

Date: 29 January 2025
Our ref: 17503; 489450
Your ref: EN010125
Interested Party ref: 20050173



National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order granting Development Consent for the Dogger Bank South Offshore Wind Farms

The following constitutes Natural England's formal statutory response for Examination Deadline 1.

1. Natural England's Deadline 1 Submissions

In the interests of issue resolution Natural England combined our Relevant Representation and Written Representations which were submitted on 6th September 2024 [RR-039]. Natural England has noted the additional documents relevant to our statutory remit submitted by the Applicant prior to Deadline 1. An update of Natural England's position regarding these documents is provided in Annex 1, including anticipated timing of responses.

Natural England is also submitting the following detailed responses, signposted from Annex 1:

- EN010125 489450 DBS – Natural England's Risks and Issues Log Deadline 1
- EN010125 489450 Dogger Bank South Appendix B1 - Natural England's Advice on 10.38 Coastal Erosion Technical Note [AS-116] Deadline 1
- EN010125 489450 Dogger Bank South Appendix H1 - Natural England's Advice on Seabird Compensation Calculations Ornithology Deadline 1
- EN010125 489450 Dogger Bank South Appendix I1 - Natural England's Advice on

Terrestrial Ecology and Ornithology Deadline 1

Natural England acknowledges the Examiner's request that comments on all additional submissions submitted whilst the Preliminary Meeting was adjourned are provided at Deadline 1. As noted in our 7th January 2025 response [PDC-009] to the Rule 6 letter, it will not be possible for Natural England to provide our detailed comments on all of the submitted documents at this time. As we prioritised those reviews relevant to the issued Rule 17 letters prior to the Christmas period to expedite our responses to those letters, our detailed review of documents did not begin in earnest until January. We anticipate that advice on all documents not commented on at Deadline 1 will be provided at Deadline 2, with the exception of Offshore Ornithology (see Section 6).

As outlined within our Relevant Representation, we deferred our comments on the Offshore In-Principle Monitoring Plan (IPMP) [APP-247] to Deadline 1. However, owing to the volume of documentation submitted since the Relevant Representations deadline and the upcoming Change Request review, we will defer our response to the IPMP until Deadline 3 in order to take account of additional information.

2. Natural England's Engagement through Examination

Natural England wishes to highlight that the focus of our engagement during Examination will be on reviewing relevant updated Environmental Statement (ES) Chapters/technical documents/outline plans or thematic clarification notes submitted by the Applicant only. We will not be responding to commentary on our representations, other interested parties' representations or to comments from the Applicant or other stakeholders on the Risk and Issues Log, unless the ExA questions direct us to do so.

In addition, Natural England highlights that we do not consider that the Applicant's response to our Relevant Representations alone is sufficient to address our issues and concerns. For issues to be considered resolved, the amendment or commitment will need to be included within/secured within the DCO/dML, a named technical document or plan and reviewed within the wider context of the Application.

3. Relevance of Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA)

Natural England understands from the Applicant's response to our Relevant Representations [AS-048] and the transcript from the resumed Preliminary Meeting [EV6-002], that the Applicant views the Environmental Statement (ES) and RIAA as 'point in time' documents which will not be updated during the Examination.

Natural England strongly disagrees with this approach. We consider that not having an integrated and updated ES on which to base their recommendations will make the Examining Authority's role significantly more challenging, and DESNZ as the decision-maker is likely to encounter similar difficulties. Furthermore, the ES is used extensively in the post-consent phase by both Regulators and Statutory Nature Conservation Bodies to ensure that documents submitted to discharge DCO/dML conditions are in line with what was assessed and consented. Due to the time-lapse between consent and condition discharge, it cannot be

guaranteed that those working on the project will also have been involved in Examination with awareness of updates made to Maximum Design Parameters and Worst-Case Scenarios assessed, or that all Examination communications will be accessible.

We therefore advise that all changes and/or updates accepted in additional submissions are reflected in updated ES chapters and assessments to be submitted within Examination timeframes. We acknowledge that it is likely unfeasible for the ES to be updated at every deadline and therefore suggest that larger updates could be 'saved up' to be submitted at a confirmed point in the Examination. We understand that a similar approach is currently being taken in the Morecambe Offshore Wind Farm Examination and Outer Dowsing OWF. We acknowledge that there may be particular topic areas where an ES chapter update may be more effectively delivered through a technical addendum or similar; but advise that should that be the case, this should be included as a certified document in the DCO/dML.

4. Risk and Issues Log and Principal Areas of Disagreement Summary Statement

Natural England has submitted a Risk and Issues (R&I) Log and Principal Areas of Disagreement Summary Statement (PADSS), password protected in excel format to allow ease of use. It is anticipated that the R&I Log will be updated and submitted alongside our submissions at each deadline to reflect any progress in issue resolution during Examination. The PADSS will be updated from Deadline 4 onwards. Please note for Deadline 1 there are no updates provided to the Offshore Ornithology or Ornithology Compensation (See Section 5 of this letter) aspects of the log.

5. Approach to Change Request

Natural England acknowledges receipt of the Rule 9 and 17 letter dated 21st January 2025 [PD-012] confirming acceptance of the Applicant's Change Requests. We understand that any updated documentation associated with the Change Request should be submitted by the Applicant by Deadline 2, and that Interested Parties will be invited to submit comments by Deadline 3. We will endeavour to meet this Deadline. For clarity, we have highlighted in our Deadline 1 R&I log where the Applicant has indicated issues will be progressed through the Change Request documents, and therefore where further updates will not be provided until Deadline 3.

6. Offshore Ornithology

As noted in our letter of 7th January and in Section 1 above, it was not possible for Natural England to provide our detailed comments on the ornithology assessment at Deadline 1. We will endeavour to provide a full ornithology update as soon as possible following Deadline 2; we currently anticipate this to be within two weeks of the deadline. We hope that the Examiners will exercise their discretion and accept this submission into the Examination in advance of Deadline 3.

In the interim, we refer the Applicant and the Examiners to our comments [AS-126] provided in response to the Request for Information dated 26th November 2024 [PD-008]. In Appendix H1 to our Deadline 1 submission we also provide additional guidance on calculating the number of breeding pairs required for seabird compensation measures involving habitat

provision or protection (i.e. the Hornsea Three versus Hornsea Four approach), which the Applicant had requested additional clarification on.

7. Updated Piling Noise Mitigation Guidance

The Defra Policy Paper on Reducing Marine Noise was published on 21st January 2025 as part of Defra's Marine Noise Package. This paper outlines the expectation that from January 2025, *'all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance'*.

The Marine Noise Package sits alongside several other papers, namely;

- A joint statement from science and nature conservation advisors (Cefas, JNCC and NE) on the use of noise reduction methods when piling (published by JNCC) [JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations | JNCC Resource Hub](#)
- The statement is supported by a Cefas evidence review of noise reduction methods (published by JNCC alongside the joint statement on noise reduction methods) [Evidence on the efficacy of underwater noise abatement](#)
- A report on progress made by the SAC Noise Management Working Group during 2024 (published by OPRED) [SAC NRWG Progress Report 2024.pdf](#)
- A report on confirming noise was well managed below thresholds in the SACs between Oct 2022 and March 2024 (published by JNCC) [JNCC Report 788. Impulsive noise in the Southern North Sea SAC and other harbour porpoise SACs \(2022–2024\)](#)
- A package of supporting research publications on marine noise management and impacts (published by Defra and JNCC) [Impacts of underwater noise from offshore wind - ME5610](#) and [Management of underwater noise from offshore wind - ME5611](#)

Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice in due course. For clarity, we have highlighted in our R&I log which issues are subject to further update pending this review.

8. Updated UXO Joint Position Statement and new Mitigation Guidelines

Defra have, in the last week, published their Marine Noise package, which as well as their Marine Noise Policy paper, includes several updated guidance documents in relation to the clearance of UXO, namely;

- An updated Unexploded Ordnance (UXO) Joint Position Statement, which can be found here - [Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK](#)
- UXO clearance supporting guidance providing more detail for [Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK](#)
- Alongside these documents, JNCC have also published new mitigation guidelines for

UXO clearance, which can be found here - [JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance \(UXO\) clearance in the marine environment | JNCC Resource Hub](#)

Together, these documents set out that low-order UXO clearance should now be the default clearance method, with high-order detonations restricted to extraordinary circumstances, and provide updated advice regarding mitigation of UXO clearance activities. Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice in due course.

9. Issue Specific Hearings

With regards to Issue Specific Hearings (ISH) 1 and 2 which took place on 15 – 16 January 2025, Natural England has reviewed the recordings, transcripts and associated Action Points. Our responses to the Action Points listed in EV5-003 from ISH2 (Day 1) held on Wednesday 15 January 2025 are provided in Annex 2. Should the ExA have any further questions or points of clarification relating to our advice, we would be happy to address this through responding to additional Examiner's Questions.

8. Terrestrial Ecology and Ornithology

Natural England's advice on Terrestrial Ecology and Ornithology is provided in Appendix I1 of this submission. We consider all onshore matters from our Relevant Representations are now resolved and will therefore only provide further comment where explicitly requested through the Examining Authority's written questions and requests for information.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully

Emma John
Senior Officer – Marine Sustainable Development
Yorkshire and North Lincolnshire Area Team
E-mail: [REDACTED]@naturalengland.org.uk

Annex 1: Natural England's Response to the Applicant's Documents Submitted Pre-Deadline 1 Relevant to our Remit

PINS Document Reference	Document Name	Natural England's Response/Position Summary
General		
AS-048	10.30 Response to Natural England's Relevant Representations (Revision 01)	Natural England has provided an update in our Risks and Issues (R&I) log in relation to this document. Comments on Annex A related to Air Quality are provided in Appendix I1 of our submission.
AS-117	10.40 The Applicants' Responses to Regulation 32 Transboundary Consultation Responses	Natural England has no comments to make on these documents.
AS-119	EN010125-000923-1.4 Guide to the Application (Revision 3)	
DCO		
AS-108	Explanatory Memorandum Rev 03 - Tracked	Natural England has no comments to make on this document.
AS-121	Draft Development Consent Order (Rev 03) - Tracked	Natural England have provided partial comments on this document in Sheet A of our R&I log. Our full comments will be provided at Deadline 2.
AS-122	3.4 Schedule of Changes (Revision 1)	
Marine Physical Environment		
AS-116	10.38 Coastal Erosion Rate Technical Note	Natural England's response to this document is provided in Appendix B1.
Benthic & Intertidal Ecology		
AS-025	10.36 Review of evidence on recovery of sandbank habitat following habitat damage (Revision 01)	Natural England will provide a response to this document at Deadline 2.
AS-028	8.24 Outline Offshore Operations and Maintenance Plan (Revision 02) (Tracked)	Natural England will provide a response on this document at Deadline 2.
AS-079	8.20 Cable Statement (Revision 2) (Tracked)	Natural England has provided an update in our Risks and Issues log in relation to this document.
AS-081	8.27 Outline Scour Protection Plan (Revision 2) (tracked)	Natural England will provide a response on these

PINS Document Reference	Document Name	Natural England's Response/Position Summary
AS-104	10.38 Benthic Ecology Technical Note	documents at Deadline 2.
Fish and Shellfish		
AS-105	10.41 Heat Mapping Report Atlantic Herring and Sandeel	Natural England will provide a response on this document at Deadline 2.
Marine Mammals		
AS-056	7.11.11.6 Appendix 11-6 UXO Clearance Information and Assessment (Revision 2) (tracked)	Natural England has no comments to make on this document as updates made are to address concerns raised by MMO only.
AS-101	8.25 Outline Marine Mammal Mitigation Protocol (Revision 2) (Tracked)	Natural England will provide a response on these documents at Deadline 2 following review of the Defra Marine Noise Package.
AS-103	8.26 Draft In Principle Site Integrity Plan (Revision 2) (Tracked)	
Offshore Ornithology		
PDB-006	10.18 Response to Natural England's Relevant Representations - Appendix G & H	Natural England will provide a response on these documents as soon as possible after Deadline 2.
AS-086	6.1 RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3) Tracked	
AS-058	7.12 ES Chapter 12 - Offshore Ornithology (Revision 2) Tracked	
AS-059	7.12.1 ES Chapter 12 Offshore Ornithology - Figure 12-1	
AS-061	7.12.12.3 ES Appendix 12-3a-c Monthly Abundance - All, Sitting, Flying (Revision 2) (tracked)	
AS-063	7.12.12.4 ES Appendix 12-4a-c - Monthly Densities - All, Sitting, Flying (Revision 2) (tracked)	
AS-065	7.12.12.5 ES Appendix 12-5a-c - Seasonal Peak Abundance - All, Sitting, Flying (Revision 2) (tracked)	
AS-067	7.12.12.6 ES Appendix 12-6a-c - Seasonal Peak Density - All, Sitting, Flying (Revision 2) (tracked)	
AS-069	7.12.12.7 ES Appendix 12-7a-c - Survey Abundancies - All, Sitting,	

PINS Document Reference	Document Name	Natural England's Response/Position Summary
	Flying (Revision 2) (tracked)	
AS-071	7.12.12.8 ES Appendix 12-8a-c - Survey Densities - All, Sitting, Flying (Revision 2) (tracked).pdf	
Offshore Ornithology Compensation		
PDB-003	6.2.1 Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 2) (Tracked)	Natural England will provide a response on these documents as soon as possible after Deadline 2.
PDB-005	6.2.2 Appendix 2 Guillemot and Razorbill Compensation Plan (Revision 2) (Tracked)	
PDB-007	10.19 Project Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report_compressed	
PDB-008	EN010125-000784-10.20 DBS Guillemot and Razorbill Compensation Site Refinement Report (REDACTED).pdf	
AS-088	6.2.1 Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 3) (Tracked)	
AS-090	6.2.2 Appendix 2 Guillemot and Razorbill Compensation Plan (Revision 3) (Tracked)	
AS-118	10.42 Ornithological Mitigation Option Report	
Terrestrial Ecology and Ornithology		
AS-037	10.13 Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 02) (Tracked)	Natural England has no comments to make on this document.
AS-052	6.1 RIAA HRA Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) (Tracked)	Natural England's response to this document is provided in Appendix I1.
AS-054	7.5.5.2 Appendix 5-2 Obstacle Crossing Register (Revision 2) (Tracked)	Natural England has no comments to make on these documents.
AS-077	8.10 Outline Ecological Management Plan (Revision 2) (Tracked)	

PINS Document Reference	Document Name	Natural England's Response/Position Summary
AS-073	7.18 ES Chapter 18 - Terrestrial Ecology and Ornithology (Revision 2) (Tracked)	Natural England's response to this document is provided in Appendix I1.
AS-075	7.20.20.3 ES Appendix 20-3 - Water Environment Regulations Compliance Assessment (Revision 2) (Tracked)	Natural England has no comments to make on these documents.
AS-093	7.22 ES Chapter 22 - Onshore Archaeology and Cultural Heritage (Revision 2) (Tracked)	
AS-095	8.9 Outline Code of Construction Practice (Revision 2) (Tracked) (combined)	Natural England's response to this document is provided in Appendix I1.
AS-097	8.11 Outline Landscape Management Plan (Revision 2) (Tracked)	Natural England has no comments to make on this document.
AS-099	8.12 Outline Operational Drainage Strategy (Revision 2) (Tracked)	
AS-110	7.18 ES Chapter 18 - Terrestrial Ecology and Ornithology (Revision 3) (Tracked)	
AS-112	7.21 ES Chapter 21 - Land Use (Revision 2) (Tracked)	Natural England's response to this document is provided in Appendix I1.
AS-113	7.21.1 ES Chapter 21 - Land Use Figure 21-1 to Figure 21-6 (Revision 2)	Natural England has no comments to make on these documents.
AS-115	8.10 Outline Ecological Management Plan (Revision 3) (Tracked)	
PDC-007	Local Impact Report	
PDC-003	Environmental Statement Chapter 18 - Terrestrial Ecology and Ornithology (Revision 4) (Tracked)	
PDC-005	7.18.18.5 ES Appendix 18-5: Bats Report - Ground Level Tree Assessment (Revision 2)	
PDC-004	7.18.18.2 Environmental Statement Appendix 18-2: Habitat Survey Report (Revision 2)	

Annex 2: Natural England’s Response to [EV5-003] Action Points from Issue Specific Hearing 2 (ISH2) (Day 1) held on Wednesday 15 January 2025

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England’s Response
6: Marine Ecology	25	Listen to the recording of Issue Specific Hearing 2 for agenda items 6.1 to 6.5 which examined various aspects of marine ecology and respond to queries directed to you as necessary.	Please see subsections below for Natural England’s response per agenda item.
6.1 Benthic Ecology Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) Assessments and the imminent change request			
6.1	25	NE has advised that the Applicant should provide a robust assessment of the potential worst-case area of impact on benthic communities within the DB SAC sandbank feature [RR-039, C37]. In response, the Applicants provided a ‘Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage’ report [AS-025] on 7 th November 2024. The ExA notes in this document the examples of decisions by the SoS in relation to determinations of adverse effects on previous OWF DCO applications. The Applicant claims that DBS is no different to, for example, Hornsea Project Three in relation to the North Norfolk Sandbanks and Saturn Reef SAC, and Norfolk Boreas and Norfolk Vanguard in relation to Haisborough, Hammond and Winterton SAC. Question - does the Applicant consider that an equivalent degree of evidence of sufficient quality has been submitted for this application in regards to impacts on benthic	Natural England will provide comments on the Applicant’s ‘Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage’ report [AS-025] at Deadline 2.

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
		communities, as was done so for <i>those</i> applications, including post recommendation stage upon which the SoS relied to make his decisions?	
6.1 continued	25	In regard to the Applicant's comparison with Hornsea Project Three OWF, the ExA notes that the SoS' decision letter stated conclusions were based on the features being able to recover in their entirety following the complete removal of all infrastructure and deposits associated with the development. The DBS project description in [APP-071] states it is expected that most array and export cables and any associated cable protection will be left in situ. How does this compare to the Hornsea Project Three decommissioning commitments?	Natural England maintains the advice set out in our Relevant Representation [RR-039] that a commitment is made and secured in the DCO to remove all on and above seabed infrastructure associated with the development within benthic designated sites and high potential spawning habitat (excluding cable crossings).
6.1 continued	25	The ExA notes that the document 'Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage' [AS-025] references monitoring from some OWFs e.g. Barrow, Burbo Bank, Sheringham Shoal and Robin Rigg. Is there any data that could be used from any OWFs closer to DBS area - many of these examples, perhaps with the exception of Sheringham Shoal are in the Irish Sea or Scotland, where conditions may not be directly comparable.	Natural England will provide comment on the Applicant's 'Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage' report [AS-025] at Deadline 2.
6.2 Dogger Bank Strategic Compensation Plan and the Marine Recovery Fund (MRF)			
6.2		The ExA questions whether the Applicants could confirm they believe it to be likely or unlikely that the new designation or extension of the DB SAC would be	Please see Natural England's response to item 6.3 below.

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
		<p>in place before construction commences, and therefore harm occurring to the national site Network; if construction commences prior to the new designation or extension being in place, how are the Applicants proposing to meet the compensatory measures - test three of the Habitats Directive; would the Applicants be able to update the ExA on the current status of MRF and the offshore wind environmental improvement package, particularly in light of the Clean Power 2030, action plan announced by government last December; if the Ministerial Statement on the MRF is not forthcoming soon, what impact would that have on the ability to secure compensation through the strategic compensation plan?</p>	
<p>6.3 Project level benthic compensation proposals</p>			
6.3	25	<p>The ExA consider it is clear from discussions that the Applicants are placing significant reliance on the strategic compensation for DB SAC. What might actually trigger the need for the project level compensation schemes proposed because the ExA has some concerns over the degree of progression with these schemes?</p>	<p>Natural England is aware that Government (DEFRA) will be providing relevant guidance and assurances in relation to the delivery of strategic benthic compensation (including timings etc.) in the very near future. In the meantime, we advise that all queries on strategic compensation are directed to Mike Rowe, Director of Marine and Fisheries, DEFRA, email address Mike.Rowe@defra.gov.uk Natural England highlights that the progression of strategic compensation has come about due to the extreme difficulties in delivering project specific benthic compensation. In this context and at this stage, we do not believe that there is merit in progressing</p>

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
			and/or placing reliance upon project specific benthic compensation measures.
6.4 Potential effects on prey species			
6.4	25	The ExA note that the Applicants have allocated a value of low for habitats or species that provide prey items for other species of greater conservation value. The reference for this is chapter 9 of the ES [APP-085] Benthic and Intertidal Ecology. Can the Applicant cite any other projects for which a low value has been used for this parameter and deemed appropriate by the SoS, or has been put forward in a DCO application?	Natural England maintains our advice as outlined in our Relevant Representations [RR-039, C20].
6.5 Monitoring and the In-Principle Monitoring Plan			
6.5	25	MMO, Natural England and RSPB provide substantial comments in their respective Relevant Representations regarding concern over the scope and wording of ecological monitoring contained within the DCO and the DMLs. This includes, but is not limited to comments on marine mammal monitoring, ornithological monitoring and improvements to the sandeel monitoring proposed. The ExA queries what changes have been made to revision three of the draft DCO to address concerns by these organisations regarding post consent monitoring of marine ecological features?	Natural England will be providing detailed comments on the In Principle Monitoring Plan (IPMP) [APP-247] at Deadline 3, in order to take into account all of the updates from Change Request 1, the Defra Marine Noise Policy paper and updated ornithology assessments. We would welcome further engagement with MMO and the Applicant during this period on necessary updates to the corresponding DCO conditions.
	25	The ExA questions on section 2.8.83, of NPSEN 3, 2024 which states, where requested by the SoS,	As above.

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
		<p>Applicants are required to undertake environmental monitoring prior to, and during construction and operation and section 2.8.84 which states monitoring must measure and document the effects of the development and the efficacy of any associated mitigation or compensation. Could you explain how in your application so far, you're meeting that particular NPS test? Because if you're proposing to do plans in post consent, we need to report on how you're meeting that test at this stage.</p>	
8: Underwater Noise			
8.1: Underwater Noise	30	<p>Listen to the recording of Issue Specific Hearing 2 for agenda item 8.1 which examined the noise abatement options proposed by the Applicants and respond to queries directed at you as necessary.</p> <p>Related Action Point 29:</p> <p>Provide examples of other made DCOs for which the Secretary of State has agreed with the Applicants' proposed levels of hammer energies for monopile foundations of 6,000 kJ, or other draft DCOs proposing the same value which are yet to be determined.</p>	<p>In regard to the question from the ExA relating to enforcement of maximum hammer energy, we welcome that the maximum hammer energy for piling has now been secured in Revision 3 of the DCO [AS-121] (See A12 of the Risk and Issues log). However, we are unclear if the Examiner's use of 'enforcement' of the maximum hammer energy refers to an issue beyond it being secured.</p> <p>In response to the question regarding other projects proposing a maximum hammer energy of 6,000 kJ, we can confirm that several other Round 4 projects have also proposed hammer energies of 6,000 kJ if not higher. Natural England's concerns remain as set out in our</p>

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
			Relevant Representations regarding mitigating the injury zone and reducing the sound at source. Following the publication of the Defra Marine Noise Package on 21 st January 2025, Natural England are currently reviewing how this will impact our advice and will comment further at Deadline 2.
8.3: Underwater Noise	33	<p>Listen to the recording of Issue Specific Hearing 2 for agenda item 8.3 and provide a response to the Applicants' statements on questions asked by the ExA.</p> <p>Related Action Point 31 & 32:</p> <p>Explain how the In Principle Site Integrity Plan for the Southern North Sea SAC [AS-102] resubmitted in November 2024 has been updated to provide an adequate framework to ensure no Adverse Effect on Integrity in relation to the harbour porpoise qualifying feature of the Southern North Sea SAC during piling.</p> <p>Provide examples of other made DCOs agreed by the Secretary of State which have used the Applicants' proposed approach to Noise Abatement Systems, or other draft DCOs proposing the same approach.</p>	Following the publication of the Defra Marine Noise Policy paper on 21st January 2025, Natural England is reviewing our advice on this project. We will provide further comment on the relevant Outline MMMP and Draft In Principle SIP updates at Deadline 2.
8.2: Underwater Noise	35	Listen to the recording of Issue Specific Hearing 2 for agenda item 8.2 and provide a response to the Applicants' statements on questions asked by the ExA.	It is NE's understanding that the Applicant will provide a written response to Action No. 34 in relation to the Worst-case location for UWN and herring spawning (Agenda

Agenda Item/Topic	ISH Action No.:	ISH Action	Natural England's Response
		<p>Related Action Point 34:</p> <p>Natural England [RR-039] stated that the assessment of underwater noise impacts on herring does not use the worst-case location. Provide a response to the suggestion made by the ExA during ISH2 on whether a reassessment based on the most south-westerly point of the proposed DBS West array could result in greater overlap with the 'high' and 'very high' herring spawning potential habitat and Page 6 of 6 Action No. Directed to Action whether this could result in a greater impact outcome? If so, would a reassessment be undertaken and submitted?</p>	<p>item 8.3). We await the Applicant's written response to the ExA's request, to which we will then provide further comment.</p> <p>However, we note the Applicant's assertion that underwater noise modelling for herring was previously agreed during the Evidence Plan Process and Expert Topic Group (ETG) meetings. NE disputes this. According to our records Natural England confirmed in the ETG held on 23rd February 2024 that it would not be possible for us to provide agreement without seeing the full details of the analysis, methodologies and modelling approach. This was not provided until the point of Application.</p>