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Applicants' Response to the Examining Authority's Request for Further Information under Rule 17

Dear Ms Dowling,

This submission is in response to the Examining Authority's Request for Further Information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) Procedural Decision issued by the Examining Authority on 10 October 2024. The Applicants have given consideration to the queries raised and provided responses below using the same numbering:

- 1. Confirm if the information that the RSPB indicate it is expecting will be submitted and whether this would be at D1 or D2.***

The Applicants can confirm that updated information that the RSPB refer to will be submitted at both Deadline 1 and Deadline 2. For ease of reference, the Applicants have provided a list of the information to be submitted, a brief summary of the key documents, and details of which deadline this information will be submitted is provided in a table in response to Question 2 (please see below).

- 2. If updated information is to be submitted, provide a list of the information to be submitted including, where possible, a brief summary of the key documents and details of which deadline this information will be submitted.***

The table below provides a summary of the ornithological documents to be submitted at Deadlines 1 and 2.

Deadline	Document Title	Summary of information to be submitted
1	Kittiwake Compensation Plan v2 [APP-052]	This document will be updated to provide information on the site selection work undertaken since DCO submission for the site selection for the Artificial Nesting Structure (ANS), specifically additional constraints analysis and down-selection of Areas of Search (AoS). An update will also be provided of current work packages being undertaken to

Deadline	Document Title	Summary of information to be submitted
		further refine the site selection. Finally, an update to the delivery programme for installation will be provided. These were all requested by both Natural England and RSPB in their relevant representations.
	Guillemot [and Razorbill] Compensation Plan v2 [APP-056]	The compensation plan will be updated to provide information on the auk colony survey work undertaken since DCO submission to inform site selection of our preferred location for the proposed compensation measure. The updated plan will also detail the feasibility studies the Applicants will undertake over the winter of 24/25 to inform how predator eradication would be delivered. An update to the delivery programme for the eradication scheme delivery will also be provided. All updates described were requested by both Natural England and RSPB in their relevant representations.
2	Offshore Ornithology EIA Update v1	This document will present the updates to the offshore ornithological impact assessment to address key points raised by Natural England and RSPB within their relevant representations. Key updates to be included are discussed in our response to Question 4, below. This document will comprise revised assessment tables in the same format as those presented in the Offshore Ornithology Chapter (APP-103) with accompanying supporting text.
	Offshore Ornithology RIAA HRA Update v1	This document will present the updated ornithological assessment to inform the Habitats Regulation assessment numbers following the update of the ornithological assessment in line with latest Natural England Guidance ¹ and relevant Representation requests. The updates will reflect, where relevant, the changes made in the Offshore Ornithology EIA Update v1. These are discussed in our response to Question 4, below. This document will comprise revised assessment tables in the same format as those presented in the RIAA (APP-048) with accompanying explanatory text.
	Kittiwake Compensation Plan [APP-052] v3	The Kittiwake Compensation Plan will be revised to include the updated numbers arising from the Offshore Ornithology RIAA HRA Update. This will comprise of updating tables within the compensation plan which show predicted effected numbers and predicted numbers needed for compensation.
	Guillemot [and Razorbill] Compensation Plan v3 [APP-056]	The Guillemot [and Razorbill] Plan will be revised to include the updated numbers arising from the Offshore Ornithology RIAA HRA Update. This will comprise of updated tables within the compensation plan which show predicted effected numbers and predicted numbers needed for compensation.

3. If it is the case that the updated HRA compensation information is to be submitted at D1 and the updated ornithological assessments at D2, the extent to which you expect your updated RIAA ornithological assessment to have the potential in turn to change the RIAA, for example in relation to the necessary quantum of compensation for each identified Adverse Impact on Integrity.

The Applicants' ornithological EIA and RIAA assessments were based on the most recent guidance at the time of completion and are therefore considered fit for purpose. The new Natural England Guidance (referred to in RR-039:G 19) does not require a fundamental change in approach therefore, the Applicants do not expect the updated ornithological assessments to result in any changes to the conclusions made in the RIAA in terms of Adverse Effect on Integrity for the number of species impacted. It is expected that application of Natural England advice from their Relevant Representation will not affect the number of kittiwakes to be compensated but will affect guillemot and razorbill numbers. The Applicants consider that the proposed compensation measures for both Kittiwakes and guillemot and razorbill will provide sufficient compensation for any revision of these numbers within the updated ornithological assessments. Both compensation plans will be updated at Deadline 2 to incorporate changes made in the updated RIAA.

¹ SNCB (2024) NE and NRW interim advice regarding demographic rates, EIA scale mortality rates and reference populations for use in offshore wind impact assessments.

4. Confirm when you intend to provide a substantive response to Natural England's Relevant Representation and briefly indicate now which matters of concern raised by Natural England and the RSPB that you intend to address in the updates to the offshore ornithology (EIA and RIAA).

As stated in the Applicants' response to the Rule 6 letter (**PD-011**), a substantive response to Natural England's Relevant Representation will be submitted at Deadline 1, with an update of the ornithological assessment provided at Deadline 2.

In the update to the offshore ornithology (EIA and RIAA) the Applicants intend to address the following matters previously raised by Natural England and the RSPB.

The Applicants ornithological EIA and RIAA assessments are fit for purpose as they were based on the latest guidance at the time they were undertaken. The new SNCB guidance (referred to in RR-039:G 19) was not issued until March 2024, by which time the assessments had already been undertaken prior to the June submission. However, the Applicants will submit updates (as detailed in the table above) to address concerns from Natural England. In addition to revising the assessment in line with latest guidance the updated assessments will also address other points raised by Natural England, specifically:

- Providing an updated combined assessment for Dogger Bank South (DBS) East and West arrays.
- Revision of the calculation of impacts on guillemot and razorbill at Flamborough and Filey Coast (FFC) SPA regarding apportioning of guillemot and razorbill displacement impacts.
- Revising the in-combination assessments: The Applicants will use information that was not available when the ornithological assessment was undertaken, including impacts from several developments that have recently submitted applications, including Outer Dowsing, Five Estuaries and North Falls. It is important to note that some of the estimated impacts of these projects are subject to requests for revision by Natural England so the in-combination totals are expected to be preliminary until final agreements have been reached between each project and Natural England. Dogger Bank D has not published a PEIR at this stage and it is considered unlikely that this will occur within the timescale of the DBS examination.
- Inclusion of in-combination assessments for specific species at additional SPAs, namely guillemot at Farne Islands SPA, puffin at FFC SPA, puffin at Farne Islands SPA and red-throated diver at Greater Wash SPA as requested.
- Provision of updated PVAs for the Projects alone as requested.

Regarding the RSPB's comments on assessment methods, these are currently being considered in line with the updated Natural England guidance. It should be noted that Natural England and RSPB requests are not always aligned. Where there is discrepancy, the Applicants will defer to the Natural England guidance. The applicants anticipate further discussion with RSPB through the Statement of Common Ground process throughout the examination.

The Applicants' responses to RSPB's Relevant Representations were provided at the Pre-Examination deadline on the 8 October 2024.

The ExA notes in your Pre-Examination deadline submissions that you have indicated that you are proposing to submit a change request and that the necessary consultation materials are being

prepared with the intention to begin a 30-day consultation at the beginning of November. Can you provide any further information about the proposed consultation and submission schedule?

As noted above, the Applicants' Pre-Examination deadline submissions made on 8 October 2024 included notification of the intention to submit a change request for the Projects, noting that a consultation on the proposed changes would be undertaken.

The consultation materials issued to consultees will consist of a covering letter explaining the changes, and a 'Change Request: Environmental Assessment Update' document to consultees.

This document will provide the details of the updated project design envelope, whilst also reporting on the updated conclusions of relevant Environmental Statement topic chapters. These consultation materials will be distributed to consultees electronically. The consultation material will also include information in relation to the change process, the reasons for the consultation, the reasoning for the proposed changes and the deadlines and schedule relevant to the consultation and its wider place in the change process.

The Applicants' notification of the intention to submit a change request for the Projects included a list of proposed consultees in Appendix A of Applicants' Notification of Change letter (**PDA - 012**).

The Applicants intend to consult on the proposed offshore changes from 7 November 2024 until 9 December 2024. Thus allowing 30 calendar days for the receipt of stakeholder feedback. Following the consultation, and consideration of stakeholder feedback received, the Applicants intend to submit a change request application to the ExA on 13 December 2024. The list of materials proposed to be included for inclusion within the Applicants' change application submission is included in Section 6 of the Applicants' Notification of Change Letter **PDA-012**). The Applicants would be happy to include any further information the ExA requests. The Applicants would welcome any further guidance relating to the ExA's views on the change process, including the proposed consultation exercise.

Details of the proposed consultation and change request timetable can be found in sections 4 and 5 of the Applicants' Notification of Change letter (**PDA-012**).

The ExA also requests the Applicants to summarise any other information which has not already been submitted, or any substantive updates, and which deadline these are likely to be submitted.

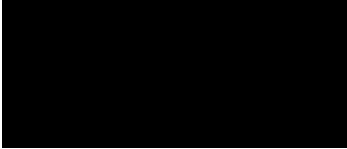
The Applicants envisage that a series of new and updated documents will be submitted throughout the examination process as part of the Applicants' response to matters raised by the ExA or interested parties. Indicative lists of these documents for submission at Deadline 1 and Deadline 2 have been prepared by the Applicants and are included in Appendix A of this letter. These lists include the documents requested by the ExA in their Rule 6 letter (**PDA-002**). Further documents and updates can be expected to be submitted at future deadlines.

In addition to the above, the Applicants are in the process of considering an onshore change which would result in minor amendments to the substation zone layout and reduce the red line boundary around the proposed Onshore Converter Station(s). The Applicants anticipate they will be in a position to submit a change request notification in respect of the onshore changes at Deadline 1. The Applicants expect to carry out consultation in December 2024 / January 2025, and to submit a formal change request application on or around Deadline 3. Please note, that

these timescales are indicative at this stage and the Applicants will confirm the dates to the Examining Authority as soon as possible.

The Applicants hope that the information outlined above answers your questions.

Yours sincerely,



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Appendix A

Indicative list of anticipated documentation to be submitted at Deadlines 1 and 2

Please note some of the document titles are indicative and may change prior to issue.

* Denotes that the documents will be submitted with only minor updates following stakeholder feedback.

Deadline 1

- Guide to application
- Draft DCO*
- Explanatory Memorandum*
- Book of Reference
- Offshore Operations and Maintenance Plan (OOMP)*
- Outline Marine Mammal Mitigation Protocol (Revision 2)*
- In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) (Revision 2)*
- Statement of commonality of SoCG
- SoCG Northern Power Grid
- SoCG National Highways
- SoCG National Federation of Fishermen's Organisations
- SoCG Network Rail
- SoCG RSPB
- SoCG The Wildlife Trusts
- SoCG Trinity House
- SoCG UK Chamber of Shipping
- SoCG Lincolnshire Wildlife Trust
- SoCG East Riding of Yorkshire Council
- SoCG Environment Agency
- SoCG Historic England
- SoCG Hull City Council
- SoCG MMO
- SoCG Maritime & Coastguard Agency
- SoCG National Grid Ventures (Interconnector Holdings Ltd)
- SoCG National Grid Electricity Transmission
- SoCG National Gas Transmission
- SoCG Humber Archaeological Partnership
- Response to Relevant Representations (including response to Natural England) (Revision 2)
- Land Rights Tracker
- Deadline 1 Cover Letter
- Archaeological Trial Trenching Phase 2 (Interim Report) Section 5
- Archaeological Trial Trenching Phase 2 (Interim Report) Section 6
- DBS Phase 2 2024 Archaeological Trial Trenching Technical Note (Revision 2)
- Sediment Deposition Paper
- Written Summaries of Oral Submissions at Hearings
- Applicants' suggested draft itinerary for an ASI
- Examination Progress Tracker
- Geophysical Assessment Report (Final)
- Coastal Erosion Rate Technical Note (New Document)
- Fish Heat Mapping Report (New document)
- Project level Kittiwake Compensation Plan (Revision 2)
- Guillemot [and Razorbill] Compensation Plan (Revision 2)
- Review of evidence on recovery of sandbank habitat following habitat damage (New document)
- Auk survey /auk site selection report (New document)
- Outline Construction Traffic Management Plan (including Figures) (Revision 2)*
- Volume 7, 7.24.24.2 Environmental Statement Appendix 24-2 - Transport Assessment (Revision 2)
- Change Notification Letter – Onshore Substation Zone

Deadline 2

- Guide to application (Revision 3)
- Draft DCO
- Outline Landscape Management Plan (Revision 2)*
- Outline Code of Construction Practice (Revision 2)*
- Outline Drainage Strategy (Revision 2)*
- Outline Ecological Management Plan (OEMP) (Revision 2)*
- In Principal Monitoring Plan*
- Outline Fisheries Liaison and Co-existence Plan*
- Land Rights Tracker
- Deadline Cover Letter
- Comments on the LIRs
- Comments on WR
- Transboundary response
- Offshore Ornithology EIA Update
- Offshore Ornithology RIAA HRA Update
- Project level Kittiwake Compensation Plan (Revision 3)
- Guillemot [and Razorbill] Compensation Plan (Revision 3)
- Unexploded Ordnance Clearance Information and Assessment
- Cable Statement*
- Outline Scour Protection Plan*
- Ornithological Mitigation Option Report (new document)
- ES Appendix 5-2 Obstacle Crossing Register (Revision 2)*

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