DBS Offshore Wind

RWE Renewables UK Dogger Bank South (West) Limited

RWE Renewables UK Dogger Bank South (East) Limited

Dogger Bank South Offshore Wind Farms

The Applicants' Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2

Submission for Deadline 1

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Contents

Glossary

Term	Definition
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 (BNG)	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.
Cable Burial Risk Assessment	Risk assessment to determine suitable burial depths for cables, based upon hazards such as anchor strike, fishing gear interaction and seabed mobility.
Climate change	A change in global or regional climate patterns. Within this chapter this usually relates to any long-term trend in Mean Sea Level, wave height, wind speed etc, due to climate change.
Countryside Stewardship Scheme	The Countryside Stewardship Scheme provides financial incentives for farmers, woodland owners, foresters and land managers to look after and improve the environment. Mid Tier Scheme agreements provide a range of options to help deliver environmental benefits. The Higher Tier agreements require more complex management tailored to individual sites.
Cumulative effects	The combined effect of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single Receptor / resource.
Cumulative Effects Assessment (CEA)	The assessment of the combined effect of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single Receptor/resource.
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

Term	Definition
	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 (DBS) Offshore Wind Farms	The collective name for the two Projects, DBS East and DBS West.
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.
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.
Environmental Statement	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.
Environmental Stewardship Scheme	Environmental Stewardship is an agri-environment scheme run by Defra which aims to secure widespread environmental benefits through improving water quality, reducing soil erosion, improving conditions for farmland wildlife, maintaining and enhancing Landscape Character and protecting the historic environment. The Entry Level aims to encourage large numbers of farmers to deliver effective environmental management in exchange for pay-outs. The Higher Level is designed to support more specific and environmentally beneficial management practices
Groundwater	Water stored below the ground in rocks or other geological strata.
Habitats Regulations	Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017.
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
Haul Road	The track along the Onshore Export Cable Corridor used by traffic to access different sections of the onshore export cable route for construction.
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.
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.
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.
Net Zero	A target of completely negating the amount of greenhouse gases produced by human activity, to be achieved by reducing emissions and implementing methods of absorbing carbon dioxide from the atmosphere

Term	Definition
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.
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.
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 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 routeing) would be located.
Onward Cable Connection	The cable corridor between the Onshore Substation Zone
Order Limits	The limits within which the Projects may be carried.
Other trenchless techniques	Other techniques (aside from HDD) for installation of ducts or cables where trenching may not be suitable such as micro tunnelling or auger boring.
Preliminary Environmental Information Report	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.

Term	Definition
Principal contractor	A contractor appointed under Regulation 5(1) (b) of the Construction (Design and Management) Regulations 2015. They have control over the construction phase of a project with several contractors.
Project Change Request 1	The proposed changes to the DCO application for the Projects set out in **Project Change Request 1 - Offshore & Intertidal Works** [AS-141].
Project Change Request 2	The proposed changes to the DCO application for the Projects set out in **Project Change Request 2- Onshore Substation Zone** [AS-152].
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Relevant Highway Authorities	The term relevant highway authorities for the Projects includes all highway authorities within the traffic and transport study area, namely, East Riding of Yorkshire Council, Hull City Council and National Highways.
Safety zones	Legislated under the Energy Act 2004, safety zones are rolling buffer areas which protect construction activities by preventing unauthorised vessels from entering their boundary.
Setting	The NPPF identifies setting as that which encompasses an asset's surroundings in which it is experienced. The extent of setting is not fixed and can contribute both positively and negatively to the heritage significance of an asset.
Short-term	Refers to a time period of months to years.
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.
Special Protection Area (SPA)	Strictly protected sites designated pursuant to Article 4 of the Birds Directive (via the Habitats Regulations) for species listed on Annex I of the Directive and for regularly occurring migratory species.
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

Term	Definition
	(West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and (Abu Dhabi Future Energy Company) - Masdar (49% stake).
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).
Transition Joint Bay (TJB)	The Transition Joint Bay (TJB) is an underground structure at the landfall that houses the joints between the Offshore Export Cables and the Onshore Export Cables.
Wind turbine	Power generating device that is driven by the kinetic energy of the wind.

Acronyms

Term	Definition
AIS	Air Insulated Switch Gear
ALARP	As Low as Reasonably Practicable
ALC	Agricultural Land Classification
ANS	Artificial Nesting Structure
AoS	Area of Search
BNG	Biodiversity Net Gain
BNHIDB	Beverley & North Holderness Internal Drainage Board
CA	Compulsory Acquisition
CAH1	Compulsory Acquisition Hearing
CBRA	Cable Burial Risk Assessment
CoCP	Code of Construction Practice
CPO	Compulsory Purchase Order
CSS	Countryside Stewardship Scheme
DBS	Dogger Bank South
DCO	Draft Consent Order
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
ERYC	East Riding of Yorkshire Council
ESS	Environmental Stewardship Schemes
ExA	Examining Authority
FFC	Flamborough and Filey Coast
FRA	Flood Risk Assessment

Term	Definition
GIS	Gas Insulated Switch Gear
HDD	Horizontal Directional Drill
HRA	Habitats Regulations Assessment
IDB	Internal Drainage Board
IPMP	In-Principle Monitoring Plan
ISH1	Issue Specific Hearing 1
ISH2	Issue Specific Hearing 2
kJ	Kilojoules
km	kilometre
KSCP	Kittiwake Strategic Compensation Plan
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LMP	Landscape Management Plan
LoNI	Letter of no impediment
LVIA	Landscape and Visual Impact Assessment
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
MOD	Ministry of Defence
MRF	Marine Recovery Fund
nm	Nautical mile
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project

Term	Definition
ODOW	Outer Dowsing Offshore Wind
OFTO	Offshore Transmission Owners
OLMP	Outline Landscape Management Plan
OWIC	Offshore Wind Industry Council
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
RIAA	Report to Inform Appropriate Assessment
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
TJB	Transition Joint Bay
TP	Temporary Possession
UK	United Kingdom
VP	View Point
W	Watt

1 Introduction

1. This note summarises the submissions made by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited ('the Applicants') for Dogger Bank South (DBS) East and DBS West (collectively referred to as the 'Projects') at Compulsory Acquisition Hearing 1 (CAH1), Issue specific Hearings 1 (ISH1) and 2 (ISH2) on 14th to 16th January 2025. This document does not purport to summarise the oral submissions of parties other than the Applicants; summaries of submissions made by other parties are only included where necessary in order to give context to the Applicants' submissions.

2. Updates or responses to action points will be addressed in the response to CAH1, ISH1 and ISH2 actions documents to be submitted at Deadline 1.

2 The Applicants' Summary of Oral Submissions made at CAH1

2.1 Sections 122 and 123 of the Planning Act 2008 (PA 2008)

2.1.1 Outline of Case for Compulsory Acquisition (CA) and Temporary Possession (TP)

3. The Applicants' case for compulsory acquisition ('CA') and temporary possession ('TP') was set out in the **Statement of Reasons (Revision 4)** [AS-146] and the **Planning Statement** [APP-226].

4. Section 122 of the Planning Act 2008 allows development consent orders to be granted with rights to compulsorily acquire land included within the Order Limits. This is the case only where the Secretary of State can be satisfied that the land for which the powers are obtained reflect the following purposes:

   a. the land is required for the development; or

   b. the land is required to facilitate or is incidental to the development; or

   c. the land is replacement land for commons, open spaces, etc.; and

   d. there is a compelling case in the public interest.

5. Section 6 of the **Statement of Reasons (Revision 4)** [AS-146] sets out compliance with the Section 122(2) requirements. The Order Land comprises only that which is required for the development itself or is required to facilitate that development or incidental.

6. No replacement land given as exchange for the Order Land is required to be included within the Development Consent Order (DCO) and so the third limb of s122(2) does not apply.

7. The nature of rights and restrictions being sought together with a description of the land required for the projects is included in and a description of how that land will be used by reference to the proposed development is included in section 12. Section 12.8 onwards details the purpose of the acquisition by reference to the different aspects of the development (such as the Onshore Converter Station, landfall and Onshore Export Cable Corridor) and specific plot numbers for each aspect. This demonstrates that all of the land that has been included within the **Book of Reference (Revision 4)** [AS-148] is required for the delivery of the Projects.

8. At this stage it is not possible to identify exactly where within the joint Order Limits each project's cable will be laid. The precise location of the cables will be determined by the pre-construction surveys and investigations and the cable corridor width therefore provides room for micro-siting during detailed design.

9. At this point in the design, the Applicants are seeking permanent compulsory acquisition powers to accommodate the Onshore Converter Station and new rights to accommodate the length of the Onshore Export Cable Corridor which is 32 kilometres (km) with a further 2.5km of Onward Cable Connection to the proposed new National Grid substation at Birkhill Wood.

10. The Applicants are seeking temporary possession for land required in construction, to allow suitable space for Haul Road, soil management, drainage works, construction activities and micro-siting of the cables within the corridor, but once reinstated this full width is not required in operation. This minimises the land over which permanent rights are required to be sought. An indicative cross section is included in section 5.7.1.3, plate 5-9 of **Chapter 5 Project Description** document reference: 7.5], this illustrates the option for two larger cable trenches. The final number of cable trenches will be determined at the detailed design stage but will be located within the 24m permanent easement. An indicative cross section for the Onward Cable Connection is included in section 5.7.3 in Plate 5-15 **Chapter 5 Project Description** [document reference: 7.5].

11. Although powers are sought over a wider corridor than that which will be finally acquired, that is necessary to allow the development to undertake detailed design in the final routing of the corridor. It is disproportionate to do that work ahead of consent being granted, given both the substantial costs involved and the intrusive works, including more Ground Investigation and trenching required. This approach is common in DCOs for this type of development, including other offshore wind farms, for example, Awel y Môr in 2023 and Sheringham and Dudgeon Extension projects in 2024, both of which adopted a similar approach.

12. The use of temporary possession powers in DCOs commonly includes the ability to use land for access during construction. In the case of the shared access of the A1079 with the Hornsea 4 Project, in plot 18-055 the Applicants require to be able to take access during construction but does not intend to do so exclusively. Essentially, the proposal is to use temporary possession powers to create a temporary right to share the access point off the A1079 other promoters. The alternative would be to create a permanent right of access, which the Applicants do not consider is necessary or proportionate in these cases.

13. The objective to avoid or minimise compulsory acquisition was an important factor in selecting the current location for the Projects. The site selection process is set out in section 7 of the **Statement of Reasons (Revision 4)** [AS-146]. Landownership and land use were factors taken into account in refining the Projects' location. Negotiations are ongoing with affected parties and are detailed in the **Schedule of Progress for Voluntary Land Interest Agreements** [APP-032].

14. The CA and TP powers are necessary in order to ensure that the Projects can be delivered. This has been set out in the **Statement of Reasons (Revision 4)** [AS-146]. The use of CA powers is a necessary back-up in the event that voluntary agreement with landowners cannot be reached. Whilst the Applicants are making good progress with negotiations, there is no guarantee that all of the land and rights required for the Projects will be capable of being acquired on a voluntary basis. The CA powers are therefore necessary in order to ensure that the projects can be delivered.

15. The Applicants have sought to limit the CA and TP powers to minimise interference with landowners through a proportionate approach to the use of the powers. For example, permanent freehold acquisition is only being sought where absolutely necessary, and equally, rights are only being sought where TP would not be appropriate e.g. the permanent easement for the cables. The land and rights included within the Book of Reference is only that which is necessary to deliver the project. It is therefore submitted that the CA and TP powers being sought are also proportionate.

16. The need for the Projects is set out in detail in both the **Statement of Reasons (Revision 4)** [AS-146], and in further detail in the **Planning Statement** [APP-226]. It has also been established within the Energy National Policy Statements (NPSs). To summarise, the Projects will assist in:

    a. meeting policy commitments and legal decarbonisation targets for securing renewable energy.

    b. meeting national energy security needs as well as contributing towards carbon and greenhouse gas emissions reductions.

    c. replacing closing electricity generation capacity.

    d. meeting future increases in energy demand.

    e. producing affordable energy.

    f. meeting the government targets of 50 Gigawatt of offshore wind generating capacity by 2030.

    g. providing investment in the UK and local economy and creating new employment opportunities and skills (in an isolated scenario: estimated to support 1,190 jobs across the UK, including 760 jobs supported across the Humber Region. In a concurrent scenario: 2,380 jobs across the UK, including 1,520 jobs supported across the Humber Region).

h. creating environmental benefits through the delivery of Biodiversity Net Gain (BNG).

i. contributing to local and national economy.

17. In relation to the private loss to those affected by CA, as set out in the CA Guidance[1], there is a balancing exercise to be undertaken to consider whether the public benefits that would be derived from the Projects outweigh the private loss that would be suffered by those whose land is taken. This is ultimately a decision for the Secretary of State, but the Applicants would submit that in these circumstances, the significant public benefits from the projects do outweigh the loss that would be suffered by those affected by the CA powers and that therefore a compelling case in the public interest has been demonstrated.

2.1.2 ExA Queries

18. The Examining Authority (ExA) raised a number of queries relating to specific areas of land required to deliver the Projects.

2.1.2.1 Emergency Beach Access

19. The Applicants confirmed that the emergency beach access would principally be required for any incident that may occur while Horizontal Directional Drilling (HDD) or another trenchless technique is taking place at landfall. Although the compound and access across the cliff may be in place for up to 18 months, it would only be required for use during the period when drilling is taking place and an emergency could take place. This is likely to be a number of shorter working duration within the 18 month period, typically in the spring summer period which will be confirmed at the detailed design stage. There was previously an access track in this location but it is not well used. It is occasionally used by farm traffic and the Applicants will need to use it during the highest risk point of the trenchless crossing works. The Applicants are not proposing to put in a new [stone] road and will instead use temporary matting or similar, if required. However, the access will be used by appropriate vehicles such as 4x4 vehicles.

20. The Applicants stated that access to the beach along this road is only possible at low tide. If an incident occurred during high tide, then either access would need to be from the sea or recovery of material could wait until low tide. The Applicants noted that any material would mostly be inert and fairly dense that would remain there for low tide.

[1] Planning Act, Guidance related to procedures for the compulsory acquisition of land" published by the Department for Communities and Local Government, September 2013

2.1.2.2 Work Nos 13A/B

21. The Applicants explained that further archaeological investigations (set piece excavations) would be required in the western part of this area to inform a suitable location for the Transition Joint Bays (TJBs), at the detailed design stage. The exact location within the Order Limits would be determined by considering engineering and environmental constraints within the Landfall Zone, including buried archaeology and future costal erosion.

22. The ExA queried why an area that may be subject to future coastal erosion is required to be included in the Order Limits, as this would be an unsuitable location for the construction of the TJBs. The Applicants explained that ducts are installed from the TJBs under the cliffs to an exit location in the subtidal, using a trenchless crossing technique such as HDD. Therefore, although there would be no above ground works between the TJBs and the cliff edge there would be ducts and cables laid below ground. The exact location will be determined at the detailed design stage following further geotechnical investigation. It should also be noted that the Offshore Export Cable Corridor is wider than the Onshore Export Cable Corridor, the offshore cables therefore have a fan arrangement to allow them to transition from the wider offshore Order Limits area to the narrower Onshore Export Cable Corridor at the TJBs.

23. Cables would also be buried below ground from the TJB's as part of the Onshore Export Cable Corridor. The exact locations of these would not be known until the location of the TJBs is confirmed at the detailed design stage and following the completion of the Projects archaeological investigations.

2.1.2.3 Onshore Export Cable Corridor Accesses

24. The Applicants noted that Works No. 17A/B on Sheet 4 of the **Works Plans (Onshore) (Revision 3)** [PDA-003] was selected as an appropriate access point to the Onshore Export Cable Corridor from the main transport network of the local area on the A165. This access point along Dunnington Lane was also utilised by the Dogger Bank A&B Projects when completing their cabling works and was improved at this juncture for this purpose but works are retained within the order in case improvements to improve visibility are required. This access point would allow deliveries and workers to access the Onshore Export Cable Corridor in this location rather than needing to travel either through the village of Skipsea to access the Onshore Export Cable Corridor via the B1242 and tracking back approximately 4km along the Haul Road for the Onshore Cable Corridor or tracking northwards along the Haul Road from Catfoss Road approximately 4.5km to the south. The Applicants highlight that crossing via the Haul Road on the Onshore Export Cable Corridor in plots 04-011 and 04-017 is provided through Works No. 18A/B and 15A/B on this plan to utilise the existing access point to these fields from Dunnington Lane.

25. The Applicants responded to ExA request noting that Works No. 18A/B on sheet 5 of the **Works Plans (Onshore) (Revision 3)** [PDA-003] in plot 05-002 was to enable the Applicants to utilise an existing gated access point across a mature hedgerow in this location.

26. The Applicants responded to ExA request related to sheet 9 of the **Works Plans (Onshore (Revision 3)** [PDA-003] to highlight that Works Areas 18A/B was provided in plot 09-011 in response to stakeholder discussions with the RWE Pear Tree Hill, development team following comments made at pre-application consultation regarding potential impacts on a potential solar development in this location. The access to the north was agreed by the landowner to minimise impact on the planned solar farm location, with the potential to cross the area via trenchless crossing provided for in the design and assessment to minimise this impact.

27. The Applicants responded to the ExA's request related to sheet 11 of the **Works Plans (Onshore (Revision 3)** [PDA-003] to note that this location (plot 11-016) was considered the safest location for the Haul Road to cross the A1035 near Routh which is being crossed by a trenchless crossing. The Applicants confirmed that the Transport Assessment considered this an appropriately safe crossing and access location for the proposed works, with the adjacent compound being a logical location because of the access availability directly from the main transport network.

2.1.2.4 Trenchless Crossing

28. The Applicants noted there are various locations where the Applicants have committed to, or have included the option to use trenchless methods for the underground cables, to avoid an obstacle e.g. a road, certain hedgerows or a solar farm but, the temporary Haul Road is still required to cross at this location. Therefore, there are several locations along the Onshore Export Cable Corridor where an access track is required outside of the 75m Onshore Export Cable Corridor (examples were shown on screen including RX005A (p.7), EOX-202 (p.9) and further examples on p.18, 19, 26 of the **Obstacle Crossing Register (Revision 2)** [AS-053]).

29. In some cases, these have been designed to target a gap in the hedgerow to avoid its removal e.g. EOX-20 on p.9 of the **Obstacle Crossing Register (Revision 2)** [AS-053] is a mature hedge that is being avoided the Haul Road has been located to specifically target an existing gap in the same hedgerow. At other locations they have been designed as a result of traffic and transport constraints at a crossing, where an access outside of the Onshore Export Cable Corridor was required.

30. The ExA raised that these access roads had, in places resulted in small areas of agricultural land not being made accessible to the farmers and wanted to know if this had been assessed in **Chapter 21 Land Use (Revision 2)** [AS-111]. The Applicants confirmed they would check and respond at ISH2.

2.1.2.5 Onshore Substation Zone

31. The Applicants stated that a decision on whether an Air Insulated Switch Gear (AIS) or Gas Insulated Switch Gear (GIS) Onshore Converter Station design would be used would not be made until after the DCO Examination. The Applicants provided the following answer at the ISH2 hearing:

    '*The Applicants stated that no decision has been made with regards to whether an AIS or GIS Onshore Converter Station would be used. It was noted that AIS is the worst case which has been used in the visualisation and is the more likely solution for this site given its rural location. A GIS Onshore Converter Station is normally the preferred option if there is a contaminated environment or constrained space but this is a more complicated structure from an engineering perspective and will require an extra building to manage the gas elements. The final decision will also depend on availability from the supply chain.*

    The Applicants explained that the landscape mitigation measures proposed would be appropriate for either AIS or GIS option.'

32. The Applicants also confirmed that all construction compounds would be required to enable delivery of the underground cables, the Onshore Converter Stations and the Onward Cable Connection to the National Grid substation. This point was agreed to be covered in a written questions and a response is provided for the CAH, action number four (see Table 2-1 in **The Applicants' Responses to January 2025 Hearing Action Points** [document reference: 11.6]).

2.1.2.6 Onward Cable Connection

33. The Applicants noted that the Onward Cable Connection is for High Voltage Alternating cables which require a greater spacing and an unconstrained working width of up to 100m. It would not be possible to fit both sets of cables between the existing gas pipeline and the public highway, therefore the Onward Cable Connection has been split into two corridors, to the north and south of the existing pipeline.

34. The application is seeking consent for two projects which is the same approach taken in other applications such as the recently granted Sheringham and Dudgeon Extension projects. The first project will take what it needs and leave the rest for the second project. Each undertaker can only take what is required for the individual project. Any application containing more than one project should be mindful of not taking more than can be justified.

2.1.3 Update on Negotiations

35. The Applicants noted that overall negotiations with landowners has been successful and with 80% of Heads of Terms signed up at this stage. The ExA asked for an update on those specific landowners who had raised objections to the use of compulsory acquisition powers being granted.

2.1.3.1 Albanwise / Albanwise Synergy

36. The Applicants have been actively engaging with Albanwise and Albanwise Synergy's agent.

37. The Applicants last met with the agent on 16th December 2024, where the majority of the outstanding points on the Heads of Terms were agreed, since the CAH the parties have agreed all outstanding commercial matters.

38. This position was confirmed via e-mail dated 28th January 2025 and the parties are in the process of giving respective legal instructions. It is anticipated that an Option agreement will be reached for the Onshore Convertor Station zone and 4km of Onshore Cable Corridor by the end of the DCO Examination.

2.1.3.2 Network Rail

39. The Applicants confirmed that Heads of Terms were agreed with Network Rail in August 2024 and negotiations on the legal agreement are ongoing. It is anticipated that these will be completed by the end of the DCO Examination.

2.1.3.3 Riplingham Estates

40. The Applicants noted submissions made by the agent representing Riplingham Estates. The Applicants are working with Riplingham Estates advisors to reach a commercial agreement and are hopeful of doing so by the end of the DCO Examination. It was noted that the DCO Examination is not an appropriate forum for debating compensation and land value matters as these should be reserved for the Lands Tribunal post consent if awarded. The issues raised were not a matter of planning balance to be considered as part of the DCO Examination.

2.1.3.4 J L White & Son and Butt Farm Caravan, Camping & Glamping Site

41. The Applicants confirmed that the **Land Rights Tracker (Revision 2)** [AS-045] refers to Oliver and Pamela White and that Oliver White is a tenant of Albanwise.

42. It was noted that **Project Change Request 2 – Onshore Substation Zone** [AS-152] will have a significant positive impact on Messrs White as the permanent land take is reducing and the positioning of the infrastructure has been moved away from the caravan site. The Applicants' land agent and the appointed agent of the occupier met on 25th November 2024 to discuss the amendments proposed in **Project Change Request 2 – Onshore Substation Zone** [AS-152] and agreed that the impact was less dramatic as first thought and so the impacts on the farm business and the caravan park will be reduced. The agents verbally discussed a commercial offer for the land to be surrendered and agreed that once the change request is accepted heads of terms can be progressed.

2.2 Sections 131 and 132 of the PA2008

43. The Applicants noted that its case with regards to open space is set out in paragraphs 13.6 – 13.13 of the **Statement of Reasons (Revision 4)** [AS-146]. Only one area of open space has been identified and no replacement open space needs to be provided for the reasons given in the **Statement of Reasons (Revision 4)** [AS-146].

44. It was confirmed that Change Request 1 removes the option for a short HDD and associated exit pits being required on the beach.

2.3 Section 135 of the PA2008 – Crown Land

45. The Applicants confirmed there is no escheat or bona vacantia land within the Order Limits.

46. The Applicants noted there is some Crown land within the Order Limits at the crossing of the River Hull (plot 12-014) and consent under s135 of the PA 2008 will be required.

47. The Applicants' agent together with the Crown's appointed agent have actively been negotiating the heads of terms following the update provided on 8th November 2024 and have recently reached a commercial settlement. Matters will be passed to respective legal representatives and the Applicants hope to reach legally binding agreement by the end of Examination.

48. The Applicants note the worst-case scenario if a s135 consent is not obtained by the close of the Examination but notes that it is hard to imagine it will not be forthcoming given the benefits to The Crown Estate from an offshore perspective.

2.4 Funding

49. The Applicants noted concerns raised by the ExA on the level of detail included within the **Funding Statement (Revision 2)** [AS-150]. The Applicants' position is that it has followed a consistent approach to funding statements which have been submitted for other offshore wind farm DCO applications. These other examples have informed the Applicants' approach such as the Awel y Môr Offshore Wind Farm.

50. It is accepted that there is a spectrum for how much information can be provided but the Applicants consider that the information provided is sufficient and is within the spectrum of what has been accepted on other projects.

51. From a compulsory acquisition perspective, there is protection provided by Article 44 of the **Draft DCO (Revision 5)** [document reference: 3.1] which provides that the exercise of these powers is not possible unless a guarantee or alternative form of security to pay compensation is in place. This has become the established approach and it not necessary for applicants to be fully funded at the point of a DCO being granted. This measure provides a considerable amount of legal comfort which has been accepted on multiple occasions.

52. In relation to the Projects' delivery costs, this could be met by the parent entities, namely RWE and Masdar. Equally it is possible that project finance arrangements will be set up to fund the projects. There are also annual auction rounds for contracts for difference which is a competitive process and will mean the deliverability of the projects will come under scrutiny.

53. If there were any issues with the track record of any developers, then that might form the basis of more rigorous Examination. This is not the case for this application.

54. The Applicants will look at options for providing more detail but there is a limit to what can be provided given issues such as commercial confidentiality.

3 The Applicants' Summary of Oral Submissions made at ISH1

3.1 Articles and Schedules of the Draft DCO

3.1.1 Overview

55. The Order would authorise the construction, operation and decommissioning of two offshore wind generating stations – Dogger Bank South East and Dogger Bank South West, together with the associated grid connection. There are therefore two undertakers in the DCO - RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited.

56. A single Application allows for consistency across the Projects on the approach to assessments, consultation and Examination. Separate Deemed Marine Licences are provided for in the Order to allow each Project to retain rights to their own particular assets should ownership of each Project change.

57. The Order is largely based on the model provisions set out in Schedule 1 to the Infrastructure Planning (Provisions) (England and Wales) Order 2009 (the "Model Provisions") as well as relevant precedents. The form of the Order has had regard to recent, comparable precedent Orders including Sheringham and Dudgeon Extension projects, Hornsea Four, Norfolk Boreas, Norfolk Vanguard, East Anglia One North, East Anglia Two and Hornsea Three.

3.1.2 Articles

58. Part 1 of the Order includes the relevant citation and commencement as well as the interpretation article, including a list of defined terms.

59. Part 2 includes the principal powers needed to construct, operate and maintain the authorised development (Articles 3 and 4). It also includes provisions which govern the transfer of the benefit of the Order (Article 5), authorises the disapplication and modification of certain legislative provisions (in accordance with the PA 2008 ambition to reduce the number of other consents needed alongside a DCO and / or where these would conflict with the object of the **Draft DCO (Revision 5)** [document reference: 3.1]) (Article 6) and contains provisions relating to statutory nuisance (Article 7).

60. Part 3 (Articles 8 – 15) allows the undertakers to carry out certain street works which would otherwise require authorisation under the New Roads and Street Works Act 1991 (Article 8). It also allows for the temporary closure, restriction, alteration or diversion of streets (Articles 10 and 12), the temporary stopping up or permanent diversion of public rights of way (Article 11) and the creation of works accesses (Article 13). This Part of the **Draft DCO (Revision 5)** [document reference: 3.1] also authorises the temporary use of private roads within the Order Limits (Article 15). Part 3 must be read alongside Schedule 3, 4, 5 and 6, which include details of the relevant streets, public rights of way (PRoWs) and accesses.

61. Part 4 includes supplemental powers for the undertakers to discharge water into existing watercourses, drains and public sewers (subject to consent from the owner) (Article 16). It also allows for protective work to buildings to be carried out (Article 17), includes powers to survey and investigate land (Article 18) and deals with removal of any human remains (Article 19).

62. Part 5 authorises the compulsory acquisition of land (Article 20) and rights, as well as the creation of new rights and restrictive covenants over land (Article 22) within the Order Limits, as well as temporary possession of land for construction (Article 30) and maintenance (Article 31). The Applicants are seeking to acquire the land and rights they need voluntarily however, in order to ensure the development is deliverable, compulsory acquisition powers have been included as a fall-back, as is usual in DCOs. The use of these powers is subject to a time limit of 7 years form the date on which the Order is made (Article 21), following precedent timing which has regard to, for example, the need for projects to obtain contracts for difference funding which is allocated in competitive rounds by government. This Part also makes a number of amendments to compulsory acquisition legislation to allow it to function for the DCO, including for example prescribing that the DCO is a Compulsory Purchase Order (CPO) and to allow acquisition of rights as well as freehold of land (Articles 24, 27 and 28). Article 32 also allows the undertakers to extinguish rights of statutory undertakers and remove and reposition their apparatus, subject to the protective provisions at Schedule 15.

63. Part 6 of the **Draft DCO (Revision 5)** [document reference: 3.1] authorises the undertakers to operate and use the authorised projects, although makes clear that other consents may be required, such as under the Electricity Act 1989 (Article 34). Article 35 grants the five Deemed Marine Licences, included at Schedules 10 – 14 of the **Draft DCO (Revision 5)** [document reference: 3.1]. Each Project has one deemed marine licence for the generation assets and one for the transmission assets, and the fifth marine licence relates to the cabling inter-linking the two Projects.

64. Part 7 includes miscellaneous and general articles, including in relation to landlord and tenant law (Article 36), operational land (Article 37), works affecting trees and hedgerows (Articles 38 and 39), certain saving provisions for Trinity House (Article 40) and Crown rights (Article 41). This Part also deals with certification of plans (Article 42) and abatement of works (Article 43). It includes provisions relating to funding (Article 44), applies the protective provisions (Article 45), deals with service of notices (Article 46) and arbitration (Article 47). Provisions relating to the requirements (Article 48), HRA compensation (Article 49), inconsistent planning permissions (Article 50) and no double recovery (Article 51) are also included in this Part.

3.1.3 Schedules

3.1.3.1 Schedule 1

65. The authorised project is included at Schedule 1

66. Part 1 of Schedule 1 specifies the authorised development and associated development, which is described in detail in the Project Description chapter (**Chapter 5 Project Description (Revision 3)** [document reference 7.5] by reference to numbered works and the onshore and offshore Works Plans.

67. In recognition of the fact that the DBS East Project and the DBS West Project are owned by separate companies, and in order to provide sufficient flexibility to the way in which the two Projects can be constructed, the Order provides for the authorised project to be delivered in any one of the following ways:

    a. The construction of the DBS East Project only, where the DBS West Project does not proceed to construction;

    b. The construction of the DBS West Project only, where the DBS East Project does not proceed to construction;

    c. Sequential construction of the DBS East Project then the DBS West Project (where construction on either Project could commence first, but with overlapping construction. The first Project would install cable ducts for the second Project), or vice versa; or

    d. Concurrent construction of the two Projects.

    e. The numbered works have been separated out between the two NSIPs which broadly follows the approach of other DCOs (Sheringham and Dudgeon Extension projects, Teesside A and B, Creyke Beck and Hornsea Two) that have authorised more than one offshore generating station NSIP within the same order.

        i. Work Nos 1A to 34A (the 'A' Works) are the works for which DBS East Limited only has development consent and compulsory acquisition powers.

ii. Work Nos 1B to 34B (the 'B' Works) are the works for which DBS West Limited only has development consent and compulsory acquisition powers.

iii. Work Nos 1A/B are the arrays for each project;

iv. Work Nos 2A/B – 7A/B consist of other offshore infrastructure, including offshore platforms, the export cables and inter-array cabling;

v. Work Nos 8A/B – 9A/B are the intertidal works required to bring the offshore cables to land at landfall;

vi. Work Nos 10A/B – 34A/B incorporate all of the onshore works including the onshore cables, the converter stations, works to connect to the National Grid substation and associated works such as for compounds and accesses.

68. Part 1 of Schedule 1 also authorises further associated development in connection with both the offshore and intertidal works and the onshore works.

69. The Order also authorises ancillary works within the Order Limits, which are set out in Part 2 (Ancillary works) of Schedule 1 of the Order. These are works that do not constitute development but are required to facilitate the construction of the authorised development.

3.1.3.2 Schedule 2

70. This includes the requirements which control the construction and use of the development. A process for approving details under the requirements is in Part 2 of this Schedule.

3.1.3.3 Schedules 3, 4, 5 and 6

71. These schedules include details of the relevant streets, PRoWs and accesses that are subject to the powers contained in Part 3 of the Order.

3.1.3.4 Schedule 7

72. This schedule lists the plots of land within which the undertaker may only acquire rights and cannot acquire ownership. The rights which the undertaker may acquire are set out in column (2). The rights to be acquired have been divided into categories in order to ensure that only those rights necessary are taken over each plot. Restrictive covenants are also to be imposed to protect the electrical cables, to ensure that planting or habitat works carried out by the undertaker can be retained and maintained for the required period and to prevent future construction on land required for drainage.

3.1.3.5 Schedule 8

73. This schedule modifies existing compensation legislation including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965 to provide for the acquisition of rights and imposition of restrictive covenants as well as acquisition of ownership of the land.

3.1.3.6 Schedule 9

74. This schedule lists the plots of land of which the undertaker may only take temporary possession and cannot acquire rights or ownership of the land.

3.1.3.7 Schedules 10 – 14

75. Schedules 10 to 14 include the five Deemed Marine Licences (DMLs). There are two licences for each Project - a generation licence and a transmission licence, and a shared transmission licence for the cabling inter-linking the two Projects. The DMLs are subject to a number of conditions, which are set out within each of the Schedules.

3.1.3.8 Schedule 15

76. This schedule sets out a number of protective protections for various bodies to ensure that the powers sought in the Order are exercised appropriately.

3.1.3.9 Schedule 16

77. This provides an arbitration process to be followed where the arbitration (Article 47) needs to be relied upon.

3.1.3.10 Schedule 17

78. This schedule sets out those hedgerows and important hedgerows to be removed for the purposes of carrying out the authorised project.

3.1.3.11 Schedule 18

79. This secures compensation measures pursuant to the Habitats Regulations, should the SoS conclude that such measures are necessary. The Schedule is separated into three parts – covering compensation measures to address potential impacts to the Dogger Bank Special Area of Conversation (SAC), the kittiwake feature of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) and the guillemot feature of the FFC SPA. Part 3 also includes without prejudice measures for razorbill.

3.1.3.12 Schedule 19

80. This sets out the various application plans and documents to be certified by the Secretary of State as true copies of those documents following the making of the Order.

3.1.4 ExA Questions

81. The ExA raised various questions on specific Articles and Schedules of the **Draft DCO (Revision 5)** [document reference: 3.1].

3.1.4.1 Article 2

82. The Applicants confirmed that the definitions of "authorised development" and "authorised project" are different. The definition of the "authorised project" covers everything in Part 1 of Schedule 1 and also ancillary works in Part 2 of Schedule 1. The reason for having two separate terms is that the "authorised project" may not trigger some of the requirements or conditions in the same way the "authorised development" would.

3.1.4.2 Article 6

83. The Applicants confirmed in response to a comment made by the Internal Drainage Board that this Article applies to Section 23 of the Land Drainage Act 1991 in its entirety. The reference to (b) is to a footnote and does not refer to Section 23(b) of the Act.

3.1.4.3 Article 19

84. The Applicants noted that this article was included on a precautionary basis in order to streamline the process should human remains be discovered. It would avoid the need for a separate consent to be obtained. The Applicants noted that they were aware that the Secretary of State has been removing this article in recently granted DCOs.

3.1.4.4 Article 50

85. The Applicants stated that this Article has been included following the Supreme Court's decision in *Hillside Park Limited v Snowdonia National Park Authority* (2022). It is considered necessary as the Applicants are aware of various other projects which may overlap with the Projects including Dogger Bank A&B, the proposed Birkhill Wood National Grid substation, Hornsea Four, North Humber to High Marnham and Pear Tree Hill Solar Farm.

3.1.4.5 Schedule 1

86. The Applicants noted that there has been a recent move away from including maximum generating capacity within DCOs. This is largely due to numerous examples of applicants needing to amend DCOs (due to evolutions, leading to efficiencies, in technology) through the non-material change process which is laborious and can have uncertain timings. Instead, the maximum design parameters of the Projects have been assessed and are secured within the DCO. This approach has been accepted by the Secretary of State on recent offshore wind DCOs.

3.2 Requirements and Conditions

3.2.1 Requirements

3.2.1.1 Requirement 1

87. This specifies the time limit for commencing the authorised project as seven years from the date on which the Order comes into force. This was included in the Model Provisions as requirement 2. A time limit of seven years follows the approach taken in Teesside A and B, Hornsea Three, Hornsea Four and Sheringham and Dudgeon Extension projects, and is considered appropriate for DBS East and DBS West given the combined nature and scale of the two projects and the need to secure separate contracts for difference awards prior to the commencement of construction of either Project.

88. The Applicants confirmed that Sheringham and Dudgeon Extension projects, which included a time limit of seven years, is a more recent DCO than the Awel y Môr DCO which provided a time limit of five years.

3.2.1.2 Requirement 8

89. This prevents each Project from commencing its onshore works until a written scheme setting out the phases of the relevant works for that Project is submitted to and approved by the relevant planning authority. This drafting follows the approach taken in other offshore generating station DCOs.

90. In order to ensure that only the eastern converter station is built if only the DBS East Project is taken forward, requirement 8 also prevents the DBS East Limited onshore works commencing until notification has been submitted to the relevant planning authority as to whether DBS West Limited intends to commence development of the DBS West Project. If the notification gives notice that DBS West Limited does not intend to commence development, DBS East Limited is authorised only to build the eastern converter station (Work No 26A) and must not build the western converter station (Work No 25A). As the western Onshore Converter Station will not be built if the DBS West Project is built in isolation, there is no Work No. 25B.

3.2.1.3 Requirement 20

91. The Applicants believe it is appropriate to keep **Draft DCO (Revision 5)** [document reference: 3.1] Requirement 20, with the proposed construction hours, which are broadly in line with industry practice for Projects of this scale and nature.

The Code of Construction Practice (CoCP), which will be approved by the relevant planning authority (East Riding of Yorkshire Council (ERYC)) under DCO Requirement 19 contains details of the best practice measures which will limit noise and vibration levels during construction, so far as is reasonably practicable, to minimise disturbance to sensitive receptors. This includes the measure in para 246: "*If stipulated by ERYC in advance of construction, a Section 61 (of the Control of Pollution Act 1974) consent may be obtained by the Principal Contractor(s) for certain activities*"

92. It is proposed that the Projects will work with ERYC to identify locations within the Onshore Development Area where there are concerns about impacts to Noise Sensitive Receptors, and it is appropriate for the Projects to obtain Section 61 consent. The Projects will then obtain those Section 61 consents from ERYC prior to works taking place.

93. It is proposed that this power to request a Section 61 consent should give ERYC sufficient comfort that they retain a level of control over working hours in particularly sensitive locations, without the need for an overarching change to DCO Requirement 20 Construction Hours for Onshore Works.

3.2.1.4 Requirement 30

94. This requires a port construction traffic management plan in respect of traffic to and from the construction port(s) to be submitted to and approved by the relevant highway authority (in consultation with the relevant planning authority) prior to commencement of Works 1A or 1B.

95. Requirement 30 also requires a port travel plan in respect of traffic to and from the operation port(s) to be submitted to and approved by the relevant highway authority (in consultation with the relevant planning authority) prior to Works 1A or 1B beginning to operate. A port construction traffic management plan, or a port travel plan, will not be required where the relevant highway authority has confirmed (after consultation with the relevant planning authority) that such a plan is not required (Requirement 30(1)(b)). For the purposes of this requirement "relevant planning authority" and "relevant highway authority" are the planning and highway authority in whose area the relevant construction or operation port is located.

96. No decision has been made regarding a preferred base port for the offshore construction and operation of the Projects. To ensure that any potential effects associated with the Projects' offshore construction and operational phases (including cumulative effects) are assessed and mitigated, the **Draft DCO (Revision 5)** [document reference: 3.1] includes a requirement to produce construction and operational phase Port Traffic Management Plan(s) once the final location of the preferred base port (or ports) is known. **Appendix 24-1 Traffic and Transport Consultation Responses** [APP-197] outlines that this approach has been agreed with the relevant highway authorities. The approach to scoping out of the onshore effects of the traffic and transport associated with offshore construction, operation and decommissioning activities has also been accepted by the Planning Inspectorate for other recently consented nationally significant offshore wind farm projects Norfolk Vanguard, East Anglia TWO and THREE, and Hornsea Three and Four. However, the Applicants acknowledge that not all of those projects had a similar requirement for a port traffic management plan.

3.2.1.5 Requirement 31

97. This provides for a mitigation scheme to prevent or remove any unacceptable effects arising from the final approved layout of the authorised project on the air defence radar at Remote Radar Head Staxton Wold and the Ministry of Defence's (MOD's) air surveillance and control operations.

98. Due to potential overlap in radar line of site from the air defence radar at RAF Staxton Wold with the DBS West array, the Applicants expected to receive the objection submitted by the MOD. Typically, the Applicants would seek to work towards an agreed Requirement with the MOD restricting generation or turbine movement until sufficient mitigation has been agreed and installed, as has been done by previous projects.

99. However, the UK Government has brought forward a new policy on funding and delivery of air defence radar mitigation.

100. The Clean Power 2030 Action Plan (released December 2024) details The MOD's Programme Njord (in collaboration with Department for Energy Security and Net Zero (DESNZ), The Crown Estate, Crown Estate Scotland, the devolved governments and the Offshore Wind Industry Council (OWIC)). Programme Njord's objectives are to identify, procure and implement a mitigation to resolve air defence military radar issues. The action plan discloses that:

"The full costs of the long-term radar mitigation solutions identified by Programme Njord will be funded via an alternative route, delivered by government, and the funding requirement is therefore removed from offshore wind developers."

101. This chain of events has occurred within recent months or so, notably post the MOD's submission of their objection. It is expected Programme Njord will deliver the Government's enduring air defence radar mitigation solution.

102. The Applicants and the MOD will consider what type of Requirement may be needed in the Draft DCO (if any).

103. The Applicants are engaging with the MOD to discuss this with a view to seeking a withdrawal of the objection by the MOD.

104. It is understood that more detailed guidance is due to be provided but the Applicants do not yet have a date for this – industry is working with DESNZ and the MOD to bring this forward.

3.2.2 DML Conditions

3.2.2.1 Condition 7 (DML – Schedule 10)

105. The Applicants noted that the maintenance of the Projects would be controlled by the Offshore Operations and Maintenance Plan which needs to be approved by the Marine Management Organisation (MMO). Within that plan there is a more detailed list of the major wind turbine component parts that the Applicants anticipate might require replacement during the lifetime of the development.

106. The maximum parameters of the wind turbine generators are included within condition 1 of DML 1 (Schedule 10 of the **Draft DCO (Revision 5)** (document reference: 3.1)) and the equivalent conditions in the other DMLs. These parameters would remain applicable to the Projects throughout the operational and maintenance phases.

3.2.2.2 Condition 8 (DML – Schedule 10)

107. The Applicants noted that timings for submission of documents are to be discussed with the MMO at the next meeting. The Applicants will provide an update on timings following this discussion.

3.3 Schedule 15 of the Draft DCO – Protective Provisions

3.3.1 Internal Drainage Board

108. The Applicants noted that some minor comments on the protective provisions included in the **Draft DCO (Revision 5)** [document reference: 3.1] has been provided by the Beverley & North Holderness Internal Drainage Board (BNHIDB) in their relevant representation submitted in December 2024.

109. A draft written response to the relevant representation has been provided to the BNHIDB and the Applicants would welcome further discussion with the BNHIIDB to address their concerns before the response is submitted at Deadline 1.

3.3.2 Network Rail

110. The Applicants noted that bespoke protective provisions for Network Rail have been included in the **Draft DCO (Revision 5)** [document reference: 3.1]. The Applicants and Network Rail are continuing active negotiations on the form of protective provisions to be included in the DCO and the ExA will be updated on the progress of these negotiations over the course of the DCO Examination.

3.3.3 National Gas Transmission

111. The Applicants noted that bespoke protective provisions for National Gas Transmission has been requested and a draft set of protective provisions has been provided to the Applicants to review.

112. The Applicants have provided comments on the draft protective provisions and the parties are continuing active negotiations on these. The ExA will be updated on the progress of these negotiations over the course of the DCO Examination.

3.3.4 National Grid Electricity Transmission

113. The Applicants noted that bespoke protective provisions for National Grid Electricity Transmission has been requested and a draft set of protective provisions has been provided to the Applicants to review.

114. The Applicants have provided comments on the draft protective provisions and the parties are continuing active negotiations on these. The ExA will be updated on the progress of these negotiations over the course of the DCO Examination.

3.3.5 Northern Powergrid

115. The Applicants noted that bespoke protective provisions for Northern Powergrid has been requested and a draft set of protective provisions has been provided to the Applicants to review.

116. The Applicants have provided comments on the draft protective provisions and the parties are continuing active negotiations on these. The ExA will be updated on the progress of these negotiations over the course of the DCO Examination.

3.3.6 Environment Agency

117. The Applicants provided a copy of the draft protective provisions included in the **Draft DCO (Revision 5)** [document reference: 3.1] to the Environment Agency in March 2024. No comments have been received by the Environment Agency on these protective provisions.

3.3.7 Offshore Assets

118. The Applicants do not consider it is appropriate for protective provisions for owners and operators of offshore assets to be included in the **Draft DCO (Revision 5)** [document reference: 3.1] as these concerns can be dealt with through private agreements which is the industry standard way to deal with these concerns.

119. The Applicants confirmed that protective provisions in favour of National Gas Transmission are limited to onshore interactions.

3.4 Schedule 18 – Compensation Measures

120. The Applicants provided an update on compensation measures to be delivered under Schedule 18. This summary provides an update on the progression of compensation measures for the DBS Projects following submission of the Applicants' DCO application in June 2024. The Applicants produced a brief update to present at ISH1 as requested in the agenda, however, there was not sufficient time to deliver it. Therefore, this compensation measure summary document is submitted as a written update to provide pertinent information to the ExA.

3.4.1 Dogger Bank SAC – Benthic Compensation

121. At the point of DCO submission, in alignment with The Crown Estate's **Round 4 Dogger Bank SAC Strategic Compensation Plan** [APP-060], as agreed by the Dogger Bank SAC Strategic Compensation Steering Group members the primary measure identified in the Applicants' **Appendix 3 Project Level Dogger Bank Compensation Plan** [APP-059] was the designation of a new protected site or extension of an existing site to protect Annex I sandbank habitat outside of the existing Marine Protected Area network. It was recognised that this measure is only deliverable by Defra in consultation with other relevant stakeholders and is therefore beyond the control of the Applicants.

122. While it is the case that strategic measures are beyond the ability of the Applicants to deliver, the Applicants have continued to undertake consultation with stakeholders to offer support and better understand the provisions of strategic frameworks that are not yet operational.

123. Interim guidance outlining how offshore wind developers can rely on the Marine Recovery Fund (MRF) (a strategic compensation fund to be managed by Defra) in advance of it being operational was published on 29th January 2025 (DESNZ, 2025[2]). This guidance was issued alongside a ministerial statement from Defra (Defra, 2025[3]) confirming that strategic compensation will adequately account for predicted impacts associated with offshore wind developments (including Round 4 projects) ahead of the Government's 2030 Net Zero targets (HM Government, 2022). The Ministerial Statement (Defra, 2025[1]) underlines Defra's "commitment to use the powers conferred in the Energy Act 2023 to ensure that compensatory measures for unavoidable environmental impacts to Marine Protected Areas (MPAs) can be delivered strategically rather than on a project-by-project basis including through a library of strategic compensation measures". Consultation is to be undertaken in spring 2025 on "reforms to the environmental compensation requirements for offshore wind projects, with the aim to bring in legislation by Autumn 2025".

124. The Applicants plan to review the draft DCO wording following a more detailed review of the DESNZ guidance (DESNZ, 2025[2]) which will be submitted at the appropriate deadline during the Examination phase. Defra will also be producing "high-level implementation and monitoring plans in advance of final MPA designations to assist in providing the necessary information following consent, with final updated plans being provided once designation has taken place" which is likely to remove the requirement for the Applicants to produce a project level Dogger Bank SAC Compensation Implementation and Monitoring Plan post-consent.

125. The Applicants also intend to update the **Appendix 3 Project Level Dogger Bank SAC Compensation Plan** [APP-059] to align with new guidance and the ministerial statement. Furthermore, following the acceptance of Project **Change Request 1: Offshore and Intertidal Works** [AS-141] into examination further updates will be made to reflect the reduction in the Projects impacts on the Dogger Bank SAC.

[2] Department for Energy Security and Net Zero (2025) Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance. Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance - GOV.UK

[3] Department of Food and Rural Affairs (2025) Marine Environment - Statement made on 29 January 2025. Written statements - Written questions, answers and statements - UK Parliament

126. The Applicants have submitted a document entitled **Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage** [AS-025] which addresses several comments raised by Natural England in their Relevant Representations [RR-039]. This document includes site specific evidence of rapid habitat recovery following physical impacts related to construction within Dogger Bank SAC. The review substantiates the Applicants position (as discussed and evidenced within the **Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3)** [AS-051] to conclude no adverse effects on integrity (AEoI) of the Dogger Bank SAC in relation to direct physical damage and provides further evidence base for the compensation quantum outlined in the **Appendix 3 Project Level Dogger Bank SAC Compensation Plan** [APP-059].

3.4.2 Kittiwake Compensation Plan Update

127. In alignment with the **Round 4 Kittiwake Strategic Compensation Plan (KSCP)** [APP-053] the measure being progressed by the Applicants to compensate for impacts to kittiwake from the FFC SPA is the construction of offshore artificial nesting structures (ANS).

128. The Applicants' preferred compensation measure is the management of fisheries to increase prey availability which can only be delivered strategically by the UK Government. However, as there is uncertainty as to whether this strategic option is available to compensate for the predicted impacts of the Round 4 plan and the Projects specifically. Thus, the installation of an offshore ANS to support the breeding kittiwake population is proposed. This measure can be delivered via several mechanisms as stated in the **Draft DCO (Revision 5)** [document reference: 3.1] and outlined in the **Appendix 1 Project Level Kittiwake Compensation Plan (Revision 3)** [AS-087]:

- On a project-led basis;
- Through financial contribution to a Strategic Compensation Fund (either wholly or partly) as operated by Defra or another body;
- Via financial contribution towards the establishment of compensation measures by another party (wholly or partly); and
- Through collaboration with another party.

129. Interim guidance outlining how offshore wind developers can rely on the MRF in advance of it being operational was published on 29th January 2025 (DESNZ, 2025[2]). This confirmed the inclusion of offshore ANS within the Library of Strategic Compensation Measures and the eligibility of Round 4 offshore wind projects to deliver this measure. Guidance states that projects wishing to rely on this measure ahead of the MRF being operational need to deliver offshore ANS on a project led or collaborative basis, and that where possible developers should construct fewer and larger offshore ANS placed in optimal sites. The Applicants may include a provision allowing for a contribution into the MRF ahead of it being operational, but this must be accompanied by project led measures. As such, the Applicants intend to proceed with the delivery of offshore ANS on a project led basis, in collaboration with ODOW.

130. At the point of DCO submission, the Applicants had assessed a series of sites for its offshore ANS as identified in the **Round 4 KSCP** [APP-053]. Five of these areas of search (AoS) were shortlisted and were to be subject to further desk-based assessments. However, following submission, a review of work to date concluded that while the five shortlisted candidate AoS had merit, they remained constrained by physical conditions, soft constraints, as well as technical and logistical challenges. An examination of the wider area of search suggested that there may have been missed opportunities at locations with good ecological suitability that were not identified in the **Appendix 1 Project Level Kittiwake Compensation Plan (Revision 3)** [AS-089] and **Round 4 KSCP** [APP-053]. As a result, a second stage of site selection work to identify a location for an offshore ANS was undertaken. A total of ten new areas of search were identified by the Applicants and these were interrogated alongside selected AoS identified in the **Round 4 KSCP** [APP-053]. A constraints assessment process was undertaken to refine the longlist to five AoS to be subjected to a number of more detailed desk-based assessments. This process was detailed within the **Project-Level Kittiwake ANS Site Selection Report** [PDB-007] and updated **Appendix 1 Project Level Kittiwake Compensation Plan (Revision 3)** [AS-089].

3.4.2.1 Compensation Plan Development

131. The five shortlisted AoS were shared with Natural England and The Crown Estate in September 2024, with Natural England providing written feedback in December 2024 outlining no objections. The Crown Estate undertook proximity checks on the five shortlisted locations and confirmed no current major obstacles to their development in November 2024.

132. Desk-based assessments, including ground condition and metocean studies, and a shipping and navigation assessment, were undertaken in parallel to these checks. Consultation was undertaken with Maritime and Coastguard Agency (MCA) and Trinity House (29th November 2024), where no objections to any of the AoS were raised. All desk-based evidence and consultation advice was subsequently assessed to identify the optimal areas for location of a project-led ANS within each AoS. Following this desk-based process, three candidate sites have been identified to take forward to site investigation surveys to commence in Q2 2025.

133. The Applicants are seeking to undertake geophysical and geotechnical surveys for the three candidate sites in April and May respectively. The outputs of these surveys will enable the selection of a project led ANS site by the end of the Examination period. It is anticipated that in Q2 2025, a Marine Licence application will be submitted to the MMO and a Seabed Lease application to The Crown Estate will be submitted with ongoing consultation with fisheries organisations and other key stakeholders in the interim.

134. In addition to identifying a location for project-led ANS delivery, the Applicants are also in discussions with Hornsea Four regarding the potential development of a consented ANS site which they no longer intend to develop. The locations of the Hornsea Four ANS sites have already been assessed for suitability as part of the site selection work undertaken by the Applicants.

135. In conclusion, the Applicants wish to highlight we are operating within an agreed framework as outlined within the **Round 4 KSCP** [APP-053]. The credibility of the measure is agreed (Defra, 2024), there are no landowner concerns and whilst quantum is still to be finalised, it is confirmed that delivery through one site is feasible.

3.4.2.2 Assessment Updates

136. Kittiwake compensation quantum figures were updated in November 2024 in response to a request from Natural England in Relevant Representations [RR-039] to update assessments in line with revised guidance on impact calculations. Updates were provided to PINS in **Appendix 1 Project Level Kittiwake Compensation Plan (Revision 3)** [AS-087]. The outcome of the assessment was the kittiwake numbers did not increase in a substantive way. Based on the Applicants preferred quantum calculation approach, the overall compensation requirement for the Round 4 Plan remains below the lower limit of the 'compensation envelope' outlined in the **Round 4 KSCP** [APP-053] (2,500 – 5,500 nesting spaces).

137. The Applicants note that in their response [AS-126] to the Rule 17 letter dated 26th November 2024, Natural England advised that the Hornsea Three Stage 2 method be used to calculate the scale of compensation required. However, as previously detailed in the **Appendix 1 Project-Level Kittiwake Compensation Plan (Revision 3)** [AS-087], the Applicants consider the Hornsea Three method to be unsuitable for a number of reasons namely, the method is not freely available in full such that it can be readily replicated, it is unnecessarily complicated and extremely difficult to interpret, and this method results in double-counting of the effects of mortality and thus an overestimation of compensation quantum. Furthermore, the Hornsea Four methodology is the more recently consented approach to quantum calculation for kittiwake. The Applicants intend to submit further detail on their position in relation to ornithology quantum calculations at Deadline 2.

3.4.3 Guillemot and Razorbill Compensation Plan Update

138. The current **Draft DCO (Revision 5)** [document reference: 3.1] wording enables guillemot [and razorbill] compensation to be delivered on a project-led basis, through financial contribution to a Strategic Compensation Fund operated by Defra, through financial contribution towards the establishment of compensation measures by another party, or through collaboration with another party. There are no proposed changes to the DCO at this stage.

139. There was no strategic plan for Guillemot and Razorbill. The Applicants **Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)** [AS-089] identifies the primary measure of compensation to be predator reduction, in line with Defra's library of compensation measures.

140. Before getting into details of progress made since submission, we would like to highlight that the work undertaken by the Applicants so far, in respect of extensive colony and habitat surveys have demonstrated that the auk compensation required for the Projects can be delivered through predator reduction in the UK. The remaining activities are to secure a site either on a project level or to contribute on a strategic basis to the compensation measures required.

141. Currently, the Applicants are pursuing a multi-stranded approach whereby project led solutions and strategic delivery are being investigated noting that experience suggests there are a number of reasons outside of the Applicants' control that a site may become unavailable.

142. The public interest is held in the Draft DCO wording whereby the Guillemot [and Razorbill] Compensation, Implementation and Monitoring Plans will require the Applicants to deliver the required compensation as agreed by the relevant steering group.

3.4.3.1 Compensation Plan Development

143. Since submission, the Applicants have undertaken feasibility studies at seven locations around England, Wales and Northern Ireland in addition to the northern Isles of Scilly. The results of these surveys are outlined in the **Guillemot and Razorbill Compensation Site Shortlist Refinement Report [Redacted]** [PDB-008] which was submitted into examination on 29th October with non-redacted versions provided to Natural England and the ExA.

144. Following this study, positive discussions with the National Trust (landowner) assisted the Applicants in obtaining an Area of Special Scientific Interest licence in early October 2024 for Sheep Island (Northern Ireland) to access the land and undertake further pre-eradication feasibility studies (predator mapping) in winter 24/25. Unfortunately, the National Trust then refused (11th November 2024) the Applicants' request for access to undertake further surveys.

145. Following this, the Applicants reconsidered other project-led options. Access is agreed for predator presence and feasibility surveys in February 2025 at Middle Mouse in North Wales, with positive negotiations regarding Heads of Terms having been undertaken with the landowner's agent. Based on the conclusions of the Applicants' **Guillemot and Razorbill Compensation Site Shortlist Refinement Report [Redacted]** [PDB-008], should predator presence be confirmed by planned surveys, this site has the potential to provide sufficient predator free habitat to compensate the Projects impacts on guillemot and razorbill based on the Applicants' literature and evidence based considerations on how impact and subsequent compensation for guillemot and razorbill should be calculated.

146. The Applicants are also actively engaging with National Trust at another of their sites and have secured permission to undertake habitat surveys in late January/early February 2025, and are seeking to secure permission to undertake further surveys in the summer of 2025 to further inform the feasibility of a compensation scheme in this location to support the projects' compensation requirements.

147. The Applicants have been engaging with the Isles of Scilly Wildlife Trust (partial tenant) and Duchy of Cornwall (landowner) since June 2024 and had positive discussions and understand that both parties would like to see predator eradication across the Isles of Scilly to facilitate seabird recovery. Whilst the Applicants would have been prepared to undertake a predator eradication scheme in the Isles of Scilly in 2025, on 14th November 2024 the Wildlife Trust stated in their letter to the ExA [AS-047] that they would not grant permission for any developers to undertake surveys on the Isles of Scilly and that any compensation in this location would have to be delivered strategically.

148. Since this time, the Applicants have been in consultation with OWIC and other developers, with the aim of establishing an interim method of funding the Wildlife Trust and Isles of Scilly Wildlife Trust to develop a predator eradication project to provide sufficient strategic compensation which can then be funded through the MRF when it becomes available. OWIC provided the following statement to DBS for submission into the examination on 10th January 2025:

"The Offshore Wind Industry Councils (OWIC) Environment and Consents workstream are currently delivering a four-year Strategic Compensation Studies project (SCS), due to end December 2027, funded through The Crown Estate's Offshore Wind Evidence and Change programme and contributions from offshore wind developers. As part of this project the OWIC SCS team are working with key stakeholders, including The Wildlife Trusts and interested developers (including Dogger Bank South), to support a strategic approach to delivering a mammalian predator eradication project in the Isles of Scilly for the purpose of seabird compensation. This may be funded either through Defra's Marine Recovery Fund (MRF), which is anticipated to be fully operational in Q4 of 2025, or an interim delivery mechanism. The development work, which is being led by The Wildlife Trusts, will include the creation of an operational/delivery plan alongside additional survey work to understand and quantify the strategic potential (across multiple seabird species) of predator control on the Islands. The OWIC SCS team are in the process of pursuing an agreement with the relevant stakeholders with the intention of completing this work in 2025. In addition, the OWIC SCS team are currently in the process of procuring legal services to explore the establishment of a functioning developer-led delivery mechanism which would provide the offshore wind industry with a route to collaborative compensation whilst the Government-led MRF is in development. The outputs of this work are due summer 2025."

149. Interim guidance outlining how offshore wind developers can rely on the MRF in advance of it being operational was published on 29th January 2025 (DESNZ, 2025[2]). This confirmed the inclusion of predator reduction within the Library of Strategic Compensation Measures and the eligibility of Round 4 offshore wind projects to deliver this measure. Guidance states that Applicants wishing to use predator reduction as a compensation measure ahead of the MRF being operational will need to deliver the measure themselves or in collaboration with other projects. The Applicants may include a provision allowing for a contribution into the MRF ahead of it being operational, but this must be accompanied by project led measures. As such, the Applicants intend to pursue both project- led proposal, while further investigating a future strategic route.

150. By the end of Examination the Applicants anticipate that, subject to positive survey results, an agreement can be in place to secure project-led compensation. We also hope that an agreement to enable the Applicants to contribute to development of a strategic compensation option on the Isles of Scilly may be in place, should this be required.

3.4.3.2 Assessment Updates

151. **Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)** [AS-089] was updated to reflect the updated assessment of impacts and resulting change in compensation quanta, in response to Natural England guidance. The compensation quantum for guillemot has increased substantially. It was also pointed out, in line with the updated **RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3)** [AS-085], that with the addition of the extra bioseason the calculations suggest that a significant proportion of the guillemot and razorbill populations are present within a very small proportion of available habitat and that this assessment is therefore very precautionary.

152. It is worth highlighting, for example, that the current in-combination assessment methods suggests that over 73% of the FFC SPA guillemot population occur in just 6% of the area within 300km of the FFC SPA (i.e. the area within wind farms or proposed wind farms).

153. The Applicants note that in their response [AS-126] to the Rule 17 letter dated 26th November 2024, Natural England advised that the Hornsea Three Stage 2 method be used to calculate the scale of compensation required. However, as previously detailed in the **Appendix 1 Project-Level Kittiwake Compensation Plan (Revision 3)** [AS-087], the Applicants consider the Hornsea Three method to be unsuitable for a number of reasons namely, the method is not freely available in full such that it can be readily replicated, it is unnecessarily complicated and extremely difficult to interpret, and the method results in double-counting of the effects of mortality. The Applicants intend to submit further detail on this at Deadline 2.

3.5 Consents, Licences and Other Agreements Including any Transboundary Matters

154. The Applicants confirmed that there are largely no updates to the position set out in the **Other Consents and Licences** document [APP-228], although it has been engaging with Natural England in relation to protected species licences and are seeking to obtain Letters of no Impediment (LoNIs). Although the Applicants said they would add these to the Other Consents and Licences document, it can be confirmed, post hearing that a LoNI is required to provide comfort to Natural England at the DCO application stage that it would be possible to obtain a protected species licence in the future, prior to construction. Therefore, the **Other Consents and Licences** document [APP-228] does not require any update in relation to this matter. The Applicants noted that no Section 106 agreement is proposed in relation to the Projects.

4 The Applicants' Summary of Oral Submissions made at ISH2

4.1 Infrastructure and Other Users

4.1.1 Wake Effects

155. The Applicants noted that factors which may influence the extent of wake effects include:

a. Wind farm power density (megawatt per square km);

b. Capacity and footprint of wind farm and proximity to neighbouring wind farms;

c. Joint distribution of wind direction and speed;

d. Turbine design and size; and

e. Sea and atmospheric conditions.

156. The Applicants noted that the study prepared for The Crown Estate by Frazer-Nash Consultancy Limited (2023) to inform The Crown Estate in designing future leasing rounds is not directly applicable to project specific matters as the magnitude results (e.g. % inter-farm wake loss) are likely to differ due to both the turbine representation and other site characteristics (e.g. different turbulence, wind speed, stability, etc.); although the general trends can be considered applicable.

157. It was noted that there is no industry standard model for assessing wake effects and there are a range of models available.

158. The Applicants' position is that they will not be submitting a wake effects assessment to the ExA or to any other developer. In relation to offshore wind projects generally, it was not generally the case that wake effects assessments were undertaken as part of the Environment Impact Assessment (EIA) or DCO application process. The interpretation of EN-3 was considered in prior to the Awel y Môr DCO decision. This decision, made in September 2023, included a requirement in relation to submitting a wake loss assessment. This outcome was unexpected and indicated that the previous Secretary of State considered there were circumstances where wake effects assessment should be submitted pursuant to a novel interpretation of EN-3. This point is currently being considered in multiple DCO examinations and the Applicants hope that the new Secretary of State reconsiders this interpretation of EN-3. The Applicants do, however, note that the Secretary of State in the Awel y Môr DCO decision firmly rejected the possibility of using the DCO to indemnify any other project for financial loss suffered as a result of wake effects, which the Applicants consider is the correct approach.

159. When preparing the Environmental Statement, on a precautionary basis, a wake effects assessment was prepared by the Applicants. The Applicants have since reviewed their position on this and, alongside other Round 4 developers, consider that the requirement of a wake loss assessment goes beyond the required ambit of the EIA process and is not supported by the position in the NPS. As a result, the Applicants do not intend to submit the wake effects assessment. Furthermore, project specific details, such as turbine layout and height, are commercially sensitive so cannot be shared with any other developer.

160. The Applicants note that the relevant parts of the NPS EN-3 do not refer to other offshore wind farms. The drafting is essentially identical to the 2011 version of the NPS and the Applicants' position is that this refers to other offshore industries such as oil and gas, as is clear from paragraph 2.8.44 of EN-3. The question of how close offshore wind farms should be to each other (without the specific agreement of the existing project) as regards wake effects and other matters is a judgement call for The Crown Estate through the leasing process. In the case of Round 4, this distance was determined to be 7.5km from an existing offshore wind farm which the DBS Projects adhere to. The Applicants do not consider that a different interpretation of EN-3 or different approach to the existing methodology employed by The Crown Estate on this matter should be adopted as a result of the increasing number of offshore wind farms. There should continue to be a TCE-led approach outside the planning system, unless a considered review of the issue leads to a different approach.

161. The Applicants flagged that discussions are ongoing in the industry regarding wake effects. The Applicants highlight that this issue is also being considered under the Clean Power 2030 Action Plan.

162. The ExA asked if the Applicants consider Dogger Bank A to be "close" to the Projects within the meaning of paragraph 2.8.197 of EN-3. The Applicants do not consider EN-3 should be applied in this way for a range of reasons. If forced to answer the question, the Applicants' position is that the Projects are not "close". The ExA also asked about the meaning of the reference to "activities" in paragraph 2.8.197. The Applicants' position is that it is clear from paragraph 2.8.44 that "activities" refers to things like aviation and fishing and not hard infrastructure, which is addressed in the first part of the paragraph. Accordingly, it could not apply to this situation.

163. The Applicants have updated **Chapter 16 Infrastructure and Other Users (Revision 2) [document reference: 7.16]** of the Environmental Statement to make its position clear.

4.1.2 Crossing and Proximity Agreements

164. The Applicants noted that discussions on crossing and proximity agreements are ongoing and there is currently no indication that any party would be unwilling to enter into an agreement.

165. Crossing and proximity agreements are industry standard mechanisms which deal with interactions between assets and / or works which interface offshore. They are intended to provide protection to asset owners following any damage and / or losses suffered as a consequence of the carrying out of works by another party.

166. These agreements typically cover approval mechanisms for the initial crossing works undertaken and also reciprocal approvals mechanisms for any future works which may be undertaken for maintenance purposes by either the Applicants or third party asset owner.

167. Crossing and proximity agreements typically identify the parties privy to the agreement and any relevant representatives. They usually present the details of the works proposed and identify any relevant timescales, distances and any governance details. Matters relating to liabilities, their limits and the resolution of any disputes are also typically covered amongst other details.

168. It is typical for crossing and proximity agreements to be developed and signed at the post-consent to pre-construction phase of a project when there is a certainty of need, and when pertinent details such as crossing designs, construction methodologies and locations are fully understood.

169. At the pre-application stages, the Applicants have consulted with all third party asset owners and discussions regarding crossing and proximity agreements have been held. This engagement extends to the majority of planned projects (both pre and post-consent) whom may not hold any assets at the present time, but with whom the Applicants might reasonably expect to interact.

170. Where relevant and required between parties, the Applicants will agree crossing and proximity agreements prior to construction as is standard within the offshore industry. It is not considered necessary to have these completed during the DCO Examination.

171. The Projects will require agreements to cross up to 13 offshore assets that are constructed at the present time. An additional 15 offshore assets are planned, consented, in construction or at the pre-construction stages at the time of writing. Further assets may be developed in and around the vicinity of the Projects offshore prior to and post the construction of the Projects. Where this occurs, additional offshore crossing agreements may be required.

4.2 Shipping and Navigation

4.2.1 Risk Assessment Methodology

172. The Applicants noted any micro-siting of turbines will be within the Order Limits for the Projects inclusive of blade overfly, so no element of the turbines would be located outside the Order Limits. Offshore safety zones (during construction and major maintenance) apply only to surface piercing structures and therefore may only be centred on locations within the Order Limits. This would also apply to the rotor blades of the wind turbines.

173. The Applicants confirmed that the hazard log is only one of a number of elements which feed into the **Navigational Risk Assessment (NRA)** [APP-124]. There are other factors considered such as quantitative modelling and consultation feedback. The factors that feed into the assessment are detailed in paragraph 13 of the **NRA** [APP-124].

4.2.2 Vessel Displacement Impacts

174. The Applicants confirmed that a 1nm distance has been agreed with stakeholders, including the MCA, and has been applied in other projects. It is up to each mariner to specify what is a suitable safe distance when passing offshore structures and 1nm is generally considered to be a safe distance from objects.

175. As part of the consultation process, the NRA methodology was presented which included the mean route deviations. There was general agreement with stakeholders throughout the Hazard Workshops with the approach to mean route deviations.

176. The Applicants consider that the significance of risk associated with vessel displacement for the cumulative risk assessment is tolerable with mitigation and As Low as Reasonably Practicable (ALARP) for all phases.

177. The Applicants noted that the Statements of Common Ground to be issued at Deadline 1 with the Maritime and Coastguard Agency, Trinity House and the UK Chamber of Shipping are well developed, with a high level of agreement already in place with each stakeholder.

4.3 Marine and Coastal Processes

4.3.1 Disposal of Dredged Material, Sediment Deposition and Proposed Mitigation

178. The Applicants stated that once a contractor is appointed there will be further consideration of seabed cable installation to understand the most effective way to approach dredging. This is an evolving process and the cable installation methodology will continue to be updated up to the point of construction.

179. The Environmental Statement and each topic chapter would have assessed a reasonable worst case scenario.

180. As a variety of sediment types are present on the Dogger Bank, the Applicants believe that stipulating material to be disposed of 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 sub-sea cable installations, may occur over a variety of sediment types to allow installation to occur. The resultant mixed cargo, which would be further mixed in the vessel hold, could not be disposed of as 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 with that this should be added as conditions of the DMLs.

181. The Applicants have, however, committed to not disposing material dredged within the Dogger Bank SAC outside of the SAC, ensuring that material from within the protected site remains there, subject to natural sedimentary processes.

4.3.2 Cable Protection Measures

182. There will be a cable burial risk assessment (CBRA) which is being updated in an iterative manner as the Applicants' understanding of the site develops. The export cable CBRA is being updated but the array CBRA will not be in a position to be updated until after the DCO Examination as it is reliant on further survey information and details of array layout.

183. The Applicants have not yet identified locations where cable protection measures outside of the SAC are required. There is a process to go through on the CBRA and siting of the cables themselves. It is not possible to know where the protections will be until then.

184. The Applicants noted that cable burial is the preferred method of cable protection. There is no desire to have more remedial cable burial protection than is absolutely necessary, as it can be expensive and lead to the cable being exposed to higher risks. However, in some instances it is unavoidable due to ground conditions (which may or not have been predicted) or other unforeseen challenges during cable installation itself.

185. In the nearshore area, the risk level is low but burial may be difficult in sub-cropping and outcropping bedrock. It may be the case that no remedial measures are required here but this is not something the Applicants can commit to even if the change application is accepted. Until the Applicants have discussed with the installation contractors and understand the likely installation proposals in this region it will be difficult to predict achievable burial depths and, therefore, predicted levels of any remedial cable protection that might be required. Outwith predictions made relating to cable protection, there is always the possibility that burial to required depths is not achievable in practice during construction and post-lay remediation is required.

186. The Applicants also noted that a reduction in the cable protection protrusion on the seabed would minimise the disruption of nearshore and longshore sediment transport.

4.4 Commercial Fisheries

4.4.1 Approach to Assessment

187. The Applicants stated that impact magnitudes have been considered by stakeholders and the commercial fisheries working group in the pre-application period. These have been changed since the Preliminary Environmental Information Report (PEIR) and are based on this engagement and professional judgement. The approach used is also consistent with what has been done on other offshore wind DCOs.

188. The Applicants also noted that the assessment of significance considered three different scenarios on the basis that the Dogger Bank SAC prohibits bottom towed gear. Additional scenarios were also considered in the event of the SAC byelaw being revoked and to assess effects within the Offshore Export Cable Corridor. Given the distinction between receptor groups operating within the Offshore Export Cable Corridor and DBS East and DBS West Array Areas, assessing the Offshore Export Cable Corridor as a separate scenario also aided distinguishing impacts to these receptors during the construction and operation phases.

4.4.2 Cumulative Effects

189. The Applicants mentioned that, in the context of the cumulative effects assessment, vessels are limited by target species or risk of displacement from other fishing vessels in addition to distance. When referring to dredge and inshore static gear receptors, these groups generally fish along the 12nm limit rather than the Array Areas and Dogger Bank SAC, and therefore would not be displaced from the Array Areas.

4.5 Marine Ecology

4.5.1 Dogger Bank Strategy Compensation Plan

190. The Applicants noted there was a difference in opinion on the time it will take for Defra to put a new designation in place. The Applicants' view is that this could be done substantially quicker than the seven years quoted in the **Round 4 Dogger Bank Strategic Compensation Plan** [APP-060].

191. The Applicants have undertaken a major survey adjacent to the SAC to show this area could be designated (this information has been provided to Defra and was submitted with the Application in **Round 4 Dogger Bank Strategic Compensation Plan** [APP-060]). It is entirely possible for a site to be designated within a short timescale, given that Defra is not working from scratch, although this will be a matter for Defra. It was noted that the first tranche of Marine Conservation Zones were designated within four years of the Marine and Coastal Access Act 2009 being enacted (the first 27 zones were designated in November 2013).

192. The Applicants are assisting Defra in this process so that compensation can be provided to a number of projects over several years but ultimately this is a matter for Defra.

193. The Applicants consider that a designation could be in place prior to any adverse effect on integrity of the Dogger Bank SAC occurring. As stated above the designation process is already underway with data available. In addition, in line with previous practice it is expected that protection from the site becoming a candidate site (at the point of formal public consultation) with protection applying sooner than formal designation. In addition, the scheduling of construction activities may mean that initial works on the Projects takes place in locations outside of the SAC boundary (e.g. landfall or the Offshore Export Cable Corridor).

194. The Applicants also noted that the Projects should not be restricted in relation to timing of construction or operation by reference to this matter as its delivery is beyond their control and that there are other levers available around quantum and permanency of protection to address any concerns regarding a mismatch between the timing of the impact and the commencement of the measure.

4.5.2 Marine Recovery Fund

195. The Applicants understand from discussions with DESNZ and Defra that the Marine Recovery Fund will be in place in the autumn of 2025 following a consultation in spring 2025. The Applicants noted they are awaiting further detail on this, but benthic compensation issues will be addressed through this mechanism which is being delivered by the UK Government.

4.5.3 Project Level Benthic Compensation Proposals

196. The Applicants confirmed that the fisheries-related measure is something that must be provided by Government. There is no mechanism for a commercial entity to deliver this.

197. With regards to seagrass, the Applicants have included this in **Appendix 3 Project Level Dogger Bank Compensation Plan** [APP-059]. It is regarded as a secondary measure in the event that the quantum cannot be provided by site designation. This would only ever be a top up measure and is not something that would need to be relied on. The Applicants are therefore not taking any steps to take this forward at this time.

4.5.4 Potential Effects on Prey Species

198. The Applicants confirmed there was nothing unusual in this assessment and in allocating prey species as low value, which is consistent with other projects. Allocation of sensitivity (including value) and magnitude is based on expert judgment. The key factors driving the value in this case is that 1) the prey species themselves, such as herring, sprat and sandeels are widely distributed throughout the southern North Sea and are not particularly spatially limited or unique to the Offshore Development Area or the Dogger Bank SAC and 2) (as discussed for example section 11.6.7.7 of Chapter 11 marine mammals [App- 095]), the fact that highly mobile predators have a wide diet and in some cases feed opportunistically dependent on available resource. Hence no single prey species is likely to be a limiting factor or particularly important over another. The heat maps in the **Heat Mapping Report: Atlantic Herring and Sandeel** [AS-105] illustrate for sandeel and herring the potential distribution of these species across the Southern North Sea. Figure 2-2 of the **Report to Inform Appropriate Assessment Habitats Regulations Assessment - Appendix B – Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC** [App-050] best illustrates the point on the wide distribution of sandeel in the Southern North Sea and relation to the Southern North Sea SAC and the Offshore Development Area.

4.5.5 Monitoring and the In-Principle Monitoring Plan

199. The Applicants noted that the monitoring plans are in outline and will need to be updated when the final project design, layout and other details are known. The In-Principle Monitoring Plan (IPMP) does include monitoring and there are ongoing discussions about what needs to be added.

200. The Applicants confirmed the involvement of RWE in collaborative monitoring options, with these outlined in the IPMP.

4.6 Military Radar

201. The Applicants noted that there are some stringent non-disclosure agreements in place in relation to this topic which may limit what can be disclosed.

202. The Applicants have included a Requirement in the **Draft DCO (Revision 5)** [document reference: 3.1] due to the predicted impact on Remote Radar Head Staxton Wold from DBS West. The Requirement follows similar wording included in previous DCOs where similar impacts were predicted.

203. Typically, the Applicants would seek to work towards an agreed Requirement with MOD, restricting generation or turbine movement until a sufficient air defence radar mitigation solution had been agreed and installed, as has been done for previous projects.

204. However, in December 2024 the new UK Government brought forward a new policy for delivery and funding of air defence radar mitigation within the Clean Power 2030 Action Plan (released December 2024), which presents an outline of the MOD's Programme Njord (in collaboration with DESNZ, The Crown Estate, Crown Estate Scotland, the devolved governments and the OWIC).

205. Programme Njord's objectives are to identify, procure and implement a mitigation to resolve air defence military radar issues.

206. This chain of events has occurred within recent months, notably post MOD's submission of their objection. It is expected Programme Njord will deliver Government's enduring air defence radar mitigation solution.

207. d. The Applicants understand MOD are going to be issuing guidance in relation to these matters later in the year.

208. In light of this emerging policy the Applicants are taking the opportunity to engage in meaningful discussion with MOD to agree any wording appropriate for a requirement (should one be needed) and the pathway to developing air defence radar mitigation for DBS West moving forwards to construction.

209. The Applicants also confirmed that this matter is one of a number of considerations to be aware of when designing an offshore wind farm. There are multiple considerations that are in play when determining turbine layout and height which the Applicants will need to consider.

4.7 Underwater Noise

4.7.1 Maximum Hammer Energies

210. The Applicants confirmed that 6,000 kJ was chosen for the monopiles as a realistic worst case based on the largest pile hammer that is currently understood to be commercially available (supplied by Menck, MHU-6000W). This technology is scheduled to be deployed at another RWE project in the next 12 months. The DBS Projects have not chosen a wind turbine generator at this stage and consequently cannot confirm the foundation concept or requirements for the foundation installation.

211. Based on assumed maximum pile geometries and the ground conditions at the DBS site, 6,000 kJ was chosen to allow some contingency. The hammer energy will not be increased above the hammer energy required to complete each installation 6,000 kJ would only be used if required at specific foundation locations.

212. The Applicants noted that the maximum energy level of the hammer is set by the operators in the field, therefore it does not matter if the hammer is capable of achieving higher energy levels than the maximum of 6,000kJ. Any breach of the 6,000 kJ limit would be a breach of the DMLs which can be enforced against. The Applicants also confirmed that there is a requirement in the DMLs to monitor underwater noise from the first four piles installed and report results back to the MMO.

4.7.2 Noise Abatement Systems

213. The Applicants stated that a range of mitigation measures, including noise abatement systems, were included as additional mitigation options within the **Marine Mammal Mitigation Protocol** (a revised version was submitted in November 2024 [AS-100]). These are also included within the **In-Principle Site Integrity Plan (Revision 2)** [AS-102].

214. The use of these systems will be dependent on the final project design and will be determined at the post-consent stage. Noise abatement systems are included within the Projects' procurement package as an optional element to allow it to be called upon should it be required based on the final design parameters when discharging conditions of the deemed marine licenses.

4.8 Seascape, Landscape and Visual

4.8.1 Scope of the Landscape and Visual Impact Assessment

215. The Applicants confirmed that effects on lighting have been assessed but that the assessment does not specifically assess dark skies on the basis that no dark sky areas are in the vicinity of the Projects.

216. The Applicants noted that the Onshore Converter Stations will not be manned and that lighting will only be required during certain operation and maintenance activities. Lighting will only be used on an infrequent basis for safety and security reasons. The majority of activities will take place during the daytime and there are no likely significant effects for the operational phase.

217. The Applicants stated that lighting during construction would be required and works may extend to hours of darkness. There is currently no detail available to know where the construction lighting (which will be mobile light sources) will be placed and the details will not be known until a contractor is appointed. The Applicants noted that it would not be possible to provide a meaningful visualisation of temporary construction lighting as was requested by ERYC in the Landscape Impact Report (LIR).

218. Construction lighting will be controlled by the CoCP which will contain a number of measures including light direction and to ensure lighting will be kept to a minimum. A final construction lighting plan will be appended to the CoCP at the detailed design **stage by the Contractor, the OCoCP is secured by Requirement 19 of the Draft DCO (Revision 5)** [document reference: 3.1].

219. The Applicants also confirmed that no lighting is proposed along the permanent access road.

4.8.2 Design Details

4.8.2.1 Offshore Structures

220. The Applicants stated that, due to distance, there would be no visibility of wind turbines or other offshore structures from land.

4.8.2.2 Onshore Substation Zone

221. The Applicants confirmed there would be up to 10 lightning masts of no more than 27m in height. These are shown in the visualisations and the exact number would depend on the conclusions of a lightning study.

222. The Applicants stated that no decision has been made with regards to whether an AIS or GIS would be used within the Onshore Converter Stations. It was noted that AIS is the worst case which has been used in the visualisation and is the more likely solution for this site given its rural location. A GIS Onshore Converter Station is normally the preferred option if there is a contaminated environment or constrained space but this is a more complicated structure from an engineering perspective and will require an extra building to manage the gas elements. The final decision will also depend on availability from the supply chain.

223. The Applicants explained that the landscape mitigation measures proposed would be appropriate for either AIS or GIS option.

4.8.3 Visualisations

224. The Applicants noted comments raised by ERYC in the LIR and the ExA, who have suggested an additional two viewpoints. One of these is to the south west on Dunflat Road and the other is to the south east on the A164. Photography for these sites has already taken place and the Applicants are in the process of preparing the visualisations.

225. The Applicants stated that it does not consider it is possible to provide meaningful photomontages of construction works but the Applicants have provided a visualisation from viewpoint 3 which shows the extent of the Temporary Construction Compounds.

226. The Applicants explained that mitigation planting is within the visualisation at viewpoint 3 but this is difficult to see given the topography in this area as the planting is shown within a dip in the landscape.

227. The Applicants did not identify any additional locations to the west that would require any additional viewpoints to be provided. There are figures showing the Zone of Theoretical Visibility for the Onshore Converter Station which support this conclusion (**Chapter 23 Landscape and Visual Impact Assessment (LVIA) Figure 23-1 to Figure 23-15 (Revision 2)** [PDA-010]). No additional visualisations were provided from the nearby Important Landscape Area on the basis that there were no locations that would show a clear view. The locations of the viewpoints were also agreed with ERYC, Hull City Council and Historic England at the pre-application stage.

228. The ERYC landscape and visual representative also confirmed that he agreed there were no suitable viewpoints from the west, having undertaken his own site visit.

229. The Applicants noted that the differences in finished ground levels for each of the converter stations is due to drainage, as the ground levels varies across the site. This has been reflected in the visualisations. The Applicants also noted the levels have been remodelled as part of the change request so some levels are slightly lower than the current proposed level for the platform.

230. The Applicants confirmed that the visualisations indicated mitigation planting during summer conditions. These do not show any difference between deciduous and evergreen species which would be agreed with the local planning authority as part of the final Landscape Management Plan (LMP). The Applicants have also recently undertaken winter photography and winter visualisations will be submitted to the Examination at Deadline 2.

4.8.4 Significance of Effect

231. The Applicants stated that reinstatement is unlikely to reduce effects during construction. Significant pre-mitigation construction effects are reported in the LVIA chapter for VP's 1-3 as well as long-term residual effects which would be following reinstatement of the Temporary Construction Compounds. The construction effects would then be superseded by the operational effects for VP's 1-3 reported in **Chapter 23 Landscape and Visual Impact Assessment** [APP-192].

232. The Applicants explained that in the absence of any detailed Decommissioning Plan, the assumption is that the effects would be similar to construction.

233. For the operational phase, the Applicants noted that the intention of the mitigation strategy as presented in the LVIA and outline LMP is for advanced planting to take place at the Onshore Converter Stations at the outset of the construction phase. This would be confirmed in the final LMP to be agreed with ERYC. The advanced planting would provide a substantial amount of screening and so the screening benefit would already be advanced by the end of the construction phases. Advanced planting is contained within the **Commitments Register** [APP-231].

234. The Applicants confirmed that the assessment is unlikely to be affected if the Onshore Converter Station was considered to be reversible or non-reversible. This would not change the magnitude of impact and the level of significance would be unaffected.

235. The Applicants noted that the five-year monitoring period is intended to ensure establishment of landscape planting. It would enable any unsuccessful planting to be replaced. In the longer term, the landscape planting would be maintained as part of the Onshore Substation Zone and planting associated with screening will be maintained for the lifetime of the Projects. It is also worth noting that the cable route operation and maintenance will be handed over to the Offshore Transmission Owners (OFTO).

236. The Applicants confirmed that the visualisations from viewpoints 1, 2, 3 and 4 show the differences in landscape mitigation from year 1 to year 10 and how this changes the likely effects. The images show that at year 1, buildings, fencing and other infrastructure is more visible than in year 10 when the landscape screening becomes more established. The Applicants also noted that the **Project Change Request 2 – Onshore Substation Zone** [AS-152] would reduce the effects further as the Onshore Converter Station footprints would be reduced while the landscape mitigation would remain largely the same.

237. The Applicants mentioned that the outline LMP has provided an approach which seeks to mitigate effects and there is no additional mitigation which would further reduce effects. Following discussions with ERYC, the OLMP was updated prior to DCO submission to consider options for mitigation outside of the Order Limits such as the Humber Forest.

238. The Applicants noted that landscape enhancements will be delivered where possible which is included in the **OLMP (Revision 2)** [AS-096] and **BNG Strategy** [APP-157]. For example, the indicative landscape mitigation plan included as **Figure 23-6 (Revision 2)** [PDA-010] shows large areas of woodland to be introduced into an area which is intensively farmed.

4.8.5 Arboriculture Assessment

239. The Applicants confirmed enhancement of ancient woodland referred to in Work No 29A means simple woodland management measures and the expansion of the woodland through natural regeneration and some complementary planting. This would boost biodiversity in the ancient woodland. The Applicants also mentioned that there are various instances where mitigation will be required to avoid impacts on veteran trees.

4.8.6 Sustainable Drainage

240. The Applicants noted that discussions with ERYC have been ongoing in relation to sustainable drainage systems. There are a number of illustrative options in the **Design and Access Statement** [APP-233] and the Applicants are considering how this will be delivered on site. This will normally be finalised at detailed design stage and the Applicants have added wording to the **Outline Drainage Strategy (Revision 2)** [AS-098] and the **Outline LMP (Revision 2)** [AS-096] to confirm that SuDs design will be landscape led. Discussions with ERYC on this point will continue. Additional wording will be agreed with the ERYC to add to the **Design and Access Statement** [APP-233] at Deadline 2.

4.8.7 Good Design

241. The Applicants noted that one of the key considerations has been in relation to optioneering. The Applicants have taken steps to avoid sensitive features when considering landfall, the Onshore Export Cable Corridor and the Onshore Converter Stations. There has also been a holistic approach to design with landscape, ecology and historic environment aspects being considered.

242. The Applicants confirmed there would a design panel and the design champion would sit on that panel. The Applicants' preference is to keep this as a professional team with experts who understand issues relating to design and engineering. The panel would review and provide expert knowledge which could then be discussed with the local planning authority and parish councils. The Applicants would welcome further engagement with ERYC on this point.

243. The Applicants confirmed that the requirement to undertake a colour assessment is contained in the **Design and Access Statement** [APP-223].

4.9 Onshore Historic Environment

4.9.1 Effects on Heritage Asset at Butt Farm

244. The Applicants confirmed that there would be no physical effect on the scheduled area of the heavy anti-aircraft gun site at Butt Farm which is approximately 140m from the Onshore Converter Station works boundary. Although the development will impact the setting of the asset in a rural context, this will not affect the historical value of the site as the site is primarily scheduled for evidential and historical value.

245. The Applicants noted that the asset can only be appreciated in close proximity and that it is designed to be low in the landscape for protective purposes. The gun site is part of a much wider scheme to protect the Hull and Humber area and there are other gun batteries located elsewhere.

246. The setting of the asset contributes to its significance as its operational function can be discerned with reference to its designated fields of fire to the north and west which is open sky and open countryside. However, even with the development, the asset would still be located in an open, rural setting.

247. The proposal would be visible from the asset and would be prominent but would not affect the viewer's ability to appreciate how its design reflected its tactical function. The key point to understand is how the development interacts with the significance of the asset rather than mere visibility.

248. The Applicants noted that operational lighting had been considered in the assessment set out in the Environmental Statement, and would be very limited. There would also be a dark corridor provided around the site.

249. The Applicants stated that mitigation would be provided through treatment of the Onshore Converter Station and screening. The screening would reduce visibility of closer elements of the development at lower levels such as vehicle movements, signage and lighting. The treatment of the Onshore Converter Station will be dealt with through the design process. The Applicants noted that even without mitigation the viewers appreciation of the significance of the asset would be almost unchanged.

250. The Applicants are in ongoing discussions with ERYC and Historic England on options to improve visitor experience to the asset. However, the asset is located on private land which may cause issues in relation to access to the site.

4.10 Onshore Water Environment

4.10.1 Scope of Geomorphological Survey

251. The Applicants noted that the scope of the assessment related to statutory features and river water bodies. All waterbodies are either artificial or have been heavily modified for land drainage or flood defence – these features are similar to the channels that were surveyed. The Applicants explained that a survey of all of these watercourses would not change the baseline for the assessment. It was also confirmed that watercourses shown in the green area on Figure 20-2-1 of **Appendix 20-2 Geomorphology Baseline Survey Technical Report** [APP-166] had been surveyed.

252. The Applicants confirmed that climate change allowances are considered as part of the **Flood Risk Assessment (FRA)** [APP-168]. There is also a section of the FRA which considers the Sequential Test.

4.10.2 The Use of Local Flood Risk Datasets

253. The Applicants noted that the data used in the ERYC Level 1 SFRA cannot easily be downloaded and the associated map is only available online. It has been used as a cross-reference for the **Flood Risk Assessment** [APP-168] but as the data is not within the control of the Applicants, it has not been provided as a figure.

254. The Applicants confirmed that a data request for local flood risk data was submitted to ERYC and the Environment Agency at the outset of the Projects to inform the **Flood Risk Assessment** [APP-168]. The Applicants also confirmed that an additional data request would be submitted to ERYC to obtain the Level 1 SFRA Functional Floodplain data layer in Geographical Information System format.

4.10.3 Overview of Temporary Watercourse Crossings

255. The Applicants confirmed that the temporary watercourse crossings have formed part of the assessment and will modify the magnitude of impact depending on which scenario is being looked at. The impact would be higher in the sequential scenario as the temporary crossings would be in place for longer than the in-isolation and concurrent scenarios.

4.10.4 Principles of Proposed Drainage Strategy

256. The Applicants clarified that the **Outline Drainage Strategy (Revision 2)** [AS-098] covers land drainage, surface water and SuDS in the Onshore Substation Zone. Surface water drainage from the operational Onshore Converter Stations would be controlled by the detailed drainage strategy, to be prepared by the Contactor. The **Outline Drainage Strategy (Revision 2)** [AS-098] therefore, includes an outline drainage design based on a realistic worst-case scenario to allow the maximum parameters to be set as part of the 'Rochdale envelope' approach. The detailed drainage design will be undertaken by the Contractor and agreed with the East Riding of Yorkshire Council and the relevant drainage authority prior to the start of construction. During construction there would also be a separate surface water management plan, which would include measures for drainage of the Temporary Construction Compounds and Haul Roads, in addition to dewatering requirements, should they be required. This would form part of the Construction Management Plan to be agreed with the ERYC or related drainage authority e.g. IDB or Lead Local Flood Authority (LLFA) by the Contractor. The Applicants confirmed that everything proposed in the **Outline Drainage Strategy (Revision 2)** [AS-098] is within the Order Limits.

257. The Applicants clarified the surface water drainage proposals for the Onshore Converter Stations access roads and – with respect to the receiving watercourses - discussed potential discrepancies between the drawings and the text in the **Outline Drainage Strategy** [AS-098]. The Applicants agreed to review and resolve any discrepancies. The Applicants also agreed to add SuDS calculations for the access roads into the **Outline Drainage Strategy** [AS-098].

258. The Applicants noted the **Outline Drainage Strategy (Revision 2)** [AS-098] has followed the hierarchy for managing operational surface water. It has assumed that watercourses are suitable for the discharge given that the surrounding land does drain into the watercourses. The Applicants have also looked at the SuDS hierarchy and looked at other options such as re-using water (which would be limited on this site) and also infiltrating into the ground subject to ground investigations.

259. The Applicants confirmed it has had discussions with the LLFA and the Environment Agency at the Hydrology and Flood Risk Environmental Technical Group (ETG) meetings on the **Outline Drainage Strategy (Revision 2)** [AS-098] including the watercourses and discharge rates and no concerns have been raised. A statement confirming agreement with the **Outline Drainage Strategy (Revision 2)** [AS-098], is included in the **East Riding of Yorkshire Council Statement of Common Ground (SoCG)** [document reference 9.2] and the **Environment Agency SoCG** [document reference 9.3], submitted at Deadline 1. The draft **Outline Drainage Strategy (Revision 2)** [AS-098] was shared with the EA, LLFA and the IDB prior to the submission of the application and updated with comments from the BNHDB.

4.11 Onshore Ecology

4.11.1 Proposed Extent of Hedgerow and Tree Removal

260. The Applicants noted that there is flexibility in terms of where hedgerows need to be removed for the temporary Haul Road crossings, but this will not exceed the 5m limit set out in the **Outline Ecological Management Plan (Revision 3)** [AS-114], unless for a construction access from an existing road. The design of the accesses and crossing are secured through the **Outline Construction Traffic Management Plan (Revision 2)** [AS-020] and will need to be approved by ERYC (the local highways authority). The extent of visibility splays and hedgerow removal, (where required) will be confirmed as part of detailed design, although the Applicants flagged that drawings showing the worst case extent of visibility splays are included in **Appendix 24-2 Transport Assessment (Revision 2)** [AS-019] and have been included in the current BNG calculations. The Applicants also confirmed that the **Outline Ecological Management Plan (Revision 3)** [AS-114] states in Table 1-1 that '*Where hedgerows intersect with construction access points off of existing roads, an average of 25m (12.5m from the centre point) of hedgerow will be removed for access and visibility splays, where possible this would be limited to pruning rather than full removal of a hedge*.'

261. The Applicants also clarified that where they proposed to remove a hedgerow, this would be limited to the extents specified in Table 1-1 the **Outline Ecological Management Plan (Revision 3)** [AS-114] i.e. up to 24m along the Onshore Export Cable Corridor and 34m along the Onward Cable Connection corridor. However, it is not possible to identify exactly where, along a hedgerow that extent would be removed from within the 75m to 100m width of the Order Limits. Therefore, the **Tree Preservation Order and Hedgerow Plan (Revision 4)** [document reference: 2.18] has included the full extent of the hedgerow, but removal would be limited to the specified widths or, in many cases where a commitment has been made to a trenchless crossing, only a 5m width for a temporary Haul Road crossing. This approach allows flexibility for the detailed cable design and also allows for any natural gaps in the existing hedgerow to be targeted, where possible.

4.11.2 Potential Effects on Water Voles

262. The Applicants noted that initial surveys were intended to demonstrate how water voles used existing habitats within and surrounding the Onshore Development Area. There would be additional surveys for water voles and otters before construction. This may disclose evidence of new burrows or show that water voles have left the site. This has been secured through the **Outline Ecological Management Plan (Revision 3)** [AS-114]. If required, the Applicants would look at licencing or translocation to avoid impacts.

263. The Applicants confirmed that the boundary of the Onshore Development Area presented on the drawings in Appendix D of **Appendix 18-9 Water Voles and Otters Report** [APP-156] will be reviewed and updated where necessary to align with the **Works Plans (Onshore) (Revision 3)** [PDA-003].

4.11.3 Biodiversity Enhancements

264. The Applicants confirmed they are committing to providing no net loss as part of the Projects which is set out in the **BNG Strategy** [APP-157]. The Applicants have followed the mitigation hierarchy with the aim of minimising impacts where possible. The strategy is still a work in progress and is based on a worst case scenario. The Applicants are committed to providing a revised **BNG Strategy** [APP-157] to include the results of the River Condition Assessment (RCA) surveys requested by the Environment Agency during the Examination [Deadline 5]. However, the **BNG Strategy** [APP-157] will also be updated at the detailed design stage to establish the final baseline Habitat Units.

265. The Applicants will aim to deliver as many units as possible onsite but will procure offsite units if needed to achieve no net loss, as minimum and deliver net gain wherever possible. The Applicants stated it is in discussions with the local planning authority with a view to finalising the strategy after detailed design. The aim is to deliver any offsite units in the neighbouring local character area or closer if there are any available.

4.11.4 Construction Compounds

266. The Applicants noted that there is a distinction between trenchless crossing e.g. HDD compounds and Temporary Construction Compounds in that a 200m buffer between designated sites and Temporary Construction Compounds can be ensured but this is not the case for trenchless crossing compounds.

267. The Applicants confirmed that there are two locations where a trenchless crossing compound that requires a generator may be within 200m of the Bentley Moor Wood and Burton Bushes designated sites but that these trenchless crossing compounds will only be required for short term operations of up to 1 month, as they are relatively simple crossings. It should also be noted that a dual carriageway the A1079 is in close proximity to Bentley Moor Wood. Therefore, the impact of generators operating at the trenchless crossing compound is likely to be negligible compared to the pollutant contribution of existing road traffic.

268. The Applicants noted that the worst case has been assessed and controls will be put in place to minimise any impacts on designated sites. These control measures will be set out in the CoCP which will need to be agreed with the local planning authority. There is also an option to microsite the generators within the trenchless crossing compound in the vicinity of the Burton Bushes designated site to be more than 200m away, if necessary.

269. The Applicants explained that it was not possible to provide the exact locations of trenchless crossing compounds until detailed design, but the **Obstacle Crossing Register (Revision 2)** [AS-053] sets out where trenchless crossings may be used.

4.12 Land Use and Ground Conditions

4.12.1 Approach to the Assessment

270. The Applicants confirmed that the difference in sensitivity classification of Agricultural Land Classification (ALC) in Chapters 19 and 21 is because **Chapter 19 Geology and Land Quality** [APP-158] considers how agricultural land, which may be used to grow crops for human consumption could be affected by the potential mobilisation of ground contamination by the projects whereas, **Chapter 21 Land Use (Revision 2)** [AS-111] looks at ALC from a different point of view. This assessment focusses on the amount of land that would no longer be available either temporarily or permanently as a result of the Projects and the quality of the soil on that land and its ability to grow crops with the highest sensitivity receptor being the best and most versatile land (Grade 1,2 and 3a) which are the best soil quality and highest productivity to grow crops.

4.12.2 Land and Soil Restoration

271. The Applicants noted that reinstatement of topsoil in a suitable condition to be returned to the landowner for agricultural use will be undertaken within two years from the start of construction between Jointing Bays, located along the Onshore Export Cable Corridor, as this is a key element of the **BNG Strategy** [APP-157]. However, the BNG strategy is based on an assumption that 50% of temporary Haul Roads between Jointing Bays will remain in place after two years. The location of these temporary Haul Roads will not be determined until detailed design, as they will be required to allow access to Jointing Bays from the highways for cable pulling which may be located every 750 to 1500m. This has been taken into account for the purposes of the BNG calculations. Other aspects such as the Onshore Substation Zone and Onshore Converter Station footprints, the TJB locations and the Temporary Construction Compounds are assumed to be permanent loss as they would potentially be out of action for the full construction period (i.e. longer than two years).

272. The Applicants noted there may be some occasions where an extension to the two year period is required if, for example, restoration would take place during the wrong season. Should this be required, the Applicants will discuss this with ERYC as the local planning authority.

4.12.3 Agri-environmental Stewardship Schemes

273. The Applicants confirmed that discussions have taken place with landowners in order to obtain details of these scheme, however, none have been received to date. There are a number of measures that can be included in the schemes such as growing crops in a more environmentally friendly way, sustainability measures and habitat enhancement measures e.g. hedgerow improvements and panting more diverse habitats e.g. wildflowers along field boundaries.

274. The Applicants stated that work is ongoing with landowners to establish what the measures are on a case-by-case basis. Any compensation for the temporary loss of payments for Countryside Stewardship Schemes (CSS') / Environmental stewardship schemes (ESS') would be agreed with the relevant landowners when agreeing the final landowner agreements. The Applicants also mentioned the short-term nature of the schemes and that some will come to an end prior to construction. It was also stated by the Applicants that if a habitat enhancement scheme was implemented as part of any ESS or CSS then this would be identified on the habitat survey results and it would be reinstated following construction.

275. The Applicants noted that the original application only considered ESS which is an older type of scheme which has since changed. **Chapter 21 Land Use (Revision 2)** [AS-111] has now been updated to include the latest detail so both ESS and CSS schemes, along with the relevant figure which has shown there are now more CSS schemes than previously identified. However, as above any schemes which has involved the implementation of habitats will be identified on site and reinstated following construction.

4.12.4 Ground Contamination and Remediation Measures

276. The Applicants noted that **Appendix 19-2 Geo-Environmental Desk Study and Preliminary Risk Assessment Report** [APP-161] presents the desk-based information and sources which have been used to complete a Geo Environmental Desk-based Preliminary Risk Assessment. The Risk Assessment considers the potential for sources of contamination to be present within and adjacent to the Order Limits and how a contaminant linkage may be formed through the presence of pathways and receptors.

277. The majority of the potential sources of contamination identified within the Order Limits are very localised and are not likely to pose a potential risk to underlying groundwater and / or resources through the construction of the Projects therefore remediation requirements are likely to be minimal, if at all.

278. The Applicants noted that discussions have taken place with the Environment Agency and ERYC with regards to the potential contamination and mitigation measures and no specific comments have been received.

279. The ERYC confirmed they had no concerns regarding land contamination at the hearing.

4.13 Traffic and Transport

4.13.1 Approach to the Assessment

280. The Applicants noted that discussions had taken place with ERYC, Hull City Council and National Highways and no significant issues had been raised on technical matters.

281. The assessment covered approximately 150km of road network and sensitive junctions were identified using a proportionate approach working with the three relevant highway authorities. Data in relation to the projects construction traffic movements was shared with the highway authorities to allow them to understand likely demand in the area. The highway authorities were subsequently asked to provide details of locations known to them to be operating close to or at capacity, or where they considered the projects construction traffic could potentially lead to significant effects.

282. Confirmation of the sensitive junctions being agreed with the highway authorities is provided in notes submitted as an appendix to the **Consultation Report** [APP-034].

283. In terms of driver delay for junctions 1 to 13, the Applicants noted that a future assessment is secured via the outline Construction Traffic Management Plan which includes a commitment to submitting detailed information regarding forecast traffic flows and timings through junctions 1 to 13 to the respective highway authorities who will then advise if further junction modelling is required prior to commencement of works.

284. The Applicants noted there are some benefits to this approach as a contractor would be appointed so there will be greater certainty on construction aspects such as supply chains, start times and end times for employees. There would also be greater certainty of parameters such as, the modes of travel to be used by employees, i.e. the anticipated proportion that would use public transport, car-share, etc. There may also be more information in the public domain on other projects relating to the cumulative aspects of the assessment.

285. If any mitigation is required for any significant effects, it is proposed that this would be through demand management measures such as use of minibuses, staggering shift times and peak hour restrictions. The Applicants noted that this approach had been applied to the junctions within the ERYC administration area to ensure that residual effects were not significant.

4.13.2 Extent of Proposed Public Road Improvements and Public Road Closures

286. The Applicants noted there are a range of measures proposed and road widening is one of them. The final form of mitigation measures is not something that has been discussed in detail with ERYC at this stage and it is something that will be discussed and agreed as part of developing the final Construction Traffic Management Plan. The Applicants clarified that it is proposed that upon completion of construction any road widening/passing places would be temporary and following completion of construction would be reinstated to their former state unless otherwise agreed with ERYC.

287. The Applicants confirmed that the obstacle crossing register sets out where the private road crossings will be and whether the crossing will be trenchless or open cut. If necessary, an alternative means of access will be provided.

288. The Applicants stated that to mitigate effects at Catfoss Road, then either trenchless techniques would be used (subject to site investigation works) or two-way traffic will be permitted via traffic signals, stop / go boards. Additional measures are also proposed including agreeing with ERYC the timing of the works, e.g. during school holidays and implementation of advanced notification signing. These commitments are captured within section 4.5 of the **Outline Construction Traffic Management Plan (Revision 2)** [AS-020], which is secured by Requirement 14 of the **Draft DCO (Revision 5)** [document reference: 3.1].

4.13.3 Emergency Beach Access

289. The Applicants noted that a stone road is not envisaged here as the existing track would be utilised by appropriate vehicles, e.g. tractor and trailers and 4 x 4s. The road will only be used in an emergency during works at landfall up to 18 months. There will be regular checks of the road during the landfall works to ensure it remains accessible.

290. The Applicants explained that the road may need to be used in the highly unlikely event of a frac-out which could occur while the drill is moving out to sea. The possibility of a frac-out would be minimised through detailed design and ground investigations. The access would need to be used if a frac-out occurs and access to the beach is required. The Applicants also confirmed that a drilling and fluid management plan would be an appendix to the CoCP, as detailed in the **Outline CoCP (Revision 3)** [document reference: 8.9].

4.14 Noise and Vibration

4.14.1 Noise Sensitivity Receptors

291. The Applicants noted that the majority of receptors are isolated properties. Where there is more than one receptor located in a similar location, the receptors have been grouped and the result at the worst-affected façade of the worst-affected property has been assessed and presented in **Chapter 25 Noise (Revision 2)** [document reference: 7.25].

4.14.2 Construction Noise

292. The Applicants noted that where a trenchless crossing is less than 200m in length, there is a low potential for night-time work but it remains a possibility. This possibility is greater where a trenchless crossing is greater than 200 however, if night-time working is required, it would only be necessary on a limited number of occasions and with appropriate mitigation in place no significant noise effects are predicted within 200m. The Applicants noted that stopping and re-starting trenchless crossing is possible depending on location but does come with some risks relating to frac-out or drill stalling.

293. The assessment considered a different duration for nighttime noise compared to daytime noise as people are more sensitive to noise at night. This is consistent with the position in British Standard 5228.

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