b> [APP-027] or ES is proposed.
45	Maximum blade length	DML1 and DML 2 Part 2: Condition 1 (b)	The condition states that the scheme must not exceed a height of 344.08m when measured from MHWS, however the ES (Chapter 5, plate 5-4) indicates 344m.  Please ensure consistency across all documentation.  The diameter specified in Condition 1(1)(b) is consistent with the diameter specified in Table 5-2 'Offshore Scheme Summary' of <b>Chapter 5 Project Description</b> [APP-071] of the ES.

Main DCO		MMO Comments	Applicants' Comment	
			<p>Plate 5-4 presents indicative wind turbine parameters only, and it is noted in a footnote that all measurements are provided to the nearest integer.</p> <p>No change to the <b>Draft DCO</b> [APP-027] or ES is proposed.</p>	
46	Other Platforms	<p>DML 1 and DML 2: Part 2 Condition 3 (1)</p>	<p>The condition states that there will be one accommodation platform per project however the ES (Chapter 5, section 5.5.4.2) states that "In addition to the CPs / OCPs, up to two other platforms may be required for the Projects, being:</p> <ul style="list-style-type: none"> <li>• ESP; and</li> <li>• Accommodation Platform.'</li> </ul> <p>Please can you clarify whether there will be one accommodation platform and ESP per project; this should be clear within the DMLs.</p>	<p>The Applicants are in the process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants' intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [application reference 10.2]). It is expected that the change request will be submitted in December 2024 following some targeted consultation. The change request relates to the removal of an intertidal HDD exit from the Projects' Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas.</p> <p>The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. The change proposed of relevance to these representations is the removal of the ESP from the Projects' Design Envelope.</p> <p>If this request is accepted by the ExA, we would expect this to address the concern raised by the MMO.</p> <p>Notwithstanding the proposed change, there would be no more than one accommodation platform and one offshore switching platform across both Projects. This is secured in Requirement 4 of Part 1 of Schedule 2 of the <b>Draft DCO</b> [APP-027].</p>
47	Drill arisings	<p>DML 1 – Schedule 10 – Works No. 7a (f) DML 2 - Schedule 11 - Works No. 7b (f) DML 3 – Schedule 12 – Works No 7a (f) DML 4 – Schedule 13 – Works No 7b (f)</p>	<p>Chapter 5 section 5.5.3.2.1 table 5-7 states maximum drill arisings per foundation and maximum volume of arisings differ to what is detailed within each DML:</p> <p>ES: Maximum drill arisings per foundation (m<sup>3</sup>) – small turbines 2,012. Large turbines 4,712</p> <p>Maximum volume of arisings (m<sup>3</sup>) – Small turbines 20,106.</p>	<p>The Applicants note that the numbers presented are correct and as intended. The reasoning for the apparent inconsistencies relates to the optionality retained within the Projects relating to different types of foundations that could be used and how arisings are grouped for different purposes within the <b>Draft DCO</b> [APP-027] and DMLs.</p>

Main DCO		MMO Comments	Applicants' Comment
		<p>Large Turbines 26,625</p> <p>DML 1: 37,917</p> <p>DML 2: 35,086</p> <p>DML 3: 2,815</p> <p>DML 4: 2,815</p> <p>Please ensure consistency across all documentation.</p> <p>In addition, it needs to be clear within the DMLs if the maximum parameters are across all DMLs. The maximum parameters should be conditioned to ensure the works are within the parameters assessed in the ES.</p>	<p>For example, there are figures presented in Tables 5-7 and 5-9 of <b>Chapter 5 Project Description</b> [APP-071] which are different because Table 5.7 relates to arisings generated by turbine monopile foundations only, whilst Table 5-9 relates to arisings generated by turbine jacket foundations only. Each type of foundation could create a different volume of arisings as a worst case, hence different numbers are presented.</p> <p>Within the <b>Draft DCO</b> [APP-027] the numbers relating to arisings presented in Schedule 1 Part 1 are for each project taken separately and include both the worst case or turbine foundation arisings combined with the worst case foundation arisings, plus the worst case foundation arisings from the platforms associated.</p> <p>The numbers relating to drill arisings presented within each DML relate to the worst case arising calculations associated with the infrastructure included within the given licence. For example, DML 1 covers the worst case values for drill arisings from all turbines, plus the worst case values for drill arisings from the platforms included within that licence.</p>

**Schedule 10 Schedule 14 – Deemed Marine Licences – Part 2 Conditions**

48	Design Parameters	<p>DML 1: Condition 1 - Condition 5</p> <p>DML 2: Condition 1 – Condition 5</p> <p>DML 3: Condition 1 – Condition 3</p> <p>DML 4: Condition 1 – Condition 3</p>	<p>The MMO requests the wording of these conditions are updated to ensure they are enforceable by changing 'may' to 'will' or by stating 'must not be higher' etc. for all conditions.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>
49		<p>DML 1: Condition 3 – Offshore accommodation platform dimensions</p> <p>DML 2: Condition 3 – Offshore accommodation platform dimensions</p> <p>DML 3: Condition 1 – Offshore electrical installation dimensions</p> <p>DML 4: Condition 1 – Offshore electrical installation dimensions</p>	<p>The Applicant has stated:</p> <p>The 'dimensions of any offshore accommodation platform must not exceed'...</p> <p>and 'The dimensions of any offshore electrical installation must not exceed'...</p> <p>However they have excluded helidecks, lighting protection, towers, masts and cranes from the dimensions. Please clarify how the maximum dimensions of these helidecks etc will be secured on the DML.</p>	<p>Exclusion of these elements is well precedented, including with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, and the East Anglia ONE North Offshore Wind Farm Order 2022.</p> <p>It is well precedented for these elements not to be subject to restrictions.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed.</p>
50		<p>DML 1: Condition 4 – Offshore accommodation platform foundations</p> <p>DML 2: Condition 4 – Offshore accommodation platform foundations</p> <p>DML 3:</p>	<p>The Applicant has stated that the offshore accommodation platform foundations and offshore electrical installation foundations will be undertaken using piled monopiles or a</p>	<p>Condition 2 of DML1 and DML2 confirms the maximum number of piles (four) where piled jacket foundations are used for wind turbine generators.</p>

	Main DCO	MMO Comments	Applicants' Comment
	<p>Condition 2 – Offshore electrical installation foundations</p> <p>DML 4: Condition 2 – Offshore electrical installation foundations</p>	<p>piled jacket foundation. The condition should be updated to clarify the maximum number of each foundation type that will be used for one offshore accommodation platform. For example, the Applicant's HRA states that there will be four pin piles per piled jacket foundations. This should be clearly stated, and the maximum number of piles must be stated.</p>	<p>Condition 4 of DML1 and DML2 confirms the maximum number of piles (eight) where piled jacket foundations are used for the offshore accommodation platform.</p> <p>Condition 2 of DML3 and DML4 confirms the maximum number of piles (eight) where piled jacket foundations are used for the offshore converter platform, offshore collector platform, or offshore switching platform.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed.</p>
51	<p>Phases of the authorised Scheme</p> <p>DML 1: Condition 6</p> <p>DML 2: Condition 6</p> <p>DML 3: Condition 4</p> <p>DML 4: Condition 4</p> <p>DML 5: Condition 2</p>	<p>The MMO requests the wording is updated to:</p> <p>(1) The authorised scheme must not commence until a written scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.</p> <p>(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.</p> <p>(3) Any subsequent amendments to the written scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.</p> <p>(4) The written scheme submitted for approval under subparagraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (2).</p> <p>In addition, the MMO note that the Offshore Works Phasing Scheme will be submitted under the related return for this condition at the post-consent stage. This document should be clearly named in the condition.</p>	<p>The principle of a time period for submission of the written scheme is acceptable to the Applicants. However, the Applicants propose a four month time period is included in the new sub-paragraph (2). The Applicants will update the <b>Draft DCO</b> [APP-027] on this basis.</p> <p>The Applicants will also update the <b>Draft DCO</b> [APP-027] to refer to this scheme as the "Offshore Works Phasing Scheme" and submit an updated <b>Draft DCO</b> [APP-027] at Deadline 1.</p>
52	<p>Maintenance of the authorised Scheme</p> <p>DML 1: Condition 7</p> <p>DML 2: Condition 7</p> <p>DML 3: Condition 5</p> <p>DML 4: Condition 5</p> <p>DML 5: Condition 3</p> <p>This condition as written is not precise or enforceable. The activities authorised under the DML should be limited to those assessed in the ES. The worst-case scenario in the Rochdale envelope should be clearly referenced e.g. the maximum number of cable repairs and replacement activities.</p>	<p>The MMO requests condition 7 is replaced with the following wording:</p> <p>(1) <i>The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.</i></p> <p>(2) <i>Maintenance works include but are not limited to— (a) Bird waste and marine growth removal; (b) Surveys/inspections of cables; (c) Cable remedial burial; (d) Cable protection replenishment; (e) Cable repairs and replacement; (f) Access ladder and boat landing replacement; and (g) J-tube repair/replacement.</i></p> <p>(3) <i>XXXX must not commence until an Offshore Operations and Maintenance Plan (OOMP) has been submitted to and</i></p>	<p>The principle of a time period for submission of the written scheme is acceptable to the Applicants. However, the Applicants propose a four month time period is included in the new sub-paragraph (6). The Applicants will update the <b>Draft DCO</b> [APP-027] on this basis.</p> <p>The list of maintenance works in the MMO's sub-paragraph (2) is more limited than that set out in sub-paragraph (2) of the <b>Draft DCO</b> [APP-027]. While sub-paragraph (2) is non-exhaustive, the Applicants consider that, for clarity, their list should be maintained. The Applicants' approach is preceded in The Hornsea Four Offshore Wind Farm Order 2024. No amendment to sub-paragraph (2) in the <b>Draft DCO</b> [APP-027] is proposed.</p>

Main DCO		MMO Comments	Applicants' Comment	
		<p>approved by the MMO in accordance with the 'Outline Offshore Operations and Maintenance Plan' in writing. The OOMP must include, but is not limited to—</p> <p>(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;</p> <p>(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;</p> <p>(c) details of the typical frequency and timing of each maintenance activity; and</p> <p>(d) details of controls and mitigation that will be in place in order to protect the marine environment.</p> <p>(4) The OOMP must be reviewed every three years commencing from the date on which the OOMP was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.</p> <p>(5) The OOMP must be implemented as approved by the MMO.</p> <p>(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—</p> <p>(a) the first OOMP at least 6 months prior to the proposed commencement of the works;</p> <p>(b) the updated OOMPs in paragraph (2), at least 6 months before such revised OOMP is required to be put in place; and</p> <p>(c) any updated OOMP covering additional activities as soon as possible after the need for such additional activities is identified.</p>	<p>The details specified in the MMO's sub-paragraph (3) are acceptable to the Applicants, and the Applicants will update the <b>Draft DCO</b> [APP-027] and <b>Outline Offshore Operations and Maintenance Plan</b> [APP-248] on this basis.</p>	
53	Extension of Time periods	<p>DML 1: Condition 8</p> <p>DML 2: Condition 8</p> <p>DML 3: Condition 6</p> <p>DML 4: Condition 6</p> <p>DML 5: Condition 4</p>	<p>The MMO requests this condition is removed from all the DMLs. Please see comments under 3.11.2-3.11.6 determination dates.</p>	<p>Please see response above. This condition is precedent, for example within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, and the Hornsea Four Offshore Wind Farm Order 2023.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed.</p>
54	Notifications and Inspections	<p>DML 1: Condition 9 (1) (a)</p> <p>DML 2: Condition 9 (1) (a)</p> <p>DML 3: Condition 7 (1) (a)</p> <p>DML 4: Condition 7 (1) (a)</p>	<p>The MMO recommend the below updates to the wording to increase clarity.</p> <p>(1) The undertaker must ensure that— a copy of this marine licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to— all</p>	<p>References in the <b>Draft DCO</b> [APP-027] to conditions 20 of DML1 and 2 and condition 17 of DML3 and 4, are typographical errors, and should refer to conditions 19 and 17 respectively. References to conditions 15 of DML5 are</p>

	Main DCO	MMO Comments	Applicants' Comment
	DML 5: Condition 5 (1) (a)	agents and contractors; and the MMO must be notified in accordance with condition 19; (DML 3 and 4 -17, DML 5 – 15) the masters and transport managers responsible for the vessels; and the MMO must be notified in accordance with condition 20; (DML 3 and 4 -17, DML 5 – 15).	typographical errors and should refer to condition 13. The Applicants will correct this in the <b>Draft DCO</b> [APP-027]. Notwithstanding the above, the MMO's comment is based on a misunderstanding of the condition, and the recommended update would not be appropriate. Conditions 19/17/15 require details of agents, contractors and vessels to be provided to the MMO. The purpose of condition 19(1)(a) is to require the undertaker to provide a copy of the DMLs to those agents, contractors and vessels notified to the MMO. No change to the <b>Draft DCO</b> [APP-027] is proposed.
55	DML 1: Condition 9 (1) (b) DML 2: Condition 9 (1) (b) DML 3: Condition 7 (1) (b) DML 4: Condition 7 (1) (b) DML 5: Condition 5 (1) (b)	The MMO request this section of the condition is removed. It is the undertaker's responsibility to notify the MMO. This is reflected in the updated Condition (1) (a) wording provided above.	This condition is well precedented, and commonly included in DCOs. No change to the <b>Draft DCO</b> [APP-027] is proposed.
56	DML 1: Condition 9 (6) DML 2: Condition 9 (6) DML 3: Condition 7 (6) DML 4: Condition 7 (6) DML 5: Condition 5 (6)	The MMO should be notified upon commencement and completion of any part of the licensed activities, particularly when works are being undertaken in phases. The MMO requests the condition is updated to:  (6) The undertaker must inform the MMO Local Office in writing at least 14 days prior to the commencement of the licensed activities or any part of them including providing a programme of works for future activities and within five days of the completion of the licensed activities or any part of them.	The <b>Draft DCO</b> [APP-027] provides for five days prior notice of commencement of licensed activities, rather than the 14 days requested by the MMO. Five days' notice is well precedented, and no change to the <b>Draft DCO</b> [APP-027] is proposed.
57	DML 1: Condition 9 (7) (a-b) DML 2: Condition 9 (7) (a-b) DML 3: Condition 7 (7) (a-b) DML 4: Condition 7 (7) (a-b) DML 5: Condition 5 (7) (a-b)	Please update the condition to:  7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part— (a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; (b) on completion of construction of the authorised scheme, and confirmation of each notification must be provided to the MMO within five days.	The MMO's proposed wording is already included in the <b>Draft DCO</b> [APP-027].
58	DML 1: Condition 9 (8)	The MMO notes that the notice to mariners are only for works numbers 1A to 8A and 1B to 8B. Can the Applicant confirm	This condition is well precedented, and commonly included in DCOs. The condition requires notification prior

	Main DCO	MMO Comments	Applicants' Comment
	DML 2: Condition 9 (8) DML 3: Condition 7 (8) DML 4: Condition 7 (8) DML 5: Condition 5 (8)	why this is not for the other works undertaken under each DML?	to the commencement of the authorised scheme or any part thereof. No change to the <b>Draft DCO</b> [APP-027] is proposed.
59	DML 1: Condition 9 (9) DML 2: Condition 9 (9) DML 3: Condition 7 (9) DML 4: Condition 7 (9) DML 5: Condition 5 (9)	The MMO requests the words '(unless otherwise agreed)' is removed from this condition.	This condition is preceded within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. The Applicants consider this flexibility is helpful to allow the option for the Applicants and the MMO to agree weekly notifications are not required in certain circumstances, such as during period of the construction period when the on-going construction activities are not changing from week to week. This wording requires agreement with the MMO, and therefore the default position is that the undertaker will be required to provide weekly, unless the MMO is satisfied it is unnecessary. No change to the <b>Draft DCO</b> [APP-027] is proposed.
60	DML 1: Condition 9 (10) DML 2: Condition 9 (10) DML 3: Condition 7 (10) DML 4: Condition 7 (10) DML 5: Condition 5 (10)	This condition states the undertaker must notify the UK Hydrographic Office (UKHO) of the progress of construction. The Applicant should clarify the reporting timeframe and what progress (stages) will require a notification. If this is agreed in a plan, this plan should be referenced and the condition the plan will be approved under.	This condition is well preceded, and commonly included in DCOs. No change to the <b>Draft DCO</b> [APP-027] is proposed.
61	DML 1: Condition 9 (11) DML 2: Condition 9 (11) DML 3: Condition 7 (11) DML 4: Condition 7 (11) DML 5: Condition 5 (11)	The MMO request the condition is updated to clarify the local MMO office and the MMO marine licensing team should be notified of any damage, destruction or decay.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
62	DML 1: Condition 9 (13) DML 2: Condition 9 (13) DML 3: Condition 7 (13) DML 4: Condition 7 (13) DML 5: Condition 5 (13) 'The undertaker must notify the MMO in writing a minimum of 5 days in advance of the commencement	The MMO requests this is updated to "at least 14 days prior to the commencement'...  In addition the condition should clearly define repair, replacement, and protection replacement. This should be defined under maintain and linked to the Outline Offshore Operations and Maintenance Plan (OOOMP) or those assessed in the Environmental Statement. We consider that these works should be restricted to those that have been	The <b>Draft DCO</b> [APP-027] provides for five days prior notice of commencement of cable repair, replacement, or protection replenishment activity, rather than the 14 days requested by the MMO. Five days' notice is preceded within the Hornsea Four Offshore Wind Farm Order. No change to the <b>Draft DCO</b> [APP-027] is proposed.



	Main DCO	MMO Comments	Applicants' Comment	
		of each discrete incident of cable repair, replacement, or protection replenishment activity.	assessed and consented and the definition should clearly demonstrate this.	
63	Colouring of Structures	DML 1: Condition 11 DML 2: Condition 11 DML 3: Condition 9 DML 4: Condition 9	The MMO recommend the wording is updated to:  'The undertaker must paint all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to the height agreed in writing with Trinity House. The undertaker must paint the remainder of the structures grey (colour code RAL 7035). Requests to change the colouring of the structure must be submitted to the MMO in writing and must not be undertaken unless approved in writing by the MMO'.	The Applicants acknowledge this comment and will make appropriate updates to the draft DCO to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
64	Aviation Safety	DML 1: Condition 12 DML 2: Condition 12 DML 3: Condition 10 DML 4: Condition 10 DML 5: Condition 8	The MMO requests this condition is removed and included in the DCO as the Defence Infrastructure Organisation Safeguarding and Civil Aviation Authority can review this through the DCO requirements.	This condition is well precedented, and commonly included in DCOs.  No change to the <b>Draft DCO</b> [APP-027] is proposed.
65	Chemicals, drilling and debris	DML 1: Condition 13 (1) DML 2: Condition 13 (1) DML 3: Condition 11 (1) DML 4: Condition 11 (1) DML 5: Condition 9 (1)  'Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997.'	The MMO note the International Convention for the Prevention of Pollution from Ships 1973 does not apply to chemicals used by the offshore wind industry.  The MMO are discussing this further internally and will provide further comments in due course.	The Applicants note that the MMO is considering this further.
66		DML 1: Condition 13 (2) DML 2: Condition 13 (2) DML 3: Condition 11 (2) DML 4: Condition 11 (2) DML 5: Condition 9 (2)  'The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety	The final design of the frond mattresses will be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development. It should also be noted that any paints coatings and chemicals with a pathway to the marine environment should be approved by the MMO prior to use. Part 2 section 7 also allows the undertaker at any time to maintain the authorised scheme at (c) allows for "Painting and applying other coatings to wind turbine generators or offshore accommodation platforms", as these may also contain plastics.	The Applicants note that it is stated in the <b>Outline PEMP</b> [APP-245] that all chemicals used (including paints) would be certified for use in the marine environment (unless otherwise agreed with the MMO) to ensure that there would be no risk anticipated to arise from normal operations of the Projects. The Applicants submit that the control afforded to the MMO for the use of any chemicals (including paints) not certified for use in the marine environment through the <b>Outline PEMP</b> [APP-245] and any final PEMPs is sufficient. As such no change to the <b>Draft DCO</b> [APP-027] is proposed. The PEMPs will cover

	Main DCO	MMO Comments	Applicants' Comment	
		Executive and the Environment Agency Pollution Prevention Control Guidelines.'	Coatings and paints under OSPAR guidance should have their properties known and therefore should be notified to the MMO for approval prior to use. Therefore, the condition 13 (2) wording should be amended to reflect OSPAR guidance.	both the construction and operational phases of the Projects.
67		DML 1: Condition 13 (3) DML 2: Condition 13 (3) DML 3: Condition 11 (3) DML 4: Condition 11 (3) DML 5: Condition 9 (3) '... Must be undertaken so as to prevent releases into the marine environment.'	The MMO recommends the condition wording is updated to increase precision.  '...must be undertaken to prevent releases into the marine environment...'	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
68		DML 1: Condition 13 (5) DML 2: Condition 13 (5) DML 3: Condition 11 (5) DML 4: Condition 11 (5) DML 5: Condition 9 (5) 'The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS'.	The Applicant should state the name of the disposal site that the material will be deposited in. The MMO is working to designate the disposal sites and will provide an update in due course. See further comments about disposal sites in section 3.14.  In the event that no activity has taken place during the reporting period the undertaker must provide a null (o) return to the MMO.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
69	Force Majeure	DML 1: Condition 14 DML 2: Condition 14 DML 3: Condition 12 DML 4: Condition 12 DML 5: Condition 10	The MMO request that "Force Majeure" conditions are removed from the DML. The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) "matters") the defence cannot be relied upon in the event of any enforcement action.	This condition is well precedented, and commonly included in DCOs.  The Applicants do not agree that this wording is not necessary. Section 86 provides a defence for actions taken in an emergency, whereas this condition is about notifying the MMO of a deposit made in those circumstances. It does not overlap with Section 86, which will still apply.  No change to the <b>Draft DCO</b> [APP-027] is proposed.
70	Pre-construction plans and documentation	DML 1: Condition 15 (1) DML 2: Condition 15 (1) DML 3: Condition 13 (1) DML 4: Condition 13 (1) DML 5: Condition 11 (1)	The MMO requests that the SNCB is listed as a consultee for this condition.	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.

	Main DCO	MMO Comments	Applicants' Comment
71	<p>DML 1: Condition 15 (1) (c) (ii)</p> <p>DML 2: Condition 15 (1) (c) (ii)</p> <p>DML 3: Condition 13 (1) (c) (ii)</p> <p>DML 4: Condition 13 (1) (c) (ii)</p> <p>DML 5: Condition 11 (1) (c) (ii)</p> <p>Construction method statement - scour protection and cable protection.</p>	<p>The MMO request this is updated to clarify it must be submitted to the MMO for approval.</p> <p>The MMO request the wording is changed to:</p> <p>(ii) scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection. Details must be updated and resubmitted to the MMO for approval if changes to it are proposed following cable laying operations;</p>	<p>The <b>Draft DCO</b> [APP-027] already states that details should be updated and resubmitted for approval if changes are proposed following cable laying operations. Condition 15(1) is clear that information is to be submitted for the approval of the MMO. This wording is well precedented, and commonly included in DCOs.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed</p>
72	<p>DML 1: Condition 15 (1) (c) (iv)</p> <p>DML 2: Condition 15 (1) (c) (iv)</p> <p>DML 3: Condition 13 (1) (c) (iv)</p> <p>DML 4: Condition 13 (1) (c) (iv)</p> <p>DML 5: Condition 11 (1) (c) (iv)</p>	<p>The Applicant should update wording as the below is unclear.</p> <p>'a construction method statement (in accordance with the cable statement), including details of—....'</p> <p>'iv_ advisory safe passing distances for vessels around construction sites;'</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>
73	<p>DML 1: Condition 15 (1) (d)</p> <p>DML 2: Condition 15 (1) (d)</p> <p>DML 3: Condition 13 (1) (d)</p> <p>DML 4: Condition 13 (1) (d)</p> <p>DML 5: Condition 11 (1) (d)</p> <p>Project environmental management plan</p>	<p>Please clarify why the Project Environmental Management Plan only covers the construction period and not the operational period. If it does include the operational period, this condition must be updated.</p>	<p>DML2 – DML5 specify that the Project Environmental Management Plan covers the period of construction and operation. Exclusion of "and operation" from condition 15(1)(d) of DML1 is a typographical error, and the Applicants will update the <b>Draft DCO</b> [APP-027] and submit an updated version at Deadline 1.</p>
74	<p>DML 1: Condition 15 (1) (d) (ii)</p> <p>DML 2: Condition 15 (1) (d) (ii)</p> <p>DML 3: Condition 13 (1) (d) (ii)</p> <p>DML 4: Condition 13 (1) (d) (ii)</p> <p>DML 5: Condition 11 (1) (d) (ii)</p> <p>Chemical risk assessment</p>	<p>The Applicant should ensure that there is no contradiction with the chemical, drilling and debris condition (condition 13 (DML 1 and 2), condition 11 (DML 3 and 4) and condition 9 (DML 5)).</p>	<p>The Applicants are satisfied there is no contradiction between these conditions.</p>
75	<p>DML 1: Condition 15 (1) (d) (iii)</p> <p>DML 2: Condition 15 (1) (d) (iii)</p> <p>DML 3: Condition 13 (1) (d) (iii)</p> <p>DML 4: Condition 13 (1) (d) (iii)</p> <p>DML 5: Condition 11 (1) (d) (iii)</p> <p>Waste management and disposal arrangements</p>	<p>The Applicant should ensure that there is no contradiction with the chemical, drilling and debris condition (condition 13 (DML 1 and 2), condition 11 (DML 3 and 4) and condition 9 (DML 5)).</p>	<p>The Applicants are satisfied there is no contradiction between these conditions.</p>

	Main DCO	MMO Comments	Applicants' Comment
76	<p>DML 1: Condition 15 (1) (d) (vi)</p> <p>DML 2: Condition 15 (1) (d) (vi)</p> <p>DML 3: Condition 13 (1) (d) (vi)</p> <p>DML 4: Condition 13 (1) (d) (vi)</p> <p>DML 5: Condition 11 (1) (d) (vi)</p> <p>References the best practice protocol for the red throated diver.</p>	<p>Please can the Applicant confirm in the condition wording where this is, e.g. include a schedule or plan name. It is the MMO's understanding this will be covered within the Project Environmental Management plan (vessel traffic).</p>	<p>Conditions 15(1)(d), 13(1)(d) and 11(1)(d) require a detailed PEMP to be submitted in accordance with the <b>Outline PEMP</b> [APP-245], which must include specified details, including the best practice protocol for the red throated diver. Outline details for this protocol are set out in section 6.2 of the <b>Outline PEMP</b> [APP-245].</p> <p>The Applicants consider reference to the detailed PEMP and Outline PEMP in sub-paragraph (1)(d) is sufficient, and no change to sub-paragraph (vi) of the <b>Draft DCO</b> [APP-027] is proposed</p>
77	<p>DML 1: Condition 15 (3)</p> <p>DML 2: Condition 15 (3)</p> <p>DML 3: Condition 13 (3)</p> <p>DML 4: Condition 13 (3)</p> <p>DML 5: Condition 11 (3)</p> <p>'Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits'</p>	<p>The MMO is concerned that the Applicant could dispose of material on non-sand bank habitats within the SAC. The MMO requests the condition is updated to state that dredged material is disposed on the same material type. This is to prevent dredged material being deposited on sensitive habitats.</p> <p>'Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits. Material to be disposed must be placed on the same material type'.</p> <p>This is so that all requirements regarding the location of the material to be disposed is clearly written within the same condition. The disposal site must also be named within the condition. The MMO recommend a disposal site is designated for the disposal within the SAC to clearly signpost the area.</p> <p>The MMO is working to designate the disposal sites and will provide an update in due course</p>	<p>As a variety of sediment types are present on the Dogger Bank, the Applicants believe that stipulating material to be disposed must be placed on the same material type cannot be guaranteed and would be difficult and onerous to apply in reality. Dredging, particularly for the linear aspects of the Projects such as the subsea cable installations, may occur over a variety of sediment types to allow installation to occur. The resultant mixed cargo could not be disposed of on any single, specific material type. Hence, compliance with such a condition would require the dredge, transit and deposition of very high numbers of potentially very limited cargoes of specific sediment types for specific disposal on patches of that same sediment type. The dredge, transit and disposal and the 'stop-start' nature of dredging mean that this would be highly time consuming and inefficient. Given the practical difficulties associated with this request, the Applicants do not agree that this should be added as conditions of the DMLs.</p>
78	<p>DML 1: Condition 15 (4)</p> <p>DML 2: Condition 15 (4)</p> <p>DML 3: Condition 13 (4)</p> <p>DML 4: Condition 13 (4)</p> <p>DML 5: Condition 11 (4)</p> <p>Each programme, statement, plan, protocol or scheme required to be approved under condition 11 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.</p>	<p>The MMO request this section is updated to reference the correct schedule for each DML. For example, in DML1 this should refer to condition 15.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.</p>

	Main DCO	MMO Comments	Applicants' Comment
79	<p>DML 1: Condition 15 (5)  DML 2: Condition 15 (5)  DML 3: Condition 13 (5)  DML 4: Condition 13 (5)  DML 5: Condition 11 (5)</p> <p>The MMO must determine an application for approval made under condition 11 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.</p>	<p>The MMO requests this is removed. It is not appropriate for the determination times to be conditioned. The MMO set their own timescales, and this is dependent upon the quality of the submission and the availability of primary advisors, see comments 3.11.2-3.11.6 for determination dates.</p> <p>In addition, the Applicant has referenced the wrong condition within the text.</p>	<p>Please see response to RR-030:3.11 above.</p> <p>The Applicants will amend cross-references within this sub-paragraph and submit an updated version of the <b>Draft DCO</b> [APP-027] at Deadline 1.</p>
80	<p>DML 1: Condition 15 (7)  DML 2: Condition 15 (7)  DML 3: Condition 13 (7)  DML 4: Condition 13 (7)  DML 5: Condition 11 (7)</p>	<p>In addition, the MMO requests that additional wording is added into the condition to require the applicant to re-submit the Construction Programme and Monitoring Plan if updates are required.</p> <p>This is because the final version should be submitted for approval and any subsequent amendments/revisions must be submitted to the MMO for approval.</p>	<p>Conditions 15(6), 13(7) and 11(7) provides that the licensed activities must be carried out in accordance with the programmes, statements, plans, protocols or schemes approved under that condition, unless otherwise agreed in writing with the MMO. This means that any amendments would require agreement with the MMO.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed.</p>
81	<p>DML 1: Condition 16 (3)  DML 2: Condition 16 (3)  DML 3: Condition 14 (3)  DML 4: Condition 14 (3)</p> <p>MMO recommend the condition is update to six months before not 4 months before.</p> <p>This is the standard timeframe that the MMO request for all document submissions.</p>	<p>The MMO requests the SIP is submitted no later than 6 months prior to the commencement of the piling activities.</p>	<p>The Applicants acknowledges that the final SIP is to be submitted at least six months prior to commencement of piling.</p>
82	<p>DML 1: Condition 17  DML 2: Condition 17  DML 3: Condition 15  DML 4: Condition 15</p>	<p>The MMO requests that the condition 16 (DML1) and condition 17 (DML1) are combined, and this update is also reflected within the other DMLs listed.</p> <p>The MMO also request that condition 17 (2) for DML 1 and 2 and 15 (2) for DML 3 and 4 is removed as this is not appropriate to be in a condition. The MMO set their own timescales. See comments 3.11.2-3.11.6 for determination dates.</p>	<p>The Applicants' preference is not to combine these two conditions, as changes to condition numbering would have an impact on cross-references to DML conditions in a number of other application documents.</p> <p>In relation to sub-paragraph (2), please see response to RR-030:3.11 above.</p> <p>No change to the <b>Draft DCO</b> [APP-027] is proposed.</p>
83	<p>DML 1: Condition 20  DML 2: Condition 20</p>	<p>This condition must be updated to state when the results of the pre-construction monitoring survey will be submitted and</p>	<p>Rather than trying to define a timeframe at this point, the Applicants consider the timeframe for reporting should be approved as part of the approval of the monitoring plan(s).</p>

Main DCO		MMO Comments	Applicants' Comment
	Pre-construction monitoring and surveys	DML 3: Condition 18 DML 4: Condition 18 DML 5: Condition 14 Condition 20	also state that the works will not commence until the MMO has approved the survey report.  Sub-paragraph (5) requires that the undertaker must carry out the surveys in accordance with the approved monitoring plan(s).  It is not standard practice for DCO DMLs to include a restriction on commencement of work until the survey report has been approved.  A new sub-paragraph (5) will be added to the <b>Draft DCO [APP-027]</b> which will confirm that a survey report must be submitted to the MMO following completion of a survey carried out pursuant to this condition, prior to the construction of the relevant stage.
84		DML 1: Condition 20 (2) DML 2: Condition 20 (2) DML 3: Condition 18 (2) DML 4: Condition 18 (2) DML 5: Condition 14 (2)	The MMO request the wording is updated to:  (2) The survey proposals submitted under sub-paragraph (1) must be in accordance with the principles set out in the inprinciple monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the Environmental Statement
85		DML 1: Condition 20 (4) DML 2: Condition 20 (4) DML 3: Condition 18 (4) DML 4: Condition 18 (4) DML 5: Condition 14 (4)  'The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO have due regard, but not be limited to, the need to undertake—;	The MMO recommend the wording is updated to:  'The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO include, but not be limited to, the need to undertake—'
86		DML 1: Condition 20 (4) (a) DML 2: Condition 20 (4) (a) DML 3: Condition 18 (4) (a) DML 4: Condition 18 (4) (a) DML 5: Condition 14 (4) (a)	The MMO request the word 'appropriate' is removed from this condition as this is not precise enough.
87		DML 1: Condition 20 (5) DML 2: Condition 20 (5) DML 3: Condition 18 (5)	This should be updated to include the full name of the plans. This is to ensure clarity.  This is not considered necessary, as it is clear from sub-paragraph (1) that this is a reference to the monitoring plan(s) approved pursuant to conditions 15(1)(b), 13(1)(b) and 11(1)(b).

Main DCO		MMO Comments	Applicants' Comment
	DML 4: Condition 18 (5) DML 5: Condition 14 (5)		No change to the <b>Draft DCO</b> [APP-027] is proposed.
88	Construction monitoring and surveys DML 1: Condition 21 DML 2: Condition 21 DML 3: Condition 19 DML 4: Condition 19 DML 5: Condition 15	Please explicitly state within the conditions where the results will be submitted.	The Applicants consider this detail should be approved as part of the approval of the monitoring plan(s). It is not precedented for this to be specified in DCO DML conditions. No change to the <b>Draft DCO</b> [APP-027] is proposed.
89	DML 1: Condition 21 (4) DML 2: Condition 21 (4) DML 3: Condition 19 (4) DML 4: Condition 19 (4)	The MMO will keep a watching brief on this condition as there are ongoing internal discussions.	The Applicants acknowledge the MMO's response.
90	New subsection: DML 1: Condition 21 (8) DML 2: Condition 21 (8) DML 3: Condition 19 (8) DML 4: Condition 19 (8) DML 5: Condition 15 (5)	The MMO requests that a provision for adaptive management is included within this condition.	The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting.
91	DML 1: Condition 22 (3) (a) DML 2: Condition 22 (3) (a) DML 3: Condition 20 (3) (a) DML 4: Condition 20 (3) (a) DML 5: Condition 16 (3) (a)	The MMO recommends the post construction survey design is also informed by the construction benthic survey report. This is to account for any mobile benthic habitats which may shift in extent.  Suggested wording: 'undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance or habitat with suitability for sandeel identified in the preconstruction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and construction benthic surveys'	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
92	DML 1: Condition 22 (3) (b) DML 2: Condition 22 (3) (b) DML 3: Condition 20 (3) (b) DML 4: Condition 20 (3) (b)	This condition should be clarified to confirm the mechanism for agreement. E.g. 'in writing'.	The mechanism for agreement is specified in subparagraph (3). No change to the <b>Draft DCO</b> [APP-027] is proposed.

Main DCO		MMO Comments	Applicants' Comment
93	DML 5: Condition 16 (3) (b)		
	DML 1: Condition 22 (3) (e) DML 2: Condition 22 (3) (e) DML 3: Condition 20 (3) (e) DML 4: Condition 20 (3) (e)	The MMO requests the word 'contribute' is removed from this condition as it is not precise enough and therefore does not meet the 5 tests.  Suggested wording: 'undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g).*'  *15 (1) (g) for DML 1 and 2, 13 (1) (g) for DML 3 and 4	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.
94	New subsection DML 1: Condition 22 (6) DML 2: Condition 22 (6) DML 3: Condition 20 (6) DML 4: Condition 20 (6) DML 5: Condition 16 (6)	The MMO requests that a provision for adaptive management is included within this condition	The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting.
95	Reporting of scour and cable protection  DML 1: Condition 23 DML 2: Condition 23 DML 3: Condition 21 DML 4: Condition 21 DML 5: Condition 17  (1) Not more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.  (2) The report must include the following information—  (a) the location of cable protection and scour protection;  (b) the volume of cable protection and scour protection; and  (c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.	MMO request the text is updated to  'No more than four months...'	The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO</b> [APP-027] to address the point raised by the MMO and submit an updated <b>Draft DCO</b> [APP-027] for Deadline 1.



## 4.7 Maritime and Coastguard Agency

Table 4.7.1 – Applicants’ response to Maritime and Coastguard Agency relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-031: 1	<p><b>Relevant Representation</b></p> <p>The MCA’s remit for Offshore Renewable Energy Installations (OREIs) is to ensure that the safety of navigation is preserved, and our Search and Rescue (SAR) capability is maintained, whilst progress is made towards government targets for renewable energy.</p> <p>The MCA will be responding to the ExA on matters concerning the safety of maritime navigation and maritime emergency response. MCA will provide full comments on the Navigation Risk Assessment (NRA), Shipping &amp; Navigation chapter of the Environmental Impact Assessment (EIA) Report, and the content of the DCO and DML in our written representation at deadline 1. The main issues for MCA are concerning vessel routeing, vessels’ ability for continued safe passage, that risks to all vessels and craft are at an acceptable level, and the project is not at the detriment to the provision of Search and Rescue, and other emergency response. These issues must have been adequately addressed by the applicant.</p>	<p>No response is required.</p>
RR-031: 2	<p><b>Navigation Risk Assessment (NRA) and MGN Checklist (APP-124) and Chapter 14 Shipping and Navigation (APP-121) – General Comments</b></p> <p>Dogger Bank South windfarm is considered in three distinct sections namely, Dogger Bank South (east), Dogger Bank South (west) which are referred to collectively as Dogger Bank South Offshore Windfarms, and the Offshore Export Cable Corridor. A fourth area of focus from the applicant includes a subsection of the Offshore Export Cable Corridor and concerns the Export Cable Platform Search Area. The MCA is content that a full marine traffic survey of 28 days duration has been undertaken as per MGN 654 requirements for each of these sections in summer and winter of 2022 and summer and winter of 2023 for the Export Cable Platform Search Area. The dates of the surveys are presented in Table 14-5 of the Shipping and Navigation chapter and Table 5-1 of the NRA. In addition, Supplementary AIS data was gathered for 79 days in 2022 for the combined Dogger Bank South (DBS) East and DBS West study areas. This data was used to validate the summer and winter vessel traffic surveys recorded for each of the DBS array study areas.</p> <p>We also note that a completed MGN 654 Checklist has been included with the NRA in Appendix A and this is welcomed.</p>	<p>The Applicants acknowledge this comment.</p>
RR-031: 3	<p><b>Updated Information Post Preliminary Environmental Information Report (PEIR)</b></p> <p>MCA had concerns at the PEIR stage that some areas of focus remained. It was stated in our response to the PEIR that:</p> <p><i>‘We note under Chapter 14, paragraph 228 of the PEIR that “the consultation effort is not yet complete. In particular, a Hazard Workshop with relevant stakeholders in which the impacts associated with the DBS array areas and offshore export cable corridor (including potential platforms) has not been undertaken.” We also note that Section 18, paragraph 472 of the NRA states; “Although this NRA considers the requirements of the MGN 654 Checklist (see Appendix A), it is acknowledged that various additional steps will be required post PEIR to ensure a comprehensive NRA is submitted at the ES stage.” The MCA agrees with the 12 steps identified in this paragraph and recognises that these have led to 8 outstanding items on the MGN 654 Checklist which are highlighted in table A-1 from Appendix A to the NRA.’</i></p> <p>We are content after preliminary review of the NRA and Shipping and Navigation chapter that these concerns have now been addressed. The MGN 654 checklist has been completed, and Hazard Identification workshops</p>	<p>As the Interested Party (IP) notes, the Applicants have extensively consulted with relevant shipping and navigation stakeholders including the Maritime and Coastguard Agency (MCA) throughout the NRA process, including through the Scoping Opinion, dedicated meetings, Hazard Workshops, and the PEIR. This has led to the completion of a comprehensive <b>NRA</b> [APP-124] and therefore the Applicants are confident that the Statement of Common Ground (SoCG) between the Applicants and the MCA will be fully agreed and completed during the examination process.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>(with MCA in attendance) have been held. The information gained from these workshops has fed into the consultation process and resulted in a comprehensive NRA being submitted.</p> <p>The applicant has also clarified some unknowns by providing in Chapter 5: Project Description (APP-071), the following list of changes implemented to the offshore aspects of the project:</p> <ul style="list-style-type: none"> <li>• Array Area boundaries and Offshore Export Cable Corridor options have been refined;</li> <li>• Gravity base and suction bucket foundations were removed for all turbines and platforms located within the Array Areas (GBS foundations retained for platforms within the ECC);</li> <li>• Maximum monopile pile diameter was reduced, therefore reducing the maximum hammer energy required;</li> <li>• Reduction in the maximum number of Offshore Export Cables from six to four following the removal of HVAC technology from the Projects Design Envelope;</li> <li>• Reduction in maximum platform number from eleven to eight following the removal of HVAC technology from the Projects design envelope; and</li> <li>• Reduction in width of the Offshore Export Cable Corridor approach to landfall.</li> </ul>	
RR-031: 4	<p><b>Layout, Marking and Lighting</b></p> <p>We appreciate that the layout as presented in the NRA is currently indicative of a 'worst case' and the Applicant has been engaged with the MCA regarding the layout design. Typically, refinements to this design will be on going throughout the examination and if granted, post consent. The turbine layout design will require MCA agreement prior to construction to minimise the risks to surface vessels, including rescue boats, and Search and Rescue aircraft operating within the site. As such, MCA will seek to ensure all structures are aligned in straight rows and columns, including any platforms. Any additional navigation safety and/or Search and Rescue requirements, as per MGN 654 Annex 5, will be agreed at the approval stage.</p> <p>Further, MCA will seek to ensure any turbine numbering system follows a 'spreadsheet' principle and is consistent with other windfarms in the UK. All lighting and marking arrangements will need to be agreed with MCA and Trinity House. The MCA requires all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5.</p>	<p>As the IP notes, the final array layout will be determined post consent in consultation with the MCA and Trinity House, as outlined in Table 20-1 of the <b>NRA</b> [APP-124] and the <b>Draft DCO</b> [APP-027] (condition 15 of deemed marine licenses (DMLs) 1 and 2; condition 13 of DMLs 3 and 4; and condition 11 of DML 5) and will comply with the requirements of MGN 654.</p>
RR-031: 5	<p><b>Emergency Response and Search and Rescue</b></p> <p>There is an expectation that the presence of wind farms will increase the likelihood of the requirement for emergency response, not just from navigational incidents but from other incidents such as medical evacuation or pollution. This is acknowledged by the applicant in Chapter 14: Shipping and Navigation (APP-121) section 14.8.6.</p> <p>A SAR checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before construction starts. This will include the requirement for an approved Emergency Response Co-operation Plan (ERCoP).</p> <p>During SAR discussions, particular consideration will need to be given to the implications of the site size and location. Attention should be paid to the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas. It will be expected that the applicant will provide this AIS and VHF capability to the MCA with direct access to HM Coastguard systems.</p>	<p>A Search and Rescue (SAR) Checklist and ERCoP will be completed post consent in consultation with the MCA as part of compliance with MGN 654 which is outlined in Table 20-1 of the <b>NRA</b> [APP-124] and secured as a consent condition in the <b>Draft DCO</b> [APP-027] (condition 18 of DMLs 1 and 2; condition 16 of DMLs 3 and 4; and condition 12 of DML 5).</p>
RR-031: 6	<p><b>Hydrographic Surveys</b></p>	<p>Hydrographic surveys will be completed at the appropriate phases of the Projects as part of compliance with MGN 654 which is outlined in Table 20-1 of the <b>NRA</b> [APP-</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>MGN 654 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Further information can be found in MGN 654 Annex 4 supporting document titled 'Hydrographic Guidelines for Offshore Developers', available on our website: <a href="https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping">https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping</a>. This includes surveys during the pre-construction, post-construction and post-decommissioning stages. We would like to highlight the need to provide the data in either GSF or CARIS format and that Total Vertical and Horizontal Uncertainty (TVU &amp; THU) calculations must be provided.</p>	<p>124] and secured as a consent condition in the <b>Draft DCO</b> [APP-027] (conditions 15, 20, 21 and 22 of DMLs 1 and 2; conditions 13, 18, 19 and 20 of DMLs 3 and 4; and conditions 11, 14, 15 and 16 of DML 5).</p>
RR-031: 7	<p><b>Cable Routes</b></p> <p>Particular attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. Particular attention to burial depths and protection measures (if needed) will be required. It is noted in the embedded mitigation listed in Table 14.3 of Chapter 14 (APP-121) that a Cable Burial Risk Assessment (CBRA) will be carried out to inform this.</p> <p>If cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.</p> <p>In an update to the project since PEIR it was noted that the Export Cable will now be High Voltage Direct Current (HVDC). Regarding HVDC there is a potential impact on ships compasses from the electro-magnetic field generated. It is noted in section 13.6 of the NRA (APP-124), Table 13-1, that mitigations to address this have been considered. However, a pre-construction compass deviation study may still be required on the expected electro-magnetic field. Should this go ahead, we would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five-degree deviation will be attained.</p> <p>If this requirement cannot be met, further mitigation measures may be required including a post installation deviation survey of the cable route. This data must then be provided to the MCA and UKHO, as a precautionary notation may be required on the appropriate Admiralty Charts regarding possible magnetic anomalies along the cable route.</p>	<p>A construction method statement will need to be submitted in fulfilment of the conditions of each deemed marine licence. The construction method statements must be submitted in accordance with cable statements, which will be informed by detailed cable burial risk assessments. The cable burial risk assessments will be appended to the cable statements. These cable burial risk assessments will demonstrate how the 5% reduction noted by the IP will not be exceeded prior to installation, as outlined in Table 20-1 of the <b>NRA</b> [APP-124] and in the <b>Draft DCO</b> [APP-027]. Following the completion of construction, reports on scour and cable protection will need to be prepared and submitted. The reports will demonstrate the locations and volumes of cable protection that has been installed and may also report on navigable depths over such protection.</p> <p>A compass deviation study will be undertaken if deemed necessary by the MCA as described in section 13.6.1 of the <b>NRA</b> [APP-124].</p>
RR-031: 8	<p><b>Conclusion</b></p> <p>The Applicant has provided a comprehensive overview of the risk. The comments detailed above are to highlight items to be addressed by the applicant in consultation with the MCA and navigation stakeholders to ensure the risk to the safety of navigation and the impact on SAR capability remains low should consent be granted. Further comments on the content of the DCO and DML will be submitted in our written representation at deadline 1.</p>	<p>The Applicants have extensively consulted with relevant shipping and navigation stakeholders including the MCA throughout the development of the Projects. The Applicants look forward to continuing this engagement through the examination process to ensure the risk to the safety of navigation and the impact on SAR capability remains low should consent be granted. The Applicants welcome further comments on the <b>Draft DCO</b> [APP-027] and DMLs and are confident that a SoCG between the Applicants and the MCA will be fully agreed and completed during the examination process.</p>

## 4.8 National Highways

Table 4.8.1 – Applicants’ response to National Highways relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-037: 1	In response to the latest consultation request on the 21/08/24 a detailed review of the traffic and transport submissions supporting the Dogger Bank South DCO, specifically the Transport Assessment [TA] and Outline Construction Traffic Management Plan [OCTMP], has been conducted by our consultants JSJV detailed below.	No response is required.
RR-037: 2	At a high level, as has been outlined by JSJV as part of prior scoping discussions to date (specifically DevHU0018 TM006 attached), it is acknowledged that the daily development operation will not incur a material impact at the Strategic Road Network [SRN], however, National Highways will require the impact of development construction traffic at the SRN be quantified in terms of absolute two-way flows during both weekday morning and evening network peak hours.	<p>The Applicants welcome confirmation from National Highways that the operation of the Projects will not lead to a material impact upon the Strategic Road Network (SRN).</p> <p>Regarding the requirement to quantify the absolute two-way flows during both weekday morning and evening network peak hours, the Applicants direct National Highways to <b>Appendix 24-2 Transport Assessment (TA)</b> [APP-198]. Annex 13 and 15 of the TA which presents absolute two-way flows for the AM and PM peak hours respectively for the construction of the Projects in isolation (the In Isolation Scenario). Annex 14 and 16 presents absolute two-way flows for the AM and PM peak hours respectively for the construction of the Projects concurrently (the Concurrent Scenario).</p>
RR-037:3	In line with the construction traffic data detailed within the OCTMP, JSJV note that the level of construction trips would be expected to incur a material impact at several SRN links within the study area. However, should the Applicant be willing to commit to ensuring that minimal construction trips (inclusive of both daily HGV and construction staff) be undertaken over the AM / PM network peak hours, this would likely enable the daily functionality and operation of the SRN within the CTMP assessment area to be maintained, assuming that any network peak hours considered for avoidance align to the peak hour(s) operation of the SRN immediate to each respective construction site.	Section 24.6 of <b>Chapter 24 Traffic and Transport</b> [APP-195] of the Environmental Statement (ES) presents an assessment of the Projects effects upon the impacts of severance, amenity and road safety and concludes that there would be no significant effects upon any links forming the SRN. With regard to driver delay impacts, Section 24.6.1.6 of <b>Chapter 24 Traffic and Transport</b> [APP-195] notes that it was agreed with National Highways (rather than undertaking detailed junction capacity modelling for the Development Consent Order (DCO) application submission) it would be appropriate to defer any assessment until post determination of the DCO when baseline conditions have consolidated following major highway improvements to the A63 Castle Street.
RR-037: 4	Commitments regarding the arrival / departure times of construction vehicles and any associated highway impact / mitigation strategies can therefore be secured through a Requirement for the preparation and approval from National Highways of a final CTMP.	<p>Section 4.6 of the <b>Outline Construction Traffic Management Plan (OCTMP)</b> [APP-238] (which is secured by Requirement 14 of the <b>Draft DCO</b> [APP-027]) therefore includes a commitment that prior to commencement, details of forecast traffic flows would be submitted to National Highways. National Highways would then be required to advise if they require further capacity assessment and if so, the approach to modelling and data collection would then be discussed and agreed with National Highways. Any such capacity assessment would determine if additional mitigation is required, this could include peak hour restrictions or other demand management measures. This approach is outlined in paragraph 95 of the <b>OCTMP</b> [APP-238] and will be incorporated into the final Construction Traffic Management Plan (CTMP) which will require approval by the relevant highway authorities in consultation with National Highways.</p>
RR-037: 5	<p><u>Discussion and Summary</u></p> <p>In line with the review of the TA and OCTMP prepared in support of the Dogger Bank DCO, National Highways [NH] would recommend that planning Requirements are attached to any permission granted for the site. The</p>	The <b>Draft DCO</b> [APP-027] includes proposed requirement wording (Requirement 14) that outlines that no phase of the onshore works may commence until a CTMP (which must be in accordance with the <b>OCTMP</b> [APP-238]) has for that phase been

I.D.	Relevant Representation	Applicants' Comment
	<p>wording of any Requirements would need to be confirmed by the Local Authority, however, a Requirement should seek to secure the preparation of a final detailed CTMP to be reviewed and approved by National Highways prior to construction commencing.</p> <p>National Highways will require any detailed CTMP to take the following into account moving forwards:</p> <ol style="list-style-type: none"> <li>1) The impact of development construction traffic at the SRN must be understood in terms of absolute two-way flows during both weekday morning and evening network peak hours.</li> <li>2) NH would strongly recommend that any HGV scheduling methodology commits to ensuring that the scheduling of HGVs minimises the impacts during the AM / PM network peak hours at the SRN. This scheduling methodology can be secured as part of the final CTMP.</li> <li>3) Should the Applicant be willing to commit to ensuring that minimal construction trips (HGV or staff) be undertaken over the AM / PM network peak hours, this would likely enable the daily functionality and operation of the SRN within the CTMP assessment area to be maintained, assuming that any network peak hours considered for avoidance align to the peak hour(s) operation of the SRN immediate to each respective construction site. Any commitments regarding the arrival / departure times of construction vehicles can be secured through a final CTMP.</li> <li>4) NH acknowledge that the utilisation of staff minibuses to transport staff to / from site is a viable approach to reducing private car use, however, the final CTMP should provide confirmation as to how many staff will utilise such services with supporting evidence / strategy provided as to how uptake of such services would be ensured, in addition to confirming which surrounding settlements would be served.</li> <li>5) NH acknowledge that a level of car sharing would be expected to be achieved for construction staff given the level of staff on site at any one time. However, further confirmation should be provided within a final CTMP as to any assumed car sharing assumption occupancy value and how steps will be taken to ensure such value is achieved.</li> <li>6) NH would strongly recommend that the final CTMP contain a detailed construction staff trip monitoring methodology which will provide detail on how the adherence to any secured staff shift periods / movements will be monitored, in addition to detail as to what adjustive / remedial measures will be implemented should construction movements be considered to materially breach any imposed shift period movement restriction.</li> <li>7) At the point at which development highway impact can be agreed with National Highways, the composition of any junction specific modelling, if necessary (inclusive of future year growth rates, inter alia), can be agreed at this stage. NH maintain however that should a final CTMP contain sufficient commitment to securing construction shift times and peak hour staff movements associated with the development construction, the need to undertake any detailed junction impact modelling at the SRN may not necessarily be required.</li> </ol>	<p>submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and National Highways or Hull City Council (if appropriate).</p> <p>The Applicants consider that each of the seven matters listed by National Highways are already captured within the <b>OCTMP</b> [APP-238] and are therefore secured by Requirement 14 of the <b>Draft DCO</b> [APP-027], which outlines that the final CTMP must be in accordance with the OCTMP and approved by the relevant planning authority in consultation with National Highways, <i>et al.</i></p> <p>With specific regard to each of the seven matters raised, the following section provides direction to National Highways regarding where the Applicants consider that each matter is captured within the <b>OCTMP</b> [APP-238].</p> <p><b>1, 2, 3 &amp; 7.</b> Please see the previous response to this matter at RR-037:3 and RR-037:4.</p> <p><b>4, 5 &amp; 6.</b> The Applicants would clarify that as outlined within Table 24-2 of <b>Chapter 24 Traffic and Transport</b> of the ES [APP-195] the traffic numbers presented within the ES and <b>Appendix 24-2 - Transport Assessment</b> [APP-198] assume a worst case scenario of one person per vehicle. This approach is adopted for the purpose of considering a worst case scenario. Notwithstanding, Table 3-1 of the <b>OCTMP</b> [APP-238] (secured by Requirement 14 of the <b>Draft DCO</b> [APP-027] outlines a range of best practice measures that could be adopted to reduce the number of single occupancy vehicle trips, such as vehicle sharing. These measures would be developed as part of the final CTMP (in liaison with National Highways) once a contractor is appointed and there is greater certainty in relation to employee origins.</p> <p>Section 5.2 of the <b>OCTMP</b> [APP-238] includes details of the proposed processes for monitoring employee travel, in particular section 5.2.6 which includes specific details with regard to monitoring of employee arrival and departure times, method of travel and origin. Section 5.3 of the <b>OCTMP</b> [APP-238] includes details of the proposed approach to ensure the effective enforcement of the final CTMP.</p>
RR-037: 6	<p>In addition to the above, NH note that any traffic flows / development impacts arising from future site decommissioning would need to be confirmed with National Highways before this matter can be scoped out of any future assessments. Accordingly, a suitable planning Requirement securing the production of a Decommissioning Traffic Management Plan, as and when necessary, would be considered appropriate.</p>	<p>The Applicants direct National Highways to Requirement 27 of the <b>Draft DCO</b> [APP-027] which requires an Onshore Decommissioning Plan to be prepared and submitted to the relevant planning authority for approval within six months of the permanent cessation of commercial operation. This would include a traffic management plan for the decommissioning phase.</p>

## 4.9 North Lincolnshire Council

Table 4.9.1 – Applicants’ response to North Lincolnshire Council relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-041	Thank you for your letter dated 23 July 2024 giving North Lincolnshire Council the opportunity to comment on the Dogger Bank South Wind Farm Projects. I can confirm after consulting with consultees within North Lincolnshire Council, that no comments or objections have been raised in respect of this project with the proposed development not likely to result in any significant impact upon North Lincolnshire.	The Applicants acknowledge this comment.

## 4.10 Ofgem

Table 4.10.1 – Applicants’ response to Ofgem relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-043	The concern that the project will pose a risk to the security of UK energy supply if the design, construction and operation of the project does not address the requirement for cybersecurity through the adoption of appropriate and proportionate (cyber) risk management practise. The asset may well become designated at a specified CNI rating or the owner / operator be considered an Operator of Essential Services (OES) and this needs to be considered within the planning process. This may require consideration of design aspects to add redundancy or impact the selection of location for example. The registrant is interested to understand how these will be addressed within the process.	<p>The Projects will include provision for appropriate and proportionate (cyber) risk management practice.</p> <p>The Projects are being jointly developed by RWE Group of companies and Masdar, with RWE leading the project development, construction and operation on behalf of the partners.</p> <p>The design of the Projects shall comply with RWE cyber security policies and processes (RWE is designated as an OES), aligned with Industry defined standards such as IEC 62443 or equivalent. The design shall also be compliant with Ofgem requirements and the Network and Information Systems Regulations 2018.</p> <p>Preliminary communications diagrams and cyber security documents shall be provided by the Projects’ contracted designers, covering the network interfaces, security controls implemented and remote connection functionality. This shall be approved by the Applicants before any commissioning or testing is taking place.</p> <p>The suppliers, with the Applicants’ consent and approval, shall establish acceptance checklists for proper handover of all the security related configuration, asset inventory and credentials.</p>

## 4.11 Rijkswaterstaat

Table 4.11.1 – Applicants’ response to Rijkswaterstaat relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-047	Rijkswaterstaat, as a representative body of the Government of the Netherlands, would like to stay up-to-date on the developments of this project. Further comments will be provided through the official Espoo-procedure.	The Applicants acknowledge this response and welcome any further comments made during the examination process.

## 4.12 UK Health Security Agency

Table 4.12.1 – Applicants’ response to UK Health Security Agency relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-053	<p>Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID. We can confirm that: UKHSA were not consulted at the Section 42 stage. However, following our review of the submitted ROI documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. UKHSA/OHID are satisfied with the methodology used to undertake the environmental assessment. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest. Please do not hesitate to contact us if you have any questions or concerns.</p>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants can confirm that UK Health Security Agency (UKHSA) were notified by post of the statutory consultation (s42) which took place from 6<sup>th</sup> June to 17<sup>th</sup> July 2023 in addition to the targeted consultation of 13<sup>th</sup> November to 10<sup>th</sup> December 2023. Following the notification by the UKHSA via email on 4<sup>th</sup> December 2023 that the consultation materials had not been received, the Applicants updated their records to ensure that all future correspondence is sent electronically to <a href="mailto:nsipconsultations@ukhsa.gov.uk">nsipconsultations@ukhsa.gov.uk</a>.</p>

## 4.13 The Coal Authority

Table 4.13.1 – Applicants’ response to The Coal Authority relevant representation

I.D.	Relevant Representation	Applicants’ Comment
AS-001	<p>Thank you for your notification of 23 July 2024 seeking the views of the Coal Authority on the above.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>The site to which this submission relates is not located within the defined coalfield. On this basis we have no specific comment to make.</p>	<p>The Applicants acknowledge this comment.</p>

## 4.14 Ministry of Defence

Table 4.14.1 – Applicants’ response to Ministry of Defence relevant representation

I.D.	Relevant Representation	Applicants’ Comment
AS-002:1	<p>Thank you for consulting the Ministry of Defence (MOD) in relation to the application for an order granting development consent for the Dogger Bank South Offshore Wind Farm through your communication dated 23 July 2024.</p> <p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>I write to advise the safeguarding position of the MOD in relation to the above application to construct and operate the Dogger Bank Offshore Wind Farm.</p>	<p>The Applicants acknowledge this comment. The Applicants will further engage with the Ministry of Defence (MOD) and provide further updates to the Examining Authority during Examination.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>This scheme will comprise of up to 200 wind turbines, with a maximum height to blade tip of up to 394.08 metres above Mean Low Water Springs (MHWS) that will be located in the North Sea on the Dogger Bank. In addition to the turbine structures there will be offshore platforms, including offshore Collector Platforms (CPs) and / or converter platforms (OCPs), an Electrical Switching Platform (ESP) and an Accommodation; foundation structures for wind turbines and offshore platforms; array cables; Inter-platform cables; offshore Export Cables from the Array Areas to the landfall; landfall works seaward of Mean Low Water Springs (MLWS) for a long trenchless crossing; and scour/cable protection (where required). The onshore components from the landfall near Skipsea travel west before reaching the Onshore Substation Zone located at Beverley Road along the A1079 and A164.</p> <p>Following consultation, the MOD requested additional information from the applicant that is necessary to complete assessments of the proposed development. The information requested was provided on 23rd August 2024, whilst assessments have been initiated, we have not yet received all required responses. Therefore, this response reflects those representations provided to this date, the MOD will update its position, if required, following completion of all outstanding assessments.</p> <p>The principal concerns of the MOD with respect to this proposed wind farm relate to the impact of the development on the operation and capability of air defence radar systems, and the potential to create a physical obstruction to air traffic movements.</p> <p>At this time the MOD must <b>object</b> to the proposed development on the basis that the scheme would have a significant and detrimental impact on the effective operation and capability of air defence radar deployed at RRH Staxton Wold.</p>	
AS-002:2	<p><u>Air Defence (AD) radar</u></p> <p>The proposed turbines would be located approximately 123.2km from, detectable by, and will cause unacceptable interference to the AD radar at RRH Staxton Wold.</p> <p>Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.</p> <p>Our assessments have determined that, when operational, the proposed wind farm will cause unacceptable and unmanageable interference to the effective operation of air defence radar deployed at RRH Staxton Wold.</p> <p>Therefore, on the basis of the information provided, and until a suitable mitigation scheme has been submitted, assessed, and accepted, the MOD must <b>object</b> to this proposal due to the impact it will have on the AD radar at RRH Staxton Wold.</p>	<p>The Applicants acknowledge this comment. As noted in <b>Chapter 15 Aviation and Radar</b> [APP-125] a range of mitigation measures are likely to be available. The Applicants will continue engagement with the MOD to seek to agree suitable mitigation for the potential impact of the Projects on the Air Defence radar at Remote Radar Head Staxton Wold (RRH). Requirement 31 of the <b>Draft Development Consent Order (DCO)</b> [APP-027] provides that the Secretary of State, after consulting the MOD, must be satisfied that appropriate mitigation will be implemented to address any unacceptable effects on the air defence radar capability of RRH Staxton Wold. This confirmation is required prior to operation of the Projects.</p>
AS-002:3	<p><u>Physical Obstruction</u></p> <p>In this case the development falls within Low Flying Area 11 (LFA 11). Within these areas fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location would introduce a physical obstruction to low flying aircraft operating in the area.</p> <p>As this development includes structures that exceed a height of 60m above Highest Astronomical Tide (HAT) it would be subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to any CAA</p>	<p>Mitigation of the potential impacts on military low flying aircraft involves the notification and lighting of obstructions, as captured by the Deemed Marine Licence conditions contained within the <b>Draft DCO</b> [APP-027]. Aviation safety and lighting requirements are secured by condition 12 of Marine Licences 1 and 2; condition 10 of Marine Licences 3 and 4; and condition 8 of Marine Licence 5.</p> <p>The Defence Infrastructure Organisation Safeguarding will be notified, at least 14 days before commencement of the offshore works, of the date of construction</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.</p> <p>In the event that the applicant is able to overcome the Air Defence Radar objection detailed above, MOD would require that conditions are added to any consent issued requiring the submission, approval and implementation of an aviation lighting scheme, and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.</p>	<p>commencement, the date wind turbines are to be installed, the maximum height of construction equipment or vessels, the maximum height of each wind turbine, and the latitude and longitude of each wind turbine.</p> <p>Aviation safety lighting as required by the Air Navigation Order 2016 will be exhibited in consultation with the Defence Infrastructure Organisation Safeguarding.</p>
AS-002:4	<p><u>Landfall and Onshore</u></p> <p>Amongst the additional information provided by the applicant is a map showing the position of landfall and the extent of the onshore area of interest. I can confirm that the area of interest identified is not covered by any statutory safeguarding zones. As the proposal matures MOD should be consulted so any potential impact on safeguarded MOD assets can be identified and assessed.</p>	<p>The Applicants acknowledge this comment.</p>
AS-002:5	<p>For the avoidance of any doubt, MOD <b>objects</b> to the proposal on the grounds of the unacceptable impact that the development would have on:</p> <ul style="list-style-type: none"> <li>air defence radar system sited at RRH Staxton Wold.</li> </ul>	<p>The Applicants acknowledge this comment.</p>

## 4.15 Doggerland Foundation

Table 4.13.1 – Applicants' response to Doggerland Foundation relevant representation

I.D.	Relevant Representation	Applicants' Comment
AS-004	<p>I could not find the registration of my organisation Doggerland Foundation and our submitted information in your overview. I submitted information and expected to see Doggerland Foundation represented in the Dogger Bank South offshore windfarm permit process (on website <a href="https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010125/representations?page=1">https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010125/representations?page=1</a>)</p> <p>I hope you can let me know what went wrong. Our key points have been submitted previously with the authorities (please see the relevant points listed in our 2023 letter to RT Hon Grant Shapps) and I hereby attach them once more. Also attached is a study by Daewel et al 2022 specifically trying to predict changes as a result of OWF on the Dogger and the effects on habitat quality and prime ecological functions. The areas designated for wind energy on UK Dogger total roughly 2260 km<sup>2</sup> (Dogger Bank A+B+C, Sofia). With DB South East and South West that will become 3240 km<sup>2</sup> (roughly quarter of the UK Dogger Bank), not counting infrastructure like cables. And impact will exceed beyond 25% of the Dogger Bank to the entire area, due to e.g. (noise) pollution and changes in primary production, stratification, sedimentation etc. Hence our objection to the expansion of OWF Dogger Bank South East and South West and our plea to:</p> <p>...immediately stop additional wind development in the Dogger Bank; i.e. to not open up new areas Dogger Bank South East and South West, nor Dogger Bank D to wind development; to not grant consent to development.</p> <p>...change the destination of areas Dogger Bank South East, South West and Dogger Bank D to areas of (active) restoration for nature.</p>	<p>The Applicants are in process of preparing a change request relating to the relevant design parameters. The ExA was notified of the Applicants intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> (application ref: 10.2). It is expected that the change request will be submitted in December following targeted consultation. The change request relates to the removal of an intertidal Horizontal Directional Drill exit from the project envelope, the removal of all platforms from the export cable corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by a Request for Change: Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the Environmental Statement, thus informing a consultation with relevant stakeholders (to be agreed with the Examination Authority (ExA)) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. The change proposed of relevance to these representations is the reduction in number of Offshore Platforms within the Dogger Bank Special Area of Conservation (SAC), and the resulting reduction in amount of scour protection and inter-platform cabling required. If this request is accepted by the ExA, we would expect these changes to reduce the physical footprint of the Projects within the Dogger Bank SAC to 1.916km<sup>2</sup>, equivalent to 0.016% of the total area of the Dogger Bank SAC.</p> <p>RWE Renewables is not involved in the development of the Dogger Bank D offshore wind farm.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>...steer clear of wind development inside protected and other vulnerable areas, considering the negative, underestimated impacts and the inability so far to fully account for and assess cumulative impacts to MPAs.</p> <p>...stick to EC guidelines for cumulative EIAs and uphold the level of scrutiny in EIAs, HRAs and other impact assessments that need to be applied to any activity with likely (significant) effect, which has been explained and reviewed<sup>1</sup></p>	<p>A comprehensive Environmental Impact Assessment (EIA) has been undertaken for the Projects. This work was undertaken in compliance with all relevant legislation. As part of the EIA process the proposals for the Projects have been developed since inception to avoid, reduce, mitigate and compensate for impacts where practicable and appropriate. Through the completion of robust environmental assessments, appropriate mitigation measures have been put forward within the Environmental Statement submitted alongside the Development Consent Order Application. This includes mitigation measures to address the likely significant effects of the Projects on the Dogger Bank SAC, both in-isolation and cumulatively with other developments. As a result, the identified likely significant effects will be minimised as far as is practicable, thus allowing the SAC to continue its recovery.</p> <p>A comprehensive Report to Inform Appropriate Assessment (RIAA) has been prepared to support the Examining Authority's appropriate assessment under HRA legislation. The RIAA concludes that, for the 'sandbanks slightly covered by seawater all the time' feature, Adverse Effects on Integrity cannot be ruled out for long-term habitat loss. As a result, the Applicants have put forward measures to compensate for the predicted impacts, which are described in the <b>Project Level Dogger Bank Compensation Plan</b> [APP-059]. Schedule 18 of the <b>Draft DCO</b> [APP-027] secures the delivery of measures to compensate for sandbank loss.</p>

<sup>1</sup> Appleby, T., Condon, J., Rammelt T., Reuchlin-Hughenoltz, E. & Solandt. J.-L.. (2020) Report to inform appropriate assessment of fishing operations on the Dogger Bank SACs, Blue Marine Foundation, WWF, Client Earth & Marine Conservation Society.

## 5 Responses to Non-Statutory Consultees Relevant Representations

9. The Applicants' responses to relevant representations received from non-statutory consultees are provided in this section. Non-statutory consultees are those organisations or individuals that the Applicants may choose to engage (if there are planning policy reasons to do so) who are not designated in law but may be likely to have an interest in a proposed development.

## 5.1 East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum

Table 5.1.1 – Applicants’ response to East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-013	<p>Outline of comments that will be submitted by the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum.</p> <ul style="list-style-type: none"> <li>• The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) is a statutory advisory body that safeguards Public Rights of Way (PRoW) and promotes their use for public access to the countryside, which can be beneficial for health.</li> <li>• PRoW are protected in law and are recorded on the Definitive Map held by East Riding of Yorkshire Council (ERYC).</li> <li>• The RWE Dogger Bank South Onshore Cable Corridor intersects PRoW at 22 locations.</li> <li>• The JLAF does not object to the proposed development, but raises the following points:               <ol style="list-style-type: none"> <li>1. Specific details of PRoW diversions are essential for the benefit of users.</li> <li>2. Proposed temporary diversions must be discussed with ERYC’s Countryside Access Team.</li> <li>3. Temporary closure and diversion durations should be minimised (less than 3 months).</li> <li>4. The Applicant should be required to give a timetable for closures, which should be on a rolling basis, geographically, and not for the duration of the installations.</li> <li>5. The Applicant/subsequent owners of the cables should be required to adopt medium-term (7 years) responsibility (i.e. payment) for restoration of surface settlement where PRoW cross ground that has been disturbed, as this will undoubtedly occur.</li> <li>6. The Applicant must be required to identify how the project will enhance PRoW in the project area in accordance with the National Planning Policy Framework (2021 Revision, para. 104).</li> <li>7. Alternatively or in addition, the Applicant should be required to give an undertaking to provide a reasonable annual developer contribution (similar to a Section 106 agreement) to ERYC, this fund being used to deliver improvements to public rights of way and access in parishes crossed by the cable corridors.</li> <li>8. The Secretary of State should consider whether the DCO application includes appropriate mitigation measures regarding its impact on PRoW and countryside access (Overarching National Policy Statement for Energy EN-1; paras 5.11.30 and 5.11.31).</li> <li>9. The DCO should take account of the Secretary of State for the Environment’s extension of the deadline to the year 2031 for submission of claims of historical rights of way that are not recorded on the Definitive Map. [REDACTED] (Members of the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum)</li> </ol> </li> </ul>	<p>The Applicants thank the Joint Local Access Forum (JLAF) for their continued engagement on the Projects including attendance at Public Rights of Way (PRoW) and Access Expert Topic Group (ETG) meetings and review of the draft PRoW Management Plan, located in Appendix C of the <b>Outline Code of Construction Practice (OCOCP)</b> [APP- 234] prior to submission of the DCO application.</p> <p>In relation to the specific points raised, the Applicants’ have the following comments:</p> <ol style="list-style-type: none"> <li>1. There are no proposals to permanently close any PRoW or cycleway as a result of the construction or operation of the Projects. Therefore, measures affecting PRoW are temporary and will occur in almost all instances during construction, with the exception of Walkington Footpath No. 4, which crosses the permanent Substation Zone access road. A minor permanent diversion is proposed and has been discussed and agreed with both the JLAF and the East Riding of Yorkshire Council definitive mapping team, at the PRoW and Access ETG on the 28<sup>th</sup> March 2024. This is detailed in section 5 of the Public Rights of Way Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234]. If a temporary diversion is required, this would be located within the DCO Order Limits as detailed in section 4.6. A final PRoW Management Plan must be approved by the planning authority prior to the start of construction, this is secured by Requirement 24 of the <b>Draft DCO</b> [APP-027]. The final PRoW Management Plan will include a plan(s) showing the confirmed control measures for each PRoW and cycleway and also identify the specific length of the PRoW that is affected.</li> <li>2. All temporary diversions are included in Table 4-1 of the Outline PRoW Management Plan, located in Appendix C of the <b>OCOCP</b> [APP-234] and have been reviewed and agreed as part of the Public PRoW and Access ETG meetings. As mentioned above, the final PRoW Management Plan must be approved by the relevant planning authority, which would include the East Riding of Yorkshire Countryside Access Team.</li> <li>3. As stated in section 4.6 of the Outline PRoW Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234], certain PRoW and cycleways, identified in Table 4-1 will require short-term periods of stopping-up within the construction phase, when construction activities are taking place nearby and while a crossing of the Onshore Development Area or temporary diversion are constructed. Short-term relates to a period no longer than three months at any one time.</li> <li>4. There are 22 locations where the Onshore Development Area intersects PRoWs and a further 17 locations where roads designated as cycle routes are crossed, as identified within <b>Appendix 5-2 Onshore Obstacle Crossing Register (OCR)</b> [APP-074]. The PRoW Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234], Table 4-1, provides details of each PRoW and cycle way which interacts with the Projects and the proposed management measures required during construction. The Projects have committed to</li> </ol>

I.D.	Relevant Representation	Applicants' Comment
		<p>passing under a number of these using a trenchless crossing technique, however where this is not possible, a short duration temporary closures with short diversions for pedestrians and cyclists required to allow trenching and cable installation is proposed. As stated in section 8, paragraph 42 of the Outline PRow Management Plan, located in Appendix C of the <b>OCOCP</b> [APP-234] 'Durations of temporary PRow management measures will be discussed in advance with ERYC and agreed via approval of the final PRow Management Plan.'</p> <p>The details and timings of closures will be developed by the contractor prior to construction and included in the detailed PRow Management Plan. However, it should be noted that the Applicants have made the commitment to reinstate land between Jointing Bays within two years, as detailed in section 7.2, paragraph 49 of the Outline PRow Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234]. It is considered that the majority of PRow crossings, located on Figure 1 of the Outline PRow Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234] will be located between Jointing Bays. However, there could be some locations where crossings and temporary PRow diversions may be required for longer periods. These would be discussed and agreed with the East Riding of Yorkshire Countryside Access Team.</p> <p>5. The following wording was added to the Outline PRow Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234], in section 7.2, paragraph 41 in response to this comment when raised by the JLAF prior to the submission of the DCO application 'Following reinstatement of a PRow located within the Onshore Development Area, for a period of up to seven years, should any settlement be identified, this could be reported to the ALO, Community Liaison Officer or ERYC Countryside Access Team by a member of the public or landowner. An inspection to identify if any repair is required would be arranged. Should any restoration works be required that are attributed to the Projects they would be agreed with ERYC and the relevant landowner and undertaken by the Applicants or, the Offshore Transmission Operator.'</p> <p>6. No enhancement of PRow is proposed as effects are not significant with the measures proposed in the Outline PRow Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234], as detailed in <b>Chapter 21 Land Use</b> [APP-169] . There are no significant temporary diversions planned and only one very minor diversion of Walkington No.4 to account for a level change where the existing PRow will cross the permanent access road to the Onshore Converter Stations. Any closures would only be for the duration of works to construct a temporary crossing, no longer than 3 months. The Applicants have also made the commitment to reinstate areas between Jointing Bays within two years, which is where the majority of the PRow that may require a temporary crossing of the Onshore Development Area are located. Therefore, impacts are also considered to be short term. Any temporary crossings would be made suitable for all current users, including horses where a bridleway is crossed and reinstated fully following construction. The Applicants do not consider that enhancement of PRow is required given the temporary nature</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>of the effects and that all PRoW crossings will be fully reinstated following construction.</p> <p>7. The Applicants are not proposing to provide an annual developer contribution, as no significant effects on PRoW have been identified. Working with local stakeholders, we will develop a community benefit package for the Projects in line with any relevant best practice guidance. The Applicants plan to start consultation on the community benefit package in 2024 but it is unlikely to be available until the pre-construction phase. Members of the public will be invited to take part in the consultation and their feedback will help shape proposals.</p> <p>8. Mitigation measures regarding impacts on PRoW and countryside access are included in the Outline PRoW Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234], which was reviewed by the JLAF prior to the submission of the DCO and amended in response to comments, including those around settlement and measures for equestrian users.</p> <p>9. The Applicants have consulted the JLAF and the East Riding of Yorkshire Council on the Outline PRoW Management Plan, located in Appendix C of the <b>OCOCP</b> [APP- 234] and have included all known PRoW and cycleway. Should any further PRoW be identified, these could be considered in the detailed PRoW Management Plan.</p>

## 5.2 Lincolnshire Wildlife Trust

Table 5.2.1 – Applicants' response to Lincolnshire Wildlife Trust relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-028: 1	Lincolnshire Wildlife Trust (LWT) have previously sent comments directly to the Applicant (RWE) regarding this application and would be happy to provide these comments in full to the inspectorate if elaboration on any of the below concerns is needed. Due to cumulative impacts from existing activities and developments it is generally LWTs position that there should be no further development on the Dogger Bank SAC. We have major concerns regarding the impact this development would have on the Dogger Bank SAC and do not believe compensation will be sufficient to address the adverse impact on site integrity.	The Applicants acknowledge this comment.
RR-028: 2	LWT urge for a proper, detailed analysis of BNG (both terrestrial and marine), using the appropriate metrics, going forward. A minimum of 10% gain should be predicted using the Biodiversity Metric and a biodiversity plan should be submitted for approval. Habitat should be secured for a minimum of 30 years via planning obligations and/or conservation covenants.	<b>Appendix 18-10 Biodiversity Net Gain Strategy</b> [APP-157] submitted alongside the Development Consent Order (DCO) application sets out the strategy of assessing and securing Biodiversity Net Gain (BNG) for the Projects.
RR-028: 3	LWT disagree with the scoping out of direct damage and impacts to fish and shellfish, the limited consideration of potential cumulative impacts and the exclusion of appropriate consideration for disturbance from other noise sources and noise during operational/maintenance phases. The Dogger Bank is the largest sandbank in UK waters and a crucial ecosystem for the lesser sandeel, which serves as an essential prey source for various seabird and marine mammal species. Significant declines in sandeel populations have been shown to negatively impact these species, prompting concerns from the Joint Nature Conservation Committee (JNCC) about the health and status of the Dogger Bank Special Area of Conservation (SAC). The JNCC has stated that a full recovery of this ecosystem	<p>Direct damage and impacts to fish and shellfish has not been scoped out of the assessment and impacts to fish and shellfish are considered within the <b>Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment Part 2 of 4</b> [App-046].</p> <ul style="list-style-type: none"> <li>• Damage and impacts to fish and shellfish is assessed in sections 6.4.2.1.1 (for Project Alone, which covers DBS East and DBS West together) and 6.4.2.1.2 (in-combination with other projects).</li> </ul>

I.D.	Relevant Representation	Applicants' Comment
	<p>would be impossible if hindered by additional pressures. Currently, the Dogger Bank sandeel stock is in poor condition, which led to the recent closure of commercial sandeel fisheries. Although fishing has been a primary focus, management and regulatory bodies have also identified wind turbine development as a negative factor affecting the sandeel population in the area. Given the vulnerability and importance of the Dogger Bank sandeel stock, the Lincolnshire Wildlife Trust (LWT) urges that appropriate management strategies be implemented before irreversible damage occurs. LWT strongly disagrees with the applicant's decision to lower the appraised sensitivity to habitat disturbance, arguing that this is based on inaccurate recovery times for sandeel. With the majority of the DBS West array located within areas of high spawning potential for sandeel, LWT advises that both the direct and cumulative impacts of this development on this ecologically and economically important fish species be carefully considered. Ongoing measures aimed at improving population health and resilience for sandeel should also be taken into account in any decisions, and LWT expects that all perceived and anticipated impacts to the Dogger Bank sandeel population will be meticulously evaluated within the mitigation hierarchy, with proper due diligence given at each level.</p>	<ul style="list-style-type: none"> <li>Impacts upon fish and shellfish are included within the above sections in terms of damage, and also included for consideration with regard to changes in suspended sediments (sections 6.4.2.2.1 (project alone) and 6.4.2.1.2 (in-combination)); electromagnetic field (EMF) changes (sections 6.4.2.3.1 (project alone) and 6.4.2.3.2 (in-combination)); Hydrocarbon etc contamination (section 6.4.2.4.1 (project alone)); and physical change (sections 6.4.2.6.1 (project alone) and 6.4.2.5.2 (in-combination)). These sections refer to assessments undertaken upon fish and shellfish within the <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] and <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091] which place impacts in the wider context of the southern North Sea and refer to <b>RIAA Appendix B Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC</b> [APP-060] which presents figures of the areas of modelled suitability for the presence of sandeel within the context of the Dogger Bank SAC boundary.</li> </ul> <p>Direct impacts on potential sandeel habitat within the Dogger Bank SAC will occur during all phases of the Projects' lifetimes, however the potential area of habitat affected within the site is a small fraction of that available (as shown in the figures within <b>RIAA Appendix B - Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC</b> [APP-060]). The habitat within the Dogger Bank SAC is not unique in its potential to support sandeel, with areas of similar potential surrounding the site and present across the Southern North Sea. In addition, the presence of sandeel is not relevant to the boundaries of the SAC which was designated on the basis of bathymetry and benthic communities.</p> <p>With regard to recovery times of the sandbank habitat, this is evidenced in section 6.4.2.1.1 of the <b>RIAA</b> [App-046] which includes a review of historic evidence from the offshore wind industry and Cefas studies as well as site specific information from within the Dogger Bank SAC (<b>Appendix 8-2 Met Mast Survey Analysis</b> [APP-083]). In addition, the Applicants intend to provide further evidence of habitat recovery (again from within the Dogger Bank SAC) at Deadline 1.</p> <p>The Applicants reiterate that a robust assessment has been undertaken both for Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA) considerations and mitigation (in the form of reduced seabed footprint, via the exclusion of gravity base foundations and suction bucket jacket foundations) has been applied.</p>
RR-028: 4	<p>The Crown Estate, in their recent Round-4 Plan-Level HRA, concluded that the possibility of an 'Adverse Effect on Site Integrity' as a result of the Round 4 plan cannot be ruled out for two of the protected sites forming part of the 'national site network'. These are the Flamborough and Filey Coast SPA and the Dogger Bank SAC. In addition to this, the proposed works are anticipated to impact several other designated areas including Southern North Sea SAC, Flamborough Head SAC, Greater Wash SPA, Holderness Offshore MCZ and Holderness Inshore MCZ. It is therefore expected that appropriate evaluation of ecological impacts, efforts to avoid said impacts and if necessary, any adequate compensation to be embedded within the project plan going forward. LWT also expect expert topic groups to be consulted regarding the impact assessments and the strategic mitigation and/or compensation plan. The JNCC has determined that the Dogger Bank SAC Annex 1 sandbank feature is currently in unfavourable condition, and advises a restore objective for the extent, distribution, structure and function of the feature. Given the current unfavourable condition status of the Dogger Bank SAC, the past and ongoing activities</p>	<p>All of the designated sites listed by LWT are assessed in either the RIAA [APP -045, APP -046, APP -047 and APP -048] or the <b>Stage 1 Marine Conservation Zone Assessment</b> [APP-240].</p> <p>For the sandbank feature of the Dogger Bank SAC and the kittiwake feature of the Flamborough and Filey (FFC) Special Protection Area (SPA) the assessment has concluded that Adverse Effect on Integrity (AEoI) of those sites from in-combination effects cannot be ruled out and compensation measures have been proposed in line with the Plan Level HRA. In addition, a conclusion of AEoI has not been ruled out for guillemot feature of the FFC SPA again as a result of in-combination effects. Compensation measures for all these features are therefore proposed in the Appendices to <b>Habitats Regulations Derogation: Provision of Evidence</b> [APP -051];</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>to the region, and plans for future development and NSIPs (such as these projects), that cumulative impacts are continued to be examined at this stage. LWT ask that the impacts of dredging and the disposal of dredged material be properly evaluated due to concerns regarding the direct impact and loss of important habitat for sandeel posed by these activities. The need for dredging within the Dogger Bank SAC should be minimized and the disposal of any dredged material should be either outside of the SAC or outside of important spawning seasons for both sandeel and Atlantic herring. LWT echoes and strongly supports Natural England's concerns regarding the planned submission timescales for this project. We do not feel that that Applicant is allowing for enough time to properly assess various aspects of the project and their potential harm on receptors</p>	<p>namely <b>Appendix 1 Project Level Kittiwake Compensation Plan [APP -052]</b>, <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan [APP -056]</b> and <b>Appendix 3 Project Level Dogger Bank Compensation Plan [APP -059]</b>.</p> <p>In addition, in recognition of the developing position with in-combination effects for razorbill feature of Flamborough and Filey Coast (FFC) SPA, and the potential for the Secretary of State to conclude AEOI for that feature, without prejudice measures have been proposed <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan [App-056]</b>.</p> <p>As discussed above (RR-028: 3) an assessment has been undertaken on potential impacts upon sandeel in the context of the Dogger Bank SAC and Southern North Sea SAC (<b>Appendix B Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC [APP-060]</b>).</p> <p>Dredging and disposal is considered within the <b>Disposal Site Characterisation Report [App-242]</b>. The Projects' Array Areas and part of the Offshore Export Cable Corridor are within the Dogger Bank SAC, any sediment removed from within the Dogger Bank SAC during construction activities will be disposed of within the Offshore Development Area located within the SAC boundary, ensuring no sediment is lost from the sandbank habitat. The proposed disposal sites for the Projects are shown in Figure 3-1 of the <b>Disposal Site Characterisation Report [App-242]</b>.</p> <p>The Applicants reiterate that a robust assessment has been undertaken both for EIA and HRA considerations.</p>
RR-028: 5	<p>In summary, the Lincolnshire Wildlife Trust has serious concerns about the potential impacts of this development on the Dogger Bank SAC, particularly regarding the sandeel population, habitat disturbance, and cumulative effects from multiple projects.</p>	<p>The Applicants acknowledge this comment. Please see responses above (RR-028: 3 &amp; RR-028: 4).</p>

### 5.3 National Federation of Fishermens Organisations

Table 5.3.1 – Applicants' response to National Federation of Fishermens Organisations relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-034: 1	<p>The National Federation of Fishermen's Organisation (NFFO) represents the interests of commercial fishing businesses in England and Wales. We are registering as an interested party for this project as we feel that there are potential impacts to the commercial fisheries in the proposed area.</p>	<p>The Applicants acknowledge this comment.</p>
RR-034: 2	<p>Commercial fisheries have existed in the proposed region for generations, both UK and EU fleets, and are already faced with extensive spatial restrictions such as existing offshore wind developments, offshore cables, Marine Protected Areas and legislative restrictions in the region. Further displacement of commercial fishing in the region will result in economic harm, through loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project as well as contributing to the spatial squeeze on fisheries in the region. As with many responses the NFFO</p>	<p>Impacts of displacement leading to increased gear conflict and pressure on adjacent fishing grounds have been assessed as part of the Environmental Impact Assessment (EIA) for the application. The assessment concluded that for some receptors, a minor adverse effect would arise, which is not significant in EIA terms - see section 13.6.1.2 of the <b>Chapter 13 Commercial Fisheries [APP-117]</b>. Displacement effects have also been assessed in section 13.8 Assessment of Cumulative Effects, with a minor adverse effect predicted for all receptor groups except dredges, which are assessed to result in a moderate adverse effect, which is significant in EIA terms. As a result of this the Applicants are committed to exploring options to encourage co-existence between receptor groups and construction vessels and / or activities to</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>generate to wind farm applications, we have concerns about the lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments, and a lack of focus on key commercial species that have a range that overlaps with the development area, specifically shellfish.</p>	<p>further mitigate the of loss or restricted access and displacement from fishing grounds in light of restrictions within the Dogger Bank Special Area of Conservation (SAC).</p>
RR-034: 3	<p>Data has been presented from other wind farm projects and used to interpret impacts of the Dogger Bank South project, often from surveys that have not used the correct methodology for the assumptions made. We do not support many of the conclusions drawn from the impact assessment for fish and shellfish receptors due to the concerns we have raised on suitability of data used. For example, there is no information or data presented on the distribution of shellfish species in the development area, a receptor that commercial fisheries are dependent upon.</p>	<p>Section 10.5 of <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091] used landings data (2023) and international bottom trawl survey data (2012-2022) to determine the fish and shellfish baseline. <b>Appendix 9-3 Benthic Ecology Monitoring Report</b> [APP-089] and Appendix 9-4 Environmental Features Report [APP-090] also present data from site specific grab and drop-down video samples in 2022 to inform the benthic environment of the DBS Array Areas and Offshore Export Cable Corridor.</p> <p>These datasets both include data on shellfish species. <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091], section 10.5.3 of the baseline environment discusses fish and shellfish ecology receptors within the Fish and Shellfish Ecology Study Area (defined as ICES Rectangles 36E9; 36F0; 37E9; 37F0; 37F1; 37F2; 38F0; 38F1; and 38F2). This section identifies the total area of potential habitat where different fish and shellfish species may be found across the Fish and Shellfish Ecology Study Area. Spawning and nursery grounds within the Fish and Shellfish Ecology Study Area are also inferred from Coull <i>et al.</i> (1998) and Ellis <i>et al.</i> (2012). Section 10.5.3.4 specifically discusses shellfish and notes European lobster <i>Homarus gammarus</i>; Brown crab <i>Cancer pagurus</i>; King scallops <i>Pecten maximus</i> and queen scallops <i>Aequipecten opercularis</i>; Common whelk <i>Buccinum undatum</i>; and Norway lobster <i>Nephrops norvegicus</i> for their commercial importance.</p> <p>Please refer to section 10.4.2 Data and Information Sources of <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091] for further details on this topic.</p>
RR-034: 4	<p>We feel that the commercial fisheries assessment underestimates the impacts at almost every stage. The assumption that mobile gear vessels can simply move from the area during construction reduces the level of impact these fisheries will feel. This is an oversimplification and demonstrates a lack of understanding of how the fisheries in the region have been squeezed into a smaller and smaller marine space over progressive offshore wind developments, marine legislation and offshore cabling.</p>	<p>Cumulative effects are assessed in section 13.8 of <b>Chapter 13 Commercial Fisheries</b> [APP-117]. All plans and projects already operational are considered within the baseline environment and assessed in section 13.6. For mobile vessels, dredgers are identified within the Cumulative Effects Assessment (CEA) to be one of the most sensitive receptor groups. However, as either the construction timelines of other Offshore Wind Farms (OWF) do not align with that of DBS East or DBS West, and in consideration of the mitigations and best practice guidance proposed to be adhered to by all other OWFs the overall cumulative effect is considered to be low. In consideration of cumulative effects due to marine legislation like the Dogger Bank SAC Byelaw, it is acknowledged that moderate adverse significant effects have the potential to occur to the dredge receptor group. In light of this, the Projects will explore options to encourage co-existence between receptor groups and construction vessels and / or activities to further mitigate the loss of or restricted access to fishing grounds due to fisheries management restrictions within the Dogger Bank SAC.</p> <p>VMS data from the MMO (2009-2020) indicates UK and EU mobile vessels using bottom trawls to have an extensive operational range that extends beyond the Commercial Fisheries Study Area. It was concluded that these data generally align with fisheries stakeholders understanding of fishing patterns. It is therefore assumed that mobile vessels will have a number of other fishing grounds that can be exploited during the temporary and overall short-term construction period when compared to the operational lifetime of the Project. Other data such as MMO (2012-2022) and EU STECF (2006-2016) landings data and scouting and vessel traffic survey data were also used within the assessment. A full list of the data and information used to inform the assessment of commercial fisheries is described in section 13.4.2 of <b>Chapter 13 Commercial Fisheries</b> [APP-117].</p> <p>Given the implementation of the Dogger Bank SAC Byelaw for the foreseeable future, mobile bottom contacting gear types will not be present in the DBS Array Areas and will therefore not be impacted by the construction of the DBS Array Areas. The MMO will review the Dogger Bank SAC Byelaw every five years and monitor the prohibition of bottom towed fishing gear on the SAC's conservation objectives (Dogger Bank Special Area of Conservation (Specified Area) Bottom Towed Fishing Gear Byelaw 2022).</p>

I.D.	Relevant Representation	Applicants' Comment
RR-034: 5	<p>There are deeply concerning conclusions drawn in the impacts assessed for commercial fisheries. For example, the applicant has assessed a 5-20% economic loss to fishing business as low magnitude and a 20-50% loss as medium magnitude with no mitigation suggested. Any economic loss of this magnitude would result in a fisheries business failure, not a low/medium impact.</p>	<p>In response to consultation with the CFWG, detailed in <b>Appendix 13-1 Commercial Fisheries Consultation Responses</b> [APP-119], the low magnitude of impact definition has been updated within Table 13.11 to cover a potential loss of revenue of between 5-10%, while the medium magnitude of impact definition now covers a potential loss of revenue of between 11-50%. Estimated percentage reduction in annual value of landings valuations are informed by expert judgement that is based on data analysis, stakeholder feedback, the Array Area layouts presented and how these may affect fishing activity.</p>
RR-034: 6	<p>We strongly disagree with the conclusions drawn in the commercial fisheries impact assessment. The spatial squeeze on fisheries in the region is one of the most extensive examples in the UK, this project is directly contributing to this expanding issue. Displacement effects are assessed as not significant for all fisheries assessed; we disagree with this assessment.</p>	<p>Cumulative displacement effects have been assessed in section 13.8 Assessment of Cumulative Effects within <b>Chapter 13 Commercial Fisheries</b> [APP-117].</p> <p>The Applicants has made every effort to base the assessment on the most up to date and representative data of the fishing community where practicably possible. Data findings have also been supplemented by project-specific consultation feedback from commercial fisheries stakeholders. Data sources were presented to fisheries stakeholders during the CFWG meetings and discussed during port visits. For example, with regard to the MMO VMS data, it was concluded that official data sources generally align with fisheries stakeholders understanding of fishing patterns, but it was noted and agreed that inshore fishing is likely to be under-represented by these data.</p> <p>For the inshore fleets and pelagic trawl fleets, data from project-specific marine traffic surveys (undertaken to inform the NRA) and scouting surveys have been used to inform the existing environment and support official data sources. This combination of various data sources is an accepted approach similar to that of other offshore wind farm applications. Furthermore, the Projects have also made every attempt to acquire data from foreign fleets and obtained spatial data from Danish and German fishers to inform the assessment detailed in Table 2.2.4 of <b>Appendix 13-2 Commercial Fisheries Technical Report</b> [APP-120].</p> <p>Based on these data, impacts of displacement leading to increased gear conflict and pressure on adjacent fishing grounds are assessed to be, at worst, of a minor adverse effect which is not significant in EIA terms.</p> <p>In relation to this, the Applicants are also committed to using the most up to date guidelines, such as the updated FLOWW best practice guidelines which are expected to be released in 2024. These will be reviewed and adhered to throughout the Project's lifetime where possible.</p>
RR-034: 7	<p>We welcome the development of a Fisheries Liaison and Co-existence Plan and see this as an integral and important step to minimise and if needed mitigate impacts on the region's fisheries. However, we feel that a Statement of Common Ground will be needed to ensure that the fisheries concerns, that to date have not been accounted for in the assessment, are considered during the decision to consent the Dogger Bank South project.</p>	<p>This is noted by the Applicants. An <b>Outline Fisheries Liaison and Co-existence Plan</b> (FLCP) [APP-252] has been submitted as part of the DCO application and is secured by the conditions of the Deemed Marine License (DMLs) (condition 15 of DMLs 1 and 2; condition 13 of DMLs 3 and 4; and condition 11 of DML 5) [APP-027]. Responses on the outline plan have been requested from commercial fisheries stakeholders in consultation with the CFWG and those identified in the fisheries baseline study. This will be further developed to produce a final FLCP.</p> <p>The Applicants have also committed to producing a Statement of Common Ground with the NFFO to establish areas of commonality and disagreement between the two parties in relation to the DBS Offshore Wind Farms. A draft SoCG has been issued following a meeting to run through the SoCG.</p>

## 5.4 National Trust

Table 5.4.1 – Applicants’ response to National Trust relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-038: 1	<p>The National Trust wishes to register as an interested party in respect of the application for a Development Consent Order for the Dogger Bank South Offshore Wind Farms project comprises the two offshore wind farms (Dogger Bank South West and Dogger Bank South East). Renewable Energy Development The Trust believes strongly in the need to grow renewable energy and reduce the UK’s and the Trust’s use of fossil fuels. We are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role. We welcome renewable schemes that are holistically designed to take into account the effects on the environment including wildlife, landscape and cultural heritage including the cumulative effects of similar schemes impacting related species and landscapes.</p>	<p>The Applicants acknowledge this comment and welcome the National Trusts support of the renewable energy industry.</p>
RR-038: 2	<p>National Trust’s Interest in the Proposal The National Trust’s interest in this proposal relates to the Flamborough and Filey Coast Special Protection Area (FFC SPA) and the Farne Islands SPA where we look after land for nature, beauty and history, for everyone, for ever. Our concern is to ensure that the scale of the impacts on the identified features of these SPAs arising from the proposed development are thoroughly tested through the Examination process and we defer to the expertise of Natural England and RSPB to do so.</p>	<p>The Applicants acknowledge this comment.</p>
RR-038: 3	<p>Should the proposals be supported by the Secretary of State it is essential that viable and deliverable compensation measures are identified and secured over an appropriate time frame to secure the long-term integrity of the bird populations that are to be impacted by both projects. Where compensation measures are identified outside of England, then the Northern Ireland Environment Agency and/or Natural Resources Wales should be consulted to assess the prospects of success. The DCO legislation does not apply in Northern Ireland and if consent is forthcoming the Examining Authority will need to assess whether the technicalities of conditions can be satisfied and/or if other consent regimes apply.</p>	<p>The Applicants acknowledge this comment.</p>
RR-038: 4	<p>Specifically, our concern relates to the Applicant’s Habitats Regulations Assessment and Document App-051 – 6.2 Habitats Regulations Derogation: Provision of Evidence-Volume 6 which provides evidence to support Stage 3 (Derogation) of the Habitats Regulations Assessment (HRA) Process in relation to the kittiwake, guillemot and razorbill features of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA). We note that for all other sites and features assessed in App-048 - 6.1 Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features - Volume 6, a conclusion of no adverse effect on site integrity is reached. We are not in a position to challenge this assessment and trust Natural England will scrutinise this information as necessary for SPAs such as the Farne Islands and for species where compensation is not identified such as Gannets.</p>	<p>The Applicants acknowledge this comment.</p>
RR-038: 5	<p>Volume 6 (application ref: 6.1) concludes: For the kittiwake feature of the FFC SPA, an adverse effect on site integrity cannot be ruled out due to in-combination collision risk; and for the guillemot feature of the FFC SPA, an adverse effect on site integrity cannot be ruled out due to in-combination displacement effects. For Razorbill from the FFC SPA, Volume 6, (application ref: 6.1) considers the effects of disturbance and displacement mortality and concludes that AEol can be ruled out. However, the applicant acknowledges that ‘this is consistent with the outcome of The Crown Estate’s Plan-Level Habitats Regulations Assessment (HRA) (The Crown Estate, 2022) with respect to FFC SPA razorbill (see section 1.2 for further information). However, it is possible that the SoS may not agree with this conclusion and as such the Applicants have proposed ‘without prejudice’ compensation measures for razorbill.’ We support a precautionary approach being taken to compensation for impacts on Razorbill. A number of compensatory measures are then identified (within App-051) for the three species within the</p>	<p>The Applicants acknowledge this comment and welcome the National Trusts support in the approach taken regarding potential compensation measures for razorbill.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>appendices and annexes to the document. For Kittiwake two offshore Artificial Nesting Sites (ANS) are identified to be delivered via one or a combination of mechanisms. (App-053 - 6.2.1.1 Habitats Regulations Derogation: Provision of Evidence - Round 4 Kittiwake Strategic Compensation Plan - Volume 6).</p>	
RR-038: 6	<p>We agree with the assessment that the evidence and prospects of success of onshore ANS is to date somewhat unproven and we support offshore ANS where they are in appropriate locations where they are to be effective in compensating for impacts.</p>	<p>The Applicants acknowledge this comment.</p>
RR-038: 7	<p>Predator eradication / control has been identified as the most suitable measure to achieve the compensation requirements of DBS for guillemot [and razorbill]. ( App-056 - 6.2.2 Habitats Regulations Derogation: Provision of Evidence - Appendix 2 - Guillemot [and Razorbill] Compensation Plan - Volume 6) It is understood that from an initial long list of 80 plus sites (App-058 - 6.2.2.2 Habitats Regulations Derogation: Provision of Evidence - Annex B - Guillemot [and Razorbill] Compensation Predator Eradication / Control Site Longlist - Volume 6) that this list been refined down to a list of 8 sites; four of which are owned by National Trust at Sheep Island, Gobbins, Worm's Head and The Needles.</p>	<p>No response is required.</p>
RR-038: 8	<p>Whilst there has been an initial discussion with the applicants to understand more about their compensation proposals, it is clear that they are at an early point of development. They need to progress detailed feasibility work to understand whether the site(s) identified are technically feasible and if they are likely to prove suitable. Whether there can be a reasonable level of certainty that there are opportunities to deliver the compensation proposed is presently unclear. Within Appendix 2(App-056) Paragraph 108 states that the applicant anticipates that a location suitable for implementation of the predator eradication compensation measure will be identified 'prior' to the end of DCO Examination process. We are aware that surveys are planned for winter 24/25 and have some concern that this timeframe will provide limited opportunity to discuss and agree a deliverable scheme and consider that this should have been progressed by the applicant up front to provide more certainty at the outset of the Examination process.</p>	<p>Further updates to the compensation plans submitted with the Development Consent Order (DCO) application will be presented throughout the examination period, with the National Trust and all other interested parties being consulted on the potential Winter 24/25 survey plans. The Applicants believe that, through this process combined with consultation with landowners and key stakeholders, suitable locations for guillemot and razorbill predator eradication scheme can be identified by the end of the examination period. We also hope to put into place Memorandums of Understanding with the landowners by the end of examination, with a view to progressing working arrangements throughout 2025 to deliver a scheme.</p>
RR-038: 9	<p>Notwithstanding this, and without prejudice to any case we may present to the Examination, we propose to facilitate site access for the feasibility work to be undertaken. This feasibility will also need to ensure it takes into account existing projects being undertaken (Sheep Island) and that additionality is fully considered.</p>	<p>The Applicants welcome the National Trusts co-operation with regards to the facilitation of site access for survey work to be undertaken. It is our intention that any guillemot and razorbill predator eradication scheme progressed to deliver our compensation requirements would be undertaken in a collaborate manner with landowners and would therefore compliment any projects being undertaken at that specific location. We would welcome the opportunity to work along the National Trust at Sheep Island to deliver a scheme that would not only take into account other projects being undertaken, but also provide added benefit.</p>
RR-038: 10	<p>In paragraph 17 of Volume 6 Appendix 2 - Guillemot [and Razorbill] Compensation Plan (App-056 application reference 6.2.2) the applicant states that the document demonstrates how the proposed compensatory measures can be secured and that the mechanism for delivery can be implemented. We have reservations at this point, in the absence of further work on the sites identified, that the Examining Authority can be confident this is the case. App-057 - 6.2.2.1 Habitats Regulations Derogation: Provision of Evidence - Annex A - Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan - Volume 6 (CIMP), outlines that the CIMP will be produced by the Applicants and approved by the SoS prior to the start of construction. Should compensation for razorbill be required, a combined Guillemot and Razorbill CIMP will be produced. The detailed implementation and monitoring of the compensatory measures identified will be agreed with the Guillemot Compensation Steering Group and it also states that the proposed monitoring will run in parallel with the eradication activity and will continue for the operational phase of the Projects at a scale and frequency to be agreed with the GCSG.</p>	<p>The Applicants acknowledge this comment. Further updates to the compensation plans submitted with the DCO application will be presented throughout the examination period, with the first update to the <b>Guillemot [and Razorbill] Compensation Plan [APP-056]</b> to be provided for Deadline 1 of the examination process.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-038: 11	If National Trust sites are involved we would want to be involved in the Steering Group. The timescale of the operational projects phase is defined as 32 years (30 years if a project is progressed in isolation) and it is important to consider and assess whether the compensation measures associated with impacts on the FFC SPA should extend beyond life of the project and decommissioning to ensure the impacted features of the SPA have sufficient time to recover.	The Applicants acknowledge this comment and supports the involvement of the National Trust in the Steering Group should a predator eradication scheme be taken forward at a National Trust property.
RR-038: 12	In Summary In summary, the applicant's proposals are not yet developed enough for the Trust to be able to advise whether we would support the compensatory measures on our land on the four sites identified and whether we consider they would be securable and deliverable. The National Trust therefore wishes to register as an Interested Party and will provide updates to the Examining Authority on our position as the compensation proposals are developed in more detail.	The Applicants acknowledge this comment, further updates to the compensation plans submitted with the DCO application will be presented throughout the examination period.

## 5.5 Royal Society for the Protection of Birds

Table 5.5.1 – Applicants' response to Royal Society for the Protection of Birds relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-049: 1	<p>INTRODUCTION</p> <p>The RSPB supports the deployment of renewable energy projects, providing that they are sited in appropriate places and designed to avoid potential adverse impacts on wildlife. We are grateful for the constructive pre-application discussions that have taken place with Dogger Bank South in respect of this proposal, particularly through the Evidence Plan process. This relevant representation outlines the RSPB's position on the following aspects of the Dogger Bank South application: - Offshore ornithology impacts - Derogation case with particular reference to compensation measures Due to resource constraints, the RSPB has had limited time to review the Applicant's documents in relation to offshore ornithology impacts. Our submission on these matters therefore represents an initial assessment of the Applicant's submitted information and will be added to in the RSPB's main written representation. The RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.</p>	<p>The Applicants acknowledge the Royal Society for the Protection of Birds' (RSPB) submission on these aspects and that these may not be their final position on all ornithology matters.</p> <p>The Applicants' conclusions on potential effects are set out in the <b>Report to Inform Appropriate Assessment (RIAA), Habitats Regulations Assessment (HRA), Part 1 of 4</b> [APP-045].</p>
RR-049: 2	<p>OFFSHORE ORNITHOLOGY IMPACTS - SUMMARY OF RSPB POSITION</p> <p>We have significant concerns in respect of offshore ornithology impacts for the following reasons: - In some cases, as a result of scale of impacts; and - In other cases as a result of methodological concerns. Below we summarise our current position with respect to adverse effect on the integrity (AEOI) on different Special Protection Areas (SPAs). These conclusions are based on a worst-case scenario of both Dogger Bank South East and West being developed.</p> <p>Project alone – RSPB AEOI conclusions</p> <p>We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> <li>• The impact of combined collision and displacement mortality on the Gannet population - The impact of collision mortality on the Kittiwake population</li> <li>• The impact of displacement mortality on the Guillemot population</li> <li>• The impact of displacement mortality on the Razorbill population</li> </ul>	<p>The Applicants acknowledge the RSPB's position with regards to the conclusions of potential effects on the Special Protection Areas (SPAs) and features listed. Offshore Ornithology Environmental Impact Assessment (EIA) updates and ornithology RIAA updates addressing comments raised in Relevant Representations, where appropriate, will be submitted at Deadline 2 in two documents: Offshore Ornithology EIA Update and Offshore Ornithology RIAA HRA Update.</p>

I.D.	Relevant Representation	Applicants' Comment
	<ul style="list-style-type: none"> <li>The impact of combined collision and displacement mortality on the seabird assemblage.</li> </ul> <p>Project in combination with other plans and projects – RSPB AEOI conclusions</p> <p>We consider there is an in-combination AEOI on the following features of the FFC SPA:</p> <ul style="list-style-type: none"> <li>The impact of collision mortality on the Kittiwake population (and therefore agree with the Applicant's conclusion in this respect)</li> <li>The impact of displacement mortality on the Guillemot population (and therefore we welcome the Applicant's adopted position on this)</li> </ul> <p>We cannot rule out in-combination impacts on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> <li>The impact of combined collision and displacement mortality on the Gannet population (note: There are errors in Table 9-16 of the RIAA, e.g. annual total without DBS is 686 and with is 665.)</li> <li>The impact of displacement mortality on the Razorbill population</li> <li>The impact of combined collision and displacement mortality on the seabird assemblage.</li> </ul> <p>Due to the methodological concerns detailed below, we are unable to reach conclusions as to the significance of in-combination impacts on the following SPAs and listed features:</p> <ul style="list-style-type: none"> <li>Coquet Island SPA: Puffin (displacement mortality)</li> <li>Farne Islands SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality)</li> <li>St. Abbs to Fast Castle SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>Forth Islands SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality)</li> <li>Fowlsheugh SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>Buchan Ness to Collieston Coast SPA: Kittiwake (collision mortality), Guillemot (displacement mortality)</li> <li>Troup, Pennan and Lion's Head SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>East Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>North Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>Copinsay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>Hoy SPA: Guillemot (displacement mortality), Puffin (displacement mortality); - Rousay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>Calf of Eday SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); - Marwick Head SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>West Westray SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>Fair Isle SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality);</li> <li>Sumburgh Head SPA: Guillemot (displacement mortality);</li> <li>Noss SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality);</li> </ul>	

I.D.	Relevant Representation	Applicants' Comment
	<ul style="list-style-type: none"> <li>Foula SPA: Kittiwake (collision mortality); Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality);</li> <li>Hermaness, Saxa Vord and Valla Field SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality).</li> </ul> <p>Reaching agreement on the range of predicted mortalities and resulting compensation requirements Based on experience, we consider it will be helpful to agree the range of predicted mortalities (using the preferred outputs of the Applicant, Natural England and the RSPB). This is particularly the case for impacts arising through distributional change, where Natural England prefer a wide range of possible displacement and mortality rates in order to reflect uncertainty inherent in the assessment, the RSPB are content with a narrower range of probable rates and the Applicant prefers single, less precautionary rates. These can then be applied to an agreed approach to calculating the scale of compensation required. This should enable the Examining Authority and Secretary of State to have a clear audit trail of the relationship between impact scenarios and compensation requirements. To assist this process, the RSPB will set out its preferred outputs for each impacted species in its Written Representation.</p>	
RR-049: 3	<p><b>IMPACT ASSESSMENT – METHODOLOGICAL CONCERNS</b></p> <p>The RSPB's key concerns with the impact assessment relate to:</p> <ul style="list-style-type: none"> <li>the application of a macro avoidance correction to Gannet collision risk modelling.</li> <li>Approach to the apportioning of Gannets to the Forth Islands SPA.</li> <li>Digital Aerial Survey.</li> <li>an inadequate consideration of impacts compounded by Highly Pathogenic Avian Influenza.</li> <li>In-combination: treatment of consented projects required to provide compensation.</li> <li>Approach to non-measurable "de minimis" impacts.</li> </ul> <p>The application of a macro-avoidance correction to gannet collision risk modelling</p> <p>The Applicant has applied a reduction of 70% to the baseline densities inputted into the Gannet collision risk modelling in order to account for macro-avoidance, in APP-055. This approach follows suggestions in Cook (2021) and Pavat et al., (2023). However, while, Natural England support this approach, it is not accepted by all the Statutory Nature Conservation Organisations (JNCC et al, 2024) and the RSPB disagree for reasons given below. The RSPB acknowledge that the Applicant has presented the results of Collision Risk Modelling without the application of macro-avoidance correction factor in the Offshore Ornithology Technical Report (APP-112). However, these outputs are not taken forward to further assessment of the significance of impacts. The RSPB does not agree with the approach for two reasons. Firstly, it does not take into account the likely seasonal variation in macro avoidance. Secondly, as well as applying the macro-avoidance correction factor, it relies on a 'within wind farm' avoidance rate based on the 'all gull' rate, thereby assuming that Gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as Gannets have much lower flight manoeuvrability than gulls. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 2009), and the imperfect detection of these corpses indicate that there may be many more.</p>	<p>The Applicants have undertaken the gannet collision risk modelling in accordance with Natural England advice, and also (as noted by the RSPB) provided results obtained following the RSPB's preferred method, as agreed during the Expert Topic Group process. The Applicants acknowledge the RSPB's position with regards to the impact assessment methodology. Ornithology EIA updates and ornithology HRA updates addressing comments raised in Relevant Representations, where appropriate, will be submitted at Deadline 2 in two documents: Offshore Ornithology EIA Update and Offshore Ornithology RIAA HRA Update.</p>

I.D.	Relevant Representation	Applicants' Comment
RR-049: 4	<p>IMPACT ASSESSMENT – METHODOLOGICAL CONCERNS (Cont.)</p> <p>Approach to the apportioning of Gannets to the Forth Islands SPA</p> <p>For the assessment of impacts on the Gannet population of the Forth Islands SPA in the RIAA (APP-048), the Applicant has excluded any impacts during the breeding season, arguing that 100% of the birds present will originate from the Flamborough and Filey Coast SPA. In support of this, the Applicant cites tagging studies included in Wakefield et al., (2013). However more recent studies have tagged Gannets from the Bass Rock, (e.g. Lane et al., 2019) part of the Forth Islands SPA, and recorded Gannets breeding on the Bass Rock flying into the Application footprint. Due to this exclusion, the RSPB are unable to reach conclusions as to the significance of impacts on the Gannet component of the Forth Islands SPA.</p>	<p>The Applicants are reviewing these data and will consider whether the assessment requires to be updated.</p>
RR-049: 5	<p>IMPACT ASSESSMENT – METHODOLOGICAL CONCERNS (Cont.)</p> <p>Digital Aerial Survey</p> <p>The RSPB are content that digital aerial surveys can provide useful data in order to provide baseline characterisation of an offshore wind farm footprint. However full methodological detail needs to be provided alongside the outputs and the details the Applicant has provided are scant. In particular, but not exclusively there is: - insufficient consideration of potential biases in the survey and analysis methods. For example these could be biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. Any biases such should have been carefully described; - there is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow. This could be behavioural responses such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment; - there is insufficient detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for. Spatial autocorrelation in this instance is the correlation among values of a count variable strictly attributable to their relatively close locational positions, introducing a deviation from the assumption of independent observation. The assessment should explicitly demonstrate an analysis of the data showing whether spatial auto-correlation is present or not; - there is no rationale provided as to why a grid rather than transect survey design has been used. Both survey designs are commonly used in the assessment of the impacts of offshore wind farms, and both have strengths and weaknesses. Detail is required as to why a grid design was used for this assessment; - there is no detail given of any independent validation of identification and detection rates. While it is clear that this validation is carried out as part of the internal quality assurance procedures of the survey providers, no detail of any independent external quality assurance appears to have been carried out. - No details of the timings of surveys has been provided. This detail is crucial in understanding whether the surveys have adequately captured any diel variation in bird activity.</p>	<p><b>Technical Appendix 12.2</b> [APP-105] provides methodological details for many of the points raised by the RSPB in this comment. Specifically, section 2.3 of <b>Technical Appendix 12.2</b> [APP-105] provides details of the methods used to estimate and account for spatial autocorrelation. The surveys were conducted using a transect design, rather than a grid as suggested by the RSPB. This is clearly stated at the beginning of section 2.1 of <b>Technical Appendix 12.2</b> [APP-105]. Further details of data validation will be submitted at Deadline 2, along with information on survey timings.</p> <p>The Applicants are surprised that the RSPB is querying the data collection and bird identification methods since these have remained standard, albeit with continual refinement, from the survey contractor (APEM) for over a decade and follow Natural England guidance.</p>
RR-049: 6	<p>IMPACT ASSESSMENT – METHODOLOGICAL CONCERNS (Cont.)</p> <p>Highly Pathogenic Avian Influenza (HPAI)</p> <p>The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded in the country in Great Skuas in summer 2021, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. Many species impacted by HPAI are of conservation concern in the UK, and the outbreak comes on top of widespread declines reported by the latest seabird census (Burnell et al, 2023). RSPB conducted a repeat census in 2023 to determine the scale of impact of the outbreak on seabird populations, which for multiple species showed a decrease of &gt;10% in overall counts across all UK sites that were surveyed in 2023. A further outbreak of HPAI in 2023, which largely</p>	<p>While there were understandable concerns about the threat posed by Highly Pathogenic Avian Influenza (HPAI) to seabird populations, and for some species (e.g. great skua) the effects have been very large, the RSPB's report on their survey (Tremlett <i>et al.</i> 2023) found that for the species of concern in the current assessment (kittiwake, gannet, auks) only gannet numbers had declined. Kittiwake populations had varied in their recent trends but had increased by 10% overall; gannet populations had mostly declined with an average reduction of 25%, but notably the Flamborough and Filey Coast SPA population increased by 14% and reports have indicated that many colonies are already showing signs of recovery (B Furness pers. comm.); guillemot numbers decreased by 6% overall, but with a wide range of trends across colonies. Ornithology EIA updates and ornithology HRA updates addressing comments raised in Relevant Representations, where appropriate, will be submitted</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>occurred after the counts were undertaken, means that impacts of HPAI on the breeding populations of affected species is likely to be worse than indicated in the report. There remains the potential for ongoing impacts as the disease progresses. It is currently unclear what the ultimate population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. This caution must also be applied to claims on the potential success of proposed compensation measures. The RSPB does not consider that these concerns have been adequately considered in the Assessment.</p>	<p>at Deadline 2 in two documents: Offshore Ornithology EIA Update and Offshore Ornithology RIAA HRA Update.</p>
RR-049: 7	<p><b>IN-COMBINATION: TREATMENT OF CONSENTED PROJECTS REQUIRED TO PROVIDE COMPENSATION</b></p> <p>For Kittiwake and Guillemot, the Applicant states that it presents in-combination impacts that exclude the impacts of those projects which have been "compensated for" as it considers them no longer relevant to the in-combination assessment (see footnotes to Tables 9-20 and 9-24, and paragraph 201, in APP-048). Potentially compensated for impacts are included in table 9-20 and 9-24, but, crucially, are omitted from the totals. The RSPB strongly disagrees with the approach of excluding "compensated for" projects from the in-combination assessment for the following reasons. Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64. It therefore follows that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is: - likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently - whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects. It is difficult to see on what basis the fact that compensation has been (or will be) provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage.</p> <p>There are two points we would stress in that context:</p> <ul style="list-style-type: none"> <li>• Firstly, the admonition of Advocate General Sharpston in Sweetman (No 1) at AG47. To exclude the adverse effects of scheme 1 when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the "death by a thousand cuts" phenomenon discussed in that case. (For the avoidance of doubt, we would stress that the starting point would always need to be the scheme itself – and there would need to be some effect from the scheme which when combined with effects from the earlier scheme could give rise to likely significant effects / outcome); and</li> </ul> <p>Secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused: see C-164/17 Grace v Sweetman at 52-3. Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 Grace v Sweetman that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project. It is difficult to see why the compensatory</p>	<p>The Applicants acknowledge the RSPB's position on this matter, but consider that, since for both the species noted, the Applicants have conceded that a derogation case is required these comments have little bearing on the application. Once the threshold for in-combination Adverse Effect on Integrity (AEoI) has been crossed the actual total number itself is of little or no relevance to the magnitude of compensation required by subsequent projects: each project is required only to compensate for its predicted impacts.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects.</p>	
RR-049: 8	<p><b>APPROACH TO NON-MEASURABLE "DE MINIMIS" IMPACTS</b></p> <p>The Applicant appears to be suggesting that, at the appropriate assessment stage, small scale negative impacts should be regarded as not measurable and therefore should be ignored in determining whether or not AEOI has been avoided due to in-combination impacts. To determine whether the impact is detectable, the Applicant uses the 1% of background adult mortality rate threshold recommended by Natural England for impacts considered large enough for further investigation. It is not a threshold for detectability and should not be used for this purpose. To do so is equivalent to "de minimis" arguments that have been put in other offshore windfarm applications and the RSPB disagrees with these. To us it is clear that the 'de minimis' concept may be engaged when considering whether an appropriate assessment is required under relation 63: it is part and parcel of the consideration of whether the project is likely to have "significant" effects on the designated site. What is less clear, however, is whether and, if so, how, any such concept may be brought into effect at the second stage of appropriate assessment. In this context, it is worth highlighting that the language used in the case-law generally is the need, under regulation 63 for the competent authority to be satisfied to the requisite degree of certainty as to the "absence" of adverse effects on the integrity of the site. We therefore question whether it is open to the competent authority to decide there would be some adverse effects on the integrity of a designated site, but because those effects were "de minimis" that consent could still be granted under regulation 63. The Applicant incorrectly uses 1% as a threshold of detectability, whereby if an impact on a SPA population through the project alone is below 1% adult mortality rate, the impact is not to be considered in-combination with other projects. Irrespective of the de minimis point above, any threshold of scale of impact should be set against the total in-combination impact and Population Viability Analysis (PVA) carried out if this total impact is greater than the threshold. This is the approach the Applicant appears to advocate in paragraph 4 of the RIAA (APP-048), "Both forms of assessment (the 1% mortality test and PVA) have been conducted for Project alone, and in-combination effects". This is not the case: the 1% mortality test has not been carried out for in-combination effects in the majority of cases. The RSPB note that in the guidance given by NatureScot to support the assessment of offshore wind farm impacts in Scotland, the threshold for triggering a PVA is a 0.02 percentage point change in adult mortality rate, considerably lower than that advised by Natural England, and demonstrating a higher degree of precaution. While we do not contest the thresholds set by Natural England, at the minimum, impacts on Scottish protected sites should be assessed using the recommendations of the appropriate statutory agency. Due to these issues, for a number of species and SPAs, the RSPB does not consider a complete assessment has been carried out and therefore are unable to reach conclusions as to the significance of impacts. The RSPB would be happy to expand on its position to assist the Examining Authority.</p>	<p>The Applicants are considering the RSPB's position on this matter and will, where appropriate, address these comments in updates to be submitted at Deadline 2 in two documents: Offshore Ornithology EIA Update and Offshore Ornithology RIAA HRA Update. Nonetheless, the Applicants consider the assessment as submitted is complete.</p>
RR-049: 9	<p><b>DEROGATION CASE WITH PARTICULAR REFERENCE TO COMPENSATION MEASURES</b></p> <p>Based on the RSPB's conclusions on adverse effect on integrity, the RSPB considers a derogation case is required if the Secretary of State for the Department for Energy Security and Net Zero (DESNZ) is to consider consenting a damaging project. The RSPB welcomes the information provided by the Applicant to enable its derogation case to be reviewed. As part of any derogation case, and based on our initial conclusions regarding adverse effects on integrity the RSPB considers compensation measures would be required for the following species: Gannet; Kittiwake; Guillemot and Razorbill should the Secretary of State decide to consent the Application as it is currently proposed. We set out below how we will approach our assessment of the Applicant's compensation proposals, the level of detail we expect to see and an outline of our concerns with each of the compensation</p>	<p>The Applicants acknowledge the RSPB's position on the matter of derogations and compensation and has provided further comments to specific comments below as appropriate.</p>

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	<p>measures as they are currently presented. We will set out fuller comments on these and other issues relating to the Applicant's derogation submissions in our main written submission.</p>	
RR-049: 10	<p><b>RSPB APPROACH TO ASSESSING COMPENSATION PROPOSALS</b></p> <p>The RSPB has reviewed the available published EC (2018 – Managing Natura 2000 sites) and Defra (2023 – Habitats Regulations Assessments: protecting a European site) guidance where they relate to compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. We supplement this based on the RSPB's practical experience of applying the principles when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB's experience in this field to assess the Applicant's compensatory measures. Below, we set out our initial comments on the Applicant's compensation proposals. These are necessarily initial comments as it is the RSPB's view that there is still substantive work to be done with regards to the compensation proposals, based on agreement of the nature and scale of predicted adverse effects on integrity. This is critical to inform discussions on: - what ecologically effective compensation for those impacts could comprise;</p> <ul style="list-style-type: none"> <li>• the options to be considered to provide such compensation; and</li> <li>• the detailed consideration of possible locations and designs to implement ecologically effective compensation with a reasonable guarantee of success.</li> </ul> <p>In summary, the criteria for designing compensatory measures include:</p> <ul style="list-style-type: none"> <li>• Targeted – appropriate to the impact(s) predicted;</li> <li>• Effective – based on best scientific knowledge.</li> </ul> <p>Measures where there is no reasonable guarantee of success should not be considered;</p> <ul style="list-style-type: none"> <li>• Technical feasibility –taking into account the specific requirements of the ecological features to be reinstated;</li> <li>• Extent – directly related to quantitative and qualitative aspects of the elements of integrity likely to be impaired and estimated effectiveness of the measure(s);</li> <li>• Location – located in areas where they will be most effective in maintaining the overall coherence of the National Site Network for the impacted species;</li> <li>• Timing - must provide continuity in the ecological processes essential to maintain the structure and functions that contribute to the National Site Network. Each compensation measure should be fully functional before any damage occurs;</li> </ul> <p>Long-term implementation – legal and financial security required for long term implementation. Must be in place prior to consent being granted. The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts. Compensatory measures must be additional to existing obligations e.g. measures necessary to site management of an SPA or SAC to restore or maintain a designated feature to favourable status. We also consider that there must be an appropriate level of detail on the proposed compensation measures provided sufficiently in advance of the start of the examination to enable interested parties to assess it fully. This is critical to enable proper scrutiny of any compensation proposals by interested parties and the Examining Authority. At this stage, despite the work carried out by the Applicant and the material presented, we do not consider the necessary detail has been provided to enable proper scrutiny of the compensation measures.</p>	<p>The Applicants acknowledge the RSPB's position on these matters.</p>

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RR-049: 11	<p><b>LEVEL OF DETAIL REQUIRED</b></p> <p>The RSPB considers that detail about the location, design, implementation, monitoring and review of any proposed compensatory measures is needed to: inform the application and examination process and enable proper public scrutiny. This should provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success, thereby protecting the coherence of the National Site Network. We note that these details should be settled before DCO consent is decided, and be available as part of the application documentation. This enables potential interested parties the opportunity to fully review and assess the adequacy of the compensation measures before deciding whether to formally register as an interested party and submit a relevant representation. The details include:</p> <ul style="list-style-type: none"> <li>Nature/magnitude of compensation: sufficient detail to enable agreement on the scale of compensation required in relation to the predicted impacts, including the detailed compensation objectives, associated success criteria and timeline;</li> <li>Location: legal securing of proposed compensation site(s) with ability to scrutinise design, potential impacts, evidence of relevant consents and relevant legal agreements to secure land;</li> <li>Monitoring and review: detailed monitoring and review packages agreed in advance including terms of reference and ways of working for any "regulators group" to oversee implementation of measure;</li> <li>Compliance and enforcement: details and evidence of how the proposed compensation measures will be reviewed by the relevant regulator and the legal mechanisms available to those regulators to review and enforce any approved compensation plans.</li> </ul> <p>By providing these details it should ensure these and related issues are properly addressed before the Secretary of State is required to make a decision on whether to grant DCO consent. Based on experience, we consider it important that work to agree detailed compensation objectives informs draft wording of any DCO Schedules in order to avoid subsequent ambiguity post-consent. We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed, workable and ecologically effective measure "on the ground" at a later date and all the necessary consents and agreements successfully secured. The criteria, guidance and associated requirements set out above will guide how the RSPB assesses the Dogger Bank South compensation measure proposals submitted as part of the application. Below we set out our initial comments in respect of the Applicant's compensation measures for (i) kittiwakes and (ii) guillemots and razorbills. We have not commented on every option explored or referred to by the Applicant at this stage and any lack of comment should not be taken as support or otherwise. In general, we consider significant information remains to be presented to the Examination to enable the Examining Authority and Interested Parties to assess the efficacy of Applicant's compensation proposals.</p>	<p>The Applicants will be providing a further update regarding the offshore artificial nesting structure (oANS) location and implementation in an updated <b>Kittiwake Compensation Plan</b> [APP-052] and on potential guillemot (and razorbill) predator eradication schemes in an updated <b>Guillemot [and Razorbill] Compensation Plan</b> [APP-056] at Deadline 1. This will include details on work undertaken this summer in further shortlisting locations and future programmes.</p> <p>It should be noted that the requirement for compensation for auks was not identified by The Crown Estate's Plan Level HRA, hence no strategic plan was put in place, resulting compensation measures for this topic being identified later in the consenting process than other topics. As a result, the Applicants acknowledge that the level of detail in the <b>Guillemot [and Razorbill] Compensation Plan</b> [APP-056] of the Development Consent Order (DCO) application was more limited.</p>
RR-049: 12	<p><b>KITTIWAKE COMPENSATION</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with particular reference to APP-052 (Kittiwake Compensation Plan), APP-055 (Collaborative Delivery of Kittiwake Compensation: Letter of Intent), and APP-053 (Kittiwake Strategic Compensation Plan). This application is unusual in that it, along with the Outer Dowsing scheme, is the first to come forward with an explicit lease requirement to adhere to a strategic compensation plan for Kittiwakes developed by The Crown Estate and associated steering group (APP-053). Based on our reading of the above documents, we understand the Applicant is considering the following possible compensation measures:</p> <ul style="list-style-type: none"> <li>Offshore Artificial Nesting Structure (oANS): the primary measure under consideration in line with the KSCP.</li> <li>Onshore Artificial Nesting Structure (ANS): an existing structure at Gateshead is proposed as a potential supporting or adaptive management measure should it be appropriate in the future. Artificial nesting</li> </ul>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants will be providing a further update regarding the oANS location and implementation at Deadline 1 in an updated <b>Kittiwake Compensation Plan</b> [APP-052] (see RR-049:13 for more details).</p>

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	<p>structures (onshore or offshore) are yet to be proven as an effective compensation measure. The preponderance of onshore ANS compensation measures at various locations on the east coast of England has taken place against a lack of evidence of there being a sufficient pool of nest-limited kittiwake recruits. Therefore, of the options available at the current time the RSPB's preference is for oANS. These initial comments are restricted to the oANS measure.</p> <p>Based on our initial review, it is our understanding that:</p> <ul style="list-style-type: none"> <li>The Applicant has assumed a worst-case scenario that both Dogger Bank South East and West will be developed, and also noted that construction of the projects could be either sequential or concurrent. This will be relevant to the timing of compensation implementation and some of the RSPB's initial questions below.</li> <li>The Applicant sets out three possible delivery mechanisms (APP-052, paragraph 140): collaboratively, project-led or strategically (e.g. via a future Marine Recovery Fund (MRF) as and when that is implemented by the Government).</li> </ul> <p>The Applicant's preference is for a collaborative approach with other OWF developers.</p> <ul style="list-style-type: none"> <li>Based on further analysis of Areas of Search (AoS) for oANS contained in the Kittiwake Strategic Compensation Plan (APP-053) the Applicant has identified five potential AoS (Table 6-5, APP-052) to take forward for more detailed evaluation. If the Application is consented, these would be secured through the DCO and deemed Marine Licence;</li> <li>There is no current certainty on the final location of any eventual oANS. Final decisions on the location and number of oANS to deliver strategic compensation for Kittiwakes will be set out in The Crown Estate's Kittiwake Strategic Implementation and Monitoring Plan (KSIMP) which would be submitted to the Secretary of State for approval following DCO consent for this Application and/or that for Outer Dowsing. Therefore, the final decision on location, design, implementation and monitoring appear to fall outside this DCO consent process.</li> <li>Responsibility for the final design, construction and implementation of any oANS is uncertain. Based on paragraphs 158-159 in APP-052, it appears likely that any oANS will be located in water depths of between 18-50m, subject to final engineering assessments. We return to this below in some initial questions that need to be addressed.</li> <li>The Applicant has indicated the oANS should be implemented three or four years before operation of the Projects to allow sufficient time for the recruitment of juveniles to the adult population (paragraph 169, APP-052). For the avoidance of doubt, the RSPB's view is that oANS for Kittiwake compensation should be implemented to allow for 4 full breeding seasons before first operation of a turbine. In summary, there remains considerable uncertainty at this stage over the consultative and consenting pathway by which any oANS will be selected, designed, implemented and monitored. The RSPB has noted the preference of both the Applicant and the KSCP Steering Group for two oANS, located some distance offshore and in relatively deep water (c.f. the nearshore ANS structures implemented for Hornsea Three offshore wind farm). On this basis, we have assumed these will need to be bespoke offshore structures requiring similar engineering solutions as for offshore wind turbines.</li> </ul>	
RR-049: 13	<p>KITTIWAKE COMPENSATION (cont.)</p> <p>To help understand the implications of this for securing installation of an oANS we have identified the following initial questions it would be helpful if the Applicant could provide responses to:</p>	<p>Regarding the technical considerations required for securing an oANS:</p> <ul style="list-style-type: none"> <li>The Applicants are currently carrying out concept design work for oANS, for both foundation type and top side design, an update of which will be provided in the <b>Kittiwake Compensation Plan</b> [APP-052] at Deadline 1.</li> <li>The Applicants are currently evaluating supply chain and installation vessels, options for both fabrication and installation. While much of the information is</li> </ul>

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	<ul style="list-style-type: none"> <li>Based on its expert knowledge, its initial assessment of the Areas of Search and ongoing evaluation work (e.g. section 6.3.4, APP-052), what does it consider are the likely engineering and manufacturing requirements of such a structure?</li> <li>What will these requirements mean in terms of the supply chain and logistics pathways e.g. access to specialist installation vessels, and how might this be affected by each of the sequential and concurrent wind farm construction scenarios?</li> <li>How might this translate into lead-in times for the installation of bespoke oANS, and how does this relate to the Applicant's Sequential and Concurrent development scenarios?</li> <li>What is the Applicant's understanding of when the organisation responsible for commissioning and construction of an oANS under the KSIMP process will be identified and how might this affect the lead-in times?</li> <li>What is the Applicant's understanding of how these lead times will be affected by the different implementation routes it has identified e.g. via the TCE KSIMP, the MRF or by the project alone? Should The Crown Estate's KSIMP decide to locate any oANS within one of the Areas of Search not identified by either Dogger Bank South or Outer Dowsing, we have the following initial questions on this issue: - What steps has The Crown Estate taken to secure a marine licence for an oANS in the alternative Areas of Search? - Assuming no steps have been taken as no decision has yet been taken on the preferred Area of Search for any oANS under the KSIMP, what is the Applicant's and The Crown Estate's view on the implications of this for the implementation timeline for any such oANS?</li> </ul> <p>In addition, we would find it helpful if the Applicant could:</p> <ul style="list-style-type: none"> <li>Clarify when it will provide the updates to the Examination referred to at paragraphs 163 and 183 (APP-052);</li> <li>Provide a map of the shortlisted Areas of Search in relation to operational, consented and planned offshore wind farms.</li> </ul> <p>This will help understand the exposure to collision of any kittiwakes colonising an oANS located in these areas. We consider the above initial questions are important in helping to understand, anticipate and reduce any potential foreseeable risks associated with the regulatory and commissioning pathway for installing an oANS. This is in order to reduce the risk of significant time delays in the implementation of oANS.</p>	<p>commercially sensitive, the Applicants have produced a design, fabrication and installation programme which aligns to the installation required for the anticipated number of breeding seasons required prior to first generation. An update on programme will be provided in the <b>Kittiwake Compensation Plan</b> [APP-052] at Deadline 1.</p> <ul style="list-style-type: none"> <li>oANS fabrication &amp; installation is decoupled from the offshore wind farm foundation programme, as it is anticipated that oANS installation will be needed earlier than wind turbine foundation installation and will likely require different installation vessel due to differing loading and pile diameter requirements.</li> <li>Our understanding is that the offshore wind developers will be responsible for the licensing, design, commissioning, construction and installation of oANS, in the absence of the Marine Recovery Fund (MRF).</li> <li>The Applicants are not aware that The Crown Estate has taken any steps to secure a Marine Licence for an oANS (although this is a matter for The Crown Estate), hence the Applicants intent to develop two oANS in collaboration with another Developer.</li> </ul> <p>In regard to updating paragraph 163 of the <b>Kittiwake Compensation Plan</b> [APP-052]:</p> <ul style="list-style-type: none"> <li>Work on site selection for oANS has progressed following DCO submission. A full review of the Areas of Search (AoS) identified in the <b>Kittiwake Strategic Compensation Plan</b> [APP-053] and data used to identify these sites has been undertaken. It was concluded that constraints present within shortlisted AoS left few viable options for the Projects and there may have been further opportunities within the wider search area that were not identified in the plan-level work. As such, further site selection work has been undertaken to identify new AoS. Newly identified sites have been appraised alongside selected sites previously identified in the <b>Kittiwake Strategic Compensation Plan</b> [APP-053]. Details on the updated constraints assessment, shortlisted AoS and roadmap to final site selection will be updated in the <b>Kittiwake Compensation Plan</b> [APP-052] at Deadline 1.</li> <li>A map of the shortlisted AoS will be provided within this update.</li> </ul>
RR-049: 14	<p><b>GUILLEMOT AND RAZORBILL COMPENSATION</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with particular reference to APP-056 (Guillemot [and Razorbill] Compensation Plan) and APP-058 (Guillemot [and Razorbill] Compensation Predator Eradication/Control Site Longlist). Based on our reading of the Applicant's approach to its without prejudice compensation measures for Guillemot or Razorbill, we summarise it as follows:</p> <ul style="list-style-type: none"> <li>In the absence of a strategic compensation measure, the Applicant is developing a project-led compensation measure.</li> <li>It has identified its primary measure as predator eradication / control measures at an unspecified location.</li> <li>Based on a high-level feasibility assessment to identify potential locations for further study, the Applicant has set out a short list of 8 possible locations (Table 5-2, APP-056).</li> <li>These 8 locations will be subject to a further assessment in order to make a final decision on which site(s) will be taken forward. This work will include site visits outside the breeding season to, among other things, gather evidence of predation on breeding seabirds (paragraph 120, APP-056). This work is to be completed by the end of January 2025 (Plate 5-2, APP-056).</li> </ul>	<p>The Applicants acknowledge the RSPB's position on these matters and confirm that the RSPB's understanding of the compensation measures being proposed are accurate. Further detail on the feasibility assessment will be provided in the updated <b>Guillemot [and Razorbill] Compensation Plan</b> [APP-056] submitted at Deadline 1, including a summary of the site-specific surveys undertaken this summer. This will include consideration of the points raised by RSPB in regard to the measure required for the work to be successful.</p>

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	<ul style="list-style-type: none"> <li>An update on progress is proposed at Deadline 1 of the Examination (paragraph 118, APP-056). - Potential adaptive management measures are suggested should the primary measure prove less effective than the Applicant anticipates. It is acknowledged by the Applicant that the two measures put forward (Artificial Nesting Structures and Bycatch Reduction) lack any current evidence that they would be effective. We comment specifically on bycatch reduction below. As noted earlier in this representation, we consider it important to agree the range of predicted mortalities (using the preferred outputs of the Applicant, Natural England and the RSPB) and apply these to an agreed approach to calculating the scale of compensation required. The wide range of predicted impacts for Guillemot and Razorbill mean it will be important to agree this relatively early in order to inform discussions on the proportionate compensation response required for each level of impact. This will assist in assessing potential locations. If practicable, we will present a fuller assessment of the primary measure in our Written Representation using the approach described earlier in this representation. Below, we provide initial comments.</li> </ul> <p>For any predator management (eradication or control) measure to work, the RSPB notes there needs to be evidence of:</p> <ul style="list-style-type: none"> <li>Invasive Non-Native Species (INNS) predation of the species you wish to benefit from the measure and specifically which INNS predate which seabird species; and that</li> <li>The predation is having a detrimental effect on the target colony e.g. evidence of reduced breeding productivity; and</li> <li>Evidence that the proposed measure can be successfully implemented and maintained in practical terms; and</li> <li>That the species you wish to benefit will respond positively to the measure implemented at the selected location. As set out by the Applicant, the above information is not currently before the Examination, so it is not possible to make any meaningful assessment of the Applicant's compensation measures for Guillemot and Razorbill at this time.</li> </ul>	
RR-049: 15	<p>GUILLEMOT AND RAZORBILL COMPENSATION (cont.)</p> <p>Therefore, we have limited our comments to the following observations and/or requests for clarification:</p> <ul style="list-style-type: none"> <li>Feasibility assessment: the Applicant states that it will be undertaking site visits of short-listed locations outside the breeding season to, among other things, gather evidence of predation on breeding seabirds (paragraph 120, APP-056). We would be grateful if the Applicant could update the Examination on how long the site visits have been for each location visited, and which methods it will use to detect evidence of predation on breeding seabirds which has occurred during the breeding season.</li> <li>We welcome the Applicant's recognition of the need to gather evidence of public support for predator eradication/control measures (paragraph 121, APP-056). It is a key tenet of predator eradication and control that public support is critical to the success or failure of such measures. Resistance to such measures by relevant parts of the public can result in reduced success or complete failure. It is therefore essential information to be provided as part of the evidence base in support of any such measure. We would welcome further information on the form and level of detail of the stakeholder and community consultation referred to in paragraph 121, and when this will be reported to the Examination. - Monitoring (paragraph 138, APP-056): the description of the monitoring to be undertaken is broad. In respect of the success or otherwise of any compensation for Guillemot and Razorbill, we consider it will be important to agree more specific monitoring requirements, linked to agreed success criteria. Among other things, this should include as core requirements breeding population, breeding productivity and, as far as practicable, recruitment into the National Site Network for each species. - Feasibility Study (paragraphs 122-123, APP-056 and Plate 5-2): can the Applicant set out what level of detail will be contained in the Feasibility Study against each of the criteria</li> </ul>	<p>The Applicants acknowledge the RSPB's position on these matters. Further detail on the feasibility assessment will be provided in the updated <b>Guillemot [and Razorbill] Compensation Plan [APP-056]</b> submitted at Deadline 1, including a summary of the site-specific surveys undertaken this summer.</p> <p>As stated in paragraph 121, <b>Guillemot [and Razorbill] Compensation Plan [APP-056]</b> the stakeholder engagement is anticipated to comprise public meetings and one-to-one meetings with key stakeholders. The detail of stakeholder consultation and the results of the feasibility study are expected to be provided at Deadline 5 (subject to the finalisation of the Examination programme).</p> <p>The stakeholder comment attributed to the RSPB in Table 5-1 will be corrected in the updated <b>Guillemot [and Razorbill] Compensation Plan [APP-056]</b> provided at Deadline 1.</p>

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	<p>listed and whether it intends to submit the Feasibility Study to the Examination on/around its scheduled completion date of January 2025? - St Bees Head: the RSPB can confirm that the Applicant has been in contact regarding the RSPB St Bees Head Reserve (Table 5-2, APP-056). We have confirmed to the Applicant that St Bees Head is unsuitable as there is and never has been any indication of a mammalian predation issue at the St Bees Head colony. We note that Table 5-1 (APP-056) states that the Applicant will investigate the Scillies alongside its existing shortlist. The Scillies was added to consideration on the basis of a suggestion by Natural England at an Expert Topic Group meeting in April 2024. The RSPB would like to correct the stakeholder comment attributed to the RSPB in Table 5-1. The RSPB did not indicate strong support. Our main observation was that any eradication proposal would have a significant challenge in respect of the additionality issue (referred to earlier in this representation) given that much of the archipelago is designated as the Isles of Scilly SPA. This is in addition to our general approach to critically evaluating any eradication proposal against the evidence needs outlined above and whether a proposal will benefit the species requiring compensation.</p> <p>Potential adaptive management measures for guillemot and razorbill</p> <p>As noted above, the Applicant has identified two potential adaptive management measures (Artificial Nesting Structures and Bycatch Reduction). The RSPB agrees with the Applicant that each lacks any current evidence that they would be ecologically effective, including as an adaptive management measure. Therefore, at this time, we will not make detailed comments on either, except to summarise below our current understanding regarding bycatch reduction measures for guillemot and razorbill to assist the Examining Authority. Bycatch mitigation as a potential adaptive management measure The RSPB's position is based on trials undertaken by the RSPB and partners as well as detailed review of the evidence published by Hornsea Four offshore wind farm which trialed a device known as the Looming Eyes Buoy (LEB). The RSPB continues to argue that the LEB is unproven as a measure that can successfully reduce bycatch in guillemot and therefore is wholly inappropriate as a compensation measure. Our detailed concerns were presented to both the Hornsea Four and Dudgeon and Sheringham Project Extension examinations. These set out the RSPB's detailed criticisms of the Hornsea Four published evidence base which we considered seriously flawed. In October 2023, the RSPB and Fuglavernd (BirdLife Iceland) published the findings of research (Rouxel et al. 2023) testing the effects of LEBs in the Icelandic lumpfish fishery, assessing effects in seabird bycatch rates and target fish catch. The research "...found no effect of LEBs on both target lumpfish catch and bycatch" and "...there was...no significant reduction in bycatch for...common and black guillemots...". Rouxel et al. 2023 remains the only published scientific, peer-reviewed study of the effectiveness or otherwise of LEBs at reducing bycatch of, among other things, auks – including Common Guillemot. We acknowledge that the nature of this fishery and its operative conditions are different to gillnet fisheries operating in UK waters. In addition, the RSPB and the Cornwall Inshore Fisheries and Conservation Authority have been undertaking trials of LEBs and predator-shaped kites in local gillnet fisheries, between 2022-2023. The results from this trial are not yet published but did not show evidence of LEBs having any statistically significant impact on seabirds' bycatch rate, including of Common Guillemots (Y. Rouxel, pers. comm.). Therefore, in the absence of scientifically peer-reviewed evidence from Hornsea Four or other offshore wind farm developer, our results seriously question any reliance being placed on LEBs as a compensation measure. The RSPB remains of the expert view that there is no evidence in the public domain at this time, peer-reviewed or otherwise, that supports the use of the LEB as an effective measure to reduce bycatch in Common Guillemots.</p>	
RR-049: 16	<p>REFERENCES</p> <p>Burnell, D., Perkins, A.J., Newton, S.F., Bolton, M, Tierney, T.D. &amp; Dunn, T.D. 2023. Seabirds Count, A census of breeding seabirds in Britain and Ireland (2015–2021). Lynx Nature Books, Barcelona Cook (2021) Additional analysis to inform SNCB recommendations regarding collision risk modelling. BTO Research Report 739. Lane, J.</p>	No response is required.



I.D.	Relevant Representation	Applicants' Comment
	<p>V., Jeavons, R., Deakin, Z., Sherley, R. B., Pollock, C. J., Wanless, R. J., &amp; Hamer, K. C. (2020). Vulnerability of northern gannets to offshore wind farms; seasonal and sex-specific collision risk and demographic consequences. <i>Marine Environmental Research</i>, 162, 105196. Pavat, D., Harker, A. J., Humphries, G., Keogan, K., Webb, A., &amp; Macleod, K. (2023). Consideration of avoidance behaviour of northern gannet (<i>Morus bassanus</i>) in collision risk modelling for offshore wind farm impact assessments. Report to Natural England by HiDef Aerial Surveying Limited. Rothery, P., Newton, I., &amp; Little, B. (2009). Observations of seabirds at offshore wind turbines near Blyth in northeast England. <i>Bird Study</i>, 56(1), 1-14. Rouxel, Y., Arnardóttir, H., &amp; Oppel, S. (2023). Looming-eyes buoys fail to reduce seabird bycatch in the Icelandic lumpfish fishery: depth-based fishing restrictions are an alternative. <i>Royal Society Open Science</i>, 10(10), 230783. Wakefield, E.D., Bodey, T.W., Bearhop, S., Blackburn, J., Colhoun, K., Davies, R., Dwyer, R.G., Green, J.A., Grémillet, D., Jackson, A.L. and Jessopp, M.J., 2013. Space partitioning without territoriality in gannets. <i>Science</i>, 341(6141), pp.68-70</p>	

## 5.6 UK Chamber of Shipping

Table 5.6.1 – Applicants' response to UK Chamber of Shipping relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-052	<p>The UK Chamber of Shipping is the trade association for the UK shipping industry, representing some 200 members, operating 900 vessels equalling 18 million GT in capacity, trading around the UK and globally. The Chamber represents the full breadth of the industry, including dry and wet trades, passenger transport (cruise &amp; ferry), offshore supply and construction, towage, and specialist, as well as professional service providers with shipping interests.</p> <p>The Chamber fully supports the Government's obligations to achieve Net Zero Carbon by 2050 and welcomes the development of offshore renewable energy to succeed in this obligation. The ports and shipping industries play an essential in enabling those targets to be achieved by providing bases and vessels for construction, operation &amp; maintenance, and decommissioning. The Chamber also asserts that the planning process and framework must support the wider shipping industry through site selection which avoids or minimises disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries, as stated within Paragraph 2.8.328 of NPS EN-3.</p> <p>The Chamber seeks to ensure navigational safety is upheld and that developments are appropriately positioned to enable existing and future commercial navigation to continue safely and efficiently. Shipping is the greenest form of cargo transport and proposed offshore renewable developments must take fully into consideration the routing and operations of commercial shipping to enable this to continue.</p> <p>The Chamber has been closely involved in the planning process for Dogger Bank South OWF prior to DCO application, through Scoping, PEIR, and Hazard Workshops in the development of the Navigational Risk Assessment, advocating for appropriate mitigation measures for navigation safety and environmental efficiency of commercial shipping. The Chamber has welcomed constructive manner the Red Line Boundary (development area) has been amended to take into account, amongst other things, navigational safety concerns and routing efficiencies for commercial shipping. The Chamber may however wish to provide further detailed representation in the area of navigational safety, export cable corridors, and impact upon commercial routing upon review of the examination documents submitted. The specific areas that the Chamber may wish to raise comment would</p>	<p>As the Interested Party notes, the Applicants have extensively consulted with relevant shipping and navigation stakeholders including the UK Chamber of Shipping throughout the Navigational Risk Assessment process, including through the Scoping Opinion, dedicated meetings, Hazard Workshops, and the PEIR. The Applicants are confident that the Statement of Common Ground between the Applicants and the Chamber will be fully agreed and completed during the examination process.</p>

I.D.	Relevant Representation	Applicants' Comment
	amount to Allision and Collision Risk, anchor interaction with export cables, and deviation of commercial routeing.	

## 5.7 The Wildlife Trust

Table 5.7.1 – Applicants' response to The Wildlife Trust relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-057: 1	<p>1. Introduction</p> <p>The Wildlife Trusts are a federation of 47 charities, 46 individual Wildlife Trusts and a central charity, the Royal Society of Wildlife Trusts. Together we have more than 900,000 members, 39,000 volunteers and 3,600 staff across the UK. We share a vision of nature in recovery, with abundant, diverse wildlife and natural processes creating wilder landscapes where people and nature thrive. The Wildlife Trusts support action to tackle climate change and recognise the serious threat to nature if action is not taken. However, we also face an ecological emergency with 41% of species in decline in the UK. Therefore, infrastructure projects to reduce emissions to meet net zero such as offshore wind must mitigate their impacts on the environment, to ensure net zero and nature recovery can be delivered in tandem. Due to resource constraints and the sheer volume of documents included in the Dogger Banks South (DBS) application, The Wildlife Trusts is still in the process of reviewing the application. The Wildlife Trusts will provide a more detailed view on our position as part of our written representation.</p>	<p>The Applicants acknowledge this comment and welcome further engagement with The Wildlife Trusts through their written representation.</p>
RR-057: 2.1	<p>2. Summary of views</p> <p>2.1. Dogger Bank SAC compensation The Wildlife Trusts would like to engage throughout examination to ensure a strategic approach to compensation is secured in relation to the impacts of DBS on Dogger Bank SAC. The Wildlife Trusts have engaged with the applicant at a project level but the majority of engagement has been at the plan level via The Crown Estate Expert Topic Group. The Wildlife Trusts would have liked more direct input into the development of compensation and suggest compensation should be developed in the future in a more transparent manner.</p> <p>Since January 2024, The Wildlife Trusts have had an observer status on the Dogger Bank Steering Group. Dogger Bank SAC has particular significance within the biogeographical region in which it is located due to the size, structure, function and supporting processes in which it has been designated (JNCC, 2022). In fact, Dogger Bank is a unique SAC within the MPA network supporting multiple fish, seabird and marine mammal species. The Wildlife Trusts only support site extension as compensation for the impacts to the SAC. This is the only measure that will ensure that recovery of Dogger Bank SAC will not be hindered and will meet legal obligations including:</p> <ul style="list-style-type: none"> <li>• The coherence of the UK National Sites network, as required under 36 of the Offshore Habitats Regulations</li> <li>• A well-managed and ecologically coherent network of Marine Protected Areas as required under Section 123 and 126 of the Marine and Coastal Access Act and international agreements such as OSPAR.</li> <li>• Environment Act MPA targets. To be effective, site extension as a compensation must sit within a wider package of measures including:             <ol style="list-style-type: none"> <li>1. The implementation of the management of activities within any site extension.</li> </ol> </li> </ul>	<p>The Applicants note The Wildlife Trusts comments on their position and welcome their support for site designation as the appropriate mechanism for compensation, however the location of the designation is beyond the remit of the Applicants and will ultimately be decided by Defra.</p> <p>With regard to a moratorium on future development, the Applicants consider that this is a matter for The Crown Estate.</p> <p>With regard to the need for a Review of Consents, Regulation 33 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 requires that where, before the date on which a site becomes a European offshore marine site, a competent authority has decided to undertake, or has given consent, permission or other authorisation for a plan or project which would require an appropriate assessment if it were to be considered on that date, then the authority must as soon as reasonably practicable after that date review its decision, consent, permission or other authorisation. If a review of decisions and consents relating to the Dogger Bank Special Area of Conservation (SAC) is required under Regulation 33, that is a matter for Secretary of State, and is not relevant to the Development Consent Order (DCO) Application.</p> <p>The Wildlife Trusts position on habitat damage is noted. With regard to recovery times of the sandbank habitat, this is evidenced in section 6.4.2.1.1 of the <b>Report to Inform Appropriate Assessment</b> [App-046] which includes a review of evidence from the offshore wind industry and Cefas studies as well as site specific information from within the Dogger Bank SAC (<b>Appendix 8-2 -Met Mast Survey Analysis</b> [App-083]).</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>2. The development and implementation of a Dogger Bank SAC site recovery plan which should include:</p> <ul style="list-style-type: none"> <li>• A moratorium on all future development on Dogger Bank SAC and any site extension in the future. The SAC is in unfavourable condition, has reached carrying capacity and requires space to recover.</li> <li>• Enhanced protection to ensure there will not be a chain of compensation requirements in the future.</li> </ul> <p>Confirmation that a Review of Consents as required by the Competent Authority under Section 33 of the Offshore Habitats Regulations has been undertaken for Dogger Bank SAC. If a Review of Consents has not been undertaken, this must be delivered urgently. The Wildlife Trusts do not agree with the applicants position on no Adverse Effect on Integrity (AEOI) on Dogger Bank SAC due to the impact of physical damage on the subtidal sandbank feature from DBS. The plan level assessment undertaken by The Crown Estate in April 2022 (The Crown Estate, 2022) and signed off by the Secretary of State in July 2022 (DESNZ, 2022) concluded habitat damage of 32.209km<sup>2</sup> which would delay restoration, which is contrary to the conservation objectives of the SAC. This is based on analysis against the conservation objectives of the SAC to meet the requirements of the The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). This decision supersedes previous casework decisions which the applicant has identified. Therefore, the DBS application can only be approved provided compensation is included within the DCO for loss and damage to Dogger Bank SAC. The Wildlife Trusts welcome the information which has been provided by the applicant on Dogger Bank SAC compensation. However, the delivery of this measure will be led by government and therefore decisions on ratio and where the compensation will be delivered should not be led by the applicant. We will provide further evidence to support this position at the examination stage.</p>	<p>In addition, the Applicants intend to provide further evidence of habitat recovery (again from within the Dogger Bank SAC) at Deadline 1. Whilst the Plan Level HRA (The Crown Estate, 2022)<sup>2</sup> considers 'direct physical damage' as contributing to its conclusion of AEoI for the Projects, the Applicants do not consider that this is evidenced in that assessment.</p>
RR-057: 2.2	<p>2.2. Flamborough and Filey Coast SPA auk compensation The Wildlife Trusts supports a strategic approach to compensation wherever possible, as we believe this is likely to better support ecological outcomes and appropriate governance. Throughout the pre-application process, a number of individual Wildlife Trusts have been approached by the applicant in relation to the delivery of predator eradication as a compensation measure for impacts to razorbills and guillemots (auks). The Wildlife Trusts is currently coordinating engagement between the applicant and individual Wildlife Trusts on this measure and will be able to provide further information throughout the examination process.</p>	<p>The Applicants acknowledge this comment.</p>
RR-057: 2.3	<p>2.3. Underwater noise impacts on the Southern North Sea SAC The Wildlife Trusts has an interest in the potential for DBS to cause underwater noise impacts to the Southern North Sea SAC, both alone and in-combination with other activities. We will provide further detail on this matter at the examination stage.</p>	<p>The Applicants acknowledge this comment.</p>
RR-057: 2.4	<p>2.4. Concerns around the quality of the application and the lack of completeness surrounding key sections Whilst we understand the urgency of reducing emissions to address the climate crisis, we are disappointed that this application has been submitted and accepted for examination despite the lack of detail in several key areas, including the provision of SPA compensation for auks. Previous Secretaries of State have made it clear that the NSIP examination process is not designed for consultation on complex issues (DESNZ; 2021). Incomplete applications result in planning delays and costs to both the applicant and stakeholders, wasting valuable resources and clogging up valuable examination time.</p>	<p>The requirement for compensation for auks was not identified by The Crown Estate's Plan Level HRA, hence no strategic plan was put in place, resulting compensation measures for this topic being identified later in the consenting process than other topics. As a result, the Applicants acknowledge that the level of detail in the <b>Guillemot [and Razorbill] Compensation Plan [APP-056]</b> of the DCO application was more limited. Work has been undertaken throughout the summer of 2024 to identify locations for potential auk predator eradication and these will be reported in the updated <b>Guillemot [and Razorbill] Compensation Plan (Revision 2)</b> [application reference: 6.2.2] to be provided for Deadline 1 of the examination process.</p>

<sup>2</sup> The Crown Estate (2022) Record of the Habitats Regulations Assessment Undertaken under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017 Offshore Wind Leasing Round 4

I.D.	Relevant Representation	Applicants' Comment
RR-057: 3	3. References DESNZ; (2021). Secretary of State Decision for Norfolk Boreas Offshore Wind Farm. Department for Energy Security and Net Zero. DESNZ. (2022). Letter to The Crown Estate on the Fouth Seabed Leasing Round: Habitats Regulations Assessment. Department for Energy Security and Net Zero. JNCC. (2022). Supplementary Advice on Conservation Objectives for Dogger Bank SAC. JNCC. The Crown Estate. (2022). Offshore Wind Leasing Round 4 Plan Level HRA Report to Inform the Appropriate Assessment. The Crown Estate.	No response is required.

## 5.8 The Woodland Trust

Table 5.8.1 – Applicants' response to The Woodland Trust relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-058	<p>Thank you for the opportunity to comment on application reference EN010125 for the Dogger Bank South Offshore Wind Farms project. The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. The Trust also campaigns with the support of local communities, to prevent any further destruction of ancient woods and veteran trees. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees.</p> <p>Our representation is based on a review of the information provided as part of this Development Consent Order submission. We welcome the opportunity to register as an Interested Party and provide a representation on this scheme.</p> <p><u>Ancient Woodland</u></p> <p>We note the potential for impact on two areas of woodland within the site boundary (grid refs: TA 0217 3680 and TA 0219 3665), designated as Ancient Semi Natural Woodland on Natural England's Ancient Woodland Inventory (AWI). We are pleased to see the commitment in the 'Outline Ecological Management Plan' to provide a minimum 15 metre buffer to these irreplaceable habitats. It appears from the plans that horizontal directional drilling may be undertaken in the vicinity of the ancient woodland. We would advise that any proposals for horizontal directional drilling should be to an appropriate depth with all entry and exit points located outside of buffer zones. We would also recommend that any non-ancient woodlands potentially impacted by the proposals are reviewed to ensure any areas of potentially unmapped ancient woodland are accounted for as the scheme progresses. Surveys detailing their woodland flora and fauna alongside an assessment of historical mapping should be undertaken, to ensure impacts to all irreplaceable habitats are considered and mitigated for as part of the design process.</p> <p><u>Ancient and Veteran Trees</u></p> <p>We note the presence of three trees within or close to the site boundary which are registered on the Ancient Tree Inventory (ATI). These are: - ATI ID 112891 (Veteran Oak) at grid ref TA 03617 35818 ATI ID 112889 (Notable Elm) at grid ref TA 03609 35798 ATI ID 112890 (Notable Elm) at grid ref TA 03607 35794 Grid references on the ATI are approximate, but it appears that the cable corridor may be in close proximity to one or more of the above trees. It is stated in the 'Outline Ecological Management Plan' that Tree Protection Plans will be "derived from the AIA undertaken post DCO consent and standard industry guidance (e.g. BS 5837: 2012)." It is important that an Arboricultural Impact Assessment is undertaken early within the design process, to ensure that ancient and veteran trees are identified and accounted for as the scheme is refined. This will ensure that appropriate protection can be incorporated within the design phase. The assessment should include a review of the ATI. Please note that the ATI is</p>	<p>The Onshore Development Area has been chosen and designed to minimise impact on trees and reduce tree losses as well as other protected species and habitats. Bentley Moor Wood (designated Local Wildlife Site (LWS)) is an ancient &amp; semi-natural woodland and deciduous woodland priority habitat that is located wholly within the Onshore Development Area at the proposed Onshore Substation Zone. The layout of Onshore Converter Stations and associated Temporary Construction Compounds (TCC's) have been designed to avoid direct impacts on this LWS. Buffer zones greater than the recommended 15m from the ancient woodland boundary have been incorporated into the design to avoid direct impacts.</p> <p>A trenchless crossing technique e.g. Horizontal directional drilling (HDD) has been purposely selected as the best option to avoid impacts on the narrow belt of trees to the north of the ancient woodland however the depth has not yet been determined as this would be part of the detailed design, but it is anticipated that it will be sufficient to avoid impact on tree roots. The location of the trenchless crossing technique entry and exit points will be designed to avoid encroachment to the buffer zones.</p> <p><b>An Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> (application ref: 10.13), including an Outline Arboricultural Method Statement has been submitted at the Pre-Examination Procedural Deadline on the 8<sup>th</sup> October 2024. This includes measures to avoid impacts on woodland through trenchless crossing at a suitable depth to avoid root protection zones and to ensure the detailed design of Sustainable Drainage Systems (SuDs) for the Converter Zone avoid impacts on Bentley Moor Wood.</p> <p>The arboricultural survey has been carried out according to the British Standard BS 5837 'Trees in relation to demolition, design and development' and has identified veteran trees within the Onshore Development Area (no ancient trees were recorded). However, as detailed in the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> (application ref: 10.13), no veteran trees will be affected by the current design, considering the mitigation measures included in the Outline Arboricultural Method Statement which forms Appendix A of the <b>Preliminary Arboricultural Impact Assessment</b> (application ref: 10.13). A further detailed arboricultural impact assessment, will be undertaken prior to construction to inform</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>a developing and live database; it is far from complete and new tree records are regularly added and updated. The applicant should therefore undertake their own assessment of the presence of ancient and veteran trees in addition to taking account of trees registered on the ATI. Whilst BS 5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), the guidance recognises that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. We would advise that Natural England and Forestry Commission's standing advice on root protection areas for veteran trees states: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone." Where notable trees are identified they should be retained and afforded sufficient buffers to allow them to become veteran trees in the future. Although notable trees may not represent the same level of value as ancient or veteran trees, they are likely to become veteran specimens if afforded appropriate space to grow and develop.</p> <p>We hope these comments are helpful and would welcome the opportunity to engage further at written representation stage.</p>	<p>the final Landscape Management Plan, as detailed in the <b>Outline Ecological Management Plan</b> [APP-235].</p> <p>The <b>Outline Ecological Management Plan</b> [APP-235] and <b>Outline Landscape Management Plan</b> [APP-236] will be updated at Deadline 2 to include reference to the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> (application ref: 10.13) to ensure the proposed mitigation measures in the Outline Arboricultural Method Statement are incorporated into the detailed design and secured through Requirements 10, 11 and 12 and in the <b>Draft Development Consent Order</b> [APP-027].</p> <p>Regarding the three veteran and notable trees mentioned, the arboricultural survey could not identify the two notable elms on site and were therefore assumed to be absent. The survey however identified a total of ten veteran trees within or adjacent the Onshore Development Area and details including the location of these trees will be shared publicly and input into the Ancient Tree Inventory (ATI). All veteran trees within or adjacent to the Onshore Development Area will not be affected by current design as detailed in the <b>Arboricultural Survey Report and Preliminary Arboricultural Impact Assessment</b> (application ref: 10.13). For this project, buffer zones for veteran trees and ancient woodland whereby no development should occur have been allowed. For ancient woodlands this is 15m from the edge of the woodland. For veteran trees, the buffer zone is either 15 times the stem diameter of the tree or 5m greater than the canopy spread, whichever is greater.</p>

## 5.9 Yorkshire Wildlife Trust

Table 5.9.1 – Applicants' response to Yorkshire Wildlife Trust relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-059	Yorkshire Wildlife Trust may wish to submit comments on potential impacts to statutory and non-statutory wildlife sites, protected habitats and species, plus proposed mitigation and compensation.	The Applicants acknowledge this comment.

## 6 Responses to Statutory Undertaker/Asset Owner Relevant Representations

10. The Applicants' responses to relevant representations received from statutory undertaker / asset owners are provided in this section.

## 6.1 BHP Billiton Petroleum Great Britain Limited

Table 6.1.1 – Applicants’ response to BHP Billiton Petroleum Great Britain Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-004: 1	Representation by BHP Group (UK) Limited (Company No 03196209) and BHP Billiton Petroleum Great Britain Limited (Company No 00810819), both of which are members of the BHP Group (“BHP”). BHP had a majority interest in the Esmond, Forbes and Gordon gas fields in the southern North Sea prior to its decommissioning and retains ongoing responsibilities in respect of the decommissioned infrastructure, including a decommissioned pipeline (PL264, PL258, PL261, and PL255) which was left in place and overlaps with the proposed wind farm area. The decommissioned pipeline was surveyed in 2020 and is expected to again be surveyed in 2030.	The Applicants acknowledge this comment.
RR-004: 2	Whilst BHP does not object to the principle of the Dogger Bank South Offshore Wind Farms project, it wishes to register its interest in the application in respect of this potential interface and how it may be managed, in particular during the construction phase of the wind farm project. BHP notes reference was made to the overlap in Chapter 16: Infrastructure and Other Users (APP-130) of the Applicant’s Environmental Statement (section 16.5.2 – Oil and Gas Infrastructure); however, there is limited information on how the interface would be managed/any impacts avoided to the pipeline where relevant.	The Applicants acknowledge this comment.
RR-004: 3	BHP would welcome engagement with the Applicant to understand the potential interface and discuss any necessary mitigation that may be required. Pending such engagement/discussion, BHP reserves the right to make further representations as the examination progresses.	The Applicants acknowledge this comment and will engage with BHP to discuss concerns raised within their representation.

## 6.2 Breesea Limited, Soundmark Wind Limited, Sonningmay Wind Limited, Optimus Wind Limited

Table 6.2.1 – Applicants’ response to Breesea Limited, Soundmark Wind Limited, Sonningmay Wind Limited, Optimus Wind Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-005	Breesea Limited, Soundmark Wind Limited, Sonningmay Wind Limited together with Optimus Wind Limited (the “Hornsea 2 Project Companies”) wish to register jointly as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to the proximity of the Dogger Bank South Offshore Wind Farms to the Hornsea Two offshore wind farm owned and operated by the Hornsea 2 Project Companies and the potential for cumulative effects.  The Hornsea 2 Project Companies may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.	The Applicants acknowledge this comment.

## 6.3 CMS Cameron McKenna Nabarro Olswang LLP on behalf of DBA Projco, DBB Projco and DBC Projco (together the Projcos)

Table 6.3.1 – Applicants’ response to CMS Cameron McKenna Nabarro Olswang LLP on behalf of DBA Projco, DBB Projco and DBC Projco (together the Projcos)s relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-007: 1	<p><u>INTRODUCTION</u></p> <p>1. Dogger Bank Offshore Wind Farm Project 1 Projco Limited (DBA Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBA Projco has the benefit of development consent for the Dogger Bank A Offshore Wind Farm (DBA) which was granted pursuant to The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 as amended (the DBA/DBB DCO).</p>	No response is required.
RR-007: 2	<p>2. Dogger Bank Offshore Wind Farm Project 2 Projco Limited (DBB Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBB Projco has the benefit of development consent for the Dogger Bank B Offshore Wind Farm (DBB) which was granted pursuant to the DBA/DBB DCO.</p>	No response is required.
RR-007: 3	<p>3. Dogger Bank Offshore Wind Farm Project 3 Projco Limited (DBC Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBC Projco has the benefit of development consent for the Dogger Bank C Offshore Wind Farm (DBC) which was granted pursuant to The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 as amended (the DBC DCO).</p>	No response is required.
RR-007: 4	<p>4. DBA, DBB and DBC are due to commence commercial operation between 2025 and 2027, and so will be operational before construction of the DBS Projects commences</p>	No response is required.
RR-007: 5	<p>5. DBA Projco, DBB Projco and DBC Projco (together the Projcos) do not object in principle to the DBS Projects, but are making this relevant representation in respect of the Applicant’s approach to wake loss and the interaction with the DBA and DBB order limits.</p>	The Applicants acknowledge this comment.
RR-007: 6	<p><u>WAKE LOSS</u></p> <p>6. Paragraph 67 of Part 16.6.1 of Chapter 16 to the Environmental Statement correctly identifies that interference of the DBS Projects with other wind farms could arise from, amongst other things, wake losses for nearby wind farms resulting from the presence of wind turbines for the DBS Projects.</p>	The Applicants acknowledge this comment.
RR-007: 7	<p>7. Paragraph 77 of Part 16.6.1 of Chapter 16 to the Environmental Statement correctly identifies that the sensitivity of offshore wind farms to interference is high.</p>	The Applicants acknowledge this comment.
RR-007: 8	<p>8. Appendix 16-1 of the Environmental Statement sets out the Projcos’ consultation response to the Applicant’s PEIR where the Projcos raised the lack of assessment in respect of wake loss as a material issue and where the Projcos identified that insufficient information had been provided to allow the Projcos to understand the impacts of the DBS Projects on DBA, DBB and DBC. The Applicant’s response to this consultation comment is that: “Potential impacts regarding wake loss are assessed in section 16.6.1.1 of the chapter”. However, the Environmental Statement does not reach a reasoned conclusion on the impacts of wake loss or productivity losses.</p>	<p>National Policy Statement (NPS) EN-3 (paragraph 2.8.44) recognises that offshore wind development will occur in or close to areas where there is other offshore infrastructure. The project boundary requirements in The Crown Estate’s Round 4 Information Memorandum specified that no offshore wind projects could be located within 7.5km of an existing offshore wind farm.</p> <p>The decision for the Awel y Mor Development Consent Order (DCO) (EN010112) concluded that paragraphs 2.8.196 to 2.8.203 of NPS EN-3 applied to potential effects upon other offshore wind farms and by implication that an assessment of wake effects should be considered within a new application for Development Consent. (The decision was made on the 2011 NPS, but the wording of the 2014 NPS is effectively</p>



I.D.	Relevant Representation	Applicants' Comment
		<p>the same.) The Applicants chose to include this within the framework of the Environmental Statement (ES) although it is arguable whether wake loss effects should sit outside of the ES altogether. Paragraph 2.8.197 of NPS EN-3 states that the "assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy and guidance for offshore wind farm EIAs". There is, however, no such policy or guidance, save (arguably) for The Crown Estate's buffer area policy for Round 4 seabed licensing already referred to.</p> <p>A recent study commissioned by The Crown Estate (Fraser Nash Consultancy Ltd, 2023) indicated that, for the non-site-specific scenarios modelled, potential wake effects level off with approximately 10km separation between offshore wind farms, and for separations much larger than 20km wake effects become 'vanishingly small'.</p> <p>The Applicants decided that the only scheme that merited assessment on this basis was the Dogger Bank A scheme due to its proximity approximately 8km from the nearest point of the DBS Projects. This position is set out within <b>Chapter 16 Infrastructure and Other Users</b> [APP-130], concluding that in the worst case scenario, the overall Annual Energy Production (AEP) loss for Dogger Bank A would be negligible when compared to the wind resource available. As a result of this conclusion, it is reasonable to expect this project to be subject to the greatest wake loss effects and thus further assessment of projects located further from the DBS Projects is not appropriate or proportionate.</p> <p>The Applicants consider that the DCO application contains sufficient information to allow the Examining Authority and the Secretary of State to reach a reasoned conclusion on the matters set out in paragraphs 2.8.344 – 2.8.347 and that the assessment undertaken satisfies the relevant provisions within paragraphs 2.8.196 to 2.8.203 of NPS EN-3, allowing the Secretary of State to apply those paragraphs in his decision. The Applicants are therefore in compliance with the NPS.</p>
RR-007: 9	9. Whilst wake loss is identified as a potential impact within Chapter 16 of the Environmental Statement, and offshore wind farms are identified as being a high sensitivity receptor, the Environmental Statement does not set out any assessment of these impacts. This is because the assessment of wake loss appears to have been grouped with other impacts to other offshore wind farms. This is insufficient, as the various impacts which are identified are materially different and occur at different stages of the lifetime of the DBS Projects.	As noted in section 16.6 of <b>Chapter 16 Infrastructure and Other Users</b> [APP-130], potential effects during the construction, operation and decommissioning phases of the Projects have been assessed together in this chapter. This is because the effects would occur at a similar magnitude across each phase of the Projects lifespan, with the sensitivity of each receptor remaining the same also.
RR-007: 10	10. In the relevant section of Chapter 16 of the Environmental Statement that purports to consider wake loss, the worst-case scenario is assumed as being accidental damage to a subsea cable resulting from the wind farm construction activities reducing the cable capacity or making the cable operation redundant. This may be a worst-case scenario for construction activities and the interaction with pipelines, but it is not a worst-case scenario for operational activities and is not relevant to the assessment of wake loss that the Applicant has recognised is to be assessed in the Environmental Statement.	The Applicants consider that damage to subsea cabling, reducing the cable capacity or making the cable operation redundant does represent the absolute worst case potential impact on other neighbouring wind farms such as Dogger Bank A, B and C. Please review the Applicants' response to RR-007: 08 regarding wake loss.
RR-007: 11	11. Paragraph 78 of Part 16.6.1 of Chapter 16 to the Environmental Statement purports to reach a conclusion in respect of the DBS East Project or DBS West Project in isolation. There is no evidence to support this conclusion in respect of wake loss or to allow the Secretary of State to reach a reasoned conclusion on this impact.	Please review the Applicants' response to RR-007:08.
RR-007: 12	12. Paragraph 79 of Part 16.6.1 of Chapter 16 to the Environmental Statement purports to reach a conclusion on all potential impacts on other wind farms in one paragraph. As above, there is no evidence to support this	Please review the Applicants' response to RR-007:08.

I.D.	Relevant Representation	Applicants' Comment
	conclusion in respect of wake loss or to allow the Secretary of State to reach a reasoned conclusion on this impact.	
RR-007: 13	<p>13. Paragraph 70 of Part 16.6.1 of Chapter 16 to the Environmental Statement notes that the DBS Projects have the potential to reduce the Annual Energy Production (AEP) of DBA (but is silent on DBB and DBC). Paragraph 70 then states that modelling has been undertaken which demonstrates, in the "worst-case scenario", that the overall AEP loss for DBA would be negligible when compared to the wind resource available. The Environmental Statement:</p> <p>(a) does not employ the methodology set out in the Environmental Statement to undertake this assessment;</p> <p>(b) does not identify what the worst-case scenario referred to within this purported assessment is, which is particularly relevant given the different "worst -case scenarios" used throughout Chapter 16;</p> <p>(c) does not set out the methodology or evidence which has been used to undertake this assessment;</p> <p>(d) does not report on the modelling or append the modelling to allow an informed reader to understand the modelling, reporting or outcomes; and (e) does not quantify the reduction in AEP to DBA as a result of the DBS Projects.</p>	<p>The methodology used to undertake the assessment presented in <b>Chapter 16 Infrastructure and Other Users</b> [APP-130] is presented in section 16.4 of the chapter, with clear definitions provided regarding the sensitivity, magnitude and significance of effects used in the assessment.</p> <p>As noted in the response to RR-007: 10, the Applicants consider that damage to subsea cabling, reducing the cable capacity or making the cable operation redundant does represent the absolute worst case potential impact on other neighbouring wind farms such as Dogger Bank A, B and C.</p>
RR-007: 14	14. This is important given that the justification for the DBS Projects is the potential generation of clean energy from offshore wind.	The Applicants acknowledge this comment.
RR-007: 15	15. The Application and the Environmental Statement does not purport to assess the wake loss impacts of the DBS Projects (alone or in isolation) in respect of DBB or DBC or contain any conclusions in respect of DBB or DBC.	Please review the Applicants' response to RR-007:08 regarding wake loss.
RR-007: 16	16. At this stage, the Projcos consider that the Applicant has failed to discharge its obligations pursuant to NPS EN-3 Paragraph 2.8.196 to 2.8.203.	Please review the Applicants' response to RR-007:08 regarding wake loss.
RR-007: 17	<p><u>CUMULATIVE EFFECTS</u></p> <p>17. In the cumulative effects section of Chapter 16 of the Environmental Statement, Table 16-13 correctly identifies that there is the potential for cumulative effects as a result of wake loss on existing offshore wind farms, such as wind wake/productivity losses. However, the assessment in Section 16.7.3 of the Environmental Statement does not consider wake loss or reach a reasoned conclusion on the impacts of wake loss/productivity losses. The purported conclusions in Section 16.7.3 of the Environmental Statement are based on assumed mitigation (being agreements being entered into) which are outside of the Applicant's control.</p>	<p>As the overall AEP loss for Dogger Bank A was determined to be negligible when compared to the wind resource available from the Projects alone in the assessment undertaken, there is no potential pathway for cumulative effect on wake loss between the Projects and other neighbouring wind farms.</p> <p>The conclusions reached in section 16.7.3 <b>Chapter 16 Infrastructure and Other Users</b> [APP-130] are based on crossing agreements being reached with any other developers' infrastructure for which the Projects may interact with. Such crossing agreements are standard across the renewables industry and can be reasonably assumed that such agreements will be made prior to the construction of the Projects, therefore resulting in the conclusions presented in the assessment.</p> <p>As noted in the response to RR-007: 24, the Applicants have been liaising with DBA Projco and DBB Projco's Land Manager since May 2023 to agree a form of Crossing Agreement to mitigate any impact to DBA or DBB export cables during construction, with this agreement being close to completion.</p>
RR-007: 18	18. In addition to the above, the Projcos have sought to obtain the relevant information to understand the impacts of the DBS Projects on DBA, DBB and DBC from the Applicant and have not been provided with this information. The Applicant has not entered into an agreement with the Projcos (the likes of which are assumed as mitigation to reduce impacts in the Applicant's Environmental Statement) to regulate such impacts.	Please review the Applicants' response to RR-007:08.

I.D.	Relevant Representation	Applicants' Comment
RR-007: 19	<p><u>PROXIMITY AGREEMENTS</u></p> <p>19. In addition to the above, the DBS Projects' order limits overlap with the order limits for the DBA/DBB DCO offshore and have the potential to interact with the DBA and DBB projects nearshore cables.</p>	<p>The Applicants acknowledge this comment.</p>
RR-007: 20	<p>20. As noted above, the Environmental Statement notes that the worst-case scenario during construction would be accidental damage to a subsea cable resulting from the wind farm construction activities reducing the cable capacity or making the cable operation redundant. The Environmental Statement identifies that proximity agreements are the required mitigation to regulate this impact.</p>	<p>The Applicants acknowledge this comment.</p>
RR-007: 21	<p>21. To date, proximity agreements have not been put in place with DBA Projco or DBB Projco to mitigate this risk.</p>	<p>The Applicants welcome further discussions on a form of Crossing and Proximity Agreement relating to offshore interactions and will engage with DBA and DBB Projco to discuss matters raised.</p>
RR-007: 22	<p><u>PROTECTIVE PROVISIONS</u></p> <p>22. In addition to the above, the DBS Projects' order limits overlap with the order limits for the DBA/DBB DCO onshore and the DBS Projects' onshore cables cross the export cable for DBA and DBB.</p>	<p>The Applicants acknowledge this comment.</p>
RR-007: 23	<p>23. Accidental damage to DBA or DBB's export cable resulting from this crossing could reduce the cable capacity or make the cable operation redundant. Adequate protective provisions are required as mitigation to regulate this impact.</p>	<p>The Applicants acknowledge this comment.</p>
RR-007: 24	<p>24. To date, adequate protective provisions for the benefit of DBA Projco and DBB Projco have not been put in place to mitigate this impact.</p>	<p>The Applicants have been liaising with DBA Projco and DBB Projco's Land Manager since May 2023 to agree a form of Crossing Agreement to mitigate any impact to DBA or DBB export cables during construction. This Agreement is close to completion and therefore the Applicants do not consider that additional Protective Provisions are required to mitigate the impact of the onshore crossing.</p>
RR-007: 25	<p><u>NEXT STEPS</u></p> <p>25. The Projcos request that the Applicant engage with the Projcos and provides the necessary information to allow the Projcos to understand the implications of the DBS Projects on DBA, DBB and DBC in respect of wake loss.</p>	<p>The Applicants have already provided an assessment of wake loss as outlined in RR-007: 08 and do not consider it necessary to provide further assessment of wake loss for the Projects.</p>
RR-007: 26	<p>26. The Projcos expect individual agreements to be put in place between the Applicant and DBA Projco, DBB Projco and DBC Projco to regulate the interaction between the DBS Projects and the respective Projcos' project in respect of wake loss.</p>	<p>The Projects do not consider the need for individual agreements necessary for the Dogger Bank A, Dogger Bank B and Dogger Bank C projects as the conclusion of the assessment undertaken is that wake effects upon the most proximal development at Dogger Bank A have concluded to be negligible.</p>
RR-007: 27	<p>27. DBA Projco and DBB Projco expect individual proximity agreements to be put in place between the Applicant and the relevant Projco to regulate the interaction between the DBS Projects and the respective Projcos' project in respect of the order limit interaction in the nearshore environment.</p>	<p>The Applicants acknowledge this comment and welcome discussions on a form of Crossing and Proximity Agreement.</p>
RR-007: 28	<p>28. DBA Projco and DBB Projco expect protective provisions to be put in place between the Applicant and the relevant Projco to regulate the onshore crossing of the DBA and DBB export cable by the DBS Projects' onshore cables.</p>	<p>A Crossing Agreement has been substantially agreed between parties and is expected to complete shortly.</p> <p>Please see the response to RR-007:24.</p>

## 6.4 Dentons UK and Middle East LLP on behalf of Network Rail Infrastructure Limited

Table 6.4.1 – Applicants’ response to Dentons UK and Middle East LLP on behalf of Network Rail Infrastructure Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-010: 1.1	1.1 This written representation is submitted on behalf of Network Rail Infrastructure Limited (Network Rail) in response to the application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (RWE) for the Dogger Bank South East and West Offshore Wind Farms Development Consent Order (the DCO).	No response is required.
RR-010: 1.2	1.2 The Book of Reference identifies Network Rail: - As having rights, released by a Deed dated 12 September 1995. Also in respect of rights released relating to a level crossing listed in a Deed of Release dated 27 February 2019) over plot 13-010, described as 47466 square metres of agricultural land, hedgerows, drains and access tracks (Molescroft Grange Farm, east of Grange Way, A1035). - As the freehold owner of plot 13-014, described as " 1604 square metres of railway track and verges (east of Carr Road)". The proposed onshore (underground) cable route, forming part of the authorised development described in Schedule 1 to the DCO, will, if authorised, cross under Network Rail's operational infrastructure in this location. - As having rights (in respect of rights to access a level crossing contained in a Deed of Release dated 12 September 1995, over plot 13-015, described as 11442 square metres of agricultural land and pond (north of Carr Road). - As having rights, in respect of rights released by a Deed dated 12 September 1995. Also in respect of rights released relating to a level crossing listed in a Deed of Release dated 27 February 2019 over plot 13-017, described as 59747 square metres of agricultural land and drains (north of Carr Road). - As having rights, in respect of rights released by a Deed dated 12 September 1995. Also in respect of rights released relating to a level crossing listed in a Deed of Release dated 27 February 2019, over plot 14-001, described as 21440 square metres of agricultural land (north of Carr Road, Molescroft and north of Ings Road). - As having rights, (in respect of rights to access a level crossing contained in a Deed of Release dated 12 September 1995, over plot 14-002, described as 13 square metres of public road and verge (Carr Road). - As having rights, (in respect of rights released by a Deed dated 12 September 1995. Also in respect of rights released relating to a level crossing listed in a Deed of Release dated 27 February 2019), over plot 15-006, described as 30513 square metres of agricultural land (Molescroft Grange Farm, south of Malton Road, A1035).	No response is required.
RR-010: 1.3	1.3 The proposed onshore cable route would start from Skipsea to Beverley and consists of two options for both HVDC (up to 525kV) and HVAC (275kV) cabling. Onward cabling from the onshore high voltage alternating current, substations will be returning at 400kV to a new National Grid substation at Creyke Beck. The proposed route will cross under the railway twice to the north of Grange Way, Molescroft. The Applicant states the requirement for two crossings is necessary to enable space to undertake horizontal directional drilling due to the existing constraints.	No response is required.
RR-010: 1.4	1.4 The DCO includes the power to compulsory acquire the Rights (by the creation of New Rights) (as defined in the Book of Reference) over Plots 13-014,13-015,13-017 and 15-006 as set out in Schedule 7 of the draft DCO.	No response is required.
RR-010: 1.5	1.5 Network Rail objects to any compulsory acquisition of rights over operational railway land and objects to the seeking of powers to carry out works in the vicinity of the operational railway until relevant agreements have been entered into by RWE to ensure that Network Rail's interests as operator of the national rail network are properly protected and that Network Rail's ability to carry out its obligations as a statutory rail undertaker are not affected by the DCO	Draft Protective Provisions for the benefit of Network Rail are included in Part 5 to Schedule 15 of the <b>Draft Development Consent Order</b> (Draft DCO) [APP-027], and the Applicants considers that these contain adequate protections for Network Rail relating to "railway property".  The Applicants have been engaging with Network Rail throughout the pre-application stages of the Projects and agreed Heads of Terms with Network Rail in August 2024 for property rights required for the Projects to cross Network Rail's property.

I.D.	Relevant Representation	Applicants' Comment
		Negotiations are ongoing to agree an Option for Easement to provide property rights for the Projects with solicitors instructed.
RR-010: 1.6	1.6 Network Rail welcomes the inclusion of its protective provision in its favour in the submission draft of the DCO. However, the protective provisions included in the draft order are not the agreed version or Network Rail's standard protective provision. To ensure the safe and efficient operation of the railway network, it is essential that the development proceeds in consultation and agreement with Network Rail and that the form of the protective provisions annexed to these written representations is included in the final form of the Order instead.	<p>The Applicants are continuing to actively engage with Network Rail on the form of Protective Provisions. Draft protective provisions are included in Part 5 to Schedule 15 of the <b>Draft DCO</b> [APP-027], and the Applicants consider that these contain adequate protections for Network Rail relating to the safe and efficient operation of the railway network. In particular paragraph 5 of the draft Protective Provisions requires that the Applicants must seek Network Rail's approval before carrying out any 'specified work'.</p> <p>As a result, the Applicants consider that this would ensure that the development proceeds in consultation with Network Rail to ensure the safe operation of their undertaking. The Protective Provisions included in Part 5 to Schedule 15 of the <b>Draft DCO</b> [APP-027] have also been drafted having careful regard to other recent, relevant precedents.</p> <p>The Applicants therefore considers the Protective Provisions contained within the <b>Draft DCO</b> [APP-027] to be adequate and appropriate and does not consider it necessary to incorporate Network Rail's standard form. However, the parties are engaged in discussions as to the terms of a voluntary agreement as set out above and in this context, any additions or alterations that may be necessary to the Protective Provisions can be discussed between the parties.</p>
RR-010: 1.7	1.7 Network Rail is continuing to discuss with RWE arrangements to ensure that the proposed development can be carried out while safeguarding Network Rail's undertaking. Any agreed arrangements are subject to the outcome of Network Rail's internal clearance process which is detailed in section 3 below.	The Applicants were granted business and technical clearance by Network Rail in July 2023.
RR-010: 1.8	1.8 In order to ensure that interests are protected, Network Rail requests the examining authority recommend the attached form of protective provisions is included as Part 5 of Schedule 15 to the DCO.	Please see response to RR-010: 1.6.
RR-010: 2.1	2 The Status of Network Rail 2.1 Network Rail owns, operates and maintains the railway infrastructure of Great Britain. Network Rail operate the railway infrastructure pursuant to a network licence (the Network Licence) granted under section 8 of the Railways Act 1993. The Network Licence contains a set of conditions under which Network Rail must operate. Network Rail's duties under the Network Licence are enforceable by the Office of Rail Regulation (ORR).	The Applicants acknowledge this comment.
RR-010: 2.2	2.2 Under the terms of the Network Licence, Network Rail is under a duty to secure the operation, maintenance, renewal and enhancement of the network in order to satisfy the reasonable requirements of customers and funders. If the ORR were to find Network Rail in breach of its Licence obligations, including this core duty, then enforcement action could be taken against Network Rail.	The Applicants acknowledge this comment.
RR-010: 2.3	2.3 Network Rail considers there is no compelling case in the public interest for the compulsory acquisition of rights over its land and RWE should negotiate matters by private agreement to secure the necessary powers by consent.	<p>The Applicants are in discussions with Network Rail to agree an Option for Easement.</p> <p>The Applicants acknowledge Network Rail's comment but consider that in the absence of a private agreement, the powers sought are necessary for the delivery of the Proposed Development and that the powers sought could be exercised without serious detriment to the carrying out of Network Rail's undertaking with the inclusion</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>of Protective Provisions for the benefit of Network Rail included at Part 5, Schedule 15 of the <b>Draft DCO</b> [APP-027].</p> <p>The Applicants consider that Network Rail's operational undertaking would not be adversely affected by the use of compulsory acquisition of rights over its land as powers are not being sought to acquire a freehold interest in Network Rail's property. Through the Protective Provisions included at Part 5, Schedule 15 of the <b>Draft DCO</b> [APP-027] Network Rail will benefit from adequate protections including an ability to approve plans in relation to works in the vicinity of railway property.</p> <p>The Applicants have demonstrated in the <b>Statement of Reasons</b> [APP-030] that there is a compelling case in the public interest for the compulsory acquisition of all land and rights sought through the DCO.</p>
RR-010: 3.1	3 Network Rail Clearance 3.1 Clearance is a two-stage process by which Network Rail's technical and asset protection engineers review a proposal before clearance can be granted for a proposal to proceed. Clearance may be granted to subject to conditions and requirements.	The Applicants were granted business and technical clearance by Network Rail in July 2023.
RR-010: 3.2	3.2 Network Rail has applied for clearance, which has been processed. The clearances were granted subject to conditions, which RWE have been notified of.	The Applicants acknowledge this comment.
RR-010: 4.1	4 Powers sought by RWE and the impact on Network Rail 4.1 The draft Order seeks powers to compulsorily acquire new rights or temporary possession over plots 13-014,13-015,13-017 and 15-006 which are plots of land either owned by Network Rail for the purpose of its statutory undertaking and is used for that purpose or where Network Rail have rights.	No response is required.
RR-010: 4.2	4.2 Network Rail does not consider that the scope of those rights is acceptable without the relevant agreements in place. Even if the impact of the physical works is considered acceptable, the rights sought are very wide-ranging and exercisable over the entirety of the aforementioned plots.	The Applicants consider that the powers sought are necessary for the delivery of the Proposed Development and that the powers sought could be exercised without serious detriment to the carrying out of Network Rail's undertaking with the inclusion of Protective Provision for the benefit of Network Rail included at Part 5, Schedule 15 of the <b>Draft DCO</b> [APP-027].
RR-010: 4.3	4.3 Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that the acquisition of New Rights can be exercised without detriment to the carrying on of Network Rail's undertaking, nor can any detriment to the carrying on of the undertaking, in consequence of the acquisition of the rights, be made good by the use of other land belonging to, or available for acquisition by, Network Rail.	Please see response to RR-010: 2.3.
RR-010: 4.4	4.4 Network Rail is also concerned that Article 5(8)(e) of the draft DCO enables the benefit of the provisions of the Order to be transferred or leased to any person without the approval of the Secretary of State where the timeframe for all compensation claims has passed and all claims have been settled. After that point the benefit of the powers could be transferred without any scrutiny of the standing of the transferee by Secretary of State. However, that overlooks that there are provisions in the DCO and Network Rail's protective provisions (including article 4 (maintenance of the authorised development) of the DCO, and indemnity provisions in the protective provisions for which there is an on-going liability. Network Rail request that Article 5(8)(e) is deleted.	<p>The Protective Provisions included in Part 5 to Schedule 15 of the <b>Draft DCO</b> [APP-027] will remain in place where any such transfer occurs. These will need to be complied with irrespective of the person who has the benefit of the Order. If required Network Rail will be able take any necessary action to enforce those terms.</p> <p>Furthermore, the Applicants do not consider that the Secretary of State's lack of scrutiny of the standing of the transferee is a material consideration in this context. The operation of the Projects will require a person with a licence under the Electricity Act 1989. The process to obtain a licence ensures the recipient is fit and proper to operate the Projects and places certain obligations on them in that respect. It follows that Network Rail's concerns in this respect does not arise.</p>

I.D.	Relevant Representation	Applicants' Comment
		The Applicants do not consider that the point made by Network Rail justifies the deletion of Article 5(8)(e) which is an appropriate provision to include in the Order to allow for the transfer of the benefit of the Order where the timeframe for compensation claims has passed.
RR-010: 5.1	5 Protective Provisions 5.1 Network Rail engaged with RWE prior to submission of the Order regarding Network Rail's required form of protective provisions. These were shared with RWE's legal representatives on 4 March 2024.	No response is required.
RR-010: 5.2	5.2 RWE have included an amended version of Network Rail's protective provisions in the draft DCO, which have not been agreed.	The Applicants and Network Rail are discussing the form of Protective Provisions.
RR-010: 5.3	5.3 In order to properly protect its undertaking Network Rail requires its standard form of protective provisions to be included in the final form of the Order	The Applicants and Network Rail are discussing the form of Protective Provisions.
RR-010: 6.1	6 Conclusion 6.1 Network Rail is liaising closely with RWE and is willing to enter into private agreements to govern the carrying out of the proposed works.	The Applicants and Network Rail are engaged and continuing to discuss the form of Protective Provisions and Option for Easement.
RR-010: 6.2	6.2 The discussions relate to the following documents: (a) Network Rail's standard protective provisions for inclusion in the DCO; (b) a property agreement (easement) to govern the installation, operation and maintenance of the cable (subject to Network Rail's asset protection process); and (c) a framework agreement that describes and attaches the documents referred to above, the protective provisions, clearance conditions and any necessary basic asset protection agreement, asset protection agreement or other engineering documents required for the benefit and protection of Network Rail's assets.	The Applicants acknowledge this comment and will continue to discuss these documents with Network Rail.
RR-010: 6.3	6.3 Without those agreements and satisfactory protective provisions being in place Network Rail considers the proposed development, if carried out in relation to the aforementioned plots, would have serious detrimental impact on the operation of the railway and would prevent Network Rail from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, Network Rail is unable to withdraw its objection to the DCO.	The Applicants consider that the powers sought could be exercised without serious detriment to the carrying out of Network Rail's undertaking with the inclusion of Protective Provisions for the benefit of Network Rail included at Part 5, Schedule 15 of the <b>Draft DCO</b> [APP-027]. Please see response to RR-010: 1.6.
RR-010: 6.4	6.4 In the event, that insufficient progress is made regarding the protective provisions and private agreements, Network Rail would like to reserve its position to request to be heard in an appropriate hearing to explain the impact of the proposals on its railway undertaking. Dentons UK and Middle East LLP 6 September 2024	No response is required.

## 6.5 Dogger Bank Offshore Wind Farm Project 4 Projco Limited (Dogger Bank D)

Table 6.5.1 – Applicants' response to Dogger Bank Offshore Wind Farm Project 4 Projco Limited (Dogger Bank D) relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-011: 1	Dogger Bank D response to DBS application for development consent  We are writing to you regarding the application for development consent submitted for the Dogger Bank South Offshore Wind Farms (DBS) by RWE Renewables UK Ltd.	The Applicants acknowledge these comments.

I.D.	Relevant Representation	Applicants' Comment
	<p>Dogger Bank D (DBD) wish to register as an Interested Party in the Development Consent Order Examination for the Dogger Bank South Offshore Wind Farms (DBS) for the following reasons:</p> <p>DBD is an Offshore Wind Farm being developed as a 50 / 50 joint venture between SSE Renewables and Equinor. Dogger Bank D is a new development phase of the Dogger Bank Wind Farm with an installed capacity exceeding 100MW. As such Dogger Bank D is classified as a Nationally Significant Infrastructure Project (NSIP) and will be applying for a Development Consent Order under the Planning Act 2008.</p> <p>Through the National Grid Electrical Systems Operator's (ESO's) Holistic Network Design (HND) process, DBD will connect the renewable energy generated to a new substation at Birkhill Wood between Beverley and Cottingham in the East Riding of Yorkshire. This substation is being developed by National Grid Electricity Transmission (NGET) and does not form part of our proposals for DBD.</p> <p>Birkhill Wood Substation is also the grid connection location for DBS. Therefore, the two projects have a shared interest in terms of their transmission assets connection into Birkhill Wood.</p> <p>DBD is currently in the pre-application stage for a Development Consent Order (DCO). A Scoping Report, for Dogger Bank D was submitted in June 2024 and a Scoping Opinion received from the Planning Inspectorate in August 2024. An informal consultation on the Project proposals will commence on 10th September 2024 closing on 22nd October 2024. DBD will issue information to DBS and welcome comments on our proposals.</p> <p>DBD is supportive of the DBS development recognising the substantial benefits to energy security and renewable energy generation to aid the transition to Net Zero and helping the UK reduce exposure to volatile fossil fuel markets, in line with Government policy. DBD wishes to register as an Interested Party to participate in the DBS Examination as necessary to support the Examination in particular relating to issues which DBD and DBS share in common including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Cumulative Effects;</li> <li>2. Coordination; and</li> <li>3. Compensation (Habitats Regulations).</li> </ol>	
RR-011: 2	<p><u>Cumulative Effects</u></p> <p>The requirement to consider cumulative effects is set out in National Policy with paragraph 4.2.5 of NPS-1 (Overarching NPS for Energy). For the purposes of the Planning inspectorate's Advice Note Seventeen (Cumulative effects assessment relevant to nationally significant infrastructure projects), 'other existing development and/or approved development' is taken to include existing developments and existing plans and projects that are 'reasonably foreseeable'.</p> <p>DBD has been in active development since February 2023 and submitted a Scoping Report in 2023 to the Planning Inspectorate with a revised version Scoping Report being submitted in 2024. At the time of submission of the DBS Environmental Statement (ES), the revised 2024 DBD Scoping Report was not in the public domain but this was published later on 24 June 2024, detailing further information as a result of ongoing project refinement which may have cumulative impacts on DBS that require consideration. Additionally, as a coordinated Project in accordance with the National Grid Electricity System Operator's (ESO's) evolving Holistic Network Design (HND), DBD is identified as having a radial link from the array to Birkhill Wood Substation. This outcome was published by the ESO in February 2024 as "HND Impact Assessment – South Cluster Outcome Summary".</p>	The Applicants acknowledge this comment.



I.D.	Relevant Representation	Applicants' Comment
	<p>DBD is pleased to note that whilst the specific details of DBD may not have been known by DBS, DBS did include DBD in their cumulative assessment considerations but expects there to be some discussion in Examination relating to the following matters which may benefit from DBD's input and participation:</p>	
RR-011: 3	<p><u>Offshore Cumulative Effects</u></p> <p>At the time of writing, DBD has an estimated construction timeframe of 2029-2035. Due to the potential overlap in construction period between the two projects, cumulative effects between DBS and DBD should be considered.</p> <ul style="list-style-type: none"> <li>• Benthic and Intertidal Ecology and Marine Physical Environment - Much of the DBD and DBS cable corridors run within 14km of each other, with two potential areas of overlap.</li> <li>• Commercial Fisheries</li> <li>• Infrastructure and Other Users.</li> <li>• Offshore Archaeology – There exists overlap in the DBS Export Cable Corridor and the DBD Export Cable Corridor.</li> <li>• Shipping and Navigation - The array area of DBS (West) is approximately 18km from the DBD Export Cable Corridor at the nearest point.</li> <li>• Offshore Archaeology – There exists overlap in the DBS Export Cable Corridor and the DBD Export Cable Corridor.</li> </ul>	<p>The Applicants acknowledge this comment.</p>
RR-011: 4	<p><u>Onshore Cumulative Effects</u></p> <p>As noted above, the DBS application was submitted prior to the 2024 DBD Scoping Report submission. The Onshore Cumulative Effects assessment chapter includes reference to DBD and potential overlapping construction timescales (as noted above). As per the 2024 DBD Scoping Report, the Onshore Scoping Boundary overlaps with the DBS Order Limits. DBD's Onshore Development Area for PEIR is being progressed and has been shared with DBS as part of consultation (meeting held on 25th July 2024), including presenting the areas of overlap and/or close proximity between the proposed boundaries. The DBD PEIR and ES will include consideration of the cumulative effects associated with DBS, where appropriate.</p>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants have met with Dogger Bank D (DBD) representatives on 25<sup>th</sup> July 2024 and 19<sup>th</sup> September 2024 to discuss interactions between the DBD and DBS Projects, including overlap of onshore development boundaries.</p>
RR-011: 5	<p><u>Coordination</u></p> <p>Section 4.4.1 of the Planning Statement (APP-226) sets out the relevant National Policy Statements (NPSs), namely the 'Energy NPSs':</p> <ul style="list-style-type: none"> <li>• The Overarching NPS for Energy (EN-1);</li> <li>• The National Policy Statement for Renewable Energy Infrastructure (EN-3); and</li> <li>• National Policy Statement for Electricity Networks Infrastructure (EN-5).</li> </ul> <p>All three of these NPSs came in to force on 17th January 2024. Unlike earlier iterations of the NPSs the latest versions have a focus on offshore-onshore transmission infrastructure associated with offshore wind farms, whereby a coordinated approach is expected for regions with multiple wind farms or offshore transmission projects, including interconnectors, multi-purpose interconnectors (MPI) and bootstraps, which are in proximity to one another and whose designs are being concurrently progressed or are expected to come forward in the near future.</p> <p>We note that an indicative DBD construction programme is presented in Section 3.5 of the 2024 DBD Scoping Report.</p> <p>Early discussions between DBS and DBD are underway and we would be looking to further progress these discussions with DBS to identify opportunities to minimise the impacts on the local communities and the</p>	<p>The Applicants acknowledge these comments and will continue to work closely with the DBD project team to engage and coordinate on interactions and/or impacts.</p> <p>The Applicants have already shared a range of baseline environmental data with DBD team including ecological and archaeological data.</p> <p>Conversations are ongoing regarding other areas in which the two projects can potentially co-ordinate.</p> <p>These matters were discussed at the DBD / DBS co-ordination meetings of 25<sup>th</sup> July 2024 and 19<sup>th</sup> September 2024.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>environment as far as practicable from both projects. DBD looks forward to further discussion on coordination with DBS specifically in relation to Export Cable Corridor refinement in the spatially constrained inshore/nearshore area. Additionally, onshore there are further areas where the proposed</p> <p>DBD onshore Export Cable Corridor is in close proximity to or crosses the DBS onshore Export Cable Corridor, and these areas are where we consider ongoing dialogue to be very beneficial and we will continue to discuss co-ordination where appropriate. An ability to optimise routing where there is overlap between the Export Cable Corridors of DBD and DBS will be explored.</p>	
RR-011: 6	<p><u>Derogation/Compensation Comments</u></p> <p>Dogger Bank South's Project-Level Kittiwake Compensation Plan (APP-052, APP-053, AP-054 and APP-055):</p> <ul style="list-style-type: none"> <li>DBD is progressing site selection to support the Project's project-led Artificial Nesting Structure (ANS) proposal. Acknowledging there are several projects coming forward with ANS proposals within the same region, broadening the discussions, would offer a more strategic approach and would support Defra's ambition<sup>1</sup> for 'developers to work collaboratively to ensure larger (and likely, fewer) towers are placed in optimal sites within English Waters'.</li> </ul> <p>Dogger Bank South Guillemot and Razorbill Compensation Plan (Application Reference 6.2.2):</p> <ul style="list-style-type: none"> <li>DBD is progressing screening of potential predator control/eradication sites suitable to compensate for the range of impacts being discussed for DBD. With potential for overlap in outcomes of each developer's respective site selection processes, DBD would welcome the opportunity to support the Examination in relation to viable options for collaborative delivery. Particularly where for example, shortlisted sites have the potential to deliver at a scale that could compensate for multiple projects, or where better ecological outcomes can be achieved from a collaborative approach at any given site.</li> </ul> <p>Dogger Bank South Project Level Dogger Bank Compensation Plan (Application Reference 6.2.3):</p> <p>Given the sensitivity of Dogger Bank and geographical proximity of DBD and DBS this may be an area in which DBD can support during the Examination, noting the need for any strategic benthic compensation to take account of the needs of both DBD and DBS.</p>	<p>The Applicants acknowledge these comments and confirms that it is discussing opportunities to collaborate with DBD. The Applicants welcome further discussions with DBD and will continue to engage on matters raised.</p>
RR-011: 7	<p><u>Summary</u></p> <p>Both DBD and DBS are projects brought forward in the framework of HND which may be constructed consecutively or in overlapping windows of time and connecting to the same substation site. As such, DBD wishes to register to take part in the Examination into the DBS proposal to focus on Cumulative effects, Coordination and Compensation (Habitats Regulations).</p>	<p>The Applicants acknowledge this comment.</p>

## 6.6 EGL2 Ltd

Table 6.6.1 – Applicants’ response to EGL2 Ltd relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-014	Eastern Green Link 2 (EGL2) is a 2GW HVDC link to be installed between Peterhead in Scotland and Drax in England. The EGL2 link comes into proximity with (but does not cross) the Dogger Bank South export cable. EGL2 and Dogger Bank South project teams have established good communication links thus far, and will continue to do so as both projects progress.	The Applicants acknowledge this comment. The Applicants have met with the Eastern Green Link 2 (EGL2) team throughout the pre-application stages of the Projects to share updates to design and will continue to work closely with the EGL2 team as the respective projects progress.

## 6.7 Equinor New Energy Limited on behalf of Scira Extension Limited and Dudgeon Extension Limited

Table 6.7.1 – Applicants’ response to Equinor New Energy Limited on behalf of Scira Extension Limited and Dudgeon Extension Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-016: 1	RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd ("the Applicant") are developing the Dogger Bank South (DBS) West and DBS East Offshore Wind Farms ("the Projects"). This relevant representation is being made by Equinor New Energy Limited ("Equinor") on behalf of Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) regarding the application for development consent for the proposed Projects ("the Application"). SEL and DEL are the named undertakers of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (the "SEP and DEP DCO") and hold generation licences under the Electricity Act 1989. The SEP and DEP DCO grants development consent for two offshore wind farm projects under separate ownership, the Sheringham Shoal Extension Project (SEP) and the Dudgeon Extension Project (DEP). SEP will comprise up to 23 wind turbine generators (WTG) and up to one offshore substation platform. DEP will comprise up to 30 WTGs across two array areas, DEP North (DEP-N) and DEP South (DEP-S), and up to one offshore substation platform. The SEP, DEP-N and DEP-S array areas will be connected by interlink cables, with two offshore export cable circuits connecting the projects to the landfall in Weybourne, north Norfolk. Onshore infrastructure will connect the projects to the Norwich Main substation, south of Norwich. There is no overlap or close proximity between the order limits of the proposed Projects and the order limits of the SEP and DEP DCO.	The Applicants acknowledge Equinor New Energy Limited’s (“Equinor”) comments and welcome further engagement with Equinor in relation to the potential need for coordination of activities in the southern North Sea in relation to noise to ensure successful coexistence of the respective projects.
RR-016: 2	Equinor has reviewed the Applicant's assessment of the potential impacts on marine mammals in relation to underwater noise, in particular with regards to the potential in-combination impacts on the protected feature of the Southern North Sea SAC. Equinor notes that SEP and DEP have been considered in the in-combination assessment for noise in tables 8.45, 8.89, 8.125, 8.160 and 8.179 of the Report to Inform the Appropriate Assessment Part 3 of 4 Annex II Marine Mammals [document reference 6.1]. Equinor will continue to engage with the Applicant in relation to the potential need for coordination of activities in the southern North Sea in relation to noise, in particular UXO clearance and piling.	Please see the response to RR-016: 1.
RR-016: 3	Equinor reserves the right to make further representations on behalf of SEL and DEL as part of the examination process and in the meantime will continue to engage with the Applicant to ensure the successful coexistence of the respective projects.	The Applicants acknowledge this comment.

## 6.8 Fisher German LLP on behalf of National Gas Transmission

Table 6.8.1 – Applicants’ response to Fisher German LLP on behalf of National Gas Transmission relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-017: 1	Registered office Warwick Technology Park, Gallows Hill, Warwick CV34 6DA Registered in England and Wales No. 02006000 [REDACTED] Submitted via email to: DoggerBankSouth@planninginspectorate.gov.uk Date: 3rd September 2024 Relevant Representation of National Gas Transmission Limited in respect of the Dogger Bank South Offshore Wind Farms DCO (the “Project”) This relevant representation is submitted on behalf of National Gas Transmission (“NGT”) in respect of the Dogger Bank South Offshore Wind Farms DCO, and in particular NGT’s infrastructure and land which is within or in close proximity to the proposed Order Limits.	No response is required.
RR-017: 2	NGT will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. NGT’s rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGT’s interests in land or NGT’s apparatus, NGT will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below. NGT have infrastructure within the proposed Order Limits NGT owns or operates the following infrastructure within the proposed Order Limits for the Project: Dogger Bank South Offshore Wind Farms DCO The transmission pipelines form an essential part of the gas transmission network in England, Wales and Scotland: Transmission Pipelines: <ul style="list-style-type: none"> <li>● FM29 – Ganstead to Asselby</li> <li>● FMO6 – Burton Agnes to Paull</li> </ul>	The Applicants acknowledge this comment.
RR-017: 3	Protection of NGT Assets As a responsible statutory undertaker, NGT’s primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGT has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits. As noted, NGT’s rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.	The Applicants acknowledge this comment and has been engaged with National Gas Transmission (‘NGT’) throughout the pre-application stages of the Projects to discuss the potential impacts of the proposed development on existing gas apparatus. NGT has provided advice and guidance which has been considered and informed design refinement.
RR-017: 4	NGT will require protective provisions to be included within the draft Development Consent Order (the “Order”) for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. NGT is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required. NGT requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant’s works pursuant to the Order (if made) will ensure protection for those NGT assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow NGT to properly discharge its statutory obligations. NGT is therefore liaising with the Applicant with a view of securing the necessary amendments to the protective provisions, along with any supplementary agreements which may be required.	Protective Provisions for benefit of gas undertakers are included at Part 1, Schedule 15 to the <b>Draft Development Consent Order</b> [App-027]. The Applicants have been provided with NGT’s preferred form protective provisions for consideration and will continue to engage with NGT to reach agreement.
RR-017: 5	NGT would be pleased to provide the Examining Authority with a further update in this respect. In the absence of an agreed form of protective provisions containing all the necessary (and usual) safeguards, NGT must object to what would otherwise amount to an unfettered ability for the Applicant to exercise powers of compulsory acquisition and/or temporary possession in respect of NGT’s assets, land or rights over its land.	The Applicants acknowledge this comment.

I.D.	Relevant Representation	Applicants' Comment
	Next Steps NGT reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.	

## 6.9 Five Estuaries Offshore Wind Farm Ltd

Table 6.9.1 – Applicants' response to Five Estuaries Offshore Wind Farm Ltd relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-018	Five Estuaries Offshore Wind Farm has proposed, on a without prejudice basis, to use part of the Dogger Bank South kittiwake tower as a measure to compensate for impacts to kittiwake associated with the Flamborough and Filey Coast SPA. Dogger Bank South has provided Five Estuaries with a letter of intent confirming willingness to allocate nesting platforms to the project, in the event that the compensation measure is required (this letter has been submitted as part of the Five Estuaries application).	The Applicants acknowledge this comment regarding the onshore kittiwake tower in Gateshead. The Applicants would however like to stipulate for clarity of the Examination Authority that the Dogger Bank South onshore kittiwake tower near Gateshead does not form part of the development proposals outlined within the Development Consent Order application.

## 6.10 GTC Pipelines Ltd

Table 6.10.1 – Applicants' response to GTC Pipelines Ltd relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-020	I can confirm that GTC has no existing or planned utility assets within the onshore or offshore parts of the development area. This has been checked against the company asset map in correlation with the detailed maps provided in the letter sent to BUUK from DBS Offshore Wind. Therefore, I can confirm GTC has no objections to the works going ahead with this project.	The Applicants acknowledge this comment.

## 6.11 GTR<sub>4</sub> Limited (trading as Outer Dowsing Offshore Wind)

Table 6.11.1 – Applicants' response to GTR<sub>4</sub> Limited (trading as Outer Dowsing Offshore Wind) relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-021	GTR <sub>4</sub> Limited (trading as Outer Dowsing Offshore Wind) is formally registering as an interested party with a principle interest in the conclusions of the Habitats Regulations Assessment (HRA) and development of associated compensatory measures.	The Applicants acknowledge this comment.

## 6.12 Hornsea 1 Limited

Table 6.12.1 – Applicants’ response to Hornsea 1 Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-023	Hornsea 1 Limited wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to the proximity of the Dogger Bank South Offshore Wind Farms to the Hornsea One offshore wind farm owned and operated by Hornsea 1 Limited and the potential for cumulative effects. Hornsea 1 Limited may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.	The Applicants acknowledge this comment.

## 6.13 INEOS UK SNS Limited

Table 6.13.1 – Applicants’ response to INEOS UK SNS Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-025	INEOS UK SNS Limited is the operator and co-owner of the Cavendish field, which is located in UKCS Block 43/19a, ceased production in 2018 and is currently being decommissioned. Dana Petroleum (E&P) Limited is the other co-owner. This representation is made by INEOS UK SNS Limited on behalf of INEOS UK SNS Limited and Dana Petroleum (E&P) Limited in respect of the Cavendish field. The maps indicating the offshore locations of the Dogger Bank South East and Dogger Bank South West wind farms show that the intention is to construct these wind farms in an area which is proximate to the Cavendish methanol supply line and the Cavendish export pipeline, both of which have been flushed, disconnected and left in situ with the approval of the North Sea Transition Authority, and we urge the project to engage on agreeing appropriate co-location arrangements.	The Applicants acknowledge this comment and welcome further discussions with INEOS UK SNS Limited in relation to the interactions with identified pipelines. The Applicants will engage with INEOS UK SNS Limited to discuss matters raised.

## 6.14 INEOS UK SNS Limited on behalf of ONE-Dyas UK Limited

Table 6.14.1 – Applicants’ response to INEOS UK SNS Limited on behalf of ONE-Dyas UK Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-026	First representation: INEOS UK SNS Limited is the licence administrator and co-licensee of 2 licences in respect of UKCS Blocks 43/12a, 43/13b, 43/12b, 43/13c, 43/14b, 43/17a, 43/18a and 43/19d awarded as part of the 33rd Offshore Licensing Round by the North Sea Transition Authority (details of which can be found on the NSTA’s website under Tranche 3 awards). ONE-Dyas UK Limited is the other co-licensee. This representation is made by INEOS UK SNS Limited on behalf of itself and ONE-Dyas UK Limited in respect of those Blocks. The maps indicating the offshore locations of the Dogger Bank South East and Dogger Bank South West wind farms show that the intention is to construct these wind farms in an area which is proximate to the licence areas and we urge the project to engage on agreeing appropriate co-location arrangements.	The Applicants acknowledge this comment and welcome further discussions with INEOS UK SNS Limited.

## 6.15 Kellas North Sea 2 Limited

Table 6.15.1 – Applicants’ response to Kellas North Sea 2 Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-027	Kellas North Sea 2 Limited operates the Esmond to Trent Wye Manifold gas pipeline located in the area proposed for the DBS West and DBS East Export Cable Corridor. While the pipeline is not currently in use we are concerned that the development could have an adverse impact due to works related to cable lay causing disturbance to the pipeline.	The Applicants acknowledge this comment and will engage with Kellas North Sea 2 Limited to discuss concerns raised.

## 6.16 Lincs Wind Farm Limited

Table 6.16.1 – Applicants’ response to Lincs Wind Farm Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-020	Lincs Wind Farm Limited wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to impacts on benthic features of the Dogger Bank South Offshore Wind Farms in the proximity of the offshore wind farm owned by Lincs Wind Farm Limited and operated by Orsted Wind Power A/S and the potential for cumulative effects. Lincs Wind Farm Limited may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.	The Applicants acknowledge this comment.

## 6.17 National Grid Electricity Transmission plc

Table 6.17.1 – Applicants’ response to National Grid Electricity Transmission plc relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-035: 1	Relevant Representation of National Grid Electricity Transmission Plc in respect of the Dogger Bank South Offshore Wind Farms Development Consent Order (the “Order”) This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc (“NGET”) in respect of RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd’s (Applicant) application for the Order to enable the construction of the Dogger Bank South Offshore Wind Farm (Project), and in particular NGET’s existing and proposed infrastructure and land interests which will be located within and in close proximity to the proposed limits of the Order boundaries (Order Limits).	No response is required.
RR-035: 2	The Project proposes to construct two offshore wind farms and transport the power to onshore converter stations via high voltage cables, connecting to NGET’s proposed Birkhill Substation (as defined below). The Applicant is seeking temporary and permanent rights over several plots containing NGET existing infrastructure, including parcels 18-008, 18-009, 18-027, 18-054, 19-007, 20-004 of the Land Plans and referenced in the draft Order as Work Number 14A/B, 18A/B, 22A/B, 31A/B, 32B and 34A/B. NGET’s rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted.	No response is required.

I.D.	Relevant Representation	Applicants' Comment
RR-035: 3	Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection.	The Applicants acknowledge this comment.
RR-035: 4	<p>Further discussion and agreement with the Applicant is required in relation to the impact on its apparatus and rights. As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations. NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits. Additionally, NGET must protect its future proposed infrastructure. NGET will therefore require appropriate protection for retained or proposed apparatus, including compliance with relevant standards for works proposed within close proximity of its apparatus or proposed apparatus. Existing NGET infrastructure within/in close proximity to the Order Limits NGET owns and operates one 400kV overhead line that is located within and in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows:</p> <ul style="list-style-type: none"> <li>• 4ZR 400kV OHL – Creyke Beck - Thornton 1 - Creyke Beck - Thornton 2</li> <li>• Associated cable fibres Future NGET infrastructure within / in close proximity to the proposed Order limits: The proposed Order limits overlap with or are in close proximity land required for the following future NGET infrastructure which are required for future generation connections (subject to obtaining the necessary consents and land rights):</li> <li>• The extension of the existing Creyke Beck substation (Creyke Beck Substation Extension);</li> <li>• Construction of a new substation (known as Birkhill substation) to the north-west of the existing Creyke Beck substation (Birkhill Substation) including the construction of an access road from the existing Creyke Beck substation via the Birkhill Substation to the A1079 (Access Road); and</li> <li>• Construction of a new high voltage electricity transmission line between the Creyke Beck Substation Extension and a new substation a High Marnham in Nottinghamshire (known as the North Humber to High Marnham project) (NHHM Project).</li> </ul>	<p>The Applicants acknowledge these comments and note NGET's existing and future apparatus identified as being within or in close proximity to the Order limits of the Projects.</p> <p>Protective Provisions for benefit of electricity undertakers are included at Part 1, Schedule 15 to the <b>Draft Development Consent Order (DCO)</b> [APP-027].</p> <p>The Applicants continue to actively engage with NGET, holding regular meetings to discuss potential interactions with NGET proposed infrastructure and will continue to work with NGET on matters raised to agree a bespoke form of protective provisions for NGET.</p>
RR-035: 5	Creyke Beck Substation Extension and the Birkhill Substation projects The Creyke Beck Substation Extension and the Birkhill Substation projects are being developed in parallel. Both the Creyke Beck Substation Extension and the Birkhill Substation will facilitate connections of third-party customers to the electricity transmission network, including the Project which will connect into Birkhill Substation. The Project seeks the ability to compulsorily acquire rights over land within which Birkhill Substation will be constructed (to which the Project will connect) as well as over land on which the Access Road will be constructed. There may also be interactions between the NGET projects and the Project elsewhere which NGET is in the process of evaluating. The Project also seeks the ability to compulsorily acquire rights over land within which the proposed route for the NHHM Project may be constructed. The NHHM, Creyke Beck Substation Extension and the Birkhill Substation projects are currently in the process of non-statutory consultation. These proposals are part of NGET's Great Grid Upgrade – the largest overhaul of the grid in generations.	The Applicants acknowledge this comment.
RR-035: 6	NGET infrastructure projects across England and Wales are connecting additional renewable energy to homes and businesses and therefore NGET must ensure adequate protection for its future projects both in terms of protection for future assets and future land and rights for the delivery of these projects. Protection of NGET Assets In light of the above, NGET require protective provisions to be included within the DCO to ensure that its existing and future assets and interests are adequately protected, as well as to ensure compliance with relevant safety standards. The recently granted Awely Mor Development Consent Order (AYM DCO) provides a precedent for the protection of NGET future assets via protective provisions. The protective provisions secured in the AYM DCO ensured the protection of existing and future NGET infrastructure at the Bodelywddan substation. In that	<p>The Applicants have been engaged with NGET since 2023 to discuss the potential impacts to NGET existing apparatus, the details of which have been noted whilst developing design.</p> <p>The Applicants are in receipt of NGET's preferred form of Protective Provisions and these are currently being reviewed and considered by the Applicants.</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>case, NGET was bringing forward a project to upgrade the existing Bodelwyddan substation comprising extending the substation itself as well as associated overhead line works to the south of the existing substation to enable the connection of multiple projects in this location. The AYM DCO project was just one of the connecting projects and therefore specific protective provisions were included in the AYM DCO to avoid those future NGET works from being prejudiced by the AYM DCO project. As such, NGET will seek a form of protective provisions based on those included in the AYM DCO. NGET is liaising with the Applicant in relation to such protective provisions.</p>	<p>The Applicants will continue to liaise with the NGET in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p>
RR-035: 7	<p>Accordingly, NGET has not appended the version of the protective provisions it requires to be included in the Order to this Relevant Representation. However, NGET will submit these at Written Representation Stage, if not agreed between the parties by that point, with an explanation of any outstanding issues. NGET requests that the Applicant continues to engage with it in relation to how the Applicant's works pursuant to the Order (if made) will ensure protection for those proposed NGET assets, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations. NGET will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions. Compulsory Acquisition Powers in respect of the Project Where the Applicant seeks powers of compulsory acquisition over NGET land or rights, the Protective Provisions must require that the Applicant obtain NGET's consent to any compulsory acquisition of any such land or rights.</p>	<p>The Applicants acknowledge this comment and confirm that NGET's preferred form of Protective Provisions are in review. As stated above, the Applicants will continue to liaise with the NGET in respect of the Protective Provisions for the benefit of NGET with a view to resolving matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p>
RR-035: 8	<p>NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching an agreed position.</p>	<p>No response is required.</p>

## 6.18 National Grid Interconnector Holdings Limited

Table 6.18.1 – Applicants' response to National Grid Interconnector Holdings Limited relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-036	<p>National Grid Interconnector Holdings (NGIH) welcomes the opportunity to register to make a relevant representation about the Dogger Bank South Offshore Wind Farms (DBS) project. Background NGIH, as part of National Grid Ventures (NGV), has entered into a connection agreement with National Grid Electricity System Operator Limited (ESO) for a 1.8 GW interconnector connection, currently known as the Continental Link Offshore Hybrid Asset (OHA) ('Continental Link'). Continental Link is a proposed high voltage direct current (HVDC) electricity link between the British transmission system (connecting from Birkhill Wood substation) and that of a Nordic partner nation. NGIH are developing Continental Link to be capable of connecting offshore windfarm(s) to the National Transmission System (NTS) in each nation. NGIH are working alongside Dogger Bank D Wind Farm (DBD) to explore the potential to develop an Offshore Hybrid Asset (OHA). Sometimes referred to as a multipurpose interconnector, projects like these combine an electricity interconnector between the UK and another European country's electricity market, via offshore platforms, with an Offshore Wind Farm (OWF). Exploring the possibility of coordinating with a nearby OWF project to form a single connection point, as opposed to forming separate radial connections, will contribute to increasing the degree of consumer, environmental and community benefits. Developing OHAs will potentially enhance energy security in the UK, allow for export of power during periods of oversupply, reduce the overall impact to local communities by minimising the amount of</p>	<p>The Applicants acknowledge these comments and confirms that it is actively engaging with National Grid Interconnector Holdings (NGIH) in discussions in respect of interactions between respective projects.</p> <p>The Applicants note NGIH's request for further engagement and clarity regarding route alignments to help inform the Continental Link Siting and Routing process and is in contact with NGIH to make arrangements for further discussions on options for future coordination between project teams and to agree the form of Statement of Common Ground to be entered into between parties.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>infrastructure required, and reduce the UK's carbon emissions. Continental Link is in the pre-application stage of the Development Consent Order (DCO) process, with siting and routing well-progressed.</p> <p>NGIH have actively engaged with DBS's proposals, including submission of representations to DBS's Non-Statutory Consultation on 12 October 2022 and Supplementary Statutory Consultation on 15 September 2023, as well as two engagement workshops on 31 January and 14 February 2024. NGIH offers in-principle support for DBS's proposal, as a Critical National Priority (CNP) low-carbon infrastructure project supported by designated National Policy Statements (NPS). We further support DBS's proposed contribution to national renewable energy generation capacity, in line with UK government's Net Zero commitments. Issues and Impacts Continental Link and DBS are geographically proximate projects with significant interactions, particularly around the shared substation at Birkhill Wood.</p> <p>In light of these interactions, NGIH seek that DBS actively engage with NGIH to ensure that both projects can be delivered whilst maximising opportunities for coordination. In particular:</p> <ol style="list-style-type: none"> <li>1. NGIH support substation and cable routing options that would represent the most efficient use of land around Birkhill Wood substation with the smallest land take, such that both Continental Link and DBS could develop feasible routes connecting into Birkhill Wood substation. NGIH subsequently seek greater clarity and further engagement on detailed alignment options to inform Continental Link's Siting and Routing process; and</li> <li>2. NGIH seek ongoing engagement with the DBS project to explore options for coordination, and maintain dialogue throughout DBS' DCO progression, to maximise mutual benefits of progressing with two major infrastructure schemes in close proximity, and to limit potential cumulative impacts on local communities, stakeholders and the environment.</li> </ol> <p>Accordingly, NGIH request to establish a Statement of Common Ground (SoCG) and subsequently may seek to agree protective provisions within DBS' DCO schedules for shared elements (subject to ongoing discussions).</p>	

## 6.19 North Falls Offshore Wind Farm Limited (ENo10119)

Table 6.19.1 – Applicants' response to North Falls Offshore Wind Farm Limited (ENo10119) relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-040	<p>North Falls Offshore Wind Farm Limited (12435947) is the undertaker for the North Falls Offshore Wind Farm DCO [ PINS reference ENo10119]. North Falls Offshore Wind Farm Limited wishes to register as an Interested Party for the Dogger Bank South DCO Examination, as it may wish to participate in the Examination given the mutual interest in HRA compensation proposals.</p>	<p>The Applicants acknowledge this comment.</p>

## 6.20 Net Zero North Sea Storage (NZNSS)

Table 6.20.1 – Applicants’ response to Net Zero North Sea Storage (NZNSS) relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-042	<p>We write on behalf of Net Zero North Sea Storage Limited (NZNSS), who is a party to The Net Zero Teesside Order 2024 DCO. NZNSS will be developing the Northern Endurance Partnership (NEP) project which involves an onshore CO<sub>2</sub> gathering network, including CO<sub>2</sub> pipeline connections from industrial facilities on Teesside to transport the captured CO<sub>2</sub>, a CO<sub>2</sub> gathering/booster station to receive the captured CO<sub>2</sub> from the gathering network and the onshore and offshore CO<sub>2</sub> transport pipeline for transport of the captured CO<sub>2</sub> to a suitable offshore geological storage site in the North Sea. The offshore pipeline for the NEP project transports CO<sub>2</sub> from Teesside to the Endurance store in the North Sea. For these aspects of the project, the Storage Permit Application for CS001 and Offshore ESIA have been submitted and are in their final review stages. In addition, the PWA is in preparation.</p> <p>The Applicants Order Limits and Works Plans indicate that the proposed cable corridor for the scheme will cross the NEP CO<sub>2</sub> offshore pipeline. In addition, the southern routing of the cable corridor crosses the CS025 carbon storage licence where NEP are developing a further CO<sub>2</sub> store. NZNSS will require that appropriate protections are included within the Dogger Bank South Offshore Wind Farms DCO and therefore would like to register as an interested party for participation in Examination.</p>	<p>The Applicants acknowledge this comment and will engage further with Net Zero North Sea Storage Limited (NZNSS) to discuss matters raised.</p>

## 6.21 Orsted Hornsea Project Four Limited

Table 6.21.1 – Applicants’ response to Orsted Hornsea Project Four Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-044	<p>Orsted Hornsea Project Four Limited (“Orsted H<sub>4</sub>”) wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to the proximity of the Dogger Bank South Offshore Wind Farms to Hornsea Four and the potential for cumulative effects. Orsted H<sub>4</sub> may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.</p> <p>Given the proximity of the Dogger Bank South Offshore Wind Farms array to the Hornsea Four array, it is imperative that vessel access and related logistics to the Hornsea Four array is not adversely impacted. The Dogger Bank South Offshore Wind Farms application should also ensure that the Dogger Bank South projects do not result in displacement of fisheries and does not adversely impact Orsted H<sub>4</sub>’s established co-existence relationships with fishers. The Proposed Dogger Bank South projects cross Orsted H<sub>4</sub> offshore in proximity to the cable landfall. There are also interactions onshore, primarily associated with the Orsted H<sub>4</sub> onshore substation access, and cable crossings of said access road. Due to the potential for overlapping construction and operational activity both offshore and onshore, cooperation and coordination will be required. We are in active discussions with the Applicant to manage the interactions and crossings.</p> <p>Orsted H<sub>4</sub> notes that there is the potential for overlap of offshore construction activities between Dogger Bank South Offshore Wind Farms and Hornsea Four, and requests that the Dogger Bank South Offshore Wind Farms Applicant engages with them at the appropriate time and sufficiently in advance of construction, to ensure appropriate coordination of those activities particularly with regards to the Southern North Sea SAC and the site integrity plan. Orsted H<sub>4</sub> also notes that given the proximity of the Dogger Bank South Offshore Wind Farms</p>	<p>The Applicants acknowledge these comments and confirm that parties are actively engaged in discussions regarding ongoing cooperation relating to interactions between projects and the Applicants are working to reach agreement with Orsted Hornsea Project Four Limited on matters raised where applicable.</p> <p>In relation to interference with wind speed or wind direction, National Policy Statement EN-3 (paragraph 2.8.44) recognises that offshore wind development will occur in or close to areas where there is other offshore infrastructure.</p> <p>Hornsea Four is situated at a separation distance of ~41km from the Projects at the closest point. The project boundary requirements in The Crown Estate’s Round 4 Information Memorandum specified that no offshore wind projects could be located within 7.5 km of an existing offshore wind farm. In making this stipulation, The Crown Estate took account of minimising impacts on other licensed activities in reaching that conclusion. The Applicants note the separation of the DBS Projects from Hornsea Four greatly exceeds that 7.5km separation distance.</p> <p>Further, the Applicants note the findings of a recent report produced by Frazer Nash (2023). This report found that at separation distances of greater than 20km farm-to-farm wake loss effects were at, or below, 0.6% as a percentage of Gross Annual Energy Production.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>array to the Hornsea Four array (~4.1km), there is significant potential for the Dogger Bank South Offshore Wind Farms turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the Hornsea Four turbines.</p> <p>Further discussion on the potential for impact, including any necessary mitigations, is required between Orsted H4 and the Dogger Bank South Offshore Wind Farms Applicant. Orsted H4 is also an active member ensuring the co-existence of radar and offshore wind and would be appreciate being kept informed of any proposals by the Dogger Bank South Offshore Wind Farms Applicant in this regard.</p>	

## 6.22 Orsted Hornsea Project Three (UK) Limited

Table 6.22.1 – Applicants' response to Orsted Hornsea Project Three (UK) Limited relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-045	<p>Orsted Hornsea Project Three (UK) Limited ("Orsted H3") wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to the proximity of the Dogger Bank South Offshore Wind Farms to Hornsea Three and the potential for cumulative effects. Orsted H3 may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.</p> <p>Given the proximity of the Dogger Bank South Offshore Wind Farms array to the Hornsea Three array, it is imperative that vessel access and related logistics to the Hornsea Three array is not adversely impacted. The Dogger Bank South Offshore Wind Farms application should also ensure that the Dogger Bank South projects do not result in displacement of fisheries and does not adversely impact Orsted H3's established co-existence relationships with fishers. Orsted H3 notes that there is the potential for overlap of offshore construction activities between Dogger Bank South Offshore Wind Farms and Hornsea Three, and requests that the Dogger Bank South Offshore Wind Farms Applicant engages with them at the appropriate time and sufficiently in advance of construction, to ensure appropriate coordination of those activities particularly with regards to the Southern North Sea SAC and the site integrity plan.</p> <p>Orsted H3 also notes that given the proximity of the Dogger Bank South Offshore Wind Farms array to the Hornsea Three array (~4.5 km), there is significant potential for the Dogger Bank South Offshore Wind Farms turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the Hornsea Three turbines.</p> <p>Further discussion on the potential for impact, including any necessary mitigations, is required between Orsted H3 and the Dogger Bank South Offshore Wind Farms Applicant.</p>	<p>The Applicants acknowledge these comments and will engage with Orsted Hornsea Project Three (UK) Limited to discuss matters raised.</p> <p>In relation to interference with wind speed or wind direction, National Policy Statement EN-3 (paragraph 2.8.44) recognises that offshore wind development will occur in or close to areas where there is other offshore infrastructure.</p> <p>Hornsea Three is situated at a separation distance of ~4.5km from the Projects at the closest point. The project boundary requirements in The Crown Estate's Round 4 Information Memorandum specified that no offshore wind projects could be located within 7.5km of an existing offshore wind farm. In making this stipulation, The Crown Estate took account of minimising impacts on other licensed activities in reaching that conclusion. The Applicants note the separation of the DBS Projects from Hornsea Three greatly exceeds the 7.5km separation distance.</p> <p>Further, the Applicants note the findings of a recent report produced by Frazer Nash (2023). This report found that at separation distances of greater than 20km farm-to-farm wake loss effects were at, or below, 0.6% as a percentage of Gross Annual Energy Production.</p>

## 6.23 Race Bank Wind Farm Limited

Table 6.23.1 – Applicants’ response to Race Bank Wind Farm Limited relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-046	Race Bank Wind Farm Limited wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to impacts on benthic features of the Dogger Bank South Offshore Wind Farms in the proximity of the offshore wind farm owned by Race Bank Wind Farm Limited and operated by Orsted Wind Power A/S and the potential for cumulative effects. Race Bank Wind Farm Limited may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.	The Applicants acknowledge this comment.

## 6.24 Weightmans LLP on behalf of Northern Powergrid (Yorkshire) Plc

Table 6.24.1 – Applicants’ response to Weightmans LLP on behalf of Northern Powergrid (Yorkshire) Plc relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-055	<p>The following representations are submitted on behalf of Northern Powergrid (Yorkshire) Plc (‘Northern Powergrid’) as an electricity undertaker for the area within which the Dogger Bank South Offshore Wind Farms DCO Project is located:</p> <p>Northern Powergrid is in principle supportive of the Dogger Bank South Offshore Wind Farms DCO Project but has concerns relating to the impacts which the proposed scheme, particularly the Onshore infrastructure including the proposed export cables and onshore converter stations, will have on Northern Powergrid’s existing assets and any required improvement works. There is a significant amount of Northern Powergrid infrastructure within the red line boundary area of the Order and thus the Dogger Bank South Offshore Wind Farms DCO Project has a direct impact on Northern Powergrid’s existing critical national infrastructure which serves significant numbers of customers in the local and wider area.</p> <p>Northern Powergrid’s rights for these assets are essential in maintaining an uninterrupted power supply to the customers they serve. Northern Powergrid has a statutory duty to provide its customers with an uninterrupted supply of electricity and thus rightly raises concerns to any scheme that would result in a breach to its duty. The proposed development seeks to interfere with Northern Powergrid’s existing apparatus; there are many points at which the required infrastructure in the Onshore Development Area crosses NPG’s overhead lines and underground cables both of which are vital for Northern Powergrid’s existing operations. Northern Powergrid therefore reserves the right to review the position as the scheme progresses and protect its existing apparatus including with bespoke protective provisions in the Order, as at this stage, the specific details of the DCO infrastructure including the depth, diameter and respective easement strips are unknown.</p> <p>NPG’s existing apparatus may need to be diverted to accommodate the DCO project and therefore NPG requires bespoke protective provisions to protect its position and recover the costs of any required diversions.</p> <p>Northern Powergrid also has concerns over the currently proposed protective provisions contained within the draft Order as they do not take into account site specific issues and do not accord with Northern Powergrid’s standard protective provision requirements.</p> <p>The compulsory purchase powers incorporated into the DCO seeks to acquire land and interests which, if acquired, would adversely affect Northern Powergrid’s ability to use, access, maintain and where necessary</p>	<p>The Applicants acknowledge these comments.</p> <p>Discussion have been ongoing with Northern Powergrid (Yorkshire) Plc (‘NPG’) since April 2023 to review identified interactions and provide updated proposals throughout the development stages of the Projects. Asset protection advice and guidance has been considered by the Projects’ team during design refinement.</p> <p>Protective Provisions for benefit of electricity undertakers are included at Part 1, Schedule 15 to the <b>Draft Development Consent Order</b> [App-027].</p> <p>The Applicants have been provided with NPG’s preferred form of Protective Provisions and negotiations are ongoing. The Applicants will continue to work with NPG to reach agreement.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>upgrade its equipment. It is not necessary to acquire these interests where an agreement between the parties would be more appropriate.</p> <p>Northern Powergrid has discussed some of its concerns with RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South East Ltd ('the Applicant') and the parties are working closely to reduce the project's impacts on Northern Powergrid's apparatus and agree bespoke protective provisions within the draft Order. Northern Powergrid is keen to keep an open dialogue with the Applicant and to engage with the Applicant's legal representative to agree appropriate amendments to the protective provisions.</p>	

## 6.25 Westermost Rough Limited

Table 6.25.1 – Applicants' response to Westermost Rough Limited plc relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-056	<p>Westermost Rough Limited wishes to register as an Interested Party in relation to the Dogger Bank South Offshore Wind Farms DCO application due to the proximity of the Dogger Bank South Offshore Wind Farms to the Westermost Rough offshore wind farm (owned by WMR JV Investco Limited and Orsted Westermost Rough Limited and operated by Orsted Power (UK) Limited) and the potential for cumulative effects. Westermost Rough Limited may wish to submit further written representations at examination stage, respond to any questions from the Examining Authority and/or comment on responses submitted by the Applicant or others.</p>	<p>The Applicants acknowledge this comment.</p>

## 7 Responses to Public Relevant Representations

11. The Applicants' responses to relevant representations received from members of the public are provided in this section.

## 7.1 Dawn Bache

Table 7.1.1 – Applicants’ response to Dawn Bache relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-060	<p>As a resident of [REDACTED] I have found that my house and land is in the scoping area of the onshore development of two converter stations and the underground electric cabling. At the present time full information in regards to the route of the electric cabling is not in the public domain. Consequently, it is difficult to comment on the impact of these two converter stations and the electrical cable routes, when no definite plans have been revealed to the public. However, from Information given to me from Dalcour Maclaren, I understand that a high power electric cable may travel through my garden land, despite there being agricultural land nearby.</p> <p>A non-intrusive ecological survey has been taken; however, I do not have access to the results and equally I do not know if my garden land, which is a valuable natural habitat, which supports barn owls, bats and other wildlife will be destroyed together with the felling of an old apple orchard and hedges together with the removal of fences. The environmental impact on this land would be devastating together with the disruption of the machinery used to clear land and dig channels. The time taken to undertake this work would also result in noise and dust over a period of time and consequently the barn owls and bats, which hunt on this land may be frightened from continuing to roost in this location. The cables would also be relatively close to my house, which on a health level is disturbing. However, without access to maps and plans of a definite electrical cable route through my land or in the Bentley location, I am unable to comment or fully understand the implications, which I may or may not have to face in the future.</p> <p>The opportunity to have a say at the present time is not realistic when all of the information for the Dogger Bank D onshore converter station development in Bentley is not in the public domain.</p> <p>I was given reassurance by the senior surveyor for Dalcour Maclaren in a series of emails that that it is highly likely that the cabling route will be changed from passing through my land, due to the reasons given above and will be more likely to go through the agricultural land on the other side of my boundary of trees and old hawthorn hedges. However, this has not been confirmed and I am anxious to see the outcome of the electrical cable route when the maps of a potential route have been revealed to the public.</p> <p>My house also looks out onto the agricultural land where the two converter stations are planned to be built. It is disappointing that a small area of land on the outskirts of Beverley has been chosen, which will destroy what was once a historic deer park and where deer still use as their habitat.</p> <p>My concerns relate to the environmental and visual impact on the local landscape, together with the noise and disruption from machinery over a period of years while the stations are being built and the consequential loss of valuable habitat for the wild life, which live there. Unfortunately the site chosen for the converter stations, which I understand will be up to 27 metres tall is situated on high ground. Consequently the landscaping planned to mitigate the visual impact on the local environment is severely reduced by having trees planted on lower ground, due to an existing high pressure gas pipeline. It will also take years for the planted</p>	<p>The Applicants acknowledge this comment and note that Mrs Bache’s land is not directly impacted by the Projects. Mrs Bache is noted as an interest in the <b>Book of Reference</b> [APP-031] but only as a Category 3 interest for those with potential to make a claim under S10 Compulsory Purchase Act 1965, Part 1 Land Compensation Act 1973 or 152 (3) of the Planning Act 2008.</p> <p>The Applicants can confirm that no private gardens, including Mrs Bache’s garden, are located within the Onshore Development Area. Ecology surveys were undertaken in a limited number of gardens as they were either within the ecology study area, which extends beyond the Order Limits, or a previous study area considered prior to refinements to the Onshore Export Cable Corridor. All ecology survey results are included in the <b>Environmental Statement (ES) Appendices 18-1 to 18-9</b> [App-142 to APP-156] and <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140]. The location of the Onshore Export Cable Corridor and Onshore Converter Stations was provided at both statutory consultation in May 2023 and on the Planning Inspectorate website following acceptance of the Projects for examination on the 10<sup>th</sup> July 2024. As a Category 3 interest Mrs Bache was notified of the application under S56 of the Planning Act.</p> <p>The Applicants’ Onshore Export Cable Corridor and Onshore Converter Stations have been carefully developed considering proximity to the proposed new National Grid substation at Birkhill Wood, design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants believe the proposed Project Development Envelope, set out in <b>Chapter 5 Project Description</b> [APP-071], on balance achieves the optimum design. However, the exact location of the Onshore Converter Stations within the Onshore Substation Zone and cable trenches within the Onshore Export Cable Corridor will be subject to detailed design, <b>Chapter 5 Project Description</b> [APP-071] sets out the realistic worst-case parameters.</p> <p>Noise and air quality effects during construction, including those from construction traffic are not considered to be significant with the implementation of the measures set out in <b>Outline Code of Construction Practice</b> [APP-234] and the <b>Outline Construction Traffic Management Plan (CTMP)</b> [APP-238]. Further information on potential noise and air quality impacts and proposed mitigation can be found in <b>Chapter 25 Noise</b> [APP-201] and <b>Chapter 26 Air Quality</b> [APP-208].</p> <p>Mitigation for breeding birds, including owls during construction is included in the <b>Outline Ecological Management Plan</b> [APP-235]. This includes pre-construction surveys and supervision of works by an Ecological Clerk of Works, should they be identified.</p> <p>The largest structures within the Onshore Substation Zone would be the valve hall being 244m x 264m with an approximate height of 24m and lightning masts, up to 27m in height. The <b>Outline Landscape Management Plan</b> [APP-236] has been developed for the Projects, reflecting the form and scale of the proposals, and the assessed landscape and visual effects. This includes proposed planting to the north of Bentley, which has been located to avoid the high-pressure gas pipeline as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. However, it is recognised that mitigation planting will not be fully effective until plants begin to grow and mature. <b>Chapter 23 Landscape and Visual Impact Assessment (LVIA)</b> [APP-192] therefore reports on effects at year one following completion, when the effectiveness of planting will be at its lowest (major adverse). This represents a worst-case assessment. The LVIA also reports on effects at year ten, assuming that planting is maturing and beginning to be more</p>



I.D.	Relevant Representation	Applicants' Comment
	<p>trees to grow high enough, in order to screen the converter stations in any significant way and to replace the loss of habitat.</p> <p>The site for the converter stations will be devastating for the hamlet of Bentley and for the residents who will be faced with the years of noise and dust from the heavy machinery whilst building the industrial scale converter stations . These agricultural fields are a sad loss to the outskirts of Beverley and it is difficult to understand why this site was considered to be the most suitable location for the construction of two industrial onshore converter stations.</p>	<p>effective in mitigating the effects and concludes the residual effects on views from Copleflat Lane, Bentley as shown on the photomontage in <b>Figure 23-8</b> [APP-193] are assessed as moderate adverse.</p> <p>The Applicants will keep all community members updated on proposed works prior to and during construction and any concerns would be raised through the Community Liaison Officer (CLO), as detailed in the <b>Outline Communications and Public Relations Procedure (OCPRP)</b> [APP-234], located in <b>Appendix B</b> of the <b>Outline Code of Construction Practice</b> [APP-234].</p>

## 7.2 Sam Brewitt on behalf of St Peters House

Table 7.2.1 – Applicants’ response to Sam Brewitt on behalf of St Peters House relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-050	<p>Due to the visual impact of the converter stations at the rear of our property and the deterioration in our quality of life, stress and impact on mental health this will cause we decided to put our house on the market in Spring 2023. We received an offer on our property that we accepted, however when the buyers became aware of your project proposals (location of the convertor stations) they immediately pulled out of the sale specifically for this reason which was confirmed in writing by the estate agents. Even though they adored our property they could never live in a house with convertor stations at the back. Every person who viewed our property commented on the outlook of the property and how beautiful the setting was - which the convertor stations will severely impact upon. Following this we decided to remove the house from the market as we are not able to sell the property specifically because of the convertor stations. We received 3 estimates from local estate agents and our house was on the market for 5 months.</p> <p>If our property was within the redline boundary our property would qualify for Statutory Blight however it lies just outside the boundary. However we believe our situation should be classed as discretionary blight as done on other projects such as HS2. We simply want the developer to buy our house at the market value so we can move. Without this our life is simply on hold and completely inhibiting our ability to enjoy life. We want to move house but cannot specifically because of the development. The amount of stress this has caused is significant and it would be unreasonable to expect us to keep our house on the market for longer than what it has already been on the market for. [REDACTED] [REDACTED] All we want to do is move house and we have proved that we cannot do this specifically due to the development of the convertor stations. RWE should therefore purchase our property under discretionary blight which would simply allow us to live in a location we choose, reducing the stress [REDACTED], and simply lead the life we should be entitled to lead.</p>	<p>As detailed in section 23.6.1.2.3.2 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] there would be a temporary significant visual effect (major adverse) during the construction phase at Viewpoint 2 (VP2) from Copleflat Lane, Bentley for a period of four to six years within the Onshore Substation Zone. VP2, located on <b>Figure 23-2</b> [APP-193] is representative of the property described in this relevant representation, located in the hamlet of Bentley.</p> <p>On completion of all construction works, construction effects of the Onshore Converter Stations would be superseded by the operational effects, which are assessed in section 23.6.2.3.2 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] at VP2 as major adverse (significant) in year 1 following completion. By year ten, the mitigation planting of the Onshore Converter Stations is expected to be effective in partly screening and filtering views of the Onshore Converter Stations, with residual effects assessed as moderate adverse at year ten. Vegetation is expected to be around 8-10m in height as shown on the photomontage in <b>Figure 23-8</b> [APP-193].</p> <p>The vegetation would largely screen the lower elements of the Onshore Converter Stations, however, the upper parts of the Onshore Converter Stations such as the roofs of the buildings would still be visible on the skyline.</p> <p>The amount of screening provided by the planting would continue to increase as the trees mature with age, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. It should also be noted that section 1.5.3 states '<i>Where practical, landscape mitigation planting will be established as early as possible in the construction phase. It is proposed that the area of planting along the south boundary of the Onshore Substation Zone will be established at the commencement of construction works. This will ensure that planting delivers effective mitigation for receptors in Bentley as early as possible</i>'.</p> <p>The <b>Outline Landscape Management Plan</b> (LMP) [APP-236] was developed in consultation with the local planning authority, East Riding of Yorkshire Council. A final LMP will be submitted to the East Riding of Yorkshire Council for approval prior to construction and is secured by Requirements 10 and 11 of the <b>Draft Development Consent Order</b> (DCO) [APP-027].</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the design principles for the Onshore Converter Station(s) and includes a requirement for a 'Design Champion' and 'Design Panel', who will work with the engineers at the detailed design stage to consider the external appearance of the buildings and ensure the final Landscape Management Plan maximises the screening opportunities set out in <b>Outline Landscape Management Plan</b> [APP-236].</p>

I.D.	Relevant Representation	Applicants' Comment
		The Applicants acknowledge this comment and advise that Discretionary Blight claims would be considered by the Applicants with relevant property owners on a case-by-case basis at the appropriate time, if the Applicants were to secure the Development Consent Order.

### 7.3 J Mason

Table 7.3.1 – Applicants' response to J Mason relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-061	Concerns on onshore cable routing. Map of onshore cabling. Burial Depth and voltage of cabling. Method of cable burial. Disruption to nearby residents.	<p>The Applicants' Onshore Export Cable Corridor and Onshore Converter Stations have been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants believe the proposed Project Development Envelope, set out in <b>Chapter 5 Project Description</b> [APP-071], on balance achieves the optimum design. However, the exact location of the Onshore Converter Stations within the Onshore Substation Zone and cable trenches within the Onshore Export Cable Corridor will be subject to detailed design, <b>Chapter 5 Project Description</b> [APP-071] sets out the realistic worst-case parameters.</p> <p>The Onshore Export Cables would be pulled through pre-installed ducts at sufficient depth to protect them from activities above the cable. There may be occasions where direct lay is required in certain ground conditions or if an obstruction is identified. Cable ducts are generally laid in trenches at an indicative depth to the top of the ducts of 1.3m – 1.7m, as detailed in Table 5-27 of <b>Chapter 5 Project Description</b> [APP-071] or installed in trenchless crossing bores and then the cables are pulled through. Jointing Bays would be constructed at intervals along the Onshore Export Cable Corridor to allow pulling and / or joining of the cables. Typically, the Jointing Bays would be located every 750m to 1.5km.</p> <p>Potential disruption to nearby residents during the construction phase would be managed through the implementation of a Code of Construction Practice (CoCP) which contains measures to manage construction impacts such as noise and air quality. This CoCP would be in accordance with the <b>Outline Code of Construction Practice</b> [APP-234] submitted with the Development Consent Order (DCO) application. Construction traffic will be managed through the implementation of a Construction Traffic Management Plan (CTMP), which will be in accordance with the <b>Outline Construction Traffic Management Plan</b> [APP-238] submitted with the DCO application. The final CoCP and CTMP will be subject to approval from the relevant planning authority.</p>

### 7.4 Patricia Ann Merrick

Table 7.4.1 – Applicants' response to Patricia Ann Merrick relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-062	Why is the emergency access site to be situated at Ulrome and not Skipsea where the cable comes ashore? It may not be possible to access via the beach depending on weather and tide? What impact will the works have on access to the cliff at Skipsea. Many locals walk their dogs in that area as it is the only access to the beach in the village. why are there no plans to provide permanent beach access at the come ashore point as this would greatly benefit the area.	The Projects' emergency intertidal access point (at North Turnpike Road, Ulrome) was selected primarily for engineering reasons, as it provides an opportunity to use a suitable existing access point for the Projects landfall location, avoiding the need to install a new access across the cliffs at Skipsea. Turnpike Road is in current use and can

I.D.	Relevant Representation	Applicants' Comment
		<p>be temporarily extended to join the road to the beach without requiring any permanent works along the beach.</p> <p>Installing a new emergency access point directly at the Skipsea landfall location was not considered as a feasible solution, as it would require a hard-engineered solution which would be technically difficult given the presence of cliffs and the ongoing coastal erosion. In addition, it would lead to greater environmental impacts than utilising an existing suitable access point. Given that the emergency intertidal access is likely to be used very infrequently, the environmental impacts of constructing a new access point over the landfall cliffs could not be justified.</p> <p>The Applicants acknowledges that a beach access point at Skipsea may have benefits for the local community, however this was not considered a feasible solution for the reasons outlined above.</p> <p>As described in <b>Chapter 5 Project Description</b> [application ref: 7.5] [APP-071] at the landfall location, the cables will be installed under the cliffs using a trenchless technique such as Horizontal Direction Drilling. There would be up to six completed ducts. This installation method avoids the need for excavating trenches to bury the cables under the cliffs and uses a drilling rig to install the cables beneath these features instead. The cables could exit either on the beach or within the marine environment, but the location will be beyond any areas at risk of coastal erosion.</p> <p>The Applicants are aware that tidal patterns may affect the use of the emergency intertidal access and also have the option to access the area from offshore vessels, if required.</p>

## 7.5 Dr Stephen Robert Mounce

Table 7.5.1 – Applicants' response to Dr Stephen Robert Mounce relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-063	<p>I am a local resident of [REACTED] who attended one of the consultation events at Beverley Memorial Hall in 2023. I am particularly interested in the impacts of the overland cable route on Burton Bushes/ Beverley Westwood (a unique site and very popular nature amenity area for the public), both as a community area, as a unique habitat and in terms of archaeological interest. I am aware that the onshore export cable corridor (3) has been selected from the alternatives, and included in Chapter 4 of the Preliminary Environmental Information Report (PEIR), Site Selection &amp; Assessment of Alternatives.</p> <p>Having inspected the PEIR, it appears completely unsatisfactory in that there is no mention of Beverley Westwood or Burton Bushes. The summer 2024 newsletter does not either. I am further aware that the onshore export cable corridor which was taken forward into PEIR, has been refined and was presented as part of this consultation. The width of the corridor being reduced from 500m to 200m. I was told by DBS that further studies would continue to take place and that you anticipated a final construction corridor of approximately 100m width will be included in the planning application - this appears to have been pre-empted before the consultation was even finished, as you indicate a preferred 100m corridor on your online map (<a href="https://consultationmap.doggerbanksouth.co.uk/">https://consultationmap.doggerbanksouth.co.uk/</a>) which goes right up to the whole west side of Burton Bushes.</p>	<p>The Applicants have followed a comprehensive, iterative site selection process to develop the most appropriate Onshore Export Cable Corridor, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. As detailed in <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140] Burton Bushes and Beverley Parks Local Nature Reserve (LNR) are statutory designated sites, located on <b>Figure 18-3</b> [APP-141]. With the reduction of the Onshore Development Area since the Preliminary Environmental Information Report (PEIR), Burton Bushes Site of Special Scientific Interest (SSSI) and Beverley Parks LNR are no longer adjacent to the Onshore Development Area. Burton Bushes SSSI is now approximately 0.12km away, and Beverley Parks LNR is 0.62km away. Beverley Westwood Local Wildlife Sites (Newbald Rd and Waxcaps), shown on <b>Figure 18-4</b> [APP-141] have also been avoided.</p> <p>Whilst the Onshore Development Area now avoids any impacts to the Beverley Westwood, as described above, the site does fall within the Study Area for the Onshore Archaeology and Cultural Heritage assessment. <b>Chapter 22 Onshore</b></p>

I.D.	Relevant Representation	Applicants' Comment
	<p>Looking at the zoom route in detail earlier in the consultation, it circles around the back of the Westwood passing Burton Bushes as it crosses York Road and then heading south close to the Westwood. And in actual fact goes right up to the edge of Burton Bushes and other areas of the Westwood. There appears to be quite a lot of construction of 'temporary construction compounds' near to or next to various parts of the Westwood.</p> <p>I spoke to [REDACTED], a transport consultant/ contractor at the consultation event who gave me a lot of detailed information about the practicalities, timings, HGV, transport disruption, buildings, lengths per section. He explained the overland corridor is split into 15 sections overall, with each section requiring about 12 months of constructions, digging works, HGVs etc. One of these sections (16a) runs down the back length of the Westwood (including alongside Burton Bushes) and is forecast to last for months 15 to 26 of the project (likely earliest 2027 if the plan goes ahead and of course dependent on the National Grid Creyke Beck proposal). Therefore, likely there could be large scale construction activities, major transport disruption, noise pollution, wildlife/ ecology impacts, amenity impacts, possible knock on archaeological damage for Beverley Westwood and Burton bushes for a period of up to 12 months as the plans stand. Incredibly, in section 3.3.3. of the PEIR in point 178 for potential impacts on tourism and users of recreational routes the "effects were assessed as negligible. no mitigation measures are proposed". Human health aspects were similarly glossed over in points 168 and 169. I would like to highlight the following (particularly as the PEIR ignored important information about Burton Bushes and didn't mention it or the Westwood once - very cursory and sub standard):</p> <ul style="list-style-type: none"> <li>Burton Bushes is a unique habitat of 25 acres of ancient woodland (pre 1500s), is designated as a Site of Special Scientific Interest including for Quercus robur - Pteridium aquilinum - Rubus fruticosus woodland (Broadleaved, mixed and Yew). SSSI designation: <a href="https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Burton%20bushes&amp;countyCode=&amp;responsiblePerson=&amp;DesignationType=All">https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Burton bushes&amp;countyCode=&amp;responsiblePerson=&amp;DesignationType=All</a> Map: <a href="https://magic.defra.gov.uk/MagicMap.aspx?startTopic=Designations&amp;activelayer=sssiIndex&amp;query=HYPERLINK='1002049'">https://magic.defra.gov.uk/MagicMap.aspx?startTopic=Designations&amp;activelayer=sssiIndex&amp;query=HYPERLINK='1002049'</a></li> <li>The woodland trust has identified over 40 unique ancient trees in this wood: [REDACTED]</li> <li>It is also a haven for birds, with over 63 varieties including greater spotted woodpecker, tawny owl, chiffchaffs and blackcaps.</li> <li>Burton Bushes is also a site of archaeological significance (Earthworks on the floor of Burton Bushes indicate probable agricultural enclosures, probably from the Romano-British period (c. AD 50-390)) - as is the Westwood in general (three Bronze Age Barrows). The neighbouring field to Burton Bushes i.e. containing the corridor could potentially contain similar areas of interest. English heritage survey from 2004: <a href="https://historicengland.org.uk/research/results/reports/6453/WestwoodCommonBeverley_anArchaeologicalSurvey_SurveyReport">https://historicengland.org.uk/research/results/reports/6453/WestwoodCommonBeverley_anArchaeologicalSurvey_SurveyReport</a></li> </ul> <p>Whilst I understand the need for these energy infrastructure projects I therefore make representation that this plan has made a poor decision on the onshore export cable corridor route and has not sufficiently thought through and investigated impacts (particularly around ecology, archaeology and heritage) on Beverley Westwood and Burton Bushes with the present corridor - in fact your preferred 100m corridor is far too close to Burton Bushes and will cause major disruption and damage as defined (which you appear to have completely ignored). It should be moved further away from Burton Bushes to protect habitats and mitigate the other issues highlighted.</p>	<p><b>Archaeology and Cultural Heritage</b> [APP-173] considers any potential impacts to archaeological sites at the Beverley Westwood, including temporary changes to the setting of heritage assets on the Beverley Westwood, and concludes that no significant residual impacts are anticipated.</p> <p>A larger zoom corridor with a preferred 100m corridor within that area was present at the statutory consultation. Following Statutory Consultation carried out from the 6<sup>th</sup> June to the 17<sup>th</sup> July 2023 the High Voltage Alternating Current (HVAC) electrical transmission system was not taken forward, this allowed the width of the Onshore Export Cable Corridor to be reduced to 75m, as described in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067] and the <b>Consultation Report</b> [APP-034]. The Onshore Development Area is described in <b>Chapter 5 Project Description</b> [APP-071] and shown on the <b>Onshore Order Limits and Grid Co-ordinates Plan</b> [APP-010]. There are no temporary construction compounds located within Beverley Westwood. As shown on <b>Figure 5-3</b> [APP-072], the closest compounds are for the Onshore Substation Zone and are located to the west of the A1079.</p> <p>There is the potential for disturbance caused by works associated with the Onshore Export Cable Corridor and Onshore Converter Station(s) due to activities which generate fugitive emissions (i.e. dust and emissions from an increase in construction traffic and road access), noise disturbance from increased traffic, and trenchless crossing such as Horizontal Directional Drilling (HDD). However, this would be controlled through measures in the <b>Outline Code of Construction Practice</b> [APP-234] and the <b>Outline Construction Traffic Management Plan</b> [APP-238] and the effects are not considered significant. Further information on potential noise, air quality and traffic impacts and proposed mitigation can be found in <b>Chapter 25 Noise</b> [APP-201], <b>Chapter 26 Air Quality</b> [APP-208] and <b>Chapter 24 Traffic and Transport</b> [APP-195].</p> <p>Terrestrial ecology is assessed in <b>Chapter 18 Terrestrial Ecology and Ornithology</b> [APP-140], no significant impacts have been identified with the measures identified in the <b>Outline Ecological Management Plan</b> [APP-235] except on Breeding Birds during construction and one area of ancient woodland at Bentley Moor Wood in relation to Nitrogen Deposition, and indirect effects associated with construction vehicle movements.</p> <p>An assessment of the Projects impact on human health is provided in <b>Chapter 27 Human Health</b> [APP-215]. The assessment draws upon relevant public health information and also considers the residual impacts from other Environmental Statement Chapters (e.g. noise, air quality, tourism and recreation, landscape and visual, etc). The assessment finds that there is a significant beneficial impact provided by the Projects, in relation to the positive impact of renewable energy generation to public health, including how it supports many aspects of life such as food safety, heating and healthcare operation. All other health impacts associated with the Projects (e.g. construction related noise, air quality impacts) are found to be not significant following the implementation of mitigation outlined in the <b>Outline Code of Construction Practice</b> [APP-234].</p> <p>No significant effects have been identified in relation to tourism and recreation assets or the economy in Beverley, further details are provided <b>Chapter 29 Tourism and Recreation</b> [APP-219]. There would be some limited views of the Onshore Converter</p>

I.D.	Relevant Representation	Applicants' Comment
		Stations from Beverley Minster tower but no views from within the town itself, as detailed in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-236]. Potential Noise, dust, traffic and visual effects during construction and operation would be managed through the <b>Construction Traffic Management Plan</b> [APP-238] and the <b>Outline Landscape Management Plan</b> [APP-236] and are not considered significant.

## 7.6 Catherine Oliver

Table 7.6.1 – Applicants' response to Catherine Oliver relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-064	I have concerns over the equity of distribution of community benefit scheme. Also traffic management on the A1035 needs appropriate planning to mitigate disruption to a very busy road. Concerns about the fact that companies like this will not be forced to share infrastructure with other developers - I understand that further offshore wind projects are planned locally - cost, disruption + environmental impact will be huge if the same process is required again.	<p>The Applicants have committed to provide a community investment package should the Projects be granted a Development Consent Order and progress to construction. In 2023 the UK Government held a consultation on 'Community Benefits from Electricity Transmission Network Infrastructure' and was due to publish new guidance in June 2024. Due to the general election, the publication of this guidance was delayed, but once it is published, the Applicants will be in a position to progress development of a community investment package for the Projects in line with the published guidance. Aligned with comments received from local residents, it is expected this guidance will have a strong focus on the communities closest to the onshore infrastructure of the Projects i.e. the Onshore Converter Stations and Onshore Export Cable Corridor. In addition, it is also expected this publication will provide clear guidance on the scale of any community funding that would be expected in association with offshore projects such as Dogger Bank South (DBS).</p> <p>Following the publication of the Governments guidance on Community Benefits from Electricity Transmission Network Infrastructure, the next step in the development of the Dogger Bank South Community Investment Package will be to commence a process of consultation to help shape the detail of any package. Members of the public will be invited to take part in the consultation and their feedback will help shape proposals.</p> <p>Traffic Management</p> <p>Construction traffic routes have been developed in consultation with East Riding of Yorkshire Council, Hull City Council and National Highways. Construction traffic will be managed through the implementation of a Construction Traffic Management Plan (CTMP), which will be in accordance with <b>Outline Construction Traffic Management Plan</b> [application ref: 8.13], which is secured by DCO Requirement 14. The final CTMP will be approved by the relevant highway authorities (East Riding of Yorkshire Council, Hull City Council and National Highways).</p> <p>Cumulative Impacts</p> <p>The Applicants will continue to engage with developers who have consented Projects in the locality where construction areas may overlap to reduce cumulative impacts where possible.</p> <p>The Applicants have developed DBS East and DBS West transmission infrastructure as co-ordinated Projects in accordance with the National Grid Electricity System Operator (ESO) evolving Holistic Network Design (HND), as updated in February 2024. The HND has confirmed the Projects will have a radial connection to the proposed National Grid Substation at Birkhill Wood, further detail is provided in <b>Chapter 4 Site Selection &amp; Assessment of Alternatives</b> [APP-067]. Hornsea Project Four, Dogger Bank A and B and the National Grid substation projects at Creyke Beck and Birkhill Wood have been identified as a cumulative development in the cumulative environmental affects assessment, as discussed in <b>Appendix 6-1 Onshore Cumulative Effects Assessment Methodology</b> [APP-077]. The Applicants will work closely with them where our construction areas overlap. However, due to uncertainty around construction infrastructure requirements for other Projects, and the environmental and engineering constraints identified in the vicinity of other Projects, which have already been consented, it is not possible to locate the Projects together with other developments. Thermal spacing is also required between the Onshore Export Cables or</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>they will overheat. This means that routes cannot be shared with other projects unless significant space is available to accommodate the thermal requirements.</p> <p>The Applicants are aware of other unconsented developments in the locality, including Dogger Bank D and will continue to engage with developers as their proposals progress.</p> <p>The Environmental Impact Assessment (EIA) as presented in Volume 7 of the DCO application includes a detailed Cumulative Impacts Assessment of the Projects in combination with other Projects screened in for potential cumulative effects. These cumulative effects assessments are reported in the individual Environmental Statement chapters within the DCO submission.</p>

## 8 Responses to Land Interest Relevant Representations

12. The Applicants' responses to relevant representations received from land interest consultees are provided in this section.

## 8.1 Albanwise Ltd

Table 8.1.1 – Applicants’ response to Albanwise Ltd relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-001: 1	<p>Albanwise Ltd is a corporate entity which holds the property assets, in particular the farming and property business unit assets, for Albanwise Wallace Estates Ltd (“AWEL”). AWEL is a diversified UK investment group, founded in 1976. It operates in six established areas:</p> <ul style="list-style-type: none"> <li>managing farmland totalling 12,201 hectares;</li> <li>managing 102,000 residential ground rent interests;</li> <li>managing/developing mainly residential investment properties and various land parcels;</li> <li>managing and investing in renewable energy assets;</li> <li>engaging in environmental land management services; and</li> <li>offering property insurance to AWEL business units as well as to third parties.</li> </ul>	No response is required.
RR-001: 2	<p>This representation is being made as the landowner of the parcels identified in Book of Reference, Volume 4, Application Reference: 4.2, belonging to Albanwise Limited as intending to be occupied either temporarily or for the life of the Projects. We are also representing the interests of the wider AWEL group of companies, who currently operate across this land, or have the potential to derive benefit from this land in the future. The area of land that the Applicant is proposing to cross is known to us as the Risby estate, which in total covers approximately 1,072 ha of land. Agricultural tenants occupy approximately 708 ha of this land and the remainder is farmed in-hand. We are working in consultation with our tenants who may make their own representations on this proposal. Approximately 4.6 kms northeast of the Risby estate lies the Routh estate which is also owned by the AWEL group. Routh covers approximately 1,194 ha and these two estates combined represent a major base of operations for AWEL, with significant components of the business units referenced above based in this area. AWEL’s interest in the Routh and Risby Estates is expanded below:</p> <ul style="list-style-type: none"> <li>Albanwise Synergy Ltd manages energy assets that are either self-developed or developed by third parties, across the estates. These include Statera’s operational 50 MW gas peaking plant and 50 MW Battery Energy Storage Scheme (BESS) and the recently consented, combined 50 MW solar and 87MW BESS (planning refs: 21/02335/STPLF and 23/03926/STPLF respectively). There are also a number of energy assets at the Routh estate, namely the operational 24.6MW Hall Farm wind farm, the consented 50MW Field House solar farm (planning ref: 22/00824/STPLF) and the 50MW Carr Farm solar farm, the planning application for which is currently being determined (planning ref: 22/03648/STPLF);</li> <li>Albanwise Farming Ltd farm 2,800 ha across Yorkshire, with a further 708 ha being farmed by agricultural tenants at the Risby estate. A regional hub of their farming activity is based at Routh, 7.8 km from the proposed application site, which also includes facilities for the drying and storage of up to 10,000 tonnes of grain onsite. The farming division also operate a 65,000 tonnes capacity grain drying and storing facility Full Sutton, 41km to the north of the site, which is a major regional farming infrastructure facility;</li> <li>Albanwise Environment Ltd have established the Leven Carrs wetland restoration approximately 10 km from the proposed Project. This is a 130 ha mix of wet fen and wet grassland habitats which supports a range of plant, bird, mammal and other species. This is in addition to other habitat management and improvement works being carried out in the area; and</li> <li>Abricot Ltd, AWEL’s property development and management business unit, owns and manages several properties with residential tenants, in and around the estate. It has also promoted several parcels of land for development at the Risby estate in a recent call for sites to update the East Riding Local Plan.</li> </ul>	The Applicants acknowledge this comment.



I.D.	Relevant Representation	Applicants' Comment
RR-001: 3	<p>With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3), negotiations with the Applicant are ongoing and we believe that a satisfactory position can be reached. However, agreement of terms is still to be reached on:</p> <ol style="list-style-type: none"> <li>the form of agreement that will grant the Applicant access to the referenced land parcels; and</li> <li>the technical details regarding the installation, many of which are referenced below.</li> </ol> <p>Feedback has been provided to the Applicant and their agent on these points, but no agreement has been reached and information and assurances are still outstanding. With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3) and Drawing 005028746-01 'Land Plans – Onshore' (page 18 of 20) (Application reference 2.7), there has been a misrepresentation in the discussions to date where it is stated that an 'in principle' agreement has been reached to acquire the freehold of Plot numbers 18-010, 18-014, 18-015, 18-018, 18-021, 18-022, 18-025, 18-028, 18-035. This is incorrect, all negotiations are on a leasehold basis and we have no intention to release the freehold for sale. On this basis, and due to issues identified below, we must object to the proposed Projects due to the potential level of impact to our business operations and the land which we hold. Our grounds for concern have been grouped into issues surrounding the use of land and those regarding the impact on farming operations.</p>	<p>The Applicants continue to seek a voluntary long Leasehold agreement on reasonable commercial terms.</p> <p>The Applicants' Land Agent has been having productive discussions with Albanwise Ltd agent and the Applicants are hopeful that an agreement will be reached.</p> <p>The Applicants Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Ltd and have provided all relevant technical details regarding the installation of the Onshore Cable Corridor. Further details can be found in <b>Chapter 5 Project Description</b> [APP-071] and Appendix A Outline Soil Management Plan (OSMP) of the <b>Outline Code of Construction Practice</b> [APP-234].</p>
RR-001: 4	<p><u>Efficient use of the land</u></p> <p>With reference to drawing ED13554-GE-1060, 'Works Plan (Onshore)' (pages 18 and 19) (Application Reference 2.6), and the Design and Access Statement Volume 8 (Application Reference 8.8) and Environmental Statement Volume 7, Chapter 5 – Project Description (Application Reference 7.5). We object to the scale and configuration of land that is intended to be occupied by the designs included in the proposal. We have requested, but are still to receive, written information from the Applicant justifying why the amount of land that is being occupied for the cable routes and converter stations as well as the ancillary and temporarily occupied land, is as proposed. Most notably, without further justification having been provided, we object to:</p> <ol style="list-style-type: none"> <li>the splitting of the cable route (Works no 32B) across twin paths, involving (but not limited to) land plots 18-054, 18-052, 19-003 and 19-007. Separating the cables by such a distance greatly increases the overall extents of the impact in the land and diminishes the prospects for further utilization of the land for any business interest of AWEL; b. to options that a single maximum extent of land has been applied for despite the application including scenarios that may only require the installation of half of the cables, converter stations or other ancillary equipment;</li> <li>the impact on the business operations (both farming or non-farming) of our tenants based on the layout of the project that is proposed. We currently have seven tenants on the Risby estates and four of these have land which is affected by the proposed development area and we want to ensure that their interests are sufficiently protected;</li> <li>the potential cumulative impacts arising from the interactions from the proposed Projects with those other major infrastructure schemes which are intending to cross our land near to the proposed Projects. These schemes include the Hornsea 4 Offshore Wind grid connection assets, National Grid's Greater Grid Upgrade which involves the expansion of the Creyke Beck substation, new transmission overhead lines and the creation of a new satellite station (Birkhill) adjacent to the existing substation. It is imperative that the Applicant engages with the owners of these other projects and to work collaboratively with ourselves to ensure an efficient and expeditious delivery of all the schemes, with minimal cumulative impacts, should the Order for the Projects be granted; and</li> </ol>	<p>The Projects Onshore Export Cable Corridor and Substation Zone design has been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants believe the proposed Project Design Envelope, set out in <b>Chapter 5 Project Description</b> [APP-071] on balance achieves the optimum design. The Onshore Converter Stations are sized to accommodate the requirement of the Projects' electrical transmission system. They represent a realistic worst case scenario, as set out in section 5.7.2 of <b>Chapter 5 Project Description</b> [APP-071].</p> <p>The Projects are seeking 2x 12m Easements within a 75m construction corridor. The length of the Onshore Export Cable Corridor is 32km with a further 2.5km of Onward Cable Connection to the proposed new National Grid Substation at Birkhill Wood. The Easements of the Onward Cable Connection are 2x 17m. The Onward Cable Corridor splits either side of the INEOS Ethylene Pipeline to avoid the constraint in line with Health &amp; Safety guidance, as there is insufficient room to safely route both Cable Corridors between the A1079 and the INEOS Pipeline. Further detail is provided in <b>Chapter 5 Project Description</b> [APP-071].</p> <p>The visual impact of the Projects been assessed and are presented in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [App-192]. Viewpoint 1 (VP1) shown on <b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23-2</b> [APP-193] is most representative of the Butts farm. On completion of all construction works, construction effects of the Onshore Converter Stations would be superseded by the operational effects, which are assessed in section 23.6.2.3.1 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] at VP1 as major adverse (significant) in year 1 following completion. By year 10, the mitigation planting of the Onshore Converter Stations is expected to be effective in partly screening and filtering views of the Onshore Converter Stations, with residual effects assessed as moderate adverse</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>e. the impact on the wider estate. The Projects will also potentially blight other alternative energy schemes that we have been approached about over the land proposed to be affected, and this again will cause further potential financial losses if the Projects proceed.</p>	<p>at year 10. Vegetation is expected to be around 8-10 m in height as shown on the photomontage in <b>Chapter 23 Landscape and Visual impact Assessment, Figure 23-7</b> [APP-193]. The vegetation would largely screen the lower elements of the Onshore Converter Stations, however, the upper parts of the Onshore Converter Stations such as the roofs of the buildings would still be visible on the skyline. The amount of screening provided by the planting would continue to increase as the trees mature with age, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. It should also be noted that section 1.5.3 states 'Where practical, landscape mitigation planting will be established as early as possible in the construction phase.' This will ensure that planting delivers effective mitigation as early as possible. The <b>Outline Landscape Management Plan</b> [APP-236] was developed in consultation with the local planning authority, East Riding of Yorkshire Council, a final Landscape Management Plan will be submitted to the East Riding of Yorkshire Council for approval prior to construction and is secured by Requirements 10 and 11 of the <b>Draft DCO</b> [APP-027].</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the design principles for the Onshore Converter Station(s) and includes a requirement for a 'Design Champion' and 'Design Panel' with representatives to be agreed with the Planning Authority, who will work with the engineers at the detailed design stage to consider the external appearance of the buildings and ensure the final Landscape Management Plan maximises the screening opportunities set out in the <b>Outline Landscape Management Plan</b> [APP-236].</p> <p>The Applicants have developed DBS East and DBS West transmission infrastructure as co-ordinated Projects in accordance with the National Grid Electricity System Operator (ESO) evolving Holistic Network Design (HND), as updated in February 2024. The HND has confirmed the Projects will have a radial connection to the proposed National Grid Substation at Birkhill Wood, further detail is provided in <b>Chapter 4 Site Selection &amp; Assessment of Alternatives</b> [APP-067]. Hornsea Project Four, Dogger Bank A and B and the National Grid substation projects at Creyke Beck and Birkhill Wood and the Humber to High Marnham Overhead Line Project have been identified as a cumulative development in the cumulative environmental effects assessment, as discussed in <b>Appendix 6-1 Onshore Cumulative Effects Assessment Methodology</b> [APP-077].</p> <p>Liaison with other developers is ongoing and will continue throughout the development of the Projects. The Applicants are looking to co-ordinate with other developers and are exploring opportunities to do this, where feasible. The Applicants are aware of other unconsented developments in the locality, including Dogger Bank D and will continue to engage with developers as their proposals progress.</p> <p>The Environmental Impact Assessment (EIA) as presented in Volume 7 of the Development Consent Order (DCO) submission application includes a detailed Cumulative Impacts Assessment of the Projects in combination with other Projects screened in for potential cumulative effects. These cumulative effects assessments are reported in the individual Environmental Statement (ES) chapters within the DCO submission.</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>The Applicants acknowledge the comment on potentially blighting other alternative energy projects but are committed to working with other promoters to enable future development to cross the Projects subject to agreeing appropriate protective provisions and the Applicants consent.</p>
RR-001: 5	<p>Given the range of commercial interests, referred to above, that each of the business units of AWEL has, efficient use of the land is crucial for our continued commercial and environmental activity in the area. Impact on farming operations Pending agreement being reached with the Applicant we object to the proposal on the following grounds due to the potential for impact on our current and future farming operations across our land. This applies not only to general productivity and revenues arising from it but it may have a consequential impact on our ability to fulfill our obligations under supply contracts, which would lead to further loss.</p> <p>a. The occupation of land currently under Countryside Stewardship Schemes (CSS). A number of current CSSs lie within the Onshore Development Area. Removal or amendment to these schemes represents an administrative burden as well as the loss of revenue that comes with the allocation.</p> <p>b. The Projects cross our estate in such a way as to occupy awkward shapes of land and sever previously contiguous areas of farmland. This will disrupt farming activities in both the construction and operation phases of the Projects and lead in increased costs and time requirements for our farming unit.</p> <p>c. Impact on the soil/crop yields through compaction and contamination (from unintentional release of material and windblown dust arising from construction). These matters have the potential for reduced farming revenue for many growing seasons, if not permanently in the case of serious ground contamination. We need to reach agreement on the management of such matters and the mechanisms to resolve any potential impact.</p> <p>d. Impact on drainage systems. Over the last 10 years our farming business has invested over one million pounds in improving the drainage system across the Risby Estate. There must be agreement over installation methods, remediation works and potential compensation with respect to the existing drainage system to ensure that productivity of the land is maintained.</p> <p>e. Impact on crop growing. We grow a variety of root crops across the estate and there are a number of deep ploughing and other sub soil activities involved with the farming here. We need to reach agreement with the Applicant on matters such as trench depth and backfill composition, handling of soils during installation etc.</p> <p>f. We disagree with the ALC land grading presented in the Outline Code of Construction Practice, Volume 8, Appendix A - Outline Soil Management Plan (Application Reference: 8.g) therefore the presumption of productivity of the area of land intended for development.</p>	<p>The Applicant acknowledges these concerns and has the following comments:</p> <ul style="list-style-type: none"> <li>a) The impact on Countryside Stewardship Schemes (CSS) is assessed in <b>Chapter 21 Land Use</b> [APP-169].</li> <li>b) By consulting with landowners and occupiers, maintaining access to severed land, appropriate timings of works and reinstatement of land to pre-construction conditions as soon as reasonably practicable, the Applicants propose to reduce the amount of land temporarily unsuitable for agriculture. Any reasonable loss of business is a matter of compensation which would be assessed and addressed by the Applicants.</li> <li>c) Mitigation measures associated with Best Most Versatile (BMV) land are outlined in section 21.6.1.3.5 of <b>Chapter 21 Land Use</b> [APP-169]. Pre-construction surveys will be undertaken to define the current baseline environment, this will help inform a Soil Management Plan (SMP) which will set out the procedures for the appropriate handling of soils. An OSMP is included in Appendix A of the <b>Outline Code of Construction Practice</b> [APP-234]. The Applicant has procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an Agricultural Land Classification (ALC) Survey of the Substation Zone, which was completed in January 2024 and has informed the OSMP. This has confirmed the area is grade 3b and not BMV. A survey of the Onshore Export Cable Corridor and Landfall Zone was completed in Spring/Summer 2024 to inform the detailed SMP and has been submitted at the preliminary deadline on the 8<sup>th</sup> October 2024, see <b>Soil Resource Assessment Survey Results</b> (application ref: 10.5).</li> <li>d) The Applicants have also instructed Land Drainage Consultancy Ltd to develop conceptual pre- and post-construction drainage plans that will be shared with the main works contractor once appointed to implement where reasonably practicable. These will be developed with landowners and agents outside the limitations of the DCO and will be agreed by private treaty, committed to as part of the Option Agreements. An <b>Outline Drainage Strategy</b> [APP-237] is included with the application. Pre-construction drainage would be installed to manage water coming from existing underground land drainage pipes which would be affected by the installation of the new Onshore Export Cables. Following installation of the Onshore Export Cables, the post-construction drainage program would commence to ensure that soils affected by the Onshore Export Cable corridor are left in a condition that enables a return within the affected fields to full agricultural production. Where necessary, post-construction drains may be installed, typically parallel to the Onshore Export Cable Corridor.</li> </ul>

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		<p>e) The Onshore Export Cables would be pulled through pre-installed ducts at sufficient depth to protect them from activities above the cable. There may be occasions where direct lay is required in certain ground conditions or if an obstruction is identified. Cable ducts are generally laid in trenches at an indicative depth to the top of the ducts of 1.3m – 1.7m, as detailed in Table 5-27 of <b>Chapter 5 Project Description</b> [APP-071] or installed in trenchless crossing bores and then the cables are pulled through. Jointing Bays would be constructed at intervals along the Onshore Export Cable Corridor to allow pulling and / or joining of the cables. Typically, the Jointing Bays would be located every 750m to 1.5km. This depth has been designed to allow ploughing to resume following the reinstatement after the completion of construction works.</p> <p>f) See response to point c.</p>
RR-001: 6	<p><u>Conclusion</u></p> <p>Albanwise Ltd will continue to engage with the Applicant in an attempt to reach agreement on the acquisition of leaseholder, easement and temporary access rights. However, given the points of potential impact identified above and the reassurances that are still to be secured Albanwise Ltd must object to the Projects at this time and we reserve the right to make further representations during the course of the Examination should that be necessary.</p>	<p>The Applicants continue to engage with Albanwise Ltd to reach a voluntary agreement on reasonable commercial terms. The Applicants' Land Agent has been having productive discussions with Albanwise Ltd agent and the Applicants are hopeful that an agreement will be reached.</p>

## 8.2 Albanwise Synergy Ltd

Table 8.2.1 – Applicants' response to Albanwise Synergy Ltd relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-002: 1	<p>Albanwise Synergy Ltd ("ASL") is the renewable energy division of Albanwise Wallace Estates Limited ("AWEL") and was incorporated in 2020. AWEL is a diversified UK investment group, founded in 1976. It operates in six established areas:</p> <ul style="list-style-type: none"> <li>• managing farmland totalling 12,201 hectares;</li> <li>• managing 102,000 residential ground rent interests;</li> <li>• managing/developing mainly residential investment properties and various land parcels;</li> <li>• managing and investing in renewable energy assets;</li> <li>• engaging in environmental land management services; and</li> <li>• offering property insurance to AWEL business units as well as to third parties.</li> </ul> <p>ASL works to identify and realise new opportunities for investment in renewables, but also to manage AWEL's existing interests in energy infrastructure. The division predominantly focusses on the following areas:</p> <ul style="list-style-type: none"> <li>• Utility-scale renewables development;</li> <li>• Operational asset management and energy procurement;</li> <li>• Rapid charge hubs and electric vehicle charging networks; and</li> <li>• Acquisition of freeholds with renewable energy tenants.</li> </ul>	<p>No response is required.</p>

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RR-002: 2	<p>This representation is being made as the landowner of the parcels identified in Book of Reference, Volume 4, Application Reference: 4.2, belonging to Albanwise Synergy Limited as intending to be occupied either temporarily or for the life of the Projects. We are also representing the interests of the wider AWEL group of companies, who currently operate across this land, or have the potential to derive benefit from this land in the future. The area of land that the Applicant is proposing to cross is known to us as the Risby estate, which in total covers approximately 1,072 ha of land. Agricultural tenants occupy approximately 708 ha of this land and the remainder is farmed in-hand. We are working in consultation with our tenants who may make their own representations on this proposal. Approximately 4.6 kms northeast of the Risby estate lies the Routh estate which is also owned by the AWEL group. Routh covers approximately 1,194 ha and these two estates combined represent a major base of operations for AWEL, with significant components of the business units referenced above based in this area. AWEL's interest in the Routh and Risby Estates is expanded below:</p> <ul style="list-style-type: none"> <li>Albanwise Synergy Ltd manages energy assets that are either self-developed or developed by third parties, across the estates. These include Statera's operational 50 MW gas peaking plant and 50 MW Battery Energy Storage Scheme (BESS) and the recently consented, combined 50 MW solar and 87MW BESS (planning refs: 21/02335/STPLF and 23/03926/STPLF respectively). There are also a number of energy assets at the Routh estate, namely the operational 24.6MW Hall Farm wind farm, the consented 50MW Field House solar farm (planning ref: 22/00824/STPLF) and the 50MW Carr Farm solar farm, the planning application for which is currently being determined (planning ref: 22/03648/STPLF);</li> <li>Albanwise Farming Ltd farm 2,800 ha across Yorkshire, with a further 708 ha being farmed by agricultural tenants at the Risby estate. A regional hub of their farming activity is based at Routh, 7.8 km from the proposed application site, which also includes facilities for the drying and storage of up to 10,000 tonnes of grain onsite. The farming division also operate a 65,000 tonnes capacity grain drying and storing facility Full Sutton, 41km to the north of the site, which is a major regional farming infrastructure facility;</li> <li>Albanwise Environment Ltd have established the Leven Carrs wetland restoration approximately 10 km from the proposed Project. This is a 130 ha mix of wet fen and wet grassland habitats which supports a range of plant, bird, mammal and other species. This is in addition to other habitat management and improvement works being carried out in the area; and</li> <li>Abricot Ltd, AWEL's property development and management business unit, owns and manages several properties with residential tenants, in and around the estate. It has also promoted several parcels of land for development at the Risby estate in a recent call for sites to update the East Riding Local Plan.</li> </ul>	<p>The Applicants acknowledge this comment.</p>
RR-002: 3	<p>With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3), negotiations with the Applicant are ongoing and we believe that a satisfactory position can be reached. However, agreement of terms is still to be reached on:</p> <ol style="list-style-type: none"> <li>the form of agreement that will grant the Applicant access to the referenced land parcels; and</li> <li>the technical details regarding the installation, many of which are referenced below.</li> </ol> <p>Feedback has been provided to the Applicant and their agent on these points, but no agreement has been reached and information and assurances are still outstanding. On this basis we must object to the proposed Project due to the potential level of impact to our business operations and the land which we hold. Our grounds for concern are detailed below, grouped into issues surrounding the use of land and those regarding the impact on farming operations.</p>	<p>The Applicants continue to seek voluntary agreement for the Onshore Cable Corridor on reasonable commercial terms. The Applicants' Land Agent has been having productive discussions with Albanwise Synergy Ltd Agent and the Applicants are hopeful that an agreement will be reached.</p> <p>The Applicants' Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Synergy Ltd and have provided all relevant technical details regarding the installation of the Onshore Cable Corridor. Further details can be found in Appendix A, Outline Soil Management Plan (OSMP) of the <b>Outline Code of Construction Practice [APP-234]</b>.</p>
RR-002: 4	<p><u>Efficient use of the land</u></p> <p>With reference to drawing ED13554-GE-1060, 'Works Plan (Onshore)' (pages 18 and 19) (Application Reference 2.6), and the Design and Access Statement Volume 8 (Application Reference 8.8) and Environmental Statement Volume 7,</p>	<p>The Projects Onshore Export Cable Corridor and Substation Zone design has been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment</b></p>

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	<p>Chapter 5 – Project Description (Application Reference 7.5). We object to the scale and configuration of land that is intended to be occupied by the designs included in the proposal. We have requested, but are still to receive, written information from the Applicant justifying why the amount of land that is being occupied for the cable routes and converter stations as well as the ancillary and temporarily occupied land, is as proposed. Most notably, without further justification having been provided, we object to:</p> <ul style="list-style-type: none"> <li>a. the splitting of the cable route (Works no 32B) across twin paths, involving (but not limited to) land plots 18-054, 18-052, 19-003 and 19-007. Separating the cables by such a distance greatly increases the overall extents of the impact in the land and diminishes the prospects for further utilization of the land for any business interest of AWEL;</li> <li>b. to options that a single maximum extent of land has been applied for despite the application including scenarios that may only require the installation of half of the cables, converter stations or other ancillary equipment;</li> <li>c. the impact on the business operations (both farming or non-farming) of our tenants based on the layout of the project that is proposed. We currently have seven tenants on the Risby estates and four of these have land which is affected by the proposed development area and we want to ensure that their interests are sufficiently protected;</li> <li>d. the potential cumulative impacts arising from the interactions from the proposed Projects with those other major infrastructure schemes which are intending to cross our land near to the proposed Projects. These schemes include the Hornsea 4 Offshore Wind grid connection assets, National Grid's Greater Grid Upgrade which involves the expansion of the Creyke Beck substation, new transmission overhead lines and the creation of a new satellite station (Birkhill) adjacent to the existing substation. It is imperative that the Applicant engages with the owners of these other projects and to work collaboratively with ourselves to ensure an efficient and expeditious delivery of all the schemes, with minimal cumulative impacts, should the Order for the Projects be granted; and</li> <li>e. the impact on the wider estate. The Projects will also potentially blight other alternative energy schemes that we have been approached about over the land proposed to be affected, and this again will cause further potential financial losses if the Projects proceed.</li> </ul>	<p><b>of Alternatives</b> [APP-067]. The Applicants believe the proposed Project Development Envelope, set out in <b>Chapter 5 Project Description</b> [APP-071], on balance achieves the optimum design. The Onshore Converter Stations are sized to accommodate the requirement of the Projects electrical transmission system. They represent a realistic worst-case scenario, as set out in section 5.7.2 of <b>Chapter 5 Project Description</b> [APP-071].</p> <p>The Projects are seeking 2x 12m Easements within a 75m construction corridor. The length of the Onshore Export Cable Corridor is 32km with a further 2.5km on Onward Cable Connection to the proposed new National Grid Substation at Birkhill Wood. The Easements of the Onward Cable Connection are 2x 17m. The Onward Cable Corridor splits either side of the INEOS Ethylene Pipeline to avoid the constraint in line with Health &amp; Safety guidance, as there is insufficient room to safely route both Cable Corridors between the A1079 and the INEOS Pipeline. Further detail is provided in <b>Chapter 5 Project Description</b> [APP-071].</p> <p>The visual impact of the Projects been assessed and are presented in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [App-192]. Viewpoint 1 (VP1) shown on <b>Chapter 23 Landscape and Visual Impact Assessment, Figure 23-2</b> [APP-193] is most representative of the Butts farm. On completion of all construction works, construction effects of the Onshore Converter Stations would be superseded by the operational effects, which are assessed in section 23.6.2.3.1 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] at VP1 as major adverse (significant) in year 1 following completion. By year 10, the mitigation planting of the Onshore Converter Stations is expected to be effective in partly screening and filtering views of the Onshore Converter Stations, with residual effects assessed as moderate adverse at year 10. Vegetation is expected to be around 8-10 m in height as shown on the photomontage in <b>Chapter 23 Landscape and Visual impact Assessment, Figure 23-7</b> [APP-193]. The vegetation would largely screen the lower elements of the Onshore Converter Stations, however, the upper parts of the Onshore Converter Stations such as the roofs of the buildings would still be visible on the skyline. The amount of screening provided by the planting would continue to increase as the trees mature with age, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. It should also be noted that section 1.5.3 states 'Where practical, landscape mitigation planting will be established as early as possible in the construction phase.' This will ensure that planting delivers effective mitigation as early as possible. The <b>Outline Landscape Management Plan</b> [APP-236] was developed in consultation with the local planning authority, East Riding of Yorkshire Council, a final Landscape Management Plan will be submitted to the East Riding of Yorkshire Council for approval prior to construction and is secured by Requirements 10 and 11 of the <b>Draft Development Consent Order (DCO)</b> [APP-027].</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the design principles for the Onshore Converter Station(s) and includes a requirement for a 'Design Champion' and 'Design Panel' with representatives to be agreed with the Planning Authority, who will work with the engineers at the detailed design stage</p>

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		<p>to consider the external appearance of the buildings and ensure the final Landscape Management Plan maximises the screening opportunities set out in <b>Outline Landscape Management Plan</b> [APP-236].The Applicants have developed DBS East and DBS West transmission infrastructure as co-ordinated Projects in accordance with the National Grid Electricity System Operator (ESO) evolving Holistic Network Design (HND), as updated in February 2024.The HND has confirmed the Projects will have a radial connection to the proposed National Grid Substation at Birkhill Wood, further detail is provided in <b>Chapter 4 Site Selection &amp; Assessment of Alternatives</b> [APP-067]. Hornsea Project Four, Dogger Bank A and B and the National Grid substation projects at Creyke Beck and Birkhill Wood and the Humber to High Marnham Overhead Line Project have been identified as a cumulative development in the cumulative environmental affects assessment, as discussed in <b>Appendix 6-1 Onshore Cumulative Effects Assessment Methodology</b> [APP-077]. Liaison with other developers has been and will continue throughout the development of the Projects. The Applicants are looking to co-ordinate with other developers and are exploring opportunities to do this, where feasible. The Applicants are aware of other unconsented developments in the locality, including Dogger Bank D and will continue to engage with developers as their proposals progress.</p> <p>The Environmental Impact Assessment (EIA) as presented in Volume 7 of the DCO submission application includes a detailed Cumulative Impacts Assessment of the Projects in combination with other Projects screened in for potential cumulative effects. These cumulative effects assessments are reported in the individual Environmental Statement (ES) chapters within the DCO submission.</p> <p>The Applicants acknowledge the comment on potentially blighting other alternative energy projects but are committed to working with other promoters to enable future development to cross the Projects subject to agreeing appropriate protective provisions and the Applicants consent.</p>
RR-002: 5	<p>Given the range of commercial interests, referred to above, that each of the business units of AWEL has, efficient use of the land is crucial for our continued commercial and environmental activity in the area. Impact on farming operations Pending agreement being reached with the Applicant we object to the proposal on the following grounds due to the potential for impact on our current and future farming operations across our land. This applies not only to general productivity and revenues arising from it but it may have a consequential impact on our ability to fulfill our obligations under supply contracts, which would lead to further loss.</p> <p>a. The occupation of land currently under Countryside Stewardship Schemes (CSS). A number of current CSSs lie within the Onshore Development Area. Removal or amendment to these schemes represents an administrative burden as well as the loss of revenue that comes with the allocation.</p> <p>b. The Projects cross our estate in such a way as to occupy awkward shapes of land and sever previously contiguous areas of farmland. This will disrupt farming activities in both the construction and operation phases of the Projects and lead in increased costs and time requirements for our farming unit.</p> <p>c. Impact on the soil/crop yields through compaction and contamination (from unintentional release of material and windblown dust arising from construction). These matters have the potential for reduced farming revenue for many</p>	<p>The Applicants acknowledge these concerns and has the following comments:</p> <ul style="list-style-type: none"> <li>a) The impact on Countryside Stewardship Schemes (CSS) is assessed in Chapter 21 Land Use [APP-16g].</li> <li>b) By consulting with landowners and occupiers, maintaining access to severed land, appropriate timings of works and reinstatement of land to pre-construction conditions as soon as reasonably practicable, the Applicant proposes to reduce the amount of land temporarily unsuitable for agriculture. Any reasonable loss of business is a matter of compensation which would be assessed and addressed by the Applicant.</li> <li>c) Mitigation measures associated with Best Most Versatile (BMV) land are outlined in section 21.6.1.3.5 of Chapter 21 Land Use [APP-16g]. Pre-construction surveys will be undertaken to define the current baseline environment, this will help inform a SMP which will set out the procedures for the appropriate handling of soils. Appendix A Outline Soil Management Plan (OSMP) is included in Outline Code of Construction Practice [APP-234].</li> </ul>

I.D.	Relevant Representation	Applicants' Comment
	<p>growing seasons, if not permanently in the case of serious ground contamination. We need to reach agreement on the management of such matters and the mechanisms to resolve any potential impact.</p> <p>d. Impact on drainage systems. Over the last 10 years our farming business has invested over one million pounds in improving the drainage system across the Risby Estate. There must be agreement over installation methods, remediation works and potential compensation with respect to the existing drainage system to ensure that productivity of the land is maintained.</p> <p>e. Impact on crop growing. We grow a variety of root crops across the estate and there are a number of deep ploughing and other sub soil activities involved with the farming here. We need to reach agreement with the Applicant on matters such as trench depth and backfill composition, handling of soils during installation etc.</p> <p>f. We disagree with the ALC land grading presented in the Outline Code of Construction Practice, Volume 8, Appendix A - Outline Soil Management Plan (Application Reference: 8.9) therefore the presumption of productivity of the area of land intended for development.</p>	<p>The Applicants have procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an Agricultural Land Classification (ALC) Survey of the Substation Zone, which was completed in January 2024 and has informed the OSMP. This has confirmed the area is grade 3b and not BMV. A survey of the Onshore Export Cable Corridor and Landfall Zone was completed in Spring/Summer 2024 to inform the detailed SMP and has been submitted at the preliminary deadline on the 8<sup>th</sup> October 2024, see Soil Resource Assessment Survey Results (application ref: 10.5).</p> <p>d) The Applicants have also instructed Land Drainage Consultancy Ltd to develop conceptual pre- and post-construction drainage plans that will be shared with the main works contractor once appointed to implement where reasonably practicable. These will be developed with landowners and agents outside the limitations of the DCO and will be agreed by private treaty, committed to as part of the Option Agreements. An Outline Drainage Strategy [APP-237] is included with the application. Pre-construction drainage would be installed to manage water coming from existing underground land drainage pipes which would be affected by the installation of the new Onshore Export Cables. Following installation of the Onshore Export Cables, the post-construction drainage program would commence to ensure that soils affected by the Onshore Export Cable corridor are left in a condition that enables a return within the affected fields to full agricultural production. Where necessary, post-construction drains may be installed, typically parallel to the Onshore Export Cable Corridor.</p> <p>e) The Onshore Export Cables would be pulled through pre-installed ducts at sufficient depth to protect them from activities above the cable. There may be occasions where direct lay is required in certain ground conditions or if an obstruction is identified. Cable ducts are generally laid in trenches at an indicative depth to the top of the ducts of 1.3m – 1.7m , as detailed in Table 5-27 of Chapter 5 Project Description [APP-071] or installed in trenchless crossing bores and then the cables are pulled through. Jointing Bays would be constructed at intervals along the Onshore Export Cable Corridor to allow pulling and / or joining of the cables. Typically, the Jointing Bays would be located every 750m to 1.5km. This depth has been designed to allow ploughing to resume following the reinstatement after the completion of construction works.</p> <p>f) See response to point c.</p>
RR-002: 6	<p><u>Conclusion</u></p> <p>ASL will continue to engage with the Applicant in an attempt to reach agreement on the acquisition of leaseholder, easement and temporary access rights. However, given the points of potential impact identified above and the reassurances that are still to be secured ASL must object to the Projects at this time and we reserve the right to make further representations during the course of the Examination should that be necessary.</p>	<p>The Applicants continue to seek voluntary agreement on reasonable commercial terms. The Applicants' Land Agent has been having productive discussions with Albanwise Synergy Ltd agent and the Applicants are hopeful that an agreement will be reached.</p>



### 8.3 Ulllyotts (Rural) Limited on behalf of J L White & Son and Butt Farm Caravan, Camping & Glamping Site

Table 8.3.1 – Applicants’ response to Ulllyotts (Rural) Limited on behalf of J L White & Son and Butt Farm Caravan, Camping & Glamping Site relevant representation

I.D.	Relevant Representation	Applicants’ Comment
RR-054: 1	<p>These comments are submitted on behalf of J L White &amp; Son and Butt Farm Caravan, Camping and Glamping site. Out Client’s are tenants of Butt Farm and have occupied the property since 12 October 2013. They operate their farming business from the property as well as an award winning caravan, camping and glamping site. The proposed Dogger Bank South Project (“the Project”) intends to construct part of the proposed converter station on land at Butt Farm with both the acquisition of freehold land, rights and temporary rights over the property proposed.</p>	<p>No response is required</p>
RR-054: 2	<p>The main comments that the wish to raise are in respect of the likely disturbance that both construction and long term operation of the converter station will have on our clients caravan and camping site business as well as the land lost to the Project. The freehold land take proposed by the Project includes plots 18-010 and 18-028. These two plots total approximately 15.68 Hectares which is 27.11% of the total. That land take is made of arable and grassland fields as well as part of the caravan and camping site which will result in the loss of at least 10 of the 40 pitches on the site.</p>	<p>The Applicants acknowledge these comments and have identified the Butt Farm Caravan and Camping site as a sensitive environmental receptor in the Environmental Impact Assessment (EIA), as it is located within 1km of the Substation Zone.</p> <p>A comprehensive, iterative site selection process for the Substation Zone in which the Onshore Converter Stations are located was undertaken. The final location for the Onshore Converter Stations was identified considering environmental and engineering assessments, existing and planned developments, engineering technical feasibility including proximity to the grid connection point, local communities and consultation feedback, landowner engagement and environmental considerations including designated sites, nature reserves, land use, historic features. The site selection process of the Projects aimed to minimise impacts on the environment and local residents. The findings from the site selection process are included in <b>Chapter 4 Site Selection and Alternatives</b> [APP-67] of the Environmental Statement (ES).</p> <p>The visual impact of the Projects been assessed and are presented in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192]. Viewpoint 1 (VP1) shown on <b>Figure 23-2</b> [APP-193] is most representative of the Butt farm Caravan and Camping site. As detailed in section 23.6.1.2.3.1 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] there would be a temporary significant visual effect (moderate adverse) during the construction phase at VP1 from Butt Farm for a period of four to six years within the Onshore Substation Zone.</p> <p>On completion of all construction works, construction effects of the Onshore Converter Stations would be superseded by the operational effects, which are assessed in section 23.6.2.3.1 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] at VP1 as major adverse (significant) in year 1 following completion. By year 10, the mitigation planting of the Onshore Converter Stations is expected to be effective in partly screening and filtering views of the Onshore Converter Stations, with residual effects assessed as moderate adverse at year 10. Vegetation is expected to be around 8-10 m in height as shown on the photomontage in <b>Figure 23-7</b> [APP-193]. The vegetation would largely screen the lower elements of the Onshore Converter Stations, however, the upper parts of the Onshore Converter Stations such as the roofs of the buildings would still be visible on the skyline. The amount of screening provided by the planting would continue to increase as the trees mature with age, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. It should also be noted that section 1.5.3 states ‘Where practical, landscape mitigation planting will be established as early as possible in the construction phase.’ This will</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>ensure that planting delivers effective mitigation for receptors as early as possible. The <b>Outline Landscape Management Plan</b> [APP-236] was developed in consultation with the local planning authority, East Riding of Yorkshire Council, a final Landscape Management Plan (LMP) will be submitted to the East Riding of Yorkshire Council for approval prior to construction and is secured by Requirements 10 and 11 of the <b>Draft DCO</b> [APP-027].</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the design principles for the Onshore Converter Station(s) and includes a requirement for a 'Design Champion' and 'Design Panel' with representatives to be agreed with the Planning Authority, who will work with the engineers at the detailed design stage to consider the external appearance of the buildings and ensure the final Landscape Management Plan maximises the screening opportunities set out in <b>Outline Landscape Management Plan</b> [APP-236].</p> <p>A significant adverse effect has also been identified in <b>Chapter 29 Tourism and Recreation</b> [APP-219] on Butt Farm campsite, as detailed in Section 29.6.2.2. This relates to the significant effects identified in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192] outlined above and with the mitigation outlined above, the residue effect is moderate adverse following the maturation of planting after eight to ten years.</p> <p>Noise and air quality effects during construction, including those from construction traffic are not considered to be significant with the implementation of the measures set out in <b>Outline Code of Construction Practice (CoCP)</b> [APP-234] and the <b>Outline Construction Traffic Management Plan (CTMP)</b> [APP-238]. Further information on potential noise and air quality impacts and proposed mitigation can be found in <b>Chapter 25 Noise</b> [APP-201], Chapter 26 Air Quality [APP-208] and <b>Chapter 24 Traffic and Transport</b> [APP-195]. The final CoCP and CTMP will be subject to approval from the relevant planning authority. There are no significant effects identified during operation of the Converter Stations.</p> <p>The Applicants acknowledge that the permanent footprint of the Substation Zone would occupy part of the area utilised for the caravan and campsite site for essential screening purposes.</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicant's Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p> <p>Any reasonable loss of business is a matter of compensation which is being considered by the Applicants based on the evidence provided.</p>
RR-054: 3	<p>The impact on the caravan and camping site is two fold. The loss of at least 10 pitches is going to cause direct financial loss to our client's business as their current planning consent does not allow for these to be repositioned. Profitability of the site will therefore reduce by at least 25% but this is likely to be higher as some fixed costs remain the same irrespective of the number of pitches. During construction the works plans for the Project</p>	<p>As detailed in RR-054: 1, a significant adverse effect has also been identified in <b>Chapter 29 Tourism and Recreation</b> [APP-219] as detailed in Section 29.6.2.2. This relates to the significant effects identified in the in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192] outlined above and with the mitigation outlined</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>indicate that construction areas will be required immediately adjacent to the caravan and camping site. Noise and disturbance from vehicle movements and ongoing work is expected to be such that it will not be possible to operate the caravan and camping site without significant negative impact on their business.</p>	<p>above, the residue effect is moderate adverse following the maturation of planting after eight to ten years.</p> <p>Noise and air quality effects during construction, including those from construction traffic are not considered to be significant with the implementation of the measures set out in <b>Outline Code of Construction Practice (CoCP)</b> [APP-234] and the <b>Outline Construction Traffic Management Plan (CTMP)</b> [APP-238]. Further information on potential noise and air quality impacts and proposed mitigation can be found in <b>Chapter 25 Noise</b> [APP-201], <b>Chapter 26 Air Quality</b> [APP-208] and <b>Chapter 24 Traffic and Transport</b> [APP 195]. The final CoCP and CTMP will be subject to approval from the relevant planning authority. There are no significant effects identified during operation of the Converter Stations.</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicant's Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p> <p>Any reasonable loss of business is a matter of compensation which is being considered by the Applicants based on the evidence provided.</p>
RR-054: 4	<p>If the Project goes ahead, we expect that there will be no other option than to close the caravan and camping site for the duration of construction and claim compensation for loss of income from the Project. Post construction and during operation the Project plans suggest that at the nearest point the converter station will be around 120m from the caravan and camping site. The impact of the presence of the converter station after construction is likely to have a significant impact on the long term viability of the caravan and camping site due to the affect on the visual amenity of the area as well as the long term noise and light pollution caused. The site is particularly popular due to its proximity to Beverley whilst also appearing relatively remote and peaceful with views over open countryside. After construction the view immediately to the south of the site will be dominated by the proposed substation. This negative impact on the peaceful and visually attractive nature of the site is likely to deter customers from returning to or visiting the site in the first place. This loss to our Client's business could, in the worst case, result in it having to close permanently but as a minimum is likely to cause a dramatic reduction to the profitability.</p>	<p>A detailed response in relation to environmental effects is provided in RR-054: 1. As detailed in RR-054: 1, RR-054: 2 and RR-054: 3</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicant's Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p> <p>Any reasonable loss of business is a matter of compensation which is being considered by the Applicants based on the evidence provided.</p>
RR-054: 5	<p>Proposed screening plans have been provided by the Project with visualisations of how the converter station will appear 10 years post construction once screening has matured. The visualisations only confirm that the converter station will dominate the landscape and the lack of effective screening is likely to mean that there will also be very little reduction in noise pollution either. The loss of over a quarter of the agricultural land at Butt Farm will also dramatically impact the viability of our clients farming business. In a similar manner to that with the caravan and camping site a significant part of a farm's fixed costs remain the same regardless of farmed area. Reducing the farmed area therefore has a direct impact on profitability due to costs being spread across a smaller area. This coupled with increasing variable costs, volatile commodity markets and loss of direct subsidy payments will mean that the Project will raise the question of whether the business remains viable during and after construction.</p>	<p>The Applicants acknowledge this comment. The largest structures within the Substation Zone would be the valve hall being 244m x 264m with an approximate height of 24m, lightning masts would be up to 27m in height as detailed in <b>Chapter 5 Project Description</b> [APP-071].</p> <p>As detailed in RR-054: 1 the visual impact of the Projects been assessed and are presented in <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192]. Viewpoint 1 (VP1) shown on <b>Figure 23-2</b> [APP-193] is most representative of the Butt farm Caravan and Camping site. On completion of all construction works, construction effects of the Onshore Converter Stations would be superseded by the operational effects, which are assessed in section 23.6.2.3.1 of <b>Chapter 23 Landscape and Visual impact Assessment</b> [APP-192] at VP1 as major adverse (significant) in year 1 following completion. By year 10, the mitigation planting of the Onshore</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>Converter Stations is expected to be effective in partly screening and filtering views of the Onshore Converter Stations, with residual effects assessed as moderate adverse at year 10. Vegetation is expected to be around 8-10 m in height as shown on the photomontage in <b>Figure 23-7</b> [APP-193]. The vegetation would largely screen the lower elements of the Onshore Converter Stations, however, the upper parts of the Onshore Converter Stations such as the roofs of the buildings would still be visible on the skyline. The amount of screening provided by the planting would continue to increase as the trees mature with age, as detailed in the <b>Outline Landscape Management Plan</b> [APP-236]. It should also be noted that section 1.5.3 states '<i>Where practical, landscape mitigation planting will be established as early as possible in the construction phase.</i>' This will ensure that planting delivers effective mitigation as early as possible. The <b>Outline Landscape Management Plan</b> [APP-236] was developed in consultation with the local planning authority, East Riding of Yorkshire Council, a final LMP will be submitted to the East Riding of Yorkshire Council for approval prior to construction and is secured by Requirements 10 and 11 of the <b>Draft DCO</b> [APP-027].</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the design principles for the Onshore Converter Station(s) and includes a requirement for a 'Design Champion' and 'Design Panel' with representatives to be agreed with the Planning Authority, who will work with the engineers at the detailed design stage to consider the external appearance of the buildings and ensure the final Landscape Management Plan maximises the screening opportunities set out in <b>Outline Landscape Management Plan</b> [APP-236].</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicant's Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p> <p>Any reasonable loss of business is a matter of compensation which is being considered by the Applicants based on the evidence provided.</p>
RR-054: 6	<p>A further issue is that the main access road proposed to service the converter station is proposed across Butt Farm. Not only does this sever approximately 23 Hectares of the land from the main part of Butt Farm but, depending on the exact position of the road, will leave areas which are impractical to farm with modern machinery. Whilst it is appreciated that accommodation works and crossing points will presumably be discussed, this does not alter the fact that the farming of the land on the west side of the proposed road will become less practical.</p>	<p>The Applicants acknowledge this comment, the main access road proposed for the Onshore Converter Stations is required for the operational life of the Projects 30-32 years. The residual impacts to changes in land use and agri-environmental schemes during operation have been assessed as potentially major adverse (significant), at the Substation Zone in <b>Chapter 21 Land Use</b> [APP-169] as the total permanent land take associated with the Substation Zone for the Projects is approximately 33ha (based on two Onshore Converter Stations, landscaped areas, access route and drainage requirements). The significance of effect in relation to the loss of agricultural land during the operation of the Projects cannot be reduced as the land would be unavailable for use in the medium to long-term. However, it should be noted, that following completion of construction, land within the Onshore Substation Zone will be returned to agriculture, as shown in <b>Outline Landscape Management Plan</b> [APP-236].</p>

I.D.	Relevant Representation	Applicants' Comment
		<p>By consulting with landowners and occupiers, maintaining access to severed land, appropriate timings of works and reinstatement of land to pre-construction conditions as soon as reasonably practicable, the Applicants seek to reduce the amount of land temporarily unsuitable for agriculture.</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicants' Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p>
RR-054: 7	<p>The proposed access road will also cause an increased security risk to Butt Farm as there is currently only one means of entering the property by utilising the farm drive from Victoria Road and across the A1079 flyover, directly past the farmhouse. The proposed new access will create a second route onto the farm which would most directly approach the rear of the farmstead. This has the potential to encourage and facilitate access for opportunistic thieves to the farm from the west whilst also providing a fast route of escape via a dual carriageway. In order to reduce this risk we will require the road secured with Palisade style security fencing and gates at the junction to ensure that there is no risk to security. Negotiations with Dalcour Maclaren, as agents for the Project, are ongoing. Despite these discussions we wish to object in the strongest possible terms to the Project as the likely impact on our Client's business is terminal.</p>	<p>The Onshore Converter Stations would not be manned; however, access would be required periodically for routine maintenance activities, estimated at an average of one visit per week. There would be no public access to the Converter Stations. Monitoring of the Onshore Converter Stations would be done remotely using CCTV technology and other remote monitoring equipment. The security fencing installed during construction would remain in place throughout operation including a security gate installed at the access point off the A1079. Further information can be found in <b>Chapter 24 Traffic and Transport</b> [APP-195].</p> <p>The Applicants continue to seek voluntary occupier's agreements with the occupiers of Butt Farm on reasonable commercial terms that are consistent with compensation packages agreed recently with East Riding Yorkshire Council for the Jocks Lodge Improvement Scheme. The Applicant's Land Agent has been having productive discussions with the agent for the occupiers of Butt Farm, and the Applicants are hopeful that an agreement of compensation for an occupier's consent will be reached.</p> <p>Any reasonable loss of business is a matter of compensation which is being considered by the Applicants based on the evidence provided.</p>

## 8.4 Michael Glover LLP on behalf of Los Trustees

Table 8.4.1 – Applicants' response to Michael Glover LLP on behalf of Los Trustees relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-032	<p>[REDACTED]are together the Los Trustees representing family owned land on the north side of Beverley under Land Registry title number [REDACTED]. The land is affected by the DBS proposals. It has in recent years been the subject of approaches for development; recently as a Local Authority Civic Amenity site and previously for sports pitches, the buyer seeking to release sports pitches within the body of the town for residential development. The subject lands accessibility and proximity to the town has been the reason for these approaches. DBS have recently made an approach seeking voluntary agreement for an easement but are seeking to acquire at rates which do not reflect urban fringe land values and are more reflective of open countryside agricultural land values. We have concerns that if they are taking such an approach when they are seeking a voluntary agreement, they are likely to abuse rights that they might be given through the Development Consent Order. We have no desire to have to pursue compensation through the Upper Tribunal Lands Chamber as we have a very busy</p>	<p>The Applicant continues to seek voluntary agreement on reasonable commercial terms. The Applicants' Land Agent has been having productive discussions with the Los Trustees agent and the Applicants are hopeful that an agreement will be reached.</p>

I.D.	Relevant Representation	Applicants' Comment
	<p>practice. We do not believe that behaviour of this nature should be rewarded with the granting of a Development Consent Order notwithstanding the nationally important infrastructure nature of the scheme and will be making objections accordingly with evidence of the nature of the approaches made.</p>	

## 8.5 Michael Glover LLP on behalf of Riplingham Estates Ltd

Table 8.5.1 – Applicants' response to Michael Glover LLP on behalf of Riplingham Estates Ltd relevant representation

I.D.	Relevant Representation	Applicants' Comment
RR-033	<p>Our clients understand and accept the need for transmission capability of electrical power from the North Sea and as agents we have positively engaged with other DCO schemes- for example Hornsea 4 and National Grid North Humber to High Marnham pylon line proposals. In this instance, Dogger Bank South , our clients feel the need to object because of the attitude adopted by RWE in the context of their approach to attempting to secure a cable easement which , whilst we appreciate is voluntary , has been attempted on a basis significantly at odds with the basis of the compulsory purchase code , the detail of such conduct we will explain in the objection , but as a result, we do not consider that their conduct is indicative, in this instance , of a responsible organisation which should be awarded compulsory purchase powers through the Development Consent Order process , not withstanding the nationally important infrastructure status . We will submit our reasoning as supplementary information within an email to <a href="mailto:doggerbanksouth@planninginspectorate.gov.uk">doggerbanksouth@planninginspectorate.gov.uk</a></p>	<p>The Applicants continue to seek voluntary agreement on reasonable commercial terms. The Applicants' Land Agent has been having productive discussions with Riplingham Estates Ltd agent regarding the voluntary agreement. The Applicants are therefore hopeful that an agreement will be reached.</p>

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South (West) Limited

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South (East) Limited

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**RWE**

MASDAR 