

# Outer Dowsing Offshore Wind

## Response to the Rule 17 Letter dated 3 July 2024

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# 1 Rule 17 Requests

## 1.1 Introduction

1. This document has been prepared to respond to the requests for information set out within the Examining Authority's Rule 17 Letter dated 3 July 2024. The headings below align with the headings set out within the Rule 17 Letter.

## 1.2 Applicant Name

2. The ExA has queried whether the name registered with the Planning Inspectorate and showing on the Planning Inspectorate's website for the project (Total Energies and Corio Generation) should be amended.
3. The Applicant is GT R4 Limited (trading as Outer Dowsing Offshore Wind) as set out in the Application Form (APP-004). The Applicant therefore confirms that the name showing on the Planning Inspectorate's website should be amended to GT R4 Limited (trading as Outer Dowsing Offshore Wind).

## 1.3 Compulsory Acquisition of Rights - Work no 17

4. The ExA has requested sufficient detail to clarify that the full extent of the land referred to as the 'Connection Area' (APP-037, section 4.1.5.91) is required for the development to which the development consent would relate, specifically relating to the acquisition of rights over 161 ha of land identified as necessary for a 400kV onshore underground cable corridor.
5. The Applicant is seeking compulsory acquisition powers to install 400kV cables and associated infrastructure including cable ducts, joint bays and link boxes to connect to the National Grid substation at Weston Marsh. The Applicant has worked closely with National Grid to confirm that the Connection Area (as shown on Figure 3.3.15 (APP-089) being the southern part of Work No. 17 described in the draft Development Consent Order ("dDCO") (document 3.1) represents the Applicant's understanding of the area in which the required National Grid substation will be located. The draft Development Consent Order was updated to version 2 as part of the Response to Section 51 Advice submission.
6. The precise location of the entry point and connection bays is not currently established; therefore the Applicant requires flexibility to route the underground 400kV cables anywhere within the Connection Area. The Applicant does not intend to exercise powers of compulsory acquisition over the entire Connection Area. Once the location of the NGSS is known and the route of the 400kV cables is determined following surveys, ground investigations and engineering considerations, only the temporary and permanent powers necessary will be exercised. At this stage, compulsory acquisition powers are sought in respect of the entire area to ensure there is sufficient flexibility to install the cables and associated infrastructure. This

approach to seeking compulsory acquisition powers over a wider area before refining the area over which powers are ultimately exercised is standard across large linear NSIP projects and is necessary to ensure sufficient flexibility within assessed parameters. The Applicant considers that the powers sought meet the test for compulsory acquisition set out in section 122 of the Planning Act 2008 as the land is required to install cables and associated infrastructure which is necessary for the development to which the consent relates, the interests sought are no more than are reasonably required and there is a compelling case in the public interest for the land to be acquired compulsorily. Further detail is presented in version 2 of the Statement of Reasons (document 4.3).

7. The Applicant is negotiating voluntary agreements with the owners and occupiers of the land affected by the Connection Area. A total of 8 out of 9 Heads of Terms have been agreed and the Option Agreements are progressing with the parties' legal representatives.

## **1.4 Methodological concerns and implications for the Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA)**

### **1.4.1 Offshore related matters**

8. The ExA has noted that there are a number of methodological differences in the approach for determining the impacts as detailed within the Environmental Statement (ES) and the Report to Inform Appropriate Assessment (RIAA) between the Applicant and Natural England and the Royal Society for the Protection of Birds (RSPB), as well as with the Marine Management Organisation. Additionally, the ExA has noted a number of concerns raised by Natural England regarding the baseline data used for some assessments.
9. The Applicant consulted with Natural England, RSPB, MMO and the Environment Agency throughout the pre-Application period, via the Evidence Plan Process (EPP), including on methodological approaches to seek agreement prior to Application (as detailed within APP-032). Through these discussions, it was not possible to agree on all aspects of the methodologies; as such, the Applicant presented the values which it understood to be the position of Natural England alongside those based on the Applicant's approach for determining impacts throughout both the ES and RIAA as applicable, particularly in respect of ornithology effects. The Applicant notes that under the EPP, Natural England reserved their position on a number of aspects of the methodology subject to having sight of the full Application with the Applicant's understanding of Natural England's position therefore being based on the "standard" approach taken by Natural England (as determined through a review of previous DCO applications). Therefore, a number of the methodological points raised by Natural England have varied from the parameters used by the Applicant to present the "Natural England Approach" at the point of Application.
10. The Applicant has provided a breakdown of what it understands to be the key points of disagreement on methodology with Natural England, the MMO and RSPB in Table 1.1 below, alongside a consideration of the implications for the ES and RIAA, and confirms to the ExA when

the updated impact values for the revised Natural England position will be available, where appropriate. The key points of concern presented herein have been identified based on the “key issues” as outlined by Natural England and by the headings identified by RSPB in their Relevant Representations, focused on methodological matters as requested by the ExA. The Applicant has provided details of areas of disagreement with the MMO in relation to thresholds to be used or alternative approaches to assessment of effects.

11. Table 1.1 also provides a summary of the areas of disagreement on the baseline data and states how the Applicant is planning to resolve these issues, including providing a timescale for when the information will be available to the ExA, where appropriate.
12. Table 1.2 provides a summary of the actions and additional information which the Applicant will provide to the ExA and the identified timescales for the provision of information.
13. As described above, this response focuses on the principal areas of disagreement between the Applicant and NE, the MMO and the RSPB relating to methodology and the Applicant will respond to the relevant representations made by Natural England (RR-045), the MMO (RR-042), the Environment Agency (RR-018) and the RSPB (RR-056) by 19 September 2024.

Table 1.1 Summary of areas of disagreement and implications for the ES/RIAA

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
General		
001	<p>NE have raised queries with the in-combination assessment; their interpretation as stated within their Relevant Representation (RR) is that ongoing impacts from operational projects have not been considered for all receptors due to different approaches to Tiering having been taken for different receptors.</p>	<p>The Applicant has set out the methodology for which projects have been considered as part of the in-combination assessment within the RIAA (APP-235), with clear explanations of any differences for receptors detailed in section 10 of that document. For clarity, the Applicant has followed the guidance from the Planning Inspectorate in Advice Note 10 and applied the principles within the guidance from Natural England (Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards) with regard to the screening in of projects where the effects are not fully captured within the baseline for those receptors. It is noted that this by definition results in differences in plans, projects or activities screened in for different receptors on the basis that a construction-stage wind farm may have no lasting effects on e.g. marine processes receptors but may have an ongoing effect on e.g. ornithological receptors.</p> <p>The Applicant has utilised modified Tiering approaches for different receptors due to differing sensitivities for receptors and to streamline the assessment process. Namely, the Tiering guidance from Natural England suggests seven Tiers, which the Applicant considers over-complicates the assessment. For example, Tier 1 comprises “built and operational projects”, where ongoing impacts may not have been adequately recorded in baseline data – the use of this Tier has clear benefit for ornithological assessments with the ongoing impacts from constructed projects being of great importance in assessment and should be clearly defined separately from the proposed Tier 2 “projects under construction”; however, for benthic receptors,</p>

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
		<p>operational phase impacts from marine infrastructure are often very small scale and localised, with construction phase impacts having a greater likelihood of leading to in-combination effects and so can be better considered together. The Applicant also considers that the same logic of the potential for greater effect arising during construction compared to operational phase effects for some receptors applies to the proposed Tier 3 “projects that are consented (but construction has not yet commenced)”. Therefore, the Applicant has for some receptors combined the Tiers, with the Tiering based on a confidence scoring of a project coming forward and project detail, with e.g. constructed, under-construction, consented projects and those in planning but not yet determined all being defined as “Tier 1” for benthic receptors, whereas for marine mammals and ornithological receptors, each of these are split out into different Tier or sub-Tiers. These modified structures ensure that the differences between project stages can be considered for those receptors where required (due to the biology of the receptor or interaction with the impacting project) but is appropriately simplified for those for which there is no influence on the potential for an effect.</p> <p>The Applicant is confident that those plans, projects or activities which have the potential to combine with the Project to have an adverse effect on integrity of any of the identified sites considered within the RIAA have been considered appropriately for the receptor under consideration for each assessment and that there would be no change to the conclusions presented within the RIAA were the Natural England Tiering system used in full.</p>



ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
<b>Benthic</b>		
002	<p>Natural England have raised concerns regarding the determination of <i>Sabellaria spinulosa</i> reef presence and the conclusions presented within the Export Cable Corridor (ECC) Technical Baseline Report (APP-155).</p> <p>Natural England have requested further clarification on the analysis methodology.</p>	<p>The Applicant remains confident that the analysis undertaken to support the baseline characterisation remains valid, with the Export Cable Corridor (ECC) Technical Baseline Report (APP-155) setting out the detailed methodology for determining whether the stated records of <i>S. spinulosa</i> reef qualifies as Annex I habitat. The conclusion of no qualifying Annex I reef within the ECC was supported by the analysis undertaken by Envision (APP-158) which showed there was a lack of evidence to support historical presence of Annex I reef within the relevant area.</p> <p>The Applicant will provide further clarification on methodology used, addressing the particular points raised by Natural England by 19th September as part of the responses to the Relevant Representations. In the event that the consideration of Natural England’s comments require an update to the analysis, the Applicant will inform the ExA of any additional work to be undertaken by the 19<sup>th</sup> September.</p>
003	<p>Natural England and the MMO can currently not agree with the conclusions of the Envision additional analysis that the Applicant undertook to provide confidence in the determination of <i>S. spinulosa</i> reef presence, due to the outstanding comments on the Export Cable Corridor (ECC) Technical Baseline Report (APP-155).</p>	<p>The Applicant maintains that the additional analysis provided by Envision is robust and helpfully presents the findings of the site specific surveys in the context of historical survey results. In the event that the consideration of Natural England’s comments require an update to the analysis, the Applicant will inform the ExA of any additional work to be undertaken by the 19<sup>th</sup> September.</p>

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
<b>Fish and Shellfish</b>		
004	<p>The MMO has requested further reasoning for the selection of the modelling locations used for the concurrent piling scenarios and has requested that remodelling for cumulative effects from concurrent piling from the NW &amp; NE piling locations to be presented.</p>	<p>The Applicant presented the proposed locations for the underwater noise modelling through the EPP, both prior to the Preliminary Environmental Information Report (PEIR) (which had the same relative modelling locations within the boundary assessed within that document) and prior to the modelling used to inform the ES, with no concerns raised by stakeholders during those consultations.</p> <p>The NE and SW locations were chosen to represent the largest impact due to the greatest separation distance for the piling locations, therefore providing the Maximum Design Scenario (MDS) for all scenarios. The NW location was modelled as well for single piling due to the proximity to the herring spawning grounds, recognising the importance of this area for a sub-component of the fish and shellfish aspect of the ES.</p> <p>The Applicant notes that when considering the use of a fleeing receptor, the difference in impact ranges from a specific piling location in the order of a few hundred metres and so would not be expected to alter the conclusions of any impact assessment on herring due to the large spatial footprint over which spawning occurs, and therefore changing the modelling locations would not change the magnitude of effect within the assessment (and consequently lead to no change in EIA conclusions). Since the MDS has been modelled through the NE and SW locations, and the NW location considered specifically for the assessment for herring, no greater effects which would alter the magnitude conclusions for the EIA would be anticipated by piling concurrently at the NE and NW locations; therefore, no further modelling is required.</p>

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
		<p>The modelling locations used for the concurrent piling are appropriate to inform the fish assessment, and the marine mammal assessment, with the SW location being closest to the highest importance areas for seals. Therefore, the Applicant maintains that the modelling locations selected are robust and suitable for informing the ES assessments.</p>
005	<p>The MMO have requested the use of 135dB threshold within the assessment of behavioural disturbance</p>	<p>The Applicant provided mapped outputs of the extent of the 135dB threshold within the Application documents, following discussions undertaken within the EPP, but confirmed through that process that these would not be considered within the behavioural assessment as the threshold is not supported by the literature for use in EIA assessments. Specifically, the authors of the paper from which this threshold is taken note that the thresholds used within that study should not be considered appropriate in other locations outside of the loch where the study was undertaken. Furthermore, the study’s lead author was a co-author on the internationally recognised best—practice guidance for assessing the effects of underwater noise on fish and that paper (Popper <i>et al.</i> 2014<sup>1</sup>) stated that there was insufficient data to establish a quantitative threshold for behavioural effects on fish (recognising the variety of sensitivity of different fish species to underwater noise and difference in reaction to the same exposure depending on the behaviour the fish is engaged in at that time). Therefore, the Applicant remains of the position that the 135dB is not appropriate for quantitative assessments but presented the ranges</p>

<sup>1</sup> Popper, A. N. Hawkins, A. D. Fay, R. R. Mann, D. Bartol, S. Carlson, Th. Coombs, S. Ellison, W. T. Gentry, R. Halvorsen, M. B. Lokkeborg, S. Rogers, P. Southall, B. L. Zeddies, D. G. and Tavalga, W. N. (2014) ‘Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report prepared by ANSI- Accredited Standards Committee S3/SC1 and registered with ANSI’. Springer and ASA Press, Cham, Switzerland.

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
		within the assessment to enable the MMO to consider it as part of their response.
<b>Marine Mammals</b>		
006	Natural England has requested use of iPCoD modelling for the purposes of informing the impact assessments for behavioural effects.	<p>The Applicant notes that this is a new request from Natural England which had not previously been raised by this stakeholder through the consultation to date (both through the EPP and direct one-to-one consultation). The Applicant maintains that the dose-response methodology used to inform the assessment of behavioural effects from underwater noise is robust and reflects best-practise for recent offshore wind projects in English waters. The Applicant’s understanding at the point of preparation of the Application was that the iPCoD modelling approach was not supported by Natural England and therefore was not previously considered.</p> <p>The Applicant recognises the merit in undertaking iPCoD modelling and will provide the ExA with confirmation as to when the analysis for the project alone can be presented by 19<sup>th</sup> September 2024. The Applicant will look to present this to NE and discuss the suitability for and scope of the iPCoD modelling to be undertaken for Cumulative and In-Combination assessments.</p>
<b>Offshore Ornithology</b>		
007	Natural England have noted a number of differences with the Applicant on the methodologies used to determine the impact values used to inform the ES and RIAA.	The Applicant recognises that there are differences between the Applicant’s approach and that of Natural England and can confirm to the ExA that what the Applicant understood to be Natural England’s position was calculated and presented alongside the Applicant’s values through the ES and RIAA. This understanding of position was informed through the extensive consultation pre-application. The Applicant recognises that Natural England has provided a number of

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
		<p>clarifications around the parameters used by the Applicant in those calculations within the Relevant Representations.</p> <p>The Applicant will incorporate these clarifications from Natural England and provide an update to the ExA and Natural England with the re-calculated values for Natural England’s position by 19th September 2024. Notwithstanding, the Applicant maintains that its approach (as presented throughout the ES and RIAA) is robust and sufficiently precautionary.</p>
008	<p>Natural England advises that a precautionary approach of assuming 100% adults be applied rather than the use of the stable age structures from Furness (2015).</p>	<p>The Applicant’s position is that the use of the stable age structures provided in Furness (2015), supported by the demographic rates provided in Horswill and Robinson (2015), are the best available evidence to inform population structures offshore. This is especially true given the distance of the array area from SPAs is beyond the mean maximum foraging range of most species (including auks from FFC SPA), which suggests that a higher proportion of adults within the array area in the breeding season compared to the wider population is not warranted. Therefore, the Applicant remains confident in the impact predicted using the Applicant’s approach.</p> <p>Notwithstanding, the Applicant confirms that the Applicant’s presentation of Natural England’s approach within the Application has accounted for all individuals to be adults in line with Natural England’s stated position.</p>
009	<p>Natural England advises that the Applicant presents displacement assessment output based on the use of the upper and lower confidence intervals for impact values, in addition to the mean.</p>	<p>The Applicant maintains that the use of the mean values is sufficiently precautionary for informing the impact assessment and will retain the use of these values for the Applicant’s approach.</p>

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
010	<p>RSPB have a number of queries and disagreements on the methodology approaches, including:</p> <ul style="list-style-type: none"> <li>- RSPB do not endorse the use of offshore breeders when apportioning impacts.</li> <li>- Impacts of HPAI have not been given adequate consideration in terms of both assessing impacts and calculating benefits of compensation measures.</li> <li>- Application of a macro-avoidance rate to gannet collision modelling is not appropriate.</li> <li>- Request further details on the DAS methodology and survey design, including discussion of any biases or inaccuracies in the data.</li> <li>- The approach of excluding “compensated for” projects from the in-combination assessment</li> </ul>	<p>The Applicant will provide updated values and matrices as requested by Natural England by 19th September 2024.</p> <p>The Applicant’s proposed approach on these matters was discussed as part of the EPP of which the RSPB were a member.</p> <p>Through discussions undertaken via the EPP and direct multipartite meetings through the Early Adopter Trial scheme, the principal of including offshore breeders was agreed with Natural England, and whilst the Applicant notes a current lack of agreement of the precise percentage used by the Applicant in the application documents, this is due to Natural England reserving position subject to review of the census data presented within Annex D of the Offshore and Intertidal Ornithology Technical Baseline (APP-162). As such, the Applicant is confident that agreement on the inclusion of offshore breeders within the apportioning is appropriate and due to the site specific data collected being considered as the best available evidence, exclusion of this would be overly precautionary in this instance.</p> <p>The Applicant has undertaken extensive aerial surveys over a 30 month period covering March 2021 – August 2023 (higher than the 24 month standard), including undertaking dual surveys per month throughout the 2022 breeding season, with no evidence of the densities of birds within the survey data being affected by Highly Pathogenic Avian Influenza (HPAI). The Applicant notes that Natural England agree in their Relevant Representation that there is no requirement for the Applicant to adjust the baseline data to account for HPAI. As such, the Applicant remains confident that HPAI has not affected the baseline data used to inform the assessments and does not need to be accounted for.</p>

ID	Summary of Stakeholder Position	Applicant Response and Implications to the ES/ RIAA
		<p>The Applicant has applied the macro-avoidance rate for gannet to historical projects as agreed with Natural England through the EPP, with adjustment used informed by recent published literature which is considered to be the best available evidence.</p> <p>The RSPB’s queries on the DAS methodology will be answered in full through the response to the RRs; however, the Applicant notes that the survey contractor used is one of the two established providers within the UK and the methodology is aligned with the guidance provided by Natural England within the guidance document “Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase I: Expectations for pre-application baseline data for designated nature conservation and landscape receptors to support offshore wind applications.”</p> <p>The Applicant has provided the values for the impact assessment which presents both those excluding compensated project and including those within the in-combination assessment for the RIAA (APP-235).</p>

Table 1.2: Identified actions for the Applicant and date by which these will be delivered to the ExA

Action	Date
Clarification on methodology used for the interpretation of the DDV data within the reefiness assessment.	19 <sup>th</sup> September 2024
Identification of any additional analysis required following consideration of Natural England comments on methodology for reefiness assessments.	19 <sup>th</sup> September 2024
Confirmation of the date by which the results of iPCoD modelling will be available for submission into Examination.	19 <sup>th</sup> September 2024
Provision of re-calculated values for Natural England's position for ornithological impacts, including lower and upper confidence intervals.	19 <sup>th</sup> September 2024



## 1.4.2 Onshore related matters

14. This Section considers and responds to the below text that was included in the Rule 17 Letter dated 3 July 2024:

*“In addition, NE has also identified several instances of where it considers there is missing or incomplete survey data which may have implications for the ES and RIAA. For example, site specific information on detailed and semi-detailed Agricultural Land Classification, soil function surveys and over-wintering bird surveys.”*

### 1.4.2.1 ALC & Soil function surveys

15. The Applicant notes that Natural England has recommended in their relevant representation that the ES is updated to include the results of a detailed Agricultural Land Classification (ALC) and soil survey of the agricultural land across the Study Area in order to illustrate the potential for impacts on each agricultural land grade.
16. The Applicant has provided a breakdown of ALC grades for each study area segment as set out in section 25.3.3 of Chapter 25 Land Use (document 6.1.25) of the ES, version 2 of which was submitted as part of the Applicant’s response to section 51 advice. In the assessment the Applicant has classified all of the Grade 3 land as Grade 3a land, therefore qualifying as Best Most Versatile (BMV) land in order to present a worst case scenario of the potential impacts. The undertaking of an ALC survey would most likely lower the identified ALC grades in some sections to non BMV due to splitting Grade 3 into 3a and 3b classifications, as Grade 3b is not classed as BMV.
17. The Applicant’s position is therefore, that the ES demonstrates a worst case scenario of the impacts on BMV. An ALC survey is therefore not required in order to reach a conclusion on the likely significant effects on the environment. It should be noted that the impacts outlined consist of temporary land loss during site works, and through soil management planning including measures pertaining to covering of excavation, storage, and remediation of soils, there will be limited impact on the soil.
18. The Applicant has committed to pre-commencement soil surveys following the ALC system MAFF (1988) guidelines as well as performing nutrient analysis (British standard testing on both topsoil and subsoil) so that soils are reinstated to their previous conditions post-construction. The outline Soil Management Plan (SMP)(APP-271) submitted as part of the Application provides that these surveys and tests will be undertaken across the areas in which construction activities are proposed and that survey points will be made at least every 100m or in each field where the field is less than 100m in length. The outline Soil Management Plan sets out the good practice for surveys and soil management practices to avoid significant adverse effects on soil resources. Requirement 18 (Code of Construction Practice) of the dDCO (document 3.1) requires the submission to the relevant planning authority of and adherence to a soil management plan as part of the code of construction practice. The soil management plan submitted for approval must be in accordance with the outline Soil Management Plan. This commitment has been communicated to stakeholders, including Natural England, during the Expert Topic Groups (ETGs), copies of the minutes for which have been submitted as 6.3.6.1

Chapter 6 Appendix 1 Evidence Plan Process of the ES (APP-149). Pre-commencement of construction of the onshore works is considered the most appropriate time for ALC and soil condition surveys to be undertaken as they will be carried out close to the time of impact and this will provide more timely information as to the required standard for restoration.

19. The Applicant has received no comments or objections from stakeholders in respect of the timing of soil surveys during the pre-application consultation carried out, both non statutory and statutory under section 42 of the 2008 Act or during the ETGs which were convened as part of the Evidence Plan Process. The proposed scope and timing of the soil surveys was outlined as part of the Preliminary Environmental Information Report.
20. The Applicant considers that as the Environmental Statement presents a worst-case scenario, and there is a commitment to undertake detailed surveys prior to commencement of construction of the onshore works, that it is not necessary to undertake these surveys at this juncture.

#### 1.4.2.2 Over-wintering bird surveys

21. The Applicant submitted the full year 2 wintering bird survey results, Chapter 22 Appendix 3 Addendum: Winter Bird Survey 2023-2024 (13.2), in their response to Section 51 Advice on 31 July 2024. This was also submitted directly to Natural England with a request to engage with Natural England on some of their relevant representations, particularly in relation to the functionally linked land wintering bird mitigation proposed and NEs position following review of the wintering bird survey addendum.

## 1.5 Discrepancies and omissions identified in the application documents

### 1.5.1 ES Chapter 17: Seascape Landscape and Visual Impact Assessment

22. The Applicant confirms that no text was missing in the sentence referred to on page 49 of APP-072. The text on page 50 was a continuation of this sentence. Version 2 of this document (6.1.17), which resolves this issue was submitted as part of the Applicant's Response to Section 51 Advice.

### 1.5.2 ES Chapter 20: Onshore Archaeology and Cultural Heritage

23. The Applicant submitted an update to this chapter (6.1.20) (version 2) as part of their response to Section 51 advice. The assessment now clearly states in each case where the effects are 'significant'.
24. Narrative in respect to archaeological remains is provided in sections 20.7.1.1 and 20.7.1.2 of the chapter. Significant impacts are highlighted in table 20.9 of the chapter, based on the matrix presented in Table 20.8, impacts of moderate and above are considered significant in EIA terms.
25. Narrative in respect to indirect temporary impacts is presented in full in 6.3.20.2 Chapter 20 Appendix 2 Heritage Statement (APP-188).

### 1.5.3 ES Chapter 23: Geology and Ground Conditions

26. Volume 2 Chapter 23 Geology and Ground Conditions Figures was updated (version 2) as part of the submission in response to Section 51 Advice, to add reference numbers and landfill site names to Figures 23.4.1 – 23.4.4 to allow easy cross reference between maps and chapter text.
27. Volume 3 Chapter 23 Geology and Ground Conditions Appendix 1 Preliminary Land Quality Risk Assessment was updated (version 2) to add reference numbers and landfill site names to Figures 23.1.7.1 – 23.1.7.8 to allow easy cross reference between maps and chapter text. These updated documents were submitted as part of the Applicant's Response to Section 51 Advice.

### 1.5.4 ES Chapter 12: Offshore and Intertidal Ornithology

28. Appendix 1 to Chapter 12 Offshore and Intertidal Ornithology, The Offshore and Intertidal Ornithology Technical Baseline (6.3.12.1) and Appendix 3 Offshore Ornithology Displacement Assessment (6.3.12.3) were updated to version 2, in response to Natural England's comments as part of the Applicant's Response to Section 51 Advice to amend the Annexes. This update process included a proofread and rectifying all errors and inconsistencies including, but not necessarily limited to, those highlighted by Natural England.

## 1.6 Missing Drawings

29. ES Chapter 27 Appendix 1 Transport Assessment (6.3.27.1) was updated to version 2, as part of the Applicant's Response to Section 51 Advice to correct labelling errors, minor discrepancies and omissions identified in the Section 55 Checklist (PD-003).
30. This included updating the following associated annexes:
- Annex F Construction Access General Arrangement Drawings to reflect correct AC-49 & AC-50 Marsh Road' details,
  - Annex N Passing Place Proposal remove the reference to 'Location Reference 002 Boston Road' from page 2 and to correct the drawing title on page 12 (now page 13).
31. An updated Location Plan Onshore (2.3) version 2, was submitted alongside these amends.

## 1.7 Redacted documents

32. Annex D of Appendix 12.1: Offshore and Intertidal Ornithology Technical Baseline as submitted with the application (APP-162) was redacted in full in error. An updated revision (version 2) of the Technical Baseline (6.3.12.1) was submitted as part of the Applicant's Response to Section 51 Advice including its Annexes, however some data remains redacted in Annex D at the request of the oil and gas operators whose assets formed part of the surveys. The Applicant confirms that the reports forming Annex D (which include the redactions noted above) have been provided to Natural England and the RSPB and notes that the results of the surveys detailed in this report were presented to members of the Offshore Ornithology and Derogation and Compensation Expert Topic Group as part of the Evidence Plan Process prior to submission of the application as detailed in Consultation Report Appendix 15 Evidence Plan Process

Consultation (APP-052). The redaction included relates to the location and identification of specific oil and gas platforms surveyed for seabird presence within 20km of the ODOW array. The Applicant does not consider that the information redacted in Annex D has any bearing on any conclusions drawn in relation to this data and therefore there would be no implications for any arguments the Applicant may make that are based on this information.

## **1.8 Policy Compliance Document**

33. The ExA has requested an update on the anticipated timeframe for submission of this document.
34. The Applicant confirms that the Policy Compliance Document has been submitted as part of this response to the Rule 17 letter dated 3 July 2024.

## **1.9 Apparent Changes to Order Limits**

35. The ExA has queried whether changes outlined in the Schedule of Changes to the Book of Reference (AS-008) result in any alterations to the Order Limits.
36. The Applicant can confirm that minor refinements have been made to the Order limits, as detailed in the documents submitted as part of the Applicant's Response to Section 51 Advice dated 31st July 2024.

## **1.10 Disclaimer in application documents**

37. The ExA has requested that the Applicant submits written confirmation that the documents it has submitted provide, to the best of its knowledge, an accurate representation of the facts as they relate to the application and that the disclaimer included in documents submitted as part of the application for the Outer Dowsing Offshore Wind Project can be disapplied for the purposes of the Examination of the application and the ExA's Recommendation to the Secretary of State. The Applicant is also requested to provide a full list of the application documents affected with this confirmation.
38. The Applicant confirms, as per section 25 (the Declaration) of the Application Form (APP-004), that to the best of our knowledge the maps, plans and other documents, as far as they relate to the Application, are true.
39. The Applicant confirms that the disclaimer was not included in the documents submitted on 31 July 2024 as part of the Applicant's Response to Section 51 Advice and that it will not be used in future submissions.
40. The disclaimer can be disapplied in all application documents listed in the application version of the Guide to the Application and in addition, the disclaimer in these specific documents submitted since then can also be disapplied:

- Ornithology Population Viability Analysis Parameter Log (AS-001)
- Offshore and Intertidal Ornithology Population Viability Analysis Parameter Log (AS-002)
- 6.3.7.1 Chapter 7 Appendix 1 Physical Processes Technical Baseline Rev: 2.0 (AS-003)
- 6.3.9.2 Chapter 9 Appendix 2 Benthic Ecology Technical Report Rev 2.0 (AS-004)
- 6.3.12.5 Chapter 12 Appendix 12.5: Migratory Bird Collision Risk Modelling (AS-005)
- 4.1 Book of Reference - Revision 2 Clean (AS-006)
- 4.1 Book of Reference- Revision 2 Tracked (AS-007)
- 4.1.1 Schedule of Changes to the Book of Reference (AS-008)