

# Outer Dowsing Offshore Wind

## The Applicant's Responses to Relevant Representations

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## Acronyms & Definitions

### Abbreviations / Acronyms

Acronym	Meaning
AfL	Agreement for Lease
AIS	Air Insulated Switchgear
AL2	Cefas Guideline Action Level 2
ALARP	As Low As Reasonably Practicable
ALC	Agricultural Land Classification
ANS	Artificial Nesting Structure
AONB	Areas of Outstanding Natural Beauty
ASR	Annual Status Report
AURN	Automatic Urban and Rural Network
AW	Anglian Water
BEIS	Department for Business, Energy & Industrial Strategy (now the Department for Energy Security and Net Zero (DESNZ))
BGS	British Geological Survey
BMV	Best and Most Versatile
CAA	Civil Aviation Authority
CBRA	Cable Burial Risk Assessment
CEA	Cumulative Effects Assessment
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CI	Confidence Interval
CIEEM	Chartered Institute of Ecology and Environment Management
CIRIA	Construction Industry Research and Information Association
CJEU	Court of Justice of the European Union
CoCP	Code of Construction Practice
COMAH	Control of Major Accident Hazards
COWRIE	Collaborative Offshore Wind Energy Research into the Environment
CPRE	Campaign to Protect Rural England
CRM	Collision Risk Modelling
CSIP	Cable Installation and Specification Plan
CTMP	Construction Traffic Management Plan
DAERA	Department of Agriculture, Environment and Rural Affairs
DAS	digital aerial surveys
DBA	Desk Based Assessment
DCM	Drained Coastal Marshes
DCO	Development Consent Order
DDT	Dichlorodiphenyltrichloroethane
DDV	Drop Down Video
Defra	Department for Environment, Food and Rural Affairs (Defra, not DEFRA)

Acronym	Meaning
DESNZ	Department for Energy Security and Net Zero, formerly Department of Business, Energy and Industrial Strategy (BEIS), which was previously Department of Energy & Climate Change (DECC)
DLUHC	Department for Levelling Up, Housing and Communities
dML	deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
EC	European Commission
ECC	Export Cable Corridor (offshore ECC or indicative onshore ECC)
EDR	Effective Deterrence Range
EEA	European Economic Area
EEC	European Economic Community
EIA	Environmental Impact Assessment
EIFCA	Eastern Inshore Fisheries & Conservation Authority
EMF	Electromagnetic fields
EPP	Evidence Plan Process
EPS	European Protected Species
EQSD	Environmental Quality Standards Directive
ES	Environmental Statement
ETG	Expert Topic Group
EUNIS	European Nature Information System
FFC	Flamborough and Filey Coast
FLO	Fisheries Liaison Officer
FRA	Flood Risk Assessment
GBS	Gravity Base Structure
GCN	Great Crested Newt
GIS	Gas Insulated Switchgear
GIS	Geographic Information System
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GT R4 Ltd	The Applicant. The special project vehicle created in partnership between Corio Generation (a wholly owned Green Investment Group portfolio company), Gulf Energy Development and TotalEnergies
GVA	Gross Value Added
GW	Gigawatt
HGV	Heavy Goods Vehicles
HLC	Historic Landscape Character
HND	Holistic Network Design
HRA	Habitats Regulations Assessment
HSE	Health, Safety and Environment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
IBTS	International Bottom Trawl Surveys
ICES	International Council for the Exploration of the Sea
IDB	Internal Drainage Boards



Acronym	Meaning
IECS	Institute of Estuarine and Coastal Studies
IEMA	Institute of Environmental Management and Assessment
IFCA	Inshore Fisheries & Conservation Authority
IFISH	Integrated Fisheries System (Holding) Database
IFR	Instrument Flight Rules
IHLS	International Herring Larval Survey
INNS	Invasive Non-Native Species
JNCC	Joint Nature Conservation Committee
kJ	Kilojoule
KSCP	Kittiwake Strategic Compensation Plan
KSIMP	Kittiwake Strategic Implementation and Monitoring Plan
kV	Kilovolt
LAQM	Local Air Quality Management
LCA	Landscape Character Area
LCC	Lincolnshire County Council
LCRM	Land Contamination Risk Management
LEB	Looming Eyes Buoy
LEP	Local Enterprise Partnership
LiDAR	Light Detection and Ranging
LNR	Local Nature Reserve
LPA	Local Planning Authority
LRN	Local Road Network
LSE	Likely Significant Effect
LTRA	Local Tourism and Recreation Area
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MAREA	Marine Aggregate Regional Environmental Assessment
MarESA	Marine Evidence based Sensitivity Assessment
MBES	Multi-Beam Echo Sounder
MCA	Maritime and Coastguard Agency
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zone
MDA	Managed Danger Area
MDS	Maximum Design Scenario
MFE	Mass Flow Excavation
MGN	Marine Guidance Note
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MOD	Ministry of Defence
MPA	Marine Protected Area
MPCP	Marine Pollution Contingency Plan

Acronym	Meaning
MRF	Marine Recovery Fund
MW	Mega Watt
MW&SQ	Marine Water and Sediment Quality
N/A	Not Applicable
NATS	National Air Traffic Services
NCERM	National Coastal Erosion Risk Mapping
NERC	Natural Environment and Rural Communities
NFFO	National Federation of Fishermen's Organisations
NGESO	National Grid Electricity System Operator
NGET	National Grid Electricity Transmission
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NRMM	non-road mobile machinery
NSIP	Nationally Significant Infrastructure Project
NSR	Noise-Sensitive Receptors
O&M	Operation and Maintenance
OCTMP	Outline Construction Traffic Management Plan
ODOW	Outer Dowsing Offshore Wind (The Project)
OLEMS	Outline Landscape and Ecology Management Strategy
OnRCS	Onshore Reactive Compensation Station
OnSS	Onshore Substation
OOMP	Offshore Operations and Maintenance Plan
OP	Offshore Platform
ORBA	Offshore Restricted Build Area
ORCP	Offshore Reactive Compensation Platform
OSPAR	Oslo/Paris Convention (for the Protection of the Marine Environment of the North-East Atlantic)
OSS	Offshore Substation
OTNR	Offshore Transmission Network Review
OWF	Offshore Wind Farm
PAH	Polycyclic Aromatic Hydrocarbon
PAM	Passive Acoustic Monitoring
PCB	Polychlorinated Biphenyl
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
PPG	Planning Practice Guidance
PSA	Particle Size Analysis
PTS	Permanent Threshold Shift
PVA	Population viability analysis
RIAA	Report to Inform Appropriate Assessment
RRH	Remote Radar Head
RSPB	Royal Society for the Protection of Birds

Acronym	Meaning
SAC	Special Area of Conservation
SADEP	Sheringham and Dudgeon Extension Project
SAR	Search and Rescue
SCANS	Small Cetaceans in European Atlantic waters and the North Sea
SLVIA	Seascape, landscape, and visual assessment
SMP	Soil Management Plan
SMRU	Sea Mammal Research Unit
SNCB	Statutory Nature Conservation Bodies
SNSOWF	Southern North Sea Offshore Wind Forum
SNS	Southern North Sea
SoS	Secretary of State
SPA	Special Protection Area
SRN	Strategic Road Network
SSC	Suspended Sediment Concentration
SSS	Side Scan Sonar
SSSI	Site of Special Scientific Interest
TCE	The Crown Estate
The Inspectorate	The Planning Inspectorate
TJB	Transition Joint Bay
TMZ	Transponder Mandatory Zone
TTS	Temporary Threshold Shift
UK	United Kingdom
UXO	Unexploded ordnance
WFD	Water Framework Directive
WSI	Written Schemes of Investigation
WTG	Wind Turbine Generator
Zol	Zone of Influence

## Terminology

Term	Definition
400kV cables	High-voltage cables linking the OnSS to the NGSS.
400kV cable corridor	The 400kV cable corridor is the area within which the 400kV cables connecting the onshore substation to the NGSS will be situated.
The Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation, Total Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation (a wholly owned Green Investment Group portfolio company), TotalEnergies and GULF.
Array area	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned.

Term	Definition
Baseline	The status of the environment at the time of assessment without the development in place.
Biodiversity Net Gain	An approach to development that leaves biodiversity in a measurably improved state than it was previously. 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 Circuit	A number of electrical conductors necessary to transmit electricity between two points bundled as one cable or taking the form of separate cables, and may include one or more auxiliary cables (normally fibre optic cables).
Cable ducts	A duct is a length of underground piping which is used to house the Cable Circuits.
Connection Area	An indicative search area for the NGSS.
Cumulative effects	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.
Cumulative impact	Impacts that result from changes caused by other present or reasonably foreseeable actions together with the Project.
Deemed Marine Licence	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
Development Consent Order	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
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 sensitivity of the receptor, in accordance with defined significance criteria.
EIA Directive	European Union 2011/92/EU (as amended by Directive 2014/52/EU).
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
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 Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement	The suite of documents that detail the processes and results of the EIA.
Evidence Plan	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
Export cables	High voltage cables which transmit power from the Offshore Substations (OSS) to the Onshore Substation (OnSS) via an Offshore Reactive Compensation Platform (ORCP) if required, which may include one or more auxiliary cables (normally fibre optic cables).
Habitats Regulations Assessment	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
Haul Road	The track within the onshore ECC which the construction traffic would use to facilitate construction.

Term	Definition
High Voltage Alternating Current	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
High Voltage Direct Current	High voltage direct current is the bulk transmission of electricity by direct current (DC), whereby the flow of electric charge is in one direction.
Impact	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Indicative Working Width	The indicative working width within the Onshore Export Cable Corridor (ECC), required for the construction of the onshore cable route.
Inter-array cables	Cable which connects the wind turbines to each other and to the offshore substation(s), which may include one or more auxiliary cables (normally fibre optic cables).
Interlink cables	Cable which connects the Offshore Substations (OSS) to one another, which may include one or more auxiliary cables (normally fibre optic cables).
Intertidal	The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)
Joint bays	An excavation formed with a buried concrete slab at sufficient depth to enable the jointing of high voltage power cables.
Landfall	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
Link boxes	Underground metal chamber placed within a plastic and/or concrete pit where the metal sheaths between adjacent export cable sections are connected and earthed.
Maximum Design Scenario	The project design parameters, or a combination of project design parameters that are likely to result in the greatest potential for change in relation to each impact assessed
Mitigation	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
National Onshore Substation	The National Grid substation and associated enabling works to be developed by the National Grid Electricity Transmission (NGET) into which the Project's 400kV Cables would connect.
National Policy Statement	A document setting out national policy against which proposals for Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon
NSIP Reform Action Plan	An Action Plan launched in February 2023 by Department for Levelling Up, Housing & Communities to reform the NSIP regime to ensure the effectiveness and resilience of the planning regime for the growing pipeline of critical infrastructure projects.
Offshore Export Cable Corridor	The Offshore Export Cable Corridor (Offshore ECC) is the area within the Order Limits within which the export cables running from the array to landfall will be situated.
Offshore Reactive Compensation Platform	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of HVAC transmission by providing reactive compensation
Offshore Substation	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing— (a) electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation; and (b) housing accommodation, storage, workshop auxiliary equipment, radar and facilities for operating, maintaining and controlling the substation or wind turbine generators

Term	Definition
Onshore Export Cable Corridor	The Onshore Export Cable Corridor (Onshore ECC) is the area within which, the export cables running from the landfall to the onshore substation will be situated.
Onshore Infrastructure	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
Onshore substation	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
Outer Dowsing Offshore Wind	The Project.
Order Limits	The area subject to the application for development consent, The limits shown on the works plans within which the Project may be carried out.
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
Pre-construction and post-construction	The phases of the Project before and after construction takes place.
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Project Design Envelope	A description of the range of possible elements that make up the Project's design options under consideration, as set out in detail in the project description. This envelope is used to define the Project for Environmental Impact Assessment (EIA) purposes when the exact engineering parameters are not yet known. This is also often referred to as the "Rochdale Envelope" approach.
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 or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Statement of Common Ground	A statement of common ground is a written statement produced jointly between The Applicant and another Interested Party setting out the areas of agreement and /or disagreement between parties.
Statutory consultee	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
Strategic Compensation	Collaborative approach by developers and/or government departments to secure compensation for adverse effects on the conservation objectives of a Marine Protected Area.
Study Area	Area(s) within which environmental impact may occur – to be defined on a receptor-by-receptor basis by the relevant technical specialist.
Subsea	Subsea comprises everything existing or occurring below the surface of the sea.
Transboundary impacts	Transboundary effects arise when impacts from the development within one European Economic Area (EEA) state affects the environment of another EEA state(s)
Transition Joint Bay	The offshore and onshore cable circuits are jointed on the landward side of the sea defences /beach in a Transition Joint Bay (TJB). The TJB is an underground chamber constructed of reinforced concrete which provides a secure and stable environment for the cable.
Trenched technique	Trenching is a construction excavation technique that involves digging a trench in the ground for the installation, maintenance, or inspection of pipelines, conduits, or cables.

Term	Definition
Trenchless technique	Trenchless technology is an underground construction method of installing, repairing and renewing underground pipes, ducts and cables using techniques which minimize or eliminate the need for excavation. Trenchless technologies involve methods of new pipe installation with minimum surface and environmental disruptions. These techniques may include Horizontal Directional Drilling (HDD), thrust boring, auger boring, and pipe ramming, which allow ducts to be installed under an obstruction without breaking open the ground and digging a trench.
Wind Turbine Generator	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation

## **1 The Applicant's Responses to Relevant Representations**

1. Relevant representations were made by Interested Parties (IP), published to the Planning Inspectorates website on 13<sup>th</sup> of June 2024.
2. This document presents the Applicant's comments on the relevant representations received from these parties which includes local authorities, town and parish councils, statutory and non-statutory consultees and organisations.
3. This document has been prepared to present the responses to relevant representations received in respect of the Application by GT R4 Limited trading as Outer Dowsing Offshore Wind (the 'Applicant') for development consent to construct, operate and decommission the proposed Outer Dowsing Offshore Wind Farm (the Project).
4. The Applicant has subsequently responded to each representation in Tables laid out below.



## 1.1 RR-001 Boston Borough Council

ID	Relevant Representations	Applicant Response
Planning Policy		
RR-001.001	Thank you for your recent consultation in relation to the above. Sam Dewar of Dewar Planning Associates has been instructed to act as lead officer on behalf of the three Local Planning Authorities consulted (Boston Borough Council, South Holland District Council and East Lindsey District Council).	The Applicant notes these comments.
RR-001.002	Following the previous rounds of consultation, the Applicant has now submitted a Development Consent Order application to the Planning Inspectorate, the examination of this submission is underway with the following response representing the Local Planning Authority views on the final submitted application.	The Applicant notes these comments.
RR-001.003	An individual response will be provided on behalf of each Local Planning Authority (LPA) detailing how the development within their authority boundary impacts them. This follows a previous consultation response under Section 42 of the Planning Act 2008.	The Applicant notes these comments.
RR-001.004	By way of an introduction, I am a chartered member of the RTPI and act as Director and founder of Dewar Planning. I have previously worked as planning officer through to head of planning at local planning authorities and have since formed my own private planning practice submitting applications to over 100 local planning authorities across the UK. These applications have ranged from large wind farms to residential schemes, and various small to major scale commercial developments. We also continue to provide bespoke consultancy assistance for local planning authorities due to the positive relationships we have developed.	The Applicant notes these comments.
RR-001.005	The applicant 'GTR4 Limited (trading as Outer Dowsing Offshore Wind)' has applied to the Secretary of State for a Development Consent Order (DCO). Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) as a generating station pursuant to section 14(1)(a) and 15(3) of the 2008 Planning Act. As the Project is expected to have a capacity of greater than 100 MW, it is an NSIP for the purposes of the 2008 Act.	The Applicant notes these comments.
RR-001.006	The Project will comprise up to up to offshore 100 wind turbine generators and a network of subsea array cables together with associated onshore and offshore development. The relevant onshore works as reviewed in this response include: landfall connection works located at Wolla Bank, south of Anderby Creek; onshore cables from the landfall to the onshore substation, including link boxes, earth pits and joint bays; an onshore HVAC substation at Surfleet Marsh to the North of Spalding; onshore cables from the onshore substation to a National Grid substation including link boxes, earth pits and joint bays; accesses, temporary works areas, and landscaping; drainage works, sustainable drainage system ponds, and surface water management systems; and other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project.	The Applicant notes these comments.
RR-001.007	We have extensively reviewed the submission topic areas as part of this response. This response primarily focuses on the final response for the landscape and visual impact assessment; however, the following topic areas have also been considered as part of this response: Air Quality; Onshore Archaeology and Cultural Heritage; Onshore Ecology; Geology and Ground Conditions; Hydrology, Hydrogeology and Flood Risk; Noise and Vibration; Traffic and Transport and, Landscape and Visual Assessment.	The Applicant notes these comments.
RR-001.008	The application has seen several changes following the previous consultation rounds. Most notably the final route of the cable has been determined, from the landfall location at Wolla Bank running south to the location of the substation at Surfleet Marsh. Previously the southern route had two options north and south of the A52, with many stakeholders preferring the northern route, this has been selected as the final proposed route and considered to reflect the best overall route when all impacts have been considered. Whilst the final technology for the substation is yet to be determined as part of the detailed design phase, the applicant has provided a maximum extent basis for the visual impact assessment. This is considered to be a reasonable approach.	The Applicant notes these comments.

ID	Relevant Representations	Applicant Response
RR-001.009	<p>Within Boston Borough Council, segments ECC8 to ECC14 of the onshore works (figure 1.1) are relevant to the assessment. Whilst the proposed elements of work here involve the underground cable route, the associated works within the adjacent Council of South Holland (ECC14) will have visual impacts due to the proximity and scale of the development of the substation.</p>	<p>N The Applicant notes these comments.</p>
RR-001.010	<p>Whilst the applicant will seek permission for the proposals directly from the Secretary of State for a DCO under section 37 of the Planning Act 2008, there are still a number of local and national planning policies which are considered relevant and should be taken account of as part of the development process. These plans and local knowledge have been formed over several years and have come from a significant evidence base.</p> <p>The South East Lincolnshire Local Plan 2011-2036 (SELLP) was adopted jointly by South Holland and Boston Borough Council on the 8 March 2019. The relevant policies within the South East Lincolnshire Local Plan 2011-2036 are:</p> <p>Policy 2 ‘Development Management’ – requires proposals to demonstrate sustainable development considerations have been met through a number of criteria.</p> <p>Policy 3 ‘Design of New Development’ – requires development to create distinctive places through the use of high quality and inclusive design, demonstrating compliance with a number of considerations.</p> <p>Policy 4 ‘Approach to Flood Risk’ – developments must satisfy the sequential test and be supported by a site-specific flood risk assessment covering risk from all sources of flooding including the impacts of climate change. It must be demonstrated that surface water from the development can be managed and will not increase the risk of flooding to third parties.</p> <p>Policy 28 ‘The Natural Environment’ – Requires the protection, enhancement and management of natural assets, by ensuring all development proposals provide an overall net gain in biodiversity.</p> <p>Policy 29 ‘The Historic Environment’ - Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced.</p> <p>Policy 30 ‘Pollution’ Development proposals will not be permitted where, taking account of any proposed mitigation measures they would lead to unacceptable adverse impacts upon:</p> <ul style="list-style-type: none"> <li>health and safety of the public;</li> <li>the amenities of the area; or</li> <li>the natural, historic and built environment; by way of:</li> </ul> <ul style="list-style-type: none"> <li>air quality, including fumes and odour;</li> <li>noise including vibration;</li> <li>light levels;</li> <li>land quality and condition; or</li> <li>surface and groundwater quality.</li> </ul> <p>Planning applications, except for development within the curtilage of a dwellinghouse as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or successor statutory instrument, must include an assessment of:</p> <ul style="list-style-type: none"> <li>impact on the proposed development from poor air quality from identified sources;</li> <li>impact on air quality from the proposed development; and</li> <li>impact on amenity from existing uses.</li> </ul> <p>Policy 31 ‘Climate Change and Renewable and Low Carbon Energy’ - All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated.</p> <p>Policy 32 ‘Community, Health and Wellbeing’ - Development shall contribute to the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community’s health and well-being.</p> <p>Policy 33 ‘Delivering a More Sustainable Transport Network’ – reinforces the national approach to promoting sustainable alternatives to the car through new development, making the best use of, and seek improvements to, existing transport infrastructure and services. Solutions that are based on better promotion and management of the existing network and the provision of sustainable forms of travel are supported. To achieve this, a Transport Assessment and associated Travel Plan will be submitted with proposals.</p>	<p>The Applicant has considered relevant local and national policy, relevant provisions of the SELLP and the NPPF have been outlined and addressed in the Policy Compliance Document (AS-012).</p>
RR-001.011	<p>The NPPF does not contain specific policies for NSIPs (for which particular considerations apply, determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs) but may be considered as a relevant consideration as below.</p>	

ID	Relevant Representations	Applicant Response
	<p>Paragraph 123 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.</p> <p>Footnote 49 of the NPPF states: Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.</p> <p>Paragraph 124 - Planning policies and decisions should:            encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;            recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;            give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;            promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and            support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.</p> <p>Paragraph 157 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p> <p>Paragraph 165 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>Paragraph 180 - Planning policies and decisions should contribute to and enhance the natural and local environment by:            protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);            recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;            maintaining the character of the undeveloped coast, while improving public access to it where appropriate;            minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;            preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and;            remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	
<b>Representations and Assessment</b>		
RR-001.012	Each Local Planning Authority were a consultee as part of duty to consult (section 42 of the Planning Act 2008). Responses were provided internally from department officers, parish councils, Town Councils, and Councillors. All consultees have the ability to respond directly to the applicant as part of this process and examination of the full submission for development order consent.	The Applicant notes these comments.
RR-001.013	Our response at this stage is focused on landscape impacts due to changes in the scheme and the main impact of the proposal on communities within the district. As the Council do not have a Landscape Officer, an external company was sought to respond	The Applicant notes these comments.

ID	Relevant Representations	Applicant Response
	on behalf of the Council (Terra Loci) who are Landscape Architects and specialise in Landscape Planning. They have provided scoping and viewpoint comments as well as a final response reviewing the Landscape and Visual Impact Assessment as submitted.	
RR-001.014	Our response to the relevant sections of the submission including comments from consultees where relevant is summarised as follows:	The Applicant notes these comments.
<b>Air Quality</b>		
RR-001.015	<p>The Council would expect the following to be complied with during the project installation phase:</p> <ul style="list-style-type: none"> <li>- Burning of waste should be avoided. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptor's; and</li> <li>- Soil stockpiles should be sealed to recued fugitive dust emissions</li> </ul>	<p>Table 2.1 of the Outline AQMP [APP-270] sets out the proposed construction dust mitigation measures which include, in relation to waste management:</p> <p>"Avoid bonfires and burning of waste materials. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued by the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptors."</p> <p>And in relation to earthworks:</p> <p>"Cover or seed exposed areas and soil stockpiles (where soil is to be stored for over 6 months) to stabilise surfaces as soon as practicable and prevent fugitive dust emissions".</p> <p>The Applicant therefore considers the points raised by BBC will be complied with through implementation of the final Air Quality Management Plan, which must accord with the outline AQMP, as set out in requirement 18 (Code of construction practice) of the draft DCO (document reference 3.1, version 3).</p>
<b>Noise and Vibration</b>		
RR-001.016	The Council should be provided with contact details in the event of complaints to assist in the management of complaints and concerns	<p>As set out in the outline Code of Construction Practice (CoCP) (Document reference 8.1, Version 2) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community. The outline Noise and Vibration Management Plan [APP-269] confirms that "Contact details of the appointed CLO will also be made available to the relevant LPAs and local community for the duration of the construction period by the Applicant". As such, the Council will have the relevant contact details in the event of complaints.</p> <p>These commitments will be complied with through implementation of the final CoCP and NVMP which have to accord with the outline CoCP and NVMP respectively, as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p>
RR-001.017	The Council and all relevant noise sensitive receptors in the immediate area to any proposed works are to be informed ahead of these works should they occur outside of normal working hours.	<p>The Outline Noise and Vibration Management Plan (NVMP) (APP-269) includes the following commitments at paras 38 and 39:</p> <p>38. The principal contractor shall only undertake construction activities associated with the Project in accordance with the controls on working hours as stated in the DCO and final CoCP unless agreed in advance with the relevant LPA.</p> <p>39. If any out of hours works is agreed with the relevant LPA, the residents of the relevant receptors would be informed before the commencement of any out of hours works.</p> <p>These commitments will be complied with through implementation of the final NVMP which has to accord with the outline NVMP (APP-269), as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>In addition, Requirement 19 (Construction hours) of the draft DCO requires (save for limited exceptions noted therein related to emergencies and trenchless cable installation) the agreement in advance of the relevant planning authority for any construction works undertaken outwith the construction hours (0700 hours and 1900 hours Monday to Saturday, with no activity on Sundays or bank holidays.)</p>

ID	Relevant Representations	Applicant Response
RR-001.018	<p>The Council and all relevant vibration sensitive receptors in the immediate area to any proposed works are to be informed ahead of these works. Additionally appropriate monitoring equipment is to be used in the vicinity of works in order to assess the level of vibration propagating from the works site</p>	<p>The Applicant has committed to notifying vibration sensitive receptors (VSRs) ahead of construction works which have the potential to generate significant vibration levels. This is set out in paragraph 35 of the outline NVMP which says: "The relevant LPA and residents of the relevant VSRs would be informed if any construction works which have the potential to generate significant vibration levels are proposed in the near vicinity. These works could include underground tunnelling associated with the trenchless technique or sheet piling operations associated with the major drills."</p> <p>These commitments will be complied with through implementation of the final NVMP which has to accord with the outline NVMP (APP-269), as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Vibration levels may be monitored during the works, subject to the findings of the final vibration predictions as outlined in Paragraph 37 of the outline NVMP.</p> <p>The relevant VSRs will be identified on a case-by-case basis and will consider the proximity of any occupied dwellings to the works, the type of operations (i.e. drilling/piling) being undertaken and the time of day they are being carried out.</p> <p>The methodology for monitoring would be included within the final NVMP.</p>
<b>Traffic and Transport</b>		
RR-001.019	<p>Lincolnshire County Council act as highways authority Lincolnshire County Council act as Highway Authority and may comment directly on the proposed development. having reviewed the information put forward, the approach taken appears reasonable and we have no specific comments to offer other than the following points as received during consultation:</p> <ul style="list-style-type: none"> <li>- Parish members have suggested one community liaison person in place for contact with any issues should they arise whilst works are being carried out;</li> <li>- Consideration of the effect of mud on roads as well as the impact of large load vehicles on roads which are already in a poor state;</li> <li>- Consideration of works traffic hours in relation to effects on local transport; and</li> <li>- Construction compounds and field accesses in the countryside can have a significant affect and we would therefore welcome a full scheme of remediation and reinstatement after the cable/works have been undertaken</li> </ul>	<p>As set out in the outline Code of Construction Practice (Document reference 8.1, Version 2) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community. The outline Construction Traffic Management Plan (CTMP) [APP-289] confirms that "The Applicant would nominate a person to be responsible for the co-ordination of all elements of traffic and transport during the construction process (a community liaison officer). This person would liaise with the local community so that the community have a direct point of contact within the developer organisation who they may contact for information purposes or to discuss matters pertaining to traffic management or site operation, as set out in the Community Liaison and Public Relations Procedure within the CoCP." These commitments will be complied with through implementation of the final CoCP and NVMP which have to accord with the outline CoCP and NVMP respectively, as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>The deposition of mud or other material onto the public highway network would be controlled with wheel washing of vehicles exiting a construction access, as set out in Section 3.2.9 of the Outline Construction Traffic Management Plan (CTMP) [APP-289].</p> <p>The condition of the public highway prior to the commencement of construction would be assessed and then again at the end of the construction programme, with any damage repaired by the Applicant (as agreed with LCC), as set out in Section 4.1.3 of the Outline CTMP [APP-289].</p> <p>The assessment of the anticipated construction traffic on users of the local highway network is set out in Chapter 27 Onshore Traffic and Transport [AS1-052] and is assessed in line with the construction hours and control measures as set out in the Outline CTMP. These measures committed to in the outline CTMP will be complied with through implementation of the final CTMP which has to accord with the outline CTMP, as set out in Requirement 21 (Traffic) of the draft DCO (document 3.1, version 3).</p> <p>[As stated at Section 8.1.8 of APP-058, once commissioning is complete, demobilisation and reinstatement can occur. Reinstatement will be undertaken in line with the Code of</p>

ID	Relevant Representations	Applicant Response																								
		Construction Practice which must accord with the Outline Code of Construction Practice (APP-268) as set out in requirement 18 (Code of construction practice) of the draft DCO. Additional information on reinstatement measures can be found in Section 5.10 of the Outline Soil Management Plan (APP-271).																								
<b>Landscape and Visual Assessment</b>																										
RR-001.020	<p>Chapter 28 – Landscape and Visual Impact assessment has been appraised against the scoping responses, included below for reference, dated June 2023, September 2023 and November 2023.</p> <p>Table 3.1 within document reference EN010130-000377-6.1.28 Chapter 28 Landscape and Visual Impact Assessment outlines consultation responses received of relevance to the Landscape and Visual chapter and sets out how they have been responded to within the chapter.</p> <p>The table below is an excerpt from Table 3.1 and outlines the relevant consultation responses and how they are responded to within the LVIA. The Final Response column details any further response of comment relevant following receipt of EN010130-000377-6.1.28 Chapter 28 Landscape and Visual Impact Assessment. Previous consultation responses, as referenced below, are considered to have been appropriately responded to.</p> <table border="1" data-bbox="332 751 1703 1768"> <thead> <tr> <th data-bbox="332 751 516 852">Date and Consultation phase / type</th> <th data-bbox="516 751 961 785">Consultation and key issues raised</th> <th data-bbox="961 751 1397 785">Section where comment addressed</th> <th data-bbox="1397 751 1703 785">Final response June 2024</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="332 852 1703 886">Scoping Opinion<sub>1</sub> Comments</td> </tr> <tr> <td colspan="4" data-bbox="332 886 1703 926">Phase 2 Consultation (Section 42 consultation on the PEIR) Comments</td> </tr> <tr> <td data-bbox="332 926 516 1297">21<sup>st</sup> July 2023 Section 42 Comments</td> <td data-bbox="516 926 961 1297">"The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. 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Informa on of alternative sites is	No further comment	<p>In reference to BBC's Final response 24<sup>th</sup> November 2023 Section 42 Comments in relation to the table provided in their Relevant Representation; the landscaping scheme, as referenced by BBC, has been developed based on the Maximum Design Scenario (MDS) for the two technology types; Air Insulated System (AIS) and Gas Insulated System (GIS).</p> <p>Any refinements to this planting scheme will be undertaken at detailed design to ensure that the scheme is sympathetic to the final design. Any refinements to the planting scheme therefore will not necessarily have a negative impact on the ability of the planting to effectively 'reduce' long term operation effects. Any refinements to the planting scheme would also need to be approved through a landscape management plan by the LPA in consultation with Lincolnshire County Council (LCC) in adherence with Requirement 10 of the draft DCO (Document 3.1, version 3).</p> <p>The Applicant kick started their Design Review Process (DRP) in January 2024 to ensure all relevant and local stakeholders were able to feed into the detailed design process. Two meetings have been undertaken to date as well as an external Design Review which was commissioned by the Applicant in June 2024. Feedback from this review was provided during the second DRP meeting in July 2024 which the chair of the external design review panel attended. Slides and minutes to this meeting can be found on the Project's website<sup>1</sup>. The Applicant also developed updated visualisations to demonstrate how various colour options and roof shapes could influence the look of the OnSS which were developed following feedback from the first DRP meeting and shared at the second DRP meeting in July 2024.</p> <p>The Applicant would like to provide assurance that while various options and considerations are being consulted on at this stage; the purpose is to allow for feedback to be gathered early on in the detailed design process to ensure it can be taken on board by the Applicant as they progress detailed design. The final design of the onshore substation must accord with the design principles statement (APP-293) which, if required, will be updated to capture any additional commitments as agreed through the design review process.</p>
Date and Consultation phase / type	Consultation and key issues raised	Section where comment addressed	Final response June 2024																							
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<sup>1</sup> <https://www.outerdowsing.com/community-liason-groups/>

ID	Relevant Representations	Applicant Response
	in terms of landscape impact and benefit. "	presented at Chapter 4 (document reference 6.1.4).
21st July 2023 Sec on 42 Comments	'The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. A list of proposed cumulative schemes should be submitted and approved prior to the assessment being undertaken. Cumulative impact assessment should include other proposals currently at Scoping stage and onwards.'	The cumulative assessment is presented in section 9 and includes the National Grid Onshore Substation (NGSS) which is at the pre-application stage, despite the limited information available.
21st July 2023 Sec on 42 Comments	'Operational effects arising from the Onshore ECC and export cable landfall should be scoped into the assessment as there is potential for a loss of vegetation and alteration of the baseline landscape and visual resource which will be longer lasting than the construction phase and the long-term effectiveness of remediation and mitigation proposals should be considered.'	The residual effects arising from the construction of the landfall, onshore ECC and 400kV cable corridor will be very limited as assessed in sections 7 and 7.3. The residual effects extending from the construction phase into the operational phase are also considered in these sections.
24 <sup>th</sup> November 2023 Section 42 Comments	<p>"The changes to the scheme have been reviewed by external consultants Terra Loci. Firstly, we would like to reiterate some comments previously made following various ETG meetings:</p> <ul style="list-style-type: none"> <li>- New substation size and proposed mitigation planting - Figure 28.15 - Surfleet Marsh OnSS Indicative Layout and Mitigation Plan shows general areas and locations for mitigation planting but does not indicate intended height or types of mitigation planting proposed, this should be clarified during assessment. Where off-site mitigation planting / hedgerow is shown as under consideration, assessment of effects should be undertaken for scenarios with and without this planting to indicate the effectiveness and potential requirement for this mitigation planting.</li> <li>- Updated viewpoint locations - The additional viewpoint locations circulated on the 06/11/23 are more</li> </ul>	<p>Information on the mitigation planting is presented in the OLEMS (document reference 8.10). This specifies whips would be planted at approximately 0.8m in height and that the anticipated growth of trees would be between 0.4m and 0.5m per annum to give an approximate height range of 6.8 to 8.3m after 15 years of growth. While the OLEMS (document reference 8.10) presents some suggested species, the final mitigation planting palette will be developed in the Landscape and Ecology Mitigation Strategy (LEMS) post consent. On-site and off-site mitigation planting is photo-montaged in the visualisations for the representative viewpoints and the assessment in the LVIA covers scenarios in which the mitigation planting is and is not taken into account. Noted regarding the appropriateness of the updated viewpoint list for the LVIA. Noted regarding the appropriateness of the</p>

ID	Relevant Representations			Applicant Response	
		comprehensive and take on board previous comments, these are appropriate to assess the potential for visual impacts. Approach to assessment considering a Project Design Envelope (PDE) based on the AIS footprint and GIS height with visuals showing indicative models of both technologies with the PDE. This proposed PDE appears to consider the 'worst case' scenario from each technology and is an appropriate basis for assessment of potential landscape and visual impacts. The technology modelled in each visual should be clearly indicated."	maximum design scenario based on the Air Insulated Switchgear (AIS) footprint and the gas Insulated Switchgear (GIS) height – the visualisations in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27) are clearly labelled to ensure the distinction is readily apparent.		
	November 2023 Environmental Topic Group Meeting	Representatives of LCC and the LPAs agreed to the LVIA using a 'Maximum Design Envelope' (MDE) based on the AIS OnSS footprint and GIS OnSS height are used.	A description of the MDE is presented at sec on 5 and visualisations illustrating the MDE are shown in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27).	No further comment	
	22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	Representatives from NE, LCC and S+ELCP agreed that the assessment of effects on the Lincolnshire Wolds AONB could be scoped out owing to the removal of Lincolnshire Node as a potential location for the OnSS.	An overview of landscape designations and their relevance to this assessment is set out at sec on 4.	No further comment	
	22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	The representative landscape architect for S+ELCP suggested ten viewpoints would be a more appropriate number than the original five viewpoints and suggested inclusion of viewpoints representing the nearby settlements of Surfleet Seas End and Gosberton.	An additional five viewpoints have been included to bring the total number of viewpoints to ten. These are assessed at sec on 7.3. A representative viewpoint is included from Surfleet Seas End. Visibility from Gosberton was so limited that a viewpoint was not included from this location.	No further comment	
	22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	The representative landscape architect for LLC agreed more viewpoints would be beneficial to the assessment and requested more middle range viewpoints out to 2km from the OnSS be included.	Site work was undertaken by the Project's landscape architect accompanied by LLCs representative landscape architect with a range of potential additional middle range viewpoints visited and photographed. These are assessed at sec on 7.3.	No further comment	



ID		Relevant Representations		Applicant Response	
	22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	Representatives from NE, LCC and S+ELCP agreed that both AIS and GIS should be shown in visualisations to illustrate the two different technologies. Given the increase in footprint of the AIS from PEIR, the Project noted that the GIS would no longer necessarily provide a worst case scenario for all receptors.	The visualisations showing models of both the AIS and GIS technologies are presented in document reference 6.1.28.1.	No further comment	
	20 <sup>th</sup> September 2023 Environmental Topic Group Meeting	Representatives of LCC and the Local Planning Authorities (LPAs) agreed to the inclusion of the five additional representative viewpoints.	A detailed assessment of the effects on all 11 of the representative viewpoints is presented at sec on 7.3	No further comment	
<b>Other Matters</b>					
RR-001-021	Lincolnshire County Council act as Lead Local Flood Authority and will comment directly on the proposed development, as may the Drainage Board and the Environment Agency. Additionally, the Wildlife Trust are a stakeholder and will provide comments directly associated with ecological impacts.			The Applicant notes these comments.	
<b>Concluding remarks</b>					
RR-001-022	Whilst we appreciate many stakeholders will comment directly to the Applicant on the project, we wanted to provide an updated response based on the submitted application with confirmed onshore cable route and location of the substation.			The Applicant notes these comments.	
RR-001.023	Following the phase 2 consultation on the Preliminary Environmental Information Report in June 2023 and autumn consultation of November 2023 the applicant has now submitted an application for Development Consent Order for examination. Stakeholders have been provided with several opportunities to put forward comments on methodologies and design prior to the final submission which has taken consideration of comments put forward. The topic areas of this response are considered to be appropriately managed, with any relevant comments brought forward for further consideration.			The Applicant notes these comments.	
RR-001.024	This response has focused on the Landscape and Visual Impact Assessment and final comments. This advice is based upon the information available at this time. Please note that the advice is given without prejudice to any future comments made by the Local Planning Authority upon the receipt of further information, If you have any queries, please do not hesitate to contact me on the details provided. We look forward to being involved again in the next stage of the process.			The Applicant notes these comments.	

## 1.2 RR-002 East Lindsey District Council

ID		Relevant Representations		Applicant Response	
<b>Introduction</b>					
RR-002.001	By way of an introduction, I am a chartered member of the RTPI and act as Director and founder of Dewar Planning. I have previously worked as planning officer through to head of planning at local planning authorities and have since formed my own private planning practice submitting applications to over 100 local planning authorities across the UK. These applications have ranged from large wind farms to residential schemes, and various small to major scale commercial developments. We also continue to provide bespoke consultancy assistance for local planning authorities due to the positive relationships we have developed.			The Applicant notes these comments.	
RR-002.002	The applicant 'GTR4 Limited (trading as Outer Dowsing Offshore Wind)' has applied to the Secretary of State for a Development Consent Order (DCO). Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) as a generating station			The Applicant notes these comments.	

ID	Relevant Representations	Applicant Response
	pursuant to section 14(1)(a) and 15(3) of the 2008 Planning Act. As the Project is expected to have a capacity of greater than 100 MW, it is an NSIP for the purposes of the 2008 Act.	
RR-002.003	<p>The Project will comprise up to up to offshore 100 wind turbine generators and a network of subsea array cables together with associated onshore and offshore development. The relevant onshore works as reviewed in this response include:</p> <ul style="list-style-type: none"> <li>landfall connection works located at Wolla Bank, south of Anderby Creek;</li> <li>onshore cables from the landfall to the onshore substation, including link boxes, earth pits and joint bays;</li> <li>an onshore HVAC substation at Surfleet Marsh to the North of Spalding;</li> <li>onshore cables from the onshore substation to a National Grid substation including link boxes, earth pits and joint bays;</li> <li>accesses, temporary works areas, and landscaping;</li> <li>drainage works, sustainable drainage system ponds, and surface water management systems; and</li> <li>other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project.</li> </ul>	The Applicant notes these comments.
RR-002.004	<p>We have extensively reviewed the submission topic areas as part of this response. This response primarily focuses on the final response for the landscape and visual impact assessment; however, the following topic areas have also been considered as part of this response:</p> <ul style="list-style-type: none"> <li>Air Quality;</li> <li>Onshore Archaeology and Cultural Heritage;</li> <li>Onshore Ecology;</li> <li>Geology and Ground Conditions;</li> <li>Hydrology, Hydrogeology and Flood Risk;</li> <li>Land Use;</li> <li>Noise and Vibration;</li> <li>Traffic and Transport and,</li> <li>• Landscape and Visual Assessment.</li> </ul>	The Applicant notes these comments.
RR-002.005	<p>The application has seen several changes following the previous consultation rounds. Most notably the final route of the cable has been determined, from the landfall location at Wolla Bank running south to the location of the substation at Surfleet Marsh. Previously the southern route had two options north and south of the A52, with many stakeholders preferring the northern route, this has been selected as the final proposed route and considered to reflect the best overall route when all impacts have been considered. Whilst the final technology for the substation is yet to be determined as part of the detailed design phase, the applicant has provided a maximum extent basis for the visual impact assessment. This is considered to be a reasonable approach.</p>	The Applicant notes these comments.
RR-002.006	<p>Within East Lindsey, segments ECC1 to ECC8 of the onshore works (figure 1.1) are relevant to the assessment. The elements of work proposed include the landfall area at ECC1 and cable route south. Both locations are expected to have impacts from the installation of the development but once complete the quantum of these impacts is reduced due to the below ground level nature of the cable works.</p>	The Applicant notes these comments.
<b>Planning Policy</b>		
RR-002.007	<p>Whilst the Applicant is seeking permission for the proposals directly from the Secretary of State for a DCO under section 37 of the Planning Act 2008, there are still a number of local and national planning policies which are considered relevant and should be taken account of as part of the development process. These plans and local knowledge have been formed over several years and have come from a significant evidence base.</p> <p>The Local Plan for East Lindsey comprises the Core Strategy 2018 and the Settlement Proposals Document 2018. The relevant objectives and policies within the East Lindsey Local Plan are:</p> <ul style="list-style-type: none"> <li>- Vision and Objective 1 - Seeks a network of thriving, safer and healthy sustainable communities, where people can enjoy a high quality of life and an increased sense of well-being and where new development simultaneously addresses the needs of the economy, communities and the environment.</li> </ul>	The Applicant has considered relevant local and national policy, relevant provisions of the Local Plan for East Lindsey and the NPPF have been outlined and addressed in the Policy Compliance Document (AS-012).

ID	Relevant Representations	Applicant Response
	<ul style="list-style-type: none"> <li>- Vision and Objective 3 - Seeks a growing and diversified economy that not only builds on and extends the important agriculture and tourism base but supports the creation of all types of employment.</li> <li>- Vision and Objective 6 - Seeks a commitment to tackling the causes and effects of global climate change through local action.</li> <li>- Vision and Objectives Para 1.11 - Seeks to achieve the vision of a commitment to tackling the causes and effects of global climate change through local action, Support is provided for new development to ensure it does not cause flood risk to existing properties and encourage new development to reduce flood risk to existing properties.</li> <li>- Vision and Objectives Para 1.11 - Supports the use of renewable energy but balanced against the protection of the District’s distinct landscapes.</li> <li>- Strategic policy 10 (SP10) – Design - Development around water sources will only be supported if it contains adequate protection preventing pollution from entering into the water source.</li> <li>- Strategic policy 11 (SP11) – Historic Environment - The Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place.</li> <li>- Strategic policy 13 (SP13) – Inland Employment - The Council will support growth and diversification of the local economy by: Strengthening the rural economy by supporting in the large, medium and small villages: Development where it can provide local employment.</li> <li>- Strategic policy 16 (SP16) – Inland Flood Risk - The Council will support development that demonstrates an integrated approach to sustainable drainage that has positive gains to the natural environment. The Council will support development for business, leisure and commercial uses in areas of inland flood risk where it can be demonstrated that accommodating the development on a sequentially safer site would undermine the overall commercial integrity of the existing area. Such developments must incorporate flood mitigation measures in their design.</li> <li>- Strategic policy 17 (SP17) – Coastal East Lindsey - All relevant development will need to provide adequate flood mitigation. The council will support improvements to flood defences, infrastructure associated with emergency planning and the development and replacement community buildings. Development must also demonstrate that it satisfies the Sequential and Exception Test and will need to provide adequate flood mitigation.</li> <li>- Strategic policy 21 (SP21) – Coastal Employment - The Council will support the rural coastal economy by supporting development in the large, medium and small villages where it: Provides local employment and help support local services.</li> <li>- Strategic policy 23 (SP23) – Landscape - The District’s landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the District’s Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection.</li> <li>- Strategic Policy 24 (SP24) - Biodiversity and Geodiversity - Development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats.</li> <li>- Strategic Policy 25 (SP25) – Green Infrastructure - In the case of sites not identified on the Inset Maps, development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character or role.</li> <li>- Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy Large-scale renewable and low carbon energy development, development for the transmission and interconnection of electricity, and infrastructure required to support such development, will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to: residential amenity; surrounding landscape, townscape and historic landscape character, and visual qualities; the significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset;</li> </ul>	

ID	Relevant Representations	Applicant Response
	<p>sites or features of biodiversity or geodiversity importance, or protected species; the local economy; o highway safety; and water environment and water quality</p> <p>- Strategic Policy 28 (SP28) – Infrastructure and S106 Obligations - Infrastructure schemes will be supported provided they are essential in the national interest; contribute to sustainable development, and respect the distinctive character of the district.</p>	
RR-002.008	<p>The NPPF was originally implemented in 2012, with the most recent revision being 2019 and an update in 2023. The NPPF sets out the UK Government’s planning policies for England and how these are expected to be applied.</p> <p>The NPPF does not contain specific policies for NSIPs (for which particular considerations apply, determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs) but may be considered as a relevant consideration as below.</p> <p>- Paragraph 123 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land<sup>47</sup>.</p> <p>Footnote 49 of the NPPF states: Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.</p> <p>- Paragraph 124 - Planning policies and decisions should: encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.</p> <p>- Paragraph 157 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p> <p>- Paragraph 165 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>- Paragraph 180 - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p>	

ID	Relevant Representations	Applicant Response
	<p>protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services—including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and;</p> <p>remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	
<b>Representations and Assessment</b>		
RR-002.009	<p>Each Local Planning Authority were a consultee as part of duty to consult (section 42 of the Planning Act 2008). Responses were provided internally from department officers, parish councils, Town Councils, and Councillors. All consultees have the ability to respond directly to the applicant as part of this process and examination of the full submission for development order consent.</p>	<p>The Applicant notes these comments.</p>
RR-002.010	<p>Our response at this stage is focused on landscape impacts due to changes in the scheme and the main impact of the proposal on communities within the district. As the Council do not have a Landscape Officer, an external company was sought to respond on behalf of the Council (Terra Loci) who are Landscape Architects and specialise in Landscape Planning. They have provided scoping and viewpoint comments as well as a final response reviewing the Landscape and Visual Impact Assessment as submitted.</p>	<p>The Applicant notes these comments.</p>
RR-002.011	<p>Our response to the relevant sections of the submission including comments from consultees where relevant is summarised as follows:</p>	<p>The Applicant notes these comments.</p>
<b>Air Quality</b>		
RR-002.012	<p>East Lindsey Council do not have an in-house air quality consultant, however having reviewed the information put forward the Council would expect the following to be complied with during the project installation phase:</p> <ul style="list-style-type: none"> <li>- Burning of waste should be avoided. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptor's; and</li> <li>- Soil stockpiles should be sealed to reduced fugitive dust emissions.</li> </ul>	<p>Table 2.1 of the Outline AQMP [APP-270] sets out the proposed construction dust mitigation measures which include, in relation to waste management:</p> <p>"Avoid bonfires and burning of waste materials. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued by the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptors."</p> <p>And in relation to earthworks:</p> <p>"Cover or seed exposed areas and soil stockpiles (where soil is to be stored for over 6 months) to stabilise surfaces as soon as practicable and prevent fugitive dust emissions".</p> <p>The Applicant therefore considers the points raised by BBC will be complied with through implementation of the final Air Quality Management Plan, which must accord with the outline AQMP, as set out in requirement 18 (Code of construction practice) of the draft DCO (document reference 3.1, version 3).</p>
<b>Noise and Vibration</b>		
RR-002.013	<p>The Council should be provided with contact details in the event of complaints to assist in the management of complaints and concerns.</p>	<p>As set out in the outline Code of Construction Practice (Document reference 8.1(Version 2) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community. The outline Noise and Vibration Management Plan [APP-269] confirms that "Contact details of the appointed CLO will also be made available to the relevant LPAs and local community for the duration of the construction period by the Applicant". As such, the Council will have the relevant contact details in the event of complaints.</p> <p>These commitments will be complied with through implementation of the final CoCP and NVMP which have to accord with the outline CoCP and NVMP respectively, as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p>

ID	Relevant Representations	Applicant Response												
RR-002.014	The Council and all relevant noise sensitive receptors in the immediate area to any proposed works are to be informed ahead of these works should they occur outside of normal working hours.	<p>The Outline NVMP (APP-269) includes the following commitments at paras 38 and 39:</p> <p>38. The principal contractor shall only undertake construction activities associated with the Project in accordance with the controls on working hours as stated in the DCO and final CoCP unless agreed in advance with the relevant LPA.</p> <p>39. If any out of hours works is agreed with the relevant LPA, the residents of the relevant receptors would be informed before the commencement of any out of hours works.</p> <p>These commitments will therefore be included in the final NVMP which has to accord with the outline NVMP (APP-269), as set out in Requirement 18 of the draft DCO.</p> <p>In addition, Requirement 19 (Construction hours) of the draft DCO requires (save for limited exceptions noted therein related to emergencies and trenchless cable installation) the agreement in advance of the relevant planning authority for any construction works undertaken outwith the construction hours (0700 hours and 1900 hours Monday to Saturday, with no activity on Sundays or bank holidays.)</p>												
RR-002.015	<p>The Council and all relevant vibration sensitive receptors in the immediate area to any proposed works are to be informed ahead of these works.</p> <p>Additionally appropriate monitoring equipment is to be used in the vicinity of works in order to assess the level of vibration propagating from the works site.</p>	<p>The Applicant has committed to notifying vibration sensitive receptors (VSRs) ahead of construction works which have the potential to generate significant vibration levels. This is set out in paragraph 35 of the outline NVMP which says: "The relevant LPA and residents of the relevant VSRs would be informed if any construction works which have the potential to generate significant vibration levels are proposed in the near vicinity. These works could include underground tunnelling associated with the trenchless technique or sheet piling operations associated with the major drills."</p> <p>These commitments will be complied with through implementation of the final NVMP which has to accord with the outline NVMP (APP-269), as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Vibration levels may be monitored during the works, subject to the findings of the final vibration predictions as outlined in Paragraph 37 of the outline NVMP.</p> <p>The relevant VSRs will be identified on a case-by-case basis and will consider the proximity of any occupied dwellings to the works, the type of operations (i.e. drilling/piling) being undertaken and the time of day they are being carried out.</p> <p>The methodology for monitoring would be included within the final NVMP.</p>												
<b>Landscape and Visual Assessment</b>														
RR-002.016	<p>Chapter 28 – Landscape and Visual Impact assessment has been appraised against the scoping responses, included below for reference, dated June 2023, September 2023 and November 2023.</p> <p>Table 3.1 within document reference EN010130-000377-6.1.28 Chapter 28 Landscape and Visual Impact Assessment outlines consultation responses received of relevance to the Landscape and Visual chapter and sets out how they have been responded to within the chapter.</p> <p>The table below is an excerpt from Table 3.1 and outlines the relevant consultation responses and how they are responded to within the LVIA. The Final Response column details any further response of comment relevant following receipt of EN010130-000377-6.1.28 Chapter 28 Landscape and Visual Impact Assessment. Previous consultation responses, as referenced below, are considered to have been appropriately responded to.</p> <table border="1" data-bbox="344 1591 1531 1778"> <thead> <tr> <th data-bbox="344 1591 543 1692">Date and Consultation phase / type</th> <th data-bbox="555 1591 926 1654">Consultation and key issues raised</th> <th data-bbox="937 1591 1308 1654">Section where comment addressed</th> <th data-bbox="1320 1591 1531 1654">Final response June 2024</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="344 1696 1531 1728">Scoping Opinion<sub>1</sub> Comments</td> </tr> <tr> <td colspan="4" data-bbox="344 1732 1531 1764">Phase 2 Consultation (Section 42 consultation on the PEIR) Comments</td> </tr> </tbody> </table>	Date and Consultation phase / type	Consultation and key issues raised	Section where comment addressed	Final response June 2024	Scoping Opinion <sub>1</sub> Comments				Phase 2 Consultation (Section 42 consultation on the PEIR) Comments				<p>In reference to ELDC’s Final response 24<sup>th</sup> November 2023 Section 42 Comments in relation to the table provided in their Relevant Representation; the landscaping scheme, as referenced by BBC, has been developed based on the Maximum Design Scenario (MDS) for the two technology types; Air Insulated System (AIS) and Gas Insulated System (GIS).</p> <p>Any refinements to this planting scheme will be undertaken at detailed design to ensure that the scheme is sympathetic to the final design. Any refinements to the planting scheme therefore will not necessarily have a negative impact on the ability of the planting to effectively ‘reduce’ long term operation effects. Any refinements to the planting scheme would also need to be approved through a landscape management plan by the LPA in consultation with Lincolnshire County Council (LCC) in adherence with Requirement 10 of the draft DCO (Document 3.1, version 3).</p> <p>The Applicant kick started their Design Review Process (DRP) in January 2024 to ensure all relevant and local stakeholders were able to feed into the detailed design process. Two meetings have been undertaken to date as well as an external Design Review which was commissioned by the Applicant in June 2024. Feedback from this review was provided during the second DRP meeting in July 2024 which the chair of the external design review panel attended. Slides and minutes to this meeting can be found on the Project’s website<sup>2</sup>.</p>
Date and Consultation phase / type	Consultation and key issues raised	Section where comment addressed	Final response June 2024											
Scoping Opinion <sub>1</sub> Comments														
Phase 2 Consultation (Section 42 consultation on the PEIR) Comments														

<sup>2</sup> <https://www.outerdowsing.com/community-liaison-groups/>

ID	Relevant Representations			Applicant Response	
	21 <sup>st</sup> July 2023 Section 42 Comments	"The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. The use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013 is encouraged."	The assessment of effects on landscape character is presented at sec on 7.2 with reference to the relevant LCAs for the LVIA study area.	No further comment	<p>The Applicant also developed updated visualisations to demonstrate how various colour options and roof shapes could influence the look of the OnSS which were developed following feedback from the first DRP meeting and shared at the second DRP meeting in July 2024.</p> <p>The Applicant would like to provide assurance that while various options and considerations are being consulted on at this stage; the purpose is to allow for feedback to be gathered early on in the detailed design process to ensure it can be taken on board by the Applicant as they progress detailed design. The final design of the onshore substation must accord with the design principles statement (APP-293) which, if required, will be updated to capture any additional commitments as agreed through the design review process.</p>
	21st July 2023 Sec on 42 Comments	"The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography and loss or disturbance of vegetation."	The assessment of effects on visual amenity is presented at sec on 7.3. The assessment of effects on physical elements is presented at sec on 7.	No further comment	
	21st July 2023 Sec on 42 Comments	"The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification on of the selected option in terms of landscape impact and benefit."	Information on the design of the OnSS is presented in the Design Approach Document (document reference 8.18) and the Design Principles Statement (document reference 8.19). Detailed design will be developed further post DCO Application. Information on alternative sites is presented at Chapter 4 (document reference 6.1.4).	No further comment	
	21st July 2023 Sec on 42 Comments	'The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. A list of proposed cumulative schemes should be submitted and approved prior to the assessment being undertaken. Cumulative impact assessment should include other proposals currently at Scoping stage and onwards.'	The cumulative assessment is presented in sec on 9 and includes the National Grid Onshore Substation (NGSS) which is at the pre-application stage, despite the limited information available.	No further comment	
	21st July 2023 Sec on 42 Comments	'Operational effects arising from the Onshore ECC and export cable landfall should be scoped into the assessment as	The residual effects arising from the construction of the landfall, onshore ECC and 400kV cable corridor will be very limited as	No further comment	

ID	Relevant Representations		Applicant Response		
		<p>there is potential for a loss of vegetation and alteration of the baseline landscape and visual resource which will be longer lasting than the construction phase and the long-term effectiveness of remediation and mitigation proposals should be considered.'</p>	<p>assessed in sections 7 and 7.3. The residual effects extending from the construction phase into the operational phase are also considered in these sections.</p>		
	<p>24<sup>th</sup> November 2023 Section 42 Comments</p>	<p>"The changes to the scheme have been reviewed by external consultants Terra Loci. Firstly, we would like to reiterate some comments previously made following various ETG meetings: - New substation size and proposed mitigation planing - Figure 28.15 - Surfleet Marsh OnSS Indicative Layout and Mitigation Planing shows general areas and locations for mitigation planing but does not indicate intended height or types of mitigation planing proposed, this should be clarified during assessment. Where off site mitigation planing / hedgerow is shown as under consideration, assessment of effects should be undertaken for scenarios with and without this planting to indicate the effectiveness and potential requirement for this mitigation planing. - Updated viewpoint locations - The additional viewpoint locations circulated on the 06/11/23 are more comprehensive and take on board previous comments, these are appropriate to assess the potential for visual impacts. Approach to assessment considering a Project Design Envelope (PDE) based on the AIS footprint and GIS height with visuals showing indicative models of both technologies with the PDE. This proposed PDE appears to consider the 'worst case' scenario from each</p>	<p>Information on the mitigation planing is presented in the OLEMS (document reference 8.10). This specifies whips would be planted at approximately 0.8m in height and that the anticipated growth of trees would be between 0.4m and 0.5m per annum to give an approximate height range of 6.8 to 8.3m after 15 years of growth. While the OLEMS (document reference 8.10) presents some suggested species, the final mitigation planing palette will be developed in the Landscape and Ecology Mitigation Strategy (LEMS) post consent. On-site and off-site mitigation planing is photomontaged in the visualisations for the representative viewpoints and the assessment in the LVIA covers scenarios in which the mitigation planing is and is not taken into account. Noted regarding the appropriateness of the updated viewpoint list for the LVIA. Noted regarding the appropriateness of the maximum design scenario based on the Air Insulated Switchgear (AIS) footprint and the gas Insulated Switchgear (GIS) height – the visualisations in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27) are clearly labelled to ensure the distinction is readily apparent.</p>	<p>This clarification of mitigation planting measures, in combination with year 15 visualisations is helpful to understand the potential for soft landscape measures to mitigate for effects. It is noted that Figure 28.15 refers to 'Maximum Extents' when referring to both on and off-site planting around the OnSS. It is noted that should the extent of mitigation planting be less than this maximum extent, then its function to effectively 'reduce' long term operation effects would be less than stated within the residual effects section on of the assessment.</p>	



ID	Relevant Representations			Applicant Response	
		<p>technology and is an appropriate basis for assessment of potential landscape and visual impacts. The technology modelled in each visual should be clearly indicated.”</p>			
	<p>November 2023 Environmental Topic Group Meeting</p>	<p>Representatives of LCC and the LPAs agreed to the LVIA using a ‘Maximum Design Envelope’ (MDE) based on the AIS OnSS footprint and GIS OnSS height are used.</p>	<p>A description of the MDE is presented at sec on 5 and visualisations illustrating the MDE are shown in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27).</p>	<p>No further comment</p>	
	<p>22<sup>nd</sup> September 2023 Environmental Topic Group Meeting</p>	<p>Representatives from NE, LCC and S+ELCP agreed that the assessment of effects on the Lincolnshire Wolds AONB could be scoped out owing to the removal of Lincolnshire Node as a potential location for the OnSS.</p>	<p>An overview of landscape designations and their relevance to this assessment is set out at sec on 4.</p>	<p>No further comment</p>	
	<p>22<sup>nd</sup> September 2023 Environmental Topic Group Meeting</p>	<p>The representative landscape architect for S+ELCP suggested ten viewpoints would be a more appropriate number than the original five viewpoints and suggested inclusion of viewpoints representing the nearby settlements of Surfleet Seas End and Gosberton.</p>	<p>An additional five viewpoints have been included to bring the total number of viewpoints to ten. These are assessed at sec on 7.3. A representative viewpoint is included from Surfleet Seas End. Visibility from Gosberton was so limited that a viewpoint was not included from this location.</p>	<p>No further comment</p>	
	<p>22<sup>nd</sup> September 2023 Environmental Topic Group Meeting</p>	<p>The representative landscape architect for LLC agreed more viewpoints would be beneficial to the assessment and requested more middle range viewpoints out to 2km from the OnSS be included.</p>	<p>Site work was undertaken by the Project’s landscape architect accompanied by LLCs representative landscape architect with a range of potential additional middle range viewpoints visited and photographed. These are assessed at sec on 7.3.</p>	<p>No further comment</p>	
	<p>22<sup>nd</sup> September 2023 Environmental Topic Group Meeting</p>	<p>Representatives from NE, LCC and S+ELCP agreed that both AIS and GIS should be shown in visualisations to illustrate the two different technologies. Given the increase in footprint of the AIS from PEIR, the Project noted that the GIS would no longer necessarily provide a</p>	<p>The visualisations showing models of both the AIS and GIS technologies are presented in document reference 6.1.28.1.</p>	<p>No further comment</p>	

ID	Relevant Representations			Applicant Response
		worst case scenario for all receptors		
	20 <sup>th</sup> September 2023 Environmental Topic Group Meeting	Representatives of LCC and the Local Planning Authorities (LPAs) agreed to the inclusion of the five additional representative viewpoints.	A detailed assessment of the effects on all 11 of the representative viewpoints is presented at sec on 7.3	No further comment
<b>Other Matters</b>				
RR-002.017	Lincolnshire County Council act as Highways Authority and Lead Local Flood Authority and will comment directly on the proposed development, as may the Drainage Board and the Environment Agency. Additionally, there are other stakeholders such as the Wildlife Trust and Natural England who will provide comments directly associated with ecological impacts.			The Applicant notes these comments.
<b>Concluding Remarks</b>				
RR-002.018	Whilst we appreciate many stakeholders will comment directly to the Applicant on the project, we wanted to provide an updated response based on the submitted application with confirmed onshore cable route and location of the substation.			The Applicant notes these comments.
RR-002.019	Following the phase 2 consultation on the Preliminary Environmental Information Report in June 2023 and autumn consultation of November 2023 the applicant has now submitted an application for Development Consent Order for examination. Stakeholders have been provided with several opportunities to put forward comments on methodologies and design prior to the final submission which has taken consideration of comments put forward. The topic areas of this response are considered to be appropriately managed, with any relevant comments brought forward for further consideration.			The Applicant notes these comments.
RR-002.020	This response has focused on the Landscape and Visual Impact Assessment and final comments. This advice is based upon the information available at this time. Please note that the advice is given without prejudice to any future comments made by the Local Planning Authority upon the receipt of further information, If you have any queries, please do not hesitate to contact me on the details provided. We look forward to being involved again in the next stage of the process.			The Applicant notes these comments.

### 1.3 RR-003 Kings Lynn and West Norfolk Borough Council

ID	Relevant Representations	Applicant Response
RR-003.001	Given the distance from the borough boundary, it is not considered that the proposals would impact upon the visual character of Kings Lynn and West Norfolk.	The Applicant agrees that the Project has no potential for a visual impact upon Kings Lynn and West Norfolk.
RR-003.002	It is recommended that consideration is made as to the routing and control of the transportation of vehicles, equipment and structures during land preparation, construction and decommissioning, and that controls are put in place to minimise disruption to any roads within or traversing the boundaries of Kings Lynn and West Norfolk, in order to reduce potential traffic and environmental impacts.	The Applicant acknowledges this comment and has submitted an Outline Construction Traffic Management Plan (CTMP) as part of the application [APP-289]. The Outline CTMP sets out the approach that will be taken to manage the potential impacts of construction traffic for the onshore works and includes details relating to the Applicant's responsibilities such as notifications and monitoring; on-site control measures; vehicle routing; off-site control measures and complaints; and, enquiries procedure. The Applicant will consider routes and potential controls and mitigation within Kings Lynn and West Norfolk when preparing the final CTMP.

### 1.4 RR-004 Lincolnshire County Council

ID	Relevant Representations	Applicant Response
<b>Minerals and Waste</b>		

ID	Relevant Representations	Applicant Response
RR-004.001	No part of the site affects safeguarded mineral resources, and consequently due to the nature of the proposals the Council remain satisfied that no sterilisation of mineral resources will occur. There are no existing/allocated mineral sites in proximity to the cable route or location of the sub-station.	This comment is noted by the Applicant.
RR-004.002	<p>With respect to waste the relevant document is the Outline Site Waste Management Plan (APP-274 / doc 8.1.6). It is generally acceptable although it does not provide much detail of the applications impact on waste other than a general description of the legislation and policy that is relevant and needs to be taken into account. However, whilst further details of the projected impact on the waste regime in Lincolnshire will be provided in the Council's Local impact Report at this stage LCC draw the Examining Authority (ExA) attention to the following:</p> <p>(para 12) This document only applies to the onshore elements of the project;            Legislation &amp; Policy (paras 30 &amp; following) – Looks reasonable in terms of waste-related information; and            Waste arisings (para 91) – The majority of the expected waste (62,000 m3) appears to be from “trenchless crossings”. Even having looked in the Project Description (APP-058 / doc 6.1.3), It is not clear what this waste would be or how it is proposed to be dealt with.</p>	<p>The waste material referred to relates to arisings from the trenching and trenchless crossing works (replaced localised subsoil material for cables and thermal bedding).. Treatment of such waste would align with the Outline Site Waste Management Plan, applicable UK legislation and, best practice. It would also depend on the methodology adopted for the trenchless crossings as to whether the drilling arisings may be suitable for local reinstatement. As such, detailed consideration of waste treatment and final destination will not be possible until the detailed design stage has been undertaken, however waste management measures will adhere to the waste hierarchy and with due consideration of the potential interactions with re-use of waste with the local environment. For clarification regarding the table following para 91 of APP-058, a conservative scenario has been used whereby the calculations assume that all arisings from trenchless crossings works are considered unsuitable materials/waste; however, the Applicant considers this a worst case scenario to cover all eventualities prior to detailed design and engineering taking place, and the Applicant will endeavour to minimise waste material being created as far as reasonably practicable.</p> <p>The arisings from the trenching works and trenchless works (subject to applied methodology) will be considered inert. The Applicant intends to t reuse the inert material from the works.</p> <p>Where the material is unsuitable or impractical for reuse it will be removed offsite via a licenced agent and suitably disposed of.</p> <p>The management of all site waste will comply with the Site Waste Management Plan (SWMP) and Environmental Management Plan (EMP) under the final Code of Construction Practice (CoCP) that will be submitted for approval prior to construction start under Requirement 18 (Code of construction practice) of the draft Development Consent Order (DCO) (document 3.1, version 3).            The applicant can confirm that the Outline Site Waste Management Plan (APP-274 / doc 8.1.6) relates solely to waste arising from onshore activities. For information, offshore waste management provisions and arrangements will be included within the Project Environmental Management Plan as set out in Section 7 of the Outline Project Environmental Management Plan (APP-277). The submission and approval of a Project Environmental Management Plan, which must accord with the Outline Project Environmental Management Plan, is required under condition 13(e) of the deemed marine licences forming Schedules 10 and 11 of the draft DCO (document 3.1, version 3), and condition 10(d) of the deemed marine licences forming Schedules 12-15 of the draft DCO.</p>
<b>Highway, Transportation, Surface Water Flooding and Drainage</b>		
RR-004.003	<p>Reference Transport Assessment (TA) (ES 6.3.27.1 Chapter 27 Appendix 1):</p> <p>LCC generally, agree with methodology and approach in the TA. Vehicle generation, distribution and assessment is acceptable for this scheme. Whilst the traffic impacts (Table 27.36) are acceptable for this scheme considered in isolation, they are still projected as around 5% - 10% over existing flows and would be noticeable. However, LCC is aware that there are other potential NSIPs in this area (two National Grid schemes and Ossian Off-Shore Wind and Cable route) – if these other schemes were to generate traffic of a similar scale to Outer Dowsing and occur at the same time –this could result in a situation where the transport impact is between 20%-40% uplift on key existing A roads in the east of the County. This would be a major concern and critical Routes like the A16 through Boston and the A158 through Horncastle could not accommodate such changes.</p>	<p>As presented in Chapter 5 Appendix 3 (Cumulative Effects Assessment Approach Onshore) of the EIA and throughout the EIA technical chapters, a detailed cumulative impact assessment has been undertaken of all reasonably foreseeable developments for which sufficient details were available at the time of submission.</p> <p>In reference to cumulative impacts on Traffic and Transport, Section 27.9 of the Onshore Traffic and Transport Chapter (Doc Ref APP-219) sets out the assessments of the other known projects at the time of submission (this included a NSIP (Boston Alternative Energy Facility), three residential developments and the proposed National Grid Substation at Weston Marsh). The potential for cumulative vehicle movements associated with the construction of ODOW and the other projects included in the assessment would only occur on the core vehicle access routes, capable of accommodating high volumes of traffic and the assessment concluded that there would be no significant effects.</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant has engaged with all the 3 projects referenced by Lincolnshire County Council, noting the National Grid's Grimsby to Walpole project and Eastern Green Links 3 and 4 project have both held non statutory consultations between January and July 2024 which provided outline details of their emerging preferred route corridor and graduated swathe where their proposals could be located. National Grid will be considering the responses to this non statutory consultation in order to prepare for their statutory consultation (no date confirmed). No detailed information is available for Ossian Offshore Wind as their project is at an earlier stage of development. The Applicant will continue to monitor the development and availability of environmental, spatial and temporal project information for other projects in the region to foster collaboration, noting it will be the responsibility of future projects that come forward for planning to undertake their own Cumulative Effects Assessment as per the guidance in Advice Note 17.</p> <p>It is also worth noting that the forecast levels of the Project's construction traffic at the peak period within the proposed construction programme is over two months (months 19 and 20) only, with construction vehicle movements significantly lower than the peak in most of the other months. Based on the average across the other months in the construction period, the maximum total traffic increase on a core vehicle access route, including the A158 between Horncastle and Skegness and the A16/A52 through Boston, is 2.1%. Given that an overlap with other NSIPs during construction months 19 or 20 - (when the Project is at the peak of construction) is unlikely, and taking the average percentage increase into account, the potential for an uplift of 20%-40% on key existing A roads, (as suggested in LCC's relevant representation) is also unlikely.</p> <p>It is worth noting that as the Project is at a more advanced stage of development, and these future projects will be required to undergo the same DCO / EIA application process, detailed traffic information will be available to those projects for them to consider the Project as part of their cumulative effects assessment.</p>
RR-004.004	Para 93 lists roads to be crossed using trenchless technique, LCC considers this should also include other roads such as Ingoldmells Road, Sloothby High Lane, South Ings Road and Marsh Lane, as all of these roads have reasonable levels of existing traffic. Other roads may also need to be crossed by trenchless technique, the final list will depend on the traffic management and construction issues yet to be considered in detail, but discussed in the Outline Construction Traffic Management Plan (OCTMP) paras 49-56.	The Applicant acknowledges that there was an error in the initial submission. Cable installation at all adopted roads will be facilitated by trenchless technology, as shown in the Project Description Plan (Indicative Onshore Infrastructure (Detailed) Basis of Assessment Figs 3.4.1-3.4.57 (document 6.2.3, APP-089). Corrected versions of the Traffic & Transport Chapter (document 6.1.27, AS1-052)) and Transport Assessment (AS1-086) were submitted with the Applicant's response to the Section 51 Advice.
RR-004.005	Figures 27.1.7, 27.1.8 and 27.1.9 do not show any flows – the flows are available in the Tables, but the Figures would be useful if they were corrected.	The Applicant acknowledges that this figure omitted the flows, due to a technical error. An updated version of the Traffic and Transport Chapter (AS1-086) was submitted with the Applicant's response to the Section 51 Advice including the corrected figures.
RR-004.006	The proposals for Passing Places (Annex N) is agreed in terms of indicative numbers and locations of proposed passing places – technical details of these will need to approved by the Council as Section 278 Minor Works.	The Applicant has engaged with LCC regarding the Minor Works Permit process and the details that will be required, in relation to the installation of the passing bays.
RR-004.007	Annex F provides General Arrangements of Accesses. <b>AC-15</b> which is the access at Croft Bank A52 shows swept paths using the full A52 and extending across the verge and outside the highway boundary. This access needs to be modified so turning vehicles can enter/exit the site safely.	The Applicant acknowledges that this drawing contained an error which has been corrected. An updated version of the Transport Assessment, Annex F (Construction Access General Arrangements) (AS1-090) was submitted with the Applicant's response to the Section 51 Advice including the revised access drawing Sheet 5, AC-15. This demonstrates that turning vehicles can enter/exit the site safely.
RR-004.008	The Draft DCO text is similar to other NSIPs draft DCOs in Lincolnshire in that Articles 9-16 (Streets) provide powers for works in the streets, TROs, road closures all without the Highway Authority approval. The Council would require the developer to obtain detailed prior technical approval of their works (accesses, passing places etc) from the Council as Highway Authority. They will also need to gain approval of when the works are to be implemented and the diversions/traffic management through LCC Permitting scheme.	Noted, and the Applicant is engaging with LCC regarding the appropriate processes, under the LCC Permitting Scheme, for the implementation of different authorised works and understands that Highway Works will require technical approval and will be coordinated through the LCC Permit scheme
RR-004.009	Document 8.15 (OCTMP) – This does allow for discussion of details for accesses, haul road crossings, diversions, temporary road closures, passing places and road widening and requires prior agreement of LCC (see paragraphs 32, 33, 46, 54, 73, 87). So whilst the draft DCO wording is a concern, the proposed process and methodology in	Noted, and the Applicant is engaging with LCC regarding the LCC Permitting Scheme, and the pre-construction process required, to obtain the necessary technical approvals. The Applicant has identified the need for Highway Permits in the 'Other Consents and Licenses' document (AS1-027)

ID	Relevant Representations	Applicant Response
	the OCTMP is encouraging and what LCC would expect: i.e. that once they have DCO approval they will discuss and obtain technical approvals from LCC for works in the highway.	
<b>Public Rights of Way</b>		
RR-004.010	LCC will make comments in relation to Public Rights of Way in the Local Impact Report.	This comment is noted by the Applicant.
<b>Surface Water, Flooding and Drainage – as Lead Local flood Authority for Drainage</b>		
RR-004.011	Document 8.1.5 The Outline Surface Water Drainage Strategy – This is a relatively short and high level document. LCC agrees with the principles and proposals in this document, the details will need to be delivered and agreed through the Drainage Management Plan and secured by appropriate worded requirement.	This comment is noted by the Applicant.  Requirement 18 (code of construction practice) of the draft DCO (document 3.1, version 3) requires the submission of a code of construction practice which must include a surface water drainage strategy (which must accord with the Outline Surface Water Drainage Strategy (APP-273); therefore the final plan is already secured through an appropriately worded requirement.
<b>Cultural Heritage</b>		
RR-004.012	While the submission documentation on archaeology and heritage is substantial, it is disappointing that the issues LCC have identified in our scoping and PIER responses remain unaddressed. Evaluation continues to focus on finding more information on known archaeology while blank areas of unknown potential remain unevaluated through successive phases of evaluation work. No field evaluation has been undertaken so there can be no sites specific informed appropriate mitigation measures across the Order Limits boundary.	<p>The baseline assessment presented within the ES follows standard protocols in accordance with best practice, acknowledging that the archaeological potential of the Order Limits which varies according to historic topography and episodes of inundation, should inform the selection of and targeting of evaluation techniques as appropriate. It is not standard to deploy all archaeological techniques to any given site. On projects of this scale, it is imperative that desk-based assessment and fieldwork is chosen carefully and targeted where it is necessary and appropriate.</p> <p>Against this backdrop, geophysical survey has targeted areas where deposit modelling and coastline studies indicate a potential for significant impacts associated with occupation, whether that be occupation of Iron Age, Roman or medieval date; an understanding of historic topography and coastlines informed the geophysical deployment. The Onshore Archaeological Geophysical Report (Document reference 15.8) has been submitted alongside this response.</p> <p>The results of the magnetometer geophysical survey (document reference 15.8), which included a number of anomalies which could reference occupation, have informed a targeted trial trenching campaign which is underway. The targeting of geophysical anomalies in this way is standard and widely practiced. Whilst it is normal to test ‘blank areas’ it is not standard to test blank areas in preference to targeting known areas of potential in the first instance. It should be noted however that the archaeological works underway have included slit trenching/test pitting in ‘blank’ areas as directed by potential favourable geology inferred by deposit modelling.</p> <p>The trenching works currently underway are being undertaken in accordance with the Outline Written Scheme of Investigation (OWSI) (document 8.9, version 2) and a subordinate WSI which has been approved by the LCC Historic Environment Officer. As outlined in the OWSI further pre-construction trenching works will be undertaken. The Applicant can confirm that additional blank areas will be tested as part of a preconstruction trial trenching campaign. In respect to any ‘blank’ areas not being tested by the trenching works underway, the geophysical survey included electromagnetism alongside magnetometer survey. To assist in the best placement of trenches in ‘blank’ areas; a review of the electromagnetism survey will help inform the strategic placement of trial trenches as part of the preconstruction trial trenching to be undertaken preconstruction.</p> <p>Aside from potential occupation remains, the only other potential significant impact identified within the ES was on the potential impacts to organic remains within thick deposits of peat. Further fieldwork, currently underway, including geoarchaeological boreholes and slit trenches/test pits has been carefully targeted to evaluate the thicker deposits of peat. RR-004.013 references preservation in situ options which could be deployed if necessary, in the event that remains of high importance are present.</p>

ID	Relevant Representations	Applicant Response
		RR-004.014 references the OWSI and subordinate WSIs which will provide for the implementation of all necessary mitigation measures.
RR-004.013	The evaluation rests on the premise that directional drilling can theoretically be deployed along almost the entire route therefore evaluation results are not required for determination. Sufficient baseline information on the archaeology to be impacted across the site is required by National Planning Policy Framework (NPPF), EIA Regulations and National Policy Statement EN-1 which states <b><i>"The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents (5.8.10)."</i></b>	<p>It is accepted that at EIA a developer is required to set out the likely significant effects which includes the worst-case scenario of a development. The Archaeological Desk-Based Assessment (APP-180 to APP-187), which utilised the results of geophysical survey and deposit modelling, identified likely worst-case impacts to buried archaeological remains.</p> <p>These are tabulated in full in the ES chapter in Table 20.9 (AS1-048). These impacts include specific archaeological receptors identified through geophysical survey but also reference the potential worst-case impacts across the Order Limits, such that other receptors not yet specifically located but nonetheless anticipated from a review of the baseline as a whole are included in the impact assessment. Column 2 of Table 20.9 (AS1-048) sets out where receptors are anticipated. Worst case potential impacts including all likely significant impacts have been identified.</p> <p>The ES chapter concludes that with due regard to the potential for preservation in situ that is provided by the potential to adopt trenchless techniques, that no significant impacts to archaeological remains are predicted.</p> <p>The OWSI (document 8.9, Version 2) confirms that all archaeological works will be undertaken in accordance with WSIs approved by LCC in consultation with HE, as secured by Requirement 17 of the draft DCO (AS1-024).</p> <p>The Applicant acknowledges that the further pre-construction archaeological works will inform the WSIs to be submitted for each stage of the onshore transmission works, As such, requirement 17(i) of the draft DCO (document 3.1, Version 3) has been updated to include the underlined text:  <u>"No stage of the onshore transmission works may commence until a written scheme of archaeological investigation (which must accord with the outline onshore written scheme of investigation for archaeological works and is informed by the archaeological investigations referred to in sub-paragraph (2)) for that stage has been submitted to and approved by Lincolnshire County Council in consultation with the relevant planning authority and Historic England.</u></p> <p>The Applicant's approach is not atypical of similar projects, is in line with standard practice and is considered appropriate and proportionate. Noting specifically the Project's commitment to the adoption of trenchless techniques to avoid significant impacts through preservation in situ where potential remains of high importance are encountered.</p>
RR-004.014	Directional drilling is a standard mitigation in a suite of potential mitigation responses to deal with developmental impact upon surviving archaeology in a proportionate and appropriate way. A suite of mitigation types cannot be reasonably deployed until there is an evidence base which establishes the archaeological potential: there must be site-specific understanding of the presence, significance, depth and extent of surviving archaeology across the full impact zone to inform an effective and fit for purpose mitigation strategy.	<p>The Applicant welcomes LCC's position that directional drilling is standard mitigation.</p> <p>The OWSI (document 8.9, Version 2) sets out a suite of potential mitigation measures that will be employed by the project in response to archaeological remains, including trenchless techniques which, as noted above, have been committed to where required to avoid significant impacts through preservation in situ.</p> <p>The details of the mitigation to be deployed in response to the OWSI (document 8.9, Version 2) will be informed by further investigations pre-commencement of works, and the measures will be proportionate to the impact.</p>

ID	Relevant Representations	Applicant Response
		<p>The OWSI (document 8.9, Version 2) confirms that all archaeological works will be undertaken in accordance with WSIs approved by LCC in consultation with HE, as secured by Requirement 17 of the draft DCO (AS1-024) RR-004.013 outlines the updates made to the draft DCO wording to reflect the requirement for subordinate WSIs to also be informed by preconstruction investigations.</p> <p>As set out within the OWSI, mitigation measures would include preservation in situ, archaeological watching briefs and strip, map and sample excavation as necessary. RR-004.013 references preservation in situ options which could be deployed if necessary, in the event that remains of high importance are present.</p>
RR-004.015	<p>For the overarching WSI (8.9 Outline Onshore Written Scheme Investigation for Archaeological Works) the approach is for archaeological work including evaluation techniques such as trenching as well as mitigation to be pushed to post-consent, and that evaluation is focused on finding out more information on what is already known. This is an extremely risky strategy, as known archaeology can be easily mitigated. The lack of evaluation at all levels (air photos, geophysical survey, trenching) in areas which are currently 'blank' means that the potential remains unknown and therefore unmitigatable, pushing increasingly high levels of risk to post consent with the potential for field evaluation and the resulting appropriate levels of archaeological mitigation being pushed into impacting the work programme, schedule and corresponding budgetary impacts.</p>	<p>To avoid repetition, the responses set out above justify the strategy deployed on this Project; RR-004-012 references that 'blank' areas are included in the current trial trenching campaign and will be tested further by additional preconstruction trial trenching as clarified in the updates OWSI (document 8.9, Version 2).</p> <p>With regard to risk, the OWSI references preservation in situ as a potential mitigation option. This option could be deployed, if necessary, in the event that remains of high importance are recorded by preconstruction trial trenching. The OWSI and subordinate WSIs which will provide for the implementation of all necessary mitigation measures in consultation with and under the approval of LCC.</p>
RR-004.016	<p>The proposed post-consent works include trial trenching, strip map and sample, set piece excavation and watching briefs and also includes reference to the potential for preservation in situ. There is little detail in the document where LCC would expect details of what is proposed: for preservation in situ for example LCC need clarity on whether there would be enforceable measures such as fencing around preservation in situ mitigation areas throughout the construction phase and during maintenance groundworks, whether there would be an Archaeological Clerk of Works, and whether these areas will be included in the Construction and Management Plans.</p>	<p>An updated OWSI (document 8.9, Version 2) has been submitted alongside this response to include additional details in the preservation in situ section (section 9.7) and confirmation of objectives (section 3.2).</p>
RR-004.017	<p>In section 3.2 Objectives there is no mention of determining the significance of archaeology which will be impacted, this is essential to understand what would be reasonable and appropriate levels of archaeological mitigation.</p>	<p>An updated OWSI (document 8.9, Version 2) has been submitted alongside this response which includes further information on developing our understanding of significance</p>
RR-004.018	<p>In the same section there is no mention of contributing to knowledge and understanding which is a primary focus on development-led archaeology, nor is there mention of any public benefit through engagement, outreach or legacy projects.</p>	<p>An updated OWSI (document 8.9, Version 2) has been submitted alongside this response to include reference to these matters. Requirement 17 of DCO also references public dissemination of the results of fieldwork.</p>
RR-004.019	<p>Historic England Advice Note 17: Planning and Archaeology states that there are environmental, economic and social public benefits, for example 'Social benefits include... - delivering new knowledge about an area, a public benefit derived from knowledge gain that would not be available from any other source - Learning and development (education) and the ability to acquire new knowledge and skills - Enhanced community cohesion and a stronger cultural identity e.g. via community heritage projects - Contributing to community wellbeing and promoting social capital, leading to improvements in health, wealth and education. The social value of archaeology increases when opportunities for wider public engagement are available - Wider benefits that could inform future research and practice, including for example knowledge about past human diseases that could help preventative health strategies.' (Box 3: Realising public benefit through archaeology)</p>	<p>An updated OWSI (Version 2) has been submitted alongside this response to include reference to these matters. Requirement 17 of the draft DCO also references public dissemination of the results of fieldwork.</p>
RR-004.020	<p>The archaeological Desk Based Assessment (APP-180 to APP-187) which is in eight parts lays out information which is tied to specific project reference codes, this makes it impossible to understand without including a document relating these reference codes to the real world. It is obvious much work has been undertaken so it is most unfortunate it is currently an unworkable document in parts.</p>	<p>The DBA is supported by a number of figures which illustrate the location of the 14 sections that the Order Limits has been split into. See Appendix 20.1 Part 2 Desk Based Assessment (APP 181) - Figures 20.1.1, 20.1.2, 20.1.3, 20.1.4, 20.1.5, 20.1.7, 20.1.8, 20.1.9 and 20.1.10. The segment references are marked by black and white boundary splits in Figure 3.3 (APP-089).</p>
RR-004.021	<p>Figures showing the extent of completed and proposed geophysical survey (Figure 20-8 in the Table of Contents in DBA volume one but numbered for example as Figure 20.1.8.11 in DBA volume two) show that while some</p>	<p>See Response to RR-004.012.</p>

ID	Relevant Representations	Applicant Response
	geophysical survey still needs to be undertaken there are substantial sections of the Order Limits which are neither completed nor proposed with at least a third of the route not subject to geophysical survey.	
RR-004.022	<p>DBA volume 4 (APP-183) is Appendix 17: LiDAR Assessment and Aerial Photographic Review. Historic England's Aerial Archaeology Mapping Explorer and Historic England's Aerial Photo Explorer are included in the areas which were looked at but often had no photos. Historic England's photographic archives were consulted (in section 2.2.3) for an area around Slackholme the Scheduled Deserted Medieval Settlement. Archaeological features were identified on the air photos but the section concluded that geophysical survey provided more detailed evidence of activity at the sample location than was visible on the aerial photographs.</p> <p>There are a number of factors that can contribute to how effective an archaeological prospection method can be, from geology to later activity such as Medieval ridge and furrow masking earlier archaeology to different types of archaeology. As stated in the geophysical report (Appendix 19, DBA volume 6 APP-185), 'results will be affected by a complex range of influences, including background levels of ground saturation, agricultural practices such as draining, and the presence of lenses of contrasting or poorly sorted material such as the Glacial Till and mudflat deposits identified along the route of the corridor.' (section 7.2.4)</p> <p>These techniques are complimentary, and an assessment should include all the information available to start to build up an understanding of what is known in order to determine archaeological potential. The study of both air photography and LiDAR is essential in undertaking a robust desk based assessment, and while the LiDAR included in the DBA is excellent few air photos have been looked at for this scheme. LCC expect full assessment of all available air photos as they are a fundamental part of archaeological desk based work as thousands of new sites, and new information about existing sites, are found in this way.</p>	<p>It is not necessary to deploy all methods of desk-based assessment to sufficiently understand archaeological potential and significant impacts. With particular reference to the location of the Order Limits within an area subject to repeated and prolonged episodes of inundation there is sufficient reasoning to justify the Applicant's approach to aerial photographic assessment where occupation, particularly occupation prior to the post medieval period, is unlikely, specifically the southern part of the Order Limits. Elsewhere within the Order Limits, deposit modelling infers that the depths of overburden could in many areas preclude the formation of crop marks. In these circumstances and in acknowledgement of the Applicant's sample area testing to determine the usefulness of aerial photographic assessment (see APP-183 sections 2.2.3, 2.11.3, 2.13.3, 2.14.3 &amp; 2.15.3) alongside the results of geophysical survey it is determined that full aerial photographic assessment is not necessary; aside from cropmarks associated with post medieval field boundaries, the sample testing did not record any cropmarks indicating the presence of archaeological remains not already identified through LiDAR or geophysical survey.</p>
RR-004.023	<p>Those areas not adequately assessed using standard desk based sources and techniques, for example geophysical survey and air photo assessment, will need a higher percentage of trial trenching to effectively obtain sufficient baseline evidence to inform appropriate mitigation through these areas along with the rest of the redline boundary.</p>	<p>As set out in previous responses (RR-004.012 &amp; RR-004.22), areas not subject to geophysical survey were not selected for geophysical survey on sound judgement of archaeological potential i.e. the unsuitability of areas for occupation activity due to inundation and/or extreme marginality. It is not therefore appropriate or proportionate to undertake additional (disproportionate) trial trenching in these areas. Recognition of the lack of archaeological potential should be acknowledged within a bespoke mitigation response which extends to the placement of trial trenching.</p>
RR-004.024	<p>Sufficient trenching is required across the full impact zone to determine the presence, absence, significance, the depth and extent of any archaeological remains which could be impacted by the development. Trial trenching results are essential for effective risk management, project management, programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.</p>	<p>See response RR-004.015.</p>
RR-004.025	<p>The trenching strategy will need to target potential archaeology identified from the desk based assessment, full air photo and LiDAR assessment, and geophysical survey results. The trenching strategy will also need to target those areas where the above have not been successful in locating archaeology. Targeting blank areas is an essential part of determining the archaeological potential across a proposed development as different types of archaeology and geology may limit or mask the effectiveness of non-intrusive evaluation techniques.</p>	<p>See Response RR-004-012 with regard to 'blank areas'. See response RR-004-12 and RR-004-23 with regard to geophysical survey. See response RR-004.22 with regard to aerial photography.</p>
RR-004.026	<p>Forthcoming archaeology regional policy recommends that a range of between 3% and 5% trenching of the impact zone will offer a more balanced approach to risk, while acknowledging that some archaeological sites will still be missed.</p>	<p>See Response RR-004-015 and RR-004.23. Bespoke evaluation strategies referencing site specific potential are a more appropriate and proportionate way in determining trenching requirements. It is considered that any emerging regional policy will acknowledge that a blanket approach is not always suitable.</p>
RR-004.027	<p>The results of trial trenching will inform a robust mitigation strategy which should have been agreed and included in the Environmental Statement and submitted with the Development Consent Order (DCO) application in accordance with EIA Regulations.</p>	<p>It is accepted that at EIA a developer is required to identify, describe and assess potential significant impacts. The Archaeological Desk-Based Assessment (APP-180 to APP-187), which utilised the results of geophysical survey and deposit modelling, identified likely worst-case impacts to buried archaeological remains. These are tabulated in full in the ES chapter in Table 20.9 (AS1-048). These impacts include specific archaeological receptors identified through geophysical survey but also reference the potential worst-case impacts across the Order Limits, such that other receptors not yet specifically located but nonetheless anticipated from a review of the baseline as a whole are included in the impact assessment. Column 2 of Table 20.9 clearly sets out where receptors are anticipated. Worst case potential impacts including all likely significant impacts are therefore identified as well as</p>



ID	Relevant Representations	Applicant Response
		<p>robust mitigation strategy Section 10.8 (AS1-048) RR-004.013 references preservation in situ options which could be deployed if necessary, in the event that remains of high importance are present. RR-004.014 references the OWSI and subordinate WSIs which will provide for the implementation of all necessary mitigation measures.</p> <p>Nevertheless, the Applicant has progressed archaeological trial trenching to begin further inform the mitigation requirements. This trial trenching and additional preconstruction trial trenching is referenced within the OWSI (document 8.9, Version 2).</p>
RR-004.028	<p>Also included in the submission documents is Chapter 3: Project Description, Section 2: Design Envelope Approach which states that the project has adopted the 'Rochdale Envelope' approach. (6.1.3) The document states that 'Through this consultation the Project has identified matters that have led directly to design changes and commitments that have been made to the proposed construction methodologies' including 'The avoidance of archaeological features through project design, such as at Slackholme End.' (section 3, point 19).</p> <p>These measures cannot be taken when archaeology which currently survives within the redline boundary has not been discovered and identified because of inadequate evaluation.</p> <p>The Planning Inspectorate's Advice Note Nine states that 'Implementation of the Rochdale Envelope assessment approach should only be used where it is necessary and should not be treated as a blanket opportunity to allow for insufficient detail in the assessment. Applicants should make every effort to finalise details applicable to the Proposed Development prior to submission of their DCO application. Indeed, as explained earlier in this Advice Note, it will be in all parties' interests for the Applicant to provide as much information as possible to inform the Pre-application consultation process.' (5.2)</p>	<p>The reference to avoidance of archaeological remains at Slackholme is within a part of Chapter 3 which references consultations which have led to specific construction commitments in defined parts of the Order Limits. In respect to Slackholme, earthworks associated with a deserted medieval village, recorded on the Historic Environment Record and acknowledged as being of potential high importance, have been avoided through a commitment to the adoption of trenchless techniques.</p> <p>Within the majority the Order Limits, engineering solutions and specific construction parameters remain flexible at this stage as can be seen in Figure 3.4 (APP-089). The assessment of potential impacts has been undertaken with regard to the worst-case scenario, or the "Rochdale Envelope" approach. With regard to archaeology, the ground disturbance associated with the establishment of the cable has assessed the worst-case scenario of open cut installation.</p> <p>Fieldwork in progress which includes geoarchaeological works and a first phase of trial trenching will inform, alongside further preconstruction trial trenching, the necessity for additional areas of trenchless techniques should other remains of high importance be present.</p>
RR-004.029	<p>There is a standard suite of evaluation techniques which should be used across the impact zone to inform any proposed development. The submission documents for Outer Dowsing show that some of these techniques have been used to a greater or lesser degree but do not maximise their potential for contributing to the evidence base across the Order Limits. A small sample area has been adequately assessed using aerial photographs which are a fundamental aspect to building a desk based assessment; geophysical survey has been undertaken and is proposed in certain parts of the Order Limits but again much of the impact zone is not included; and standard trial trenching and its results are not seen to be necessary for determination.</p>	<p>There is not a standard set of archaeological techniques. Techniques should be selected as appropriate and proportionate to any given site.</p> <p>As set out in previous responses (RR-004.012), areas not subject to geophysical survey were not selected for geophysical survey on the basis of sound judgement of archaeological potential i.e. the unsuitability of areas for occupation activity due to inundation and/or extreme marginality.</p> <p>Also as set out in previous responses (RR-004.22), with particular reference to the location of the Order Limits within an area subject to repeated and prolonged episodes of inundation there is sufficient reasoning to justify the lack of aerial photographic assessment where occupation predating the post medieval period is unlikely, specifically the southern part of the Order Limits. Elsewhere within the Order Limits, deposit modelling infers that the depths of overburden would preclude the formation of crop marks in many areas. In these circumstances and in acknowledgement of some testing of the usefulness of aerial photographic assessment alongside the results of geophysical survey it is determined that full aerial photographic assessment is not necessary.</p> <p>With regard to trial trenching, the ES submission indicates that all significant impacts could be avoided through preservation in situ. For this reason, the necessity for trial trenching to inform determination is not necessary. Trial trenching is currently underway alongside geoarchaeological works which include geoarchaeological boreholes and slit trenches/test pits. All results will be shared with stakeholders following completion of the 2024 campaign.</p>
RR-004.030	<p>Historic England Advice Note 17: Planning and Archaeology states that 'Appropriate evaluation can support the smooth and speedy progression of the development and help to manage the developer's risk early in the planning process' (section 131). It also states that 'Data gathered can also help to inform a costed mitigation strategy, the benefits of which include a reduction in the chances of unexpected risks and associated costs, and potentially the scope to allocate the cost of archaeology appropriately into financial forecasts' (section 132).</p>	<p>The Applicants flexibility with preservation in situ is relevant to 'risk'. The OWSI sets out a suite of potential mitigation measures that will be employed by the project in response to archaeological remains, including trenchless techniques which have been committed to where required to avoid significant impacts through preservation in situ.</p>

ID	Relevant Representations	Applicant Response
		<p>The results of preconstruction trial trenching alongside the results of the trial trenching campaign currently underway which will help refine and implement a robust mitigation response to be implemented through WSIs prepared in accordance with the OWSI.</p> <p>The completion of trial trenching will enable for timetabling and costings in relation to construction schedules and budgets and will reference trenchless techniques where this is required by stakeholders in respect to remains of high importance or preferred by the developer on cost grounds.</p>
RR-004.031	<p>High Court Appeal decision In R.(Low Carbon Solar Park 6 Ltd) v SoS, 5 April 2024. '... an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding... There Needs to be an understanding of significance in order to assess whether any mitigation appropriately addresses any harm.' (section 49)</p>	<p>The significance of potential archaeological remains is tabulated in the ES chapter, Table 20.9 (AS1-048). Significance is set out with reference to specific archaeological receptors identified through geophysical survey but also in reference to potential remains across the Order Limits (see response RR-004.27).</p> <p>Noting specifically the Project's commitment to the adoption of trenchless techniques to avoid significant impacts through preservation in situ where potential remains of high importance are encountered, the OWSI (document 8.9, Version 2) sets out a suite of potential mitigation measures that will be employed by the project in response to archaeological remains. The details of the mitigation to be deployed will be informed by trial trenching and the measures will be proportionate to the impact.</p> <p>The OWSI (document 8.9, Version 2) sets out that all works will be undertaken in accordance with WSIs approved by LCC in consultation with HE.</p>
RR-004.032	<p>There is insufficient evaluation across the Order Limits and the lack of any trenching results means there is insufficient baseline evidence to inform a reasonable fit for purpose site specific mitigation strategy to deal with the developmental impact which is proportionate to the significance of the currently surviving archaeology.</p>	<p>See response RR-004.013.</p>
RR-004.033	<p>As stated in the Council's PEIR response, the EIA requires the full suite of comprehensive deskbased research, non-intrusive surveys, and intrusive field evaluation for the full extent of proposed impact. The results should be used to minimise the impact on the historic environment through informing the project design and an appropriate programme of archaeological mitigation.</p>	<p>Please see previous responses RR-004.12, RR-004.22, RR-004.23 and RR-004.029.</p>
RR-004.034	<p>Sufficient information on the archaeological potential must include evidential information on the depth, extent and significance of the archaeological deposits which will be impacted by the development. The results will inform a fit for purpose mitigation strategy which will identify what measures are to be taken to minimise or adequately record the impact of the proposal on archaeological remains which must be submitted with the EIA. This is in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which states "The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape." (Regulation 5 (2d))</p>	<p>See response RR-004.27. The potential impacts on archaeological remains are understood as set out in the ES (AS1-048) and a package of suitable mitigation options have been identified.</p> <p>Trial trenching which is underway, geoarchaeological works which are underway and additional preconstruction trial trenching will provide data on the depth, character, extent and significance of archaeological remains. Results will help refine and implement a suitable mitigation strategy in accordance with the OWSI.</p>
<b>Heritage Assets</b>		
RR-004.035	<p>Heritage Statement (6.3.20.2) The Heritage Statement primarily addresses setting impacts to built heritage concerning the On Shore Sub-Station (OnSS). It would be beneficial to explore if any site-specific considerations have been made for individual assets beyond the DBA and Visual Impact Assessment.</p>	<p>The Heritage Statement (APP- 188) assesses potential impacts through setting change to assets within the vicinity of the OnSS and the vicinity of the onshore ECC. Visual change has been assessed but reference has also been made to auditory change relating to construction and where relevant changes associated with construction traffic. These are referenced in the Heritage Impact Assessment part of the Heritage Statement for each asset, as necessary and relevant. This is on page 74 onwards under the sub-title 'change' for each asset.</p>
RR-004.036	<p>Embedded Mitigation (Table 20.5, Environmental Statement 6.1.20) Table 20.5 outlines the embedded mitigation for each project phase. Clarification is needed on whether the table's mitigation measures for the construction of the ECC apply to nondesignated heritage assets above ground, specifically farmsteads</p>	<p>Clarification – all extant farmsteads are avoided. The Order Limits have been designed to avoid upstanding buildings including non-designated farmsteads.</p>
RR-004.037	<p>Scoped Impacts (Table 10.1.1, Consultation Report Appendix 5.1.2 Scoping Part 2) Table 10.1.1 details the impacts to be scoped in or out of the project. Onshore non-designated heritage assets are not listed under</p>	<p>Clarification - Paragraph 20.5.1 of the ES Chapter 20 sets out what was scoped in and out of the assessment (APP-075).</p>

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	Archaeology and Cultural Heritage. A more detailed table specifying which topics of built heritage are proposed to be scoped in or out for each project phase is required. Without referencing the HS (6.3.20.2), it is unclear which category of assets, designated or non-designated, are proposed to be scoped in or out for the ECC or OnSS.	
RR-004.038	Heritage Assets (Annex 1, 6.3.20.2 Chapter 20 Appendix 2 Heritage Statement). Annex 1 lists the heritage assets and baseline data of each Segment ECC1 to ECC14. A total of 10 built heritage assets within all ECC segments are to be demolished. It would be helpful for the Council to know if this assumption is correct and then will make an assessment once confirmed. Council to know if this assumption is correct and then will make an assessment once confirmed.	Clarification – no farmsteads will be demolished. Any reference to a demolished farmstead is referring to the fact that it has already been demolished and is identified from historic mapping only.
RR-004.039	Annex 1, segment ECC12, table 1.84 lists non-designated heritage assets within the study area. Confirm if all assets for this segment, except for MLI123123, MLI123126, and MLI123127, are outside the order limits. For example, is MLI123125 not in close proximity to the order limits.	Clarification – MLI123123 - –this asset is referenced as being located within the Order Limits but it is actually located on the boundary of the Order Limits. However, this asset exists as below ground remains of a demolished farmstead only and so is not an asset which would be considered in respect to setting change. This error does not affect the assessment. MLI123126 is within the Order Limits as stated within the table but it is a demolished farmstead not sensitive to setting change. MLI123127 – this asset is referenced as being within the Order Limits but it is actually outside of the Order Limits . However, this asset exists as below ground remains of a demolished farmstead only and so it not an asset that would be considered in respect to setting change. This error does not affect the assessment. MLI123125 – This asset is located 420m from the Order Limits. It is not considered to be in close proximity to the Order Limits and is not considered to be sensitive to setting change.
RR-004.040	Evaluation of Assets (Heritage Statement 6.3.20.2) The Heritage Statement evaluates all assets concerning their setting, including potential visual changes to non-designated farmsteads (refer to Heritage Statement 6.3.20.2, 20.1.30 Non Designated Farmhouses). Assessments for some farmsteads are conducted in groups rather than individually (see 20.1.31 Other non-designated farmsteads). It would be helpful if the impact on these farmsteads, whether temporary or short term, are set out in greater detail for each asset. It is not clear how the lack of impact to key setting elements of each farmstead would apply equally, given the inevitable variation between each. The current proposal considers an asset 300m from the Order Limits the same as one located adjacent.	Historic England’s Good Practice Advice Planning Note 3 (The Setting of Heritage Assets) references that assessment of impact through setting change needs to be proportionate to the significance of the heritage asset and proportionate to the degree of change.  The grouping of non-designated farmhouses within the vicinity of the cable route, reflects the grouping of assets of low importance where potential impacts will be temporary. This level of assessment is in accordance with best practice and avoids unnecessary repetition.  It is not anticipated that differential proximity to the cable route would alter conclusions around the potential harm through setting change. In no instance would it be anticipated that farmhouses within the vicinity of the cable route would experience an impact of greater than minor adverse effect. There is no potential for significant effects. The assessment of farmhouses within the vicinity of the cable route is considered sufficient on these grounds.
RR-004.041	Direct Impacts on Above Ground Assets (Heritage Statement 6.3.20.2) The Heritage Statement discusses setting impacts but lacks detail on direct impacts to above ground assets. This includes concerns about structural vibrations during construction, changes to ground settlement, land use patterns, dewatering, or access disruptions affecting heritage assets. It would be helpful if these issues were addressed with the statement or if supporting documentation, such as Groundwater Risk Assessment, were signposted for the reader.	Chapter 24 Onshore Hydrology, Hydrogeology and Flood Risk sets out the potential impact to groundwater levels. This is discussed in the Archaeological Desk Based Assessment ( APP-180 - section 20.11.2). Pertinent points are as follows:  With regard to effects on ground water levels, information supporting Chapter 24 sets out that the majority of the construction parameters would affect deposits of low permeability. Only at deeper parameters associated with the trenchless entry and exit pits and works at the TJB would proposals have the potential to affect existing groundwater flows. At the trenchless entry and exit pits the volume of water encountered is anticipated to be small and negligible in relation to the overall size of the aquifer and at the TJB a low likelihood of impact on the groundwater flow has been identified.  Against this backdrop significant effect through groundwater change are not predicted. With regard to potential access disruptions, the Outline Construction Traffic Management Plan sets out access routes (APP-289 -Figure 3). This would ensure the avoidance of access through all Conservation Areas within the search area except for Wrangle whose northern boundary includes the A52. The use

ID	Relevant Representations	Applicant Response
		<p>of the A52 for construction traffic at this location would not be deemed to affect the character and appearance of the Conservation Area.</p> <p>With regard to potential impact through vibration, the Project's potential receptors would comprise built heritage assets such as designated and non-designated farmhouses etc.</p> <p>The British Standard utilised for guidance on the levels of groundborne vibration required to cause damage to structures is BS 7385-2 1993 <i>Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration</i>.</p> <p>The guidance states that to cause damage to residential type buildings a Peak Particle Velocity (PPV) of approximately 15mm/s<sup>-1</sup> (at 4Hz) is required. With regards to heritage buildings, which are considered more sensitive to vibration the guidance does not specify a limit; however, it is considered a lower limit for these buildings would be required.</p> <p>For example, other large infrastructure projects such as Crossrail imposed a precautionary PPV limit of 3mm/s<sup>-1</sup> for heritage buildings which is consistent with the German Standard DIN 4150-3:1999 Effects of vibration on structures.</p> <p>The project is committed to reduce construction noise and vibration levels and, at worst, a 'minor level of effect' is predicted at residential receptors which is based on the human response to vibration rather than damage to buildings. With regards to vibration this equates to a PPV level of 0.9mm/s<sup>-1</sup> during the daytime and below 0.3mm/s<sup>-1</sup> during the night-time.</p> <p>As can be deduced from the above, PPV levels from construction operations which the project is committed to are below the level where damage could occur to buildings.</p>
RR-004.042	Historic Landscape Characterisation (HLC) The Heritage Statement (6.3.20.2, Annex 3, Appendix 20.2) mentions that breaches to historic hedgerows will be reinstated (Annex 2: Hedgerow Assessment). Is there a mitigation plan for managing this? The same question applies to other features such as sea banks and ridge and furrow.	<p>No earthworks associated with seabanks will be breached. No upstanding earthworks associated with ridge and furrow will be breached.</p> <p>The OLEMS (document 8.10, version 3) contains details on the Applicant's commitment to reinstate habitats as soon as practicable following construction. Hedgerows will be reinstated using a species-rich, locally appropriate native mixture. Where trees are lost these will be replaced with heavy standard trees at a 3:1 ratio (section 3.8.2). Requirement 10 of the draft DCO (AS1-024) requires the preparation of a landscape management plan in accordance with the OLEMS and must be submitted to and approved by the relevant planning authority in consultation with Lincolnshire County Council.</p>
RR-004.043	Section 42 Responses (Environmental Statement 6.1.20, Table 20.2, Summary of consultation relating to Archaeology and Cultural Heritage) Table 20.2 addresses comments from Historic England (p.37), stating that all extant areas of ridge and furrow within the order limits will not be impacted. However, the DBA (6.3.20.1) shows ridge and furrow in segments ECC 4, 5, and 6. Please confirm if these assets have been considered and will remain undisturbed.	<p>Clarification –</p> <p>The ridge and furrow in ECC4 (MLI98096) has been eroded through intense arable cultivation – no earthworks remain.</p> <p>The ridge and furrow in ECC5 (LiDAR feature 25) would be avoided by trenchless techniques. This is already identified as an area to be avoided through direction drilling.</p> <p>The ridge and furrow in ECC6 – while referenced within the DBA, is not located within the Order Limits (see LiDAR feature 28, Figure 20.1.4.6, document APP181) .</p>
RR-004.044	LCC requests an expanded list of non-designated heritage assets for further assessment. Additional detailed proposals for suitable mitigation measures for built heritage would also be useful. While some measures will be discussed later in the planning process, the current assessment, especially regarding non-designated assets, requires more information. Addressing these issues now will reduce concerns about potential effects on historic buildings and landscapes earlier in the examination process.	<p>It is assumed that this relates to the comment around the grouping of non-designated heritage assets. With reference to the reply above (RR-004-040), no expanded list is proposed.</p> <p>With regard to mitigation measures, where these are anticipated to be necessary, the Heritage Statement references core mitigation planting which is proposed to screen the OnSS. This is discussed in respect to each asset within the vicinity of the OnSS as appropriate within the Heritage Impact Assessment section of the HS – (APP 188 - page 74 onwards). Where appropriate figures and images associated with Chapter 28 (Landscape and Visual Impact Assessment) are referenced (APP122-APP136).</p>

ID	Relevant Representations	Applicant Response
		With respect to setting change through noise, either the significance of assets has not been identified to be sensitive to noise or the effect of noise has been identified (with reference to the Noise chapter (Chapter 26)) to be negligible in magnitude during construction and operation (APP 081).
<b>Ecology</b>		
RR-004.045	The biodiversity and ecological elements of the Applicant's Environmental Statement are broadly divided into offshore and onshore. Whilst this approach is necessary for a project of this scale, the volume of environmental information resulting from the various ecological surveys and investigations has made it extremely challenging to fully review all of the information within the timescales available. LCC has therefore focused its resources on reviewing the onshore elements of the scheme and would expect Natural England and / or the Marine Management Organisation to lead on offshore elements.	This comment is noted by the Applicant.
RR-004.046	APP-026 identifies a range of onshore ecological impacts, whilst APP-027 focuses on impacts to onshore ornithology. Surveys have been conducted to understand the area's ecology, including habitats, various species (badger, bats, water vole, otter, great crested newt, reptiles, invertebrates, breeding and non-breeding birds), and the presence of invasive, nonnative species. Potential impacts associated with the construction phase are identified on both statutory and non-statutory designated sites in proximity to the development footprint. These potential impacts include permanent loss of habitats, temporary loss or damage to priority habitats, impacts on protected and priority species and spread of invasive non-native species (INNS). During operations and maintenance, the main potential impact is likely to be disturbance of protected and priority species. Decommissioning impacts are predicted to be similar to construction impacts but at a more limited geographical extent and timescale.	This comment is noted by the Applicant.
RR-004.047	The Project is reliant on a package of avoidance, mitigation and enhancement measures to address the ecological impacts. LCC notes that APP-026 Para 11 states "The design has sought to minimise impacts on protected ecological sites by careful siting of the Order Limits to avoid direct impacts to designated sites and avoidance of direct impacts on key areas of sensitivity including Priority Habitats which may support protected species, wherever possible" and the Council welcomes this approach.	This comment is noted by the Applicant.
RR-004.048	Any significant effects that cannot be avoided will require mitigation to be secured within a Construction Environmental Management Plan (CEMP) and / or Landscape and Ecological Management Plan (LEMP) as appropriate. To this end an outline Code of Construction Practice (COCP) (APP-268) which sets out the general principles and management measures to be adopted during construction of the Onshore Infrastructure associated with the Project and an Outline Landscape and Ecology Management Strategy (OLEMS) (APP-284) which sets out the main mitigation measures that will be undertaken to manage the potential impacts to onshore ecological receptors have been produced. Mitigation measures identified will need to be secured via appropriately worded requirements in the DCO. A Schedule of Mitigation (APP-287) has been prepared which provides a helpful summary of the mitigation identified for the Project including embedded mitigation measures, which have been designed into the project.	The mitigation measures set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Landscape and Ecological Management Strategy (OLEMS) (document 8.10, version 3) are secured via appropriately worded requirements in the draft DCO (document 3.1, version 3). Requirement 18 (code of construction practice) of the draft DCO requires the submission and approval of a code of construction practice (which must accord with the Outline Code of Construction Practice) prior to commencement of any stage of the onshore transmission works. Requirement 10 (provision of landscaping) of the draft DCO requires the submission and approval of a landscape management plan and associated work programme (which must accord with the OLEMS) prior to commencement of any stage of the onshore transmission works. Requirement 12 (ecological management plan) of the draft DCO requires the submission and approval of an ecological management plan (which must accord with the OLEMS) prior to commencement of any stage of the onshore transmission works.
RR-004.049	<b>Impacts on statutorily designated sites</b> Given the potential for impacts on statutorily designated sites, a Habitats Regulation Assessment (HRA) screening report has been submitted (APP-239) and confirms that a full HRA will be required. A report to inform an Appropriate Assessment (APP-235) has been produced. The ExA will need to undertake a Habitats Regulations Assessment and satisfy itself that sufficient information has been submitted by the Applicant to enable this to be completed.	This comment is noted by the Applicant.
RR-004.050	<b>Cumulative Effects</b> There are a number of development proposals of varying scales in the vicinity of this proposal. These range from small scale housing developments to NSIP scale energy developments. A detailed assessment of the cumulative impacts of these proposals on sensitive ecological receptors in the area will be required. Details of the approach	The approach for the onshore Cumulative Effects Assessment (APP-148) followed a staged process as per the guidance in Advice Note 17 on Cumulative Effects Assessment (Planning Inspectorate, 2019). For the purposes of the DCO application by the Applicant, the Cumulative Effects Assessment was presented in each of the technical chapters of the Environmental Statement, noting an assessment cut off date of end of December 2023 for availability of public domain project information was used to

ID	Relevant Representations	Applicant Response
	<p>to cumulative effects in the onshore environment are presented in APP-148. LCC notes that the following projects are not included in the Cumulative Effects Assessment:</p> <p>National Grid Grimsby to Walpole Overhead Lines and Pylons National Grid Eastern Green Links 3 and 4 Underground Cable and Converter Station Ossian Offshore Wind Underground cable and Sub-Station</p> <p>Given the similarities to this project and the potential geographic overlap, LCC strongly suggests that these projects should be included in the Cumulative Effects Assessment.</p>	<p>scope in projects. At this time, none of the 3 projects referenced by Lincolnshire County Council had any spatial environmental assessment, project information or detailed programmes in the public domain. Therefore it is not possible to carry out a meaningful assessment of the cumulative effects of the Project with any of the three third-party projects.</p> <p>The Applicant has engaged with all the 3 projects referenced by Lincolnshire County Council, noting the National Grid's Grimsby to Walpole project and Eastern Green Links 3 and 4 project have both held non statutory consultations between January and July 2024 which provided outline details of their emerging preferred route corridor and graduated swathe where their proposals could be located. National Grid will be considering the responses to this non statutory consultation in order to prepare for their statutory consultation (no date confirmed). No detailed information is available for Ossian Offshore Wind as their project is at an earlier stage of development. The Applicant will continue to monitor the development and availability of environmental, spatial and temporal project information for other projects in the region to foster collaboration, noting it will be the responsibility of future projects that come forward for planning to undertake their own Cumulative Effects Assessment as per the guidance in Advice Note 17.</p>
RR-004.051	<p><b>Biodiversity Net Gain</b> LCC welcomes the Applicant's commitment to delivering Biodiversity Net Gain (BNG). Given the scale of the proposed development LCC will expect the project to deliver significantly in excess of 10% BNG.</p>	<p>The Applicant appreciates LCCs comment on the Applicant's commitment to delivering BNG. A Biodiversity Net Gain Assessment Report was submitted to the ExA in August 2024 (AS-014) which sets out the Project's BNG baseline and ambitions. It should be noted that BNG will be pursued in line with existing policy.</p>
RR-004.052	<p>The Applicant has set out their broad principles and approach to BNG in APP-302 and states that this approach will be refined alongside detailed project design. LCC encourages the applicant to continue to make progress with this work to provide clarity around what the project will deliver for biodiversity at the earliest possible stage. LCC also encourages the Applicant to work with other developers and stakeholders in the area to identify opportunities to deliver BNG strategically. LCC welcomes ongoing engagement with the Applicant in relation to BNG.</p>	<p>As set out in AS-014 the Applicant is actively pursuing opportunities for Biodiversity Net Gain and will continue to engage with LCC as and when any proposals are further developed.</p>
RR-004.053	<p>Commitments to deliver BNG will need to be secured in the DCO via the Ecological Management Plan (EMP) and the applicant will need to demonstrate that the commitments made to delivering BNG are achievable.</p>	<p>As commitments pertaining to BNG are realised and can be secured (either through the DCO or voluntary agreements) the OLEMS will be updated to reflect these commitments.</p>
RR-004.054	<p>Further detailed comments on ecology and biodiversity will be provided in the Council's Local Impact Report.</p>	<p>This comment is noted by the Applicant.</p>
Landscape and Visual Impact		
RR-004.055	<p>LCC Landscape Consultants have been consulted throughout the pre-application process, including regular design meetings, on-site visits and community events participation. The process has led to a detailed understanding of the parameters and constraints of the project. Enabling a strong understanding of the key issues, which are presented in the Environmental Statement. The document is generally well presented and follows a logical process of defining the baseline, identifying the project in detail and assessing the potential landscape and visual impacts before addressing mitigation proposals. The use of tables is welcomed; however, some large bodies of descriptive text remains and these could have also been summarised in tabular form to aid the reader. The methodology is concise and confirms to best practice principles such as those set out in GLVIA3.</p>	<p>In response to the comment regarding the use of tables, Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) at paragraph 3.35 identifies the following 'potential pitfall'; <i>'over-reliance on matrices or tabular summaries of effects which may not be accompanied by clear narrative descriptions'</i> and at paragraph 3.36 states that in order to overcome this potential problem; <i>'there should be more emphasis on narrative text describing the landscape and visual effects and the judgements made about their significance.'</i> And that <i>'Tables and matrices should be used to support and summarise descriptive text, not to replace it.'</i></p>
RR-004.056	<p>LCC's comments relate to the cable corridor and the OnSS. The document provides commentary on the consultation process undertaken thus far, alongside the adaptation of the proposals in response to the comments received. The OnSS has been assessed with a 5km study area, which was agreed during consultation and, given the scale and mass of the development is an acceptable parameter. The baseline assessment is thorough and the distinction between the cable route and the OnSS is welcome, the separation is a theme throughout the chapter, and this aids the readers understanding of the complexity of the project.</p>	<p>This comment is noted by the Applicant.</p>

ID	Relevant Representations	Applicant Response
RR-004.057	Eleven representative viewpoints have been utilised, these were agreed during consultation and they provide an acceptable representation to assess the potential impacts.	This comment is noted by the Applicant.
RR-004.058	The cumulative baseline has been assessed in accordance with best practice including the use of GLVIA3 and IEMA 2013.	This comment is noted by the Applicant.
RR-004.059	The assessment is based on construction, operation and decommissioning stages of the development, it is clear in the tables and figures, how this has been undertaken. The use of the Maximum Design Envelope or Rochdale Envelope Approach is explained in Chapter 3 of the ES, its use here where the developer does not know the exact specifications of infrastructure is acceptable. However, given that the design is evolving, there is concern that views beyond 5km have already been scoped out. LCC reserves its position on this point and adequacy and seeks to assess this further as the design evolves.	The Applicant would like to note that a Maximum Design Scenario has been assessed and as the Applicant progresses the detailed design this will only be further refined, therefore reducing the area of potential impacts (the study area); noting an appropriate study area is applied prior to the consideration of any proposed mitigation. It is considered highly unlikely that significant effects and significant cumulative effects will arise beyond the 1.6km radius assessed in the LVIA for the following reasons. Firstly, a maximum design envelope has been applied which sets the outer limits to the physical extent of the onshore substation regardless of the final design, which takes into account the greater footprint of the AIS option and the greater height of the GIS option. Secondly, the 1.6km radius limit to the significant effects assessed in the LVIA relate largely to the presence of intervening tree cover, hedgerows and built development which forms an accumulating effect over distance from the onshore substation. Furthermore, the scale of the onshore substation diminishes with distance, making a proportionally much smaller feature within an increasingly wider landscape. Thirdly, experience from working on similar sized onshore substations in similar rural landscapes, presents the working knowledge that significant effects are unlikely to arise beyond 2km and that 5km is already a substantial Study Area to work in and appropriate for the purposes of the LVIA. The LVIA Study Area was consulted upon as part of the EPP (July 2022 LVIA ETG) and no comments from stakeholders were received.
RR-004.060	By reason of its mass and scale, the proposed development would lead to significant adverse effects upon landscape character and visual amenity. The development has the potential to transform the local landscape by altering the character on a large scale, which is likely to be exacerbated by the fragmented nature of the cable route spread over a wide area. LCC are particularly concerned about the effects upon the landscape character through changes to the land use, which would be spread throughout a wide area, rather than a more focussed development plot being read as a OnSS development occupying a single site in a wider landscape.	As described in section 7.2.1 of the LVIA (Volume 1, Chapter 28: Landscape and Visual Impact Assessment (document reference 6.1.28)), the significant effects relate largely to the landscape and visual effects of the OnSS owing to its mass, scale and contrasting appearance amidst a predominantly rural landscape. In contrast, the effects of the onshore ECC are very limited and so while there will be ‘whole project effects’ arising where the construction of the OnSS and the onshore ECC are seen together or sequentially, the wider effects will be limited by the staged approach to the construction of the onshore ECC, whereby works will be concentrated in one section of the wider route at any one time. Furthermore, the relatively small scale of the onshore ECC construction works, its location in a heavily modified agricultural landscape where the land is routinely disturbed, the extensive use of HDD which minimises further disturbance, and the temporary nature of these works further limits their contribution to the overall effect of the wider development. During the operational phase, the concealed location of the onshore ECC underground, removes the potential for landscape and visual effects to arise in relation to this infrastructure, which means that operational effects will relate solely to the presence and influence of the onshore substation (OnSS).. In respect of potential effects on land use, these have been minimised along the length of the onshore ECC through careful siting of the route and the use of HDD at approximately 211 locations. The mitigation planting around the onshore substation has been designed to align with existing rural roads and field boundaries to ensure that farm fields are largely kept complete and not divided by new planting.
RR-004.061	The scale and extent of development would also lead to significant adverse effects on views from receptors, changing from views within an agricultural or rural landscape to that of a landscape containing a large building and ancillary infrastructure housing the OnSS. From close range views, the development has been identified in the LVIA as resulting in a significant change to high and medium sensitivity receptors. The views and receptors have been satisfactorily selected following desk-based and on-site research, these accurately provide a representation of the potential for visual and character impacts as a result of the development.	Visual effects arising as a result of the onshore substation will be especially localised owing to a combination of the relatively flat landscape and the enclosure provided by trees, hedgerows and built development in the surrounding landscape. During the construction phase, there will be significant effects on the visual amenity of people in the local area around the OnSS and out to a maximum range of 1.3km owing to the presence and influence of the construction works and associated emerging OnSS. Significant effects over the same extents will occur during the operational phase but will gradually reduce to not significant over a 5 to 15 year period owing to the growth of mitigation planting around

ID	Relevant Representations	Applicant Response
		the OnSS. Not only will the effects be limited in terms of their geographical extent, but also in terms of their duration owing to the screening that the mitigation planting will provide within the short to medium term.
RR-004.062	The cumulative landscape and visual effects of the proposed development are also of concern, particularly when assessed alongside proposed developments within the study area. The mass and scale of these projects combined would lead to adverse effects upon landscape character and visual amenity over an extensive area. The landscape character of the area may be completely altered, particularly when experienced sequentially.	As set out in the cumulative assessment at section 9.4 of the LVIA (Volume 1, Chapter 28: Landscape and Visual Impact Assessment (document reference 6.1.28)) the conclusion is that the cumulative effects are contained and not extensive as the representation suggests. The considered location of the OnSS on the north-western side of the River Welland creates a visual divide from the National Grid Substation at Weston Marsh, such that clear intervisibility of both projects will only be readily apparent from the raised embankment of the River Welland itself. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth. This is because the visibility of the onshore substation would be reduced to the extent that it would have a very limited influence on landscape and visual receptors in the local area, despite the fact that these receptors could still be notably influenced by the other developments in the local area.
RR-004.063	Additional information is required with respect to the impact upon, or protection of, existing trees, hedgerows and other important vegetation in order for comment to be made at this stage. These impacts are not limited to the cabling and OnSS development areas, but associated with access and highways works to facilitate the development, such as construction access, particularly from large plant, or access points and associated visibility splays, it is unclear on the landscape and ecology plans as to the extent of vegetation removal proposed, and the LVIA implies little or no vegetation removal is proposed.	<p>While detailed information regarding the exact number of tree and hedgerow removals will be identified at detailed design stage, the LVIA has taken a worst-case scenario approach to the assessment of the impacts upon existing trees and hedgerows across all development areas, including those associated with access and highways works. Therefore, the losses identified at detailed design stage will be within the parameters assessed in the LVIA. Further information on the loss of hedgerows is outlined in the Outline Landscape and Ecological Management Strategy (8.10 Version 3), which identifies that worst case losses are limited to two short stretches of hedgerow, and this is within the parameters assessed in the LVIA.</p> <p>This has been achieved by the following embedded mitigation and approach to project design. Firstly, site selection, careful routing, and extensive use of HDD has meant that the landfall, onshore cable route, onshore substation, and associated infrastructure have all been designed to notably reduce potential losses. Secondly, the onshore infrastructure is located in a heavily modified landscape where there are very few natural areas and very few trees and hedgerows. This means that it is possible to locate the majority of the construction compounds and access tracks without incurring loss of vegetation. Thirdly, in the instances where there would be a loss of hedgerows and even fewer trees, these losses will be small in scale, will ultimately be less than that considered within the LVIA Maximum Design envelope and therefore the Applicant can confirm will have a very limited effect on landscape character and visual amenity as demonstrated by the LVIA Assessment. The associated additional cumulative effect resulting from the contribution of the project to the overall cumulative landscape will therefore also be very limited.</p> <p>As set out at section 7.3.2 of the LVIA (APP-083), vegetation losses associated with the onshore infrastructure will be limited owing to a combination of the limited presence of vegetation in this intensively farmed landscape, the extensive use of HDD to avoid most ditches and roads, which typically include those hedgerows and trees that are present, and the careful and considered siting of the onshore infrastructure. The detailed extent to which vegetation losses will occur will be calculated once the detailed design of the onshore infrastructure has been resolved.</p>
RR-004.064	The wider highways elements of the scheme do not appear to be fully considered in the LVIA beyond increased traffic during construction phases, despite the potential adverse effects on the rural landscape these may have included vegetation loss, urbanisation or visual amenity through any required improvements.	As described above, the LVIA takes a worst-case scenario approach to the assessment of the loss of trees and hedgerows, and all highways elements are considered in the assessment. The limited reference to the effects of the highways' elements in the LVIA reflects the limited effect that these components of the project will have on landscape and visual receptors for the following reasons. Firstly, the highways' elements are ground level elements in a flat landscape which means that the extent of



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		<p>their visibility is limited to within a close range and this limits the range of their effect to within the close range. Secondly, they will be located in a landscape in which roads and vehicles are an established and frequent baseline feature and therefore, will not appear incongruous with the existing rural character and this will further moderate their effect. Thirdly, the limited presence of trees and hedgerows in this landscape will result in very few losses. Fourthly, while the highways' elements may contribute to the overall effect of the Project to some small extent, following a proportional approach, the focus of the LVIA is therefore on the effects of the onshore substation and the construction compounds which have the potential to give rise to significant adverse effects.</p> <p>The description of the wider highway elements is set out at Volume 1, Chapter 3: Project Description 8.1.5.2 (APP-058). These include two permanent accesses; one at the TJB sites taken from Roman Bank Road; and one at the OnSS taken from the A16 / Surfleet Bank. These will be required to be maintained throughout the Project's operational period. A total of 55 temporary access points off the highway will be installed to facilitate vehicular access from the road and into the Project onshore ECC during construction and a temporary haul road will be established along the onshore ECC and 400kV cable corridor to provide access for construction vehicles from access point/compounds to cable installation sites. The most notable impact will be the construction traffic as referenced at Section 7.3.2 of the LVIA (APP-083). The roads themselves will have a very limited impact owing principally to the fact that roads and tracks are an evident and widespread feature in the baseline landscape, as well as that the flatness of the landform means that the extent to which the roads are visible is limited, the location of the accesses to coincide with existing roads and tracks in most locations, and the very limited loss of vegetation as a result of careful siting of the accesses. Consideration has also been given to the temporary nature of all but two of the accesses.</p>
RR-004.065	The proposal would deliver landscape and ecological improvements through mitigation areas and planting. However, this will be dependent upon the implementation and management strategy to ensure successful establishment, these aspects should be further explored, and it is assumed will be refined at the detailed design stages.	A landscape management plan and an ecological management plan will be prepared at the detailed design stage to cover the implementation and management of the landscape and ecological elements. As set out in requirements 10 and 12 of the draft DCO (document 3.1, version 3), these must accord with the Outline Landscape and Ecological Management Strategy (document 8.10, Version 3).
<b>Fire Safety</b>		
RR-004.066	At this stage LCC has no specific comments in relation to fire safety or major accidents and any specific points will be captured in the Local impact Report.	This comment is noted by the Applicant.
<b>Land Use</b>		
RR-004.067	Soil and Agricultural Land Quality Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 180 of the NPPF and the recent Written Ministerial Statement (WMS) of 15 May 2024. The WMS now includes a requirement for information on soil surveys meeting an agreed standard and it is considered that going forward that Natural England or a suitably qualified independent person inspects work as it is undertaken to confirm the veracity which is something that has been missing to date and LCC would be prepared to contribute to checking the credibility of this survey work.	<p>Paragraph 180 of the NPPF was referenced and addressed within table 25.1 of the Land Use chapter (AS1-050).</p> <p>The Written Ministerial Statement (WMS) of 15 May 2024 (Statement UIN: HCWS466) was published after the submission of the ES and is in reference to the impact that solar developments have upon BMV land, rather than renewable energy developments in general. A Research Briefing for the House of Common, 'Planning for Solar Farms', from 20 May 2024 shows that the average land requirement of an existing commercial solar farm in the UK is approximately 2.4 hectares (ha) per Megawatt (MW) of solar power, with future solar farms predicted to require approximately 1.2ha per MW.</p> <p>The same Research Briefing states that the average capacity of solar farms that have been submitted for planning permission to Local Planning Authorities (LPA) in 2023 was 26MW, which would equate to an average land requirement ranging from 31.2ha to 62.4ha for forthcoming and existing projects, respectively, for their operation. The Project requires approximately 26.38ha of land for its operation and is expected to generate up to 1,500MW; a new solar farm would require approximately up to 1,800ha to generate the same amount of renewable electricity.</p>

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		<p>As per the Outline Soil Management Plan (SMP) (document 8.1.3, Version 2), section 2.4, a competent expert will ensure the current land/soil conditions are obtained, recorded and verified through the undertaking of a detailed pre-construction condition survey, and the impacts further verified through a post construction condition survey. Paragraph 11 acknowledges that the works must also be monitored to audit compliance with the SMP and to allow ongoing advice on soil handling to be provided.</p> <p>As per section 2 of the Outline SMP, roles and responsibilities have been outlined for the effective oversight of soil and land management pre, during and post construction. The Project will appoint an Agricultural Liaison Officer (ALO), or similar, to ensure that the specifications of the SMP and site-specific construction method statements/soil management plans are implemented. It is envisaged that the ALO will have sufficient soil science experience or will work in cooperation with a Soil Clerk of Works (SCoW) with soil science capability.</p> <p>The Applicant would also appoint a SCoW, providing advice on the impacts of the construction activities, undertaking any necessary pre-construction soil surveys, any required monitoring, supervising the implementation of specific mitigation measures and maintaining contact with relevant stakeholders, amongst others.</p>
RR-004.068	<p>The Framework at paragraph 180 recognises the economic and other benefits of the best and most versatile agricultural land. Footnote 62 within paragraph 181 of the NPPF requires where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. In addition, the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development.</p>	<p>As detailed in Section 8.4 and Section 9.4.1.2 of the Site Selection and Consideration of Alternative ES Chapter (APP-059) the Applicant had due consideration of the relevant policies in respect of Best and Most Versatile (BMV) land during their site selection work. As discussed in Section 8.4 (APP-059), it was not possible to locate the onshore substation (OnSS) outside of Grade 1 Land, however the Applicant made a significant alteration to the onshore ECC in response to feedback (as set out in Section 9.4 of APP-059) which significantly lowered the amount of BMV Grade 1 land that would be temporarily impacted by the construction of the onshore ECC.</p> <p>The Applicant has and continues to work closely with affected landowners, particularly in relation to soil management and reinstatement of land and to ensure these temporary impacts are minimised.</p>
RR-004.069	<p>Lincolnshire is home to 10% of English agricultural production. Its combination of climate, soil type and topography make the county ideal for a variety of crops. There are significant proportions of wheat, oilseed rape, sugar beet and potatoes, with the county producing 12% of England's arable crops.</p>	<p>The impact of the Project on the UK vegetable market was considered in sections 29.8.2 (construction), 29.8.3 (operation) and 29.9 (cumulative) of the Socio-economic Characteristics chapter of the ES (APP-084) and concluded a negligible impact.</p> <p>The assessment of the impacts on the vegetable market is focussed on the BMV Land because it is assumed that the vegetable production is focused in these areas and there are fewer opportunities for the vegetable production on this land to be substituted with vegetable production elsewhere in the UK.</p>
RR-004.070	<p>Lincolnshire is also home to around 25% of the UK's vegetable production, and 21% of ornamental crop production. This high level of production is vital to the county's economy, generating a Gross Value Added of £446m in 2012. To preserve fresh produce and minimise supply chain distance, highly productive food hubs have built up in the south of the county. The importance of this sector for the local economy is reflected in the number of jobs it generates: if this food supply chain is included alongside food retail and catering in the county, the number of employees exceeds 100,000.</p>	<p>See Response to RR-004.069.</p>
RR-004.071	<p>The cable route has not yet been surveyed in detail for ALC. As part of the process the applicant states that they have sought to avoid BMV where possible. The Outline Soil Management Plan confirms that ALCs will be completed for the approved route and confirmation as to when this will be undertaken so that it can be assessed is requested.</p>	<p>The ALC surveys will be undertaken prior to construction (pre-commencement). The Applicant has provided a response in reference to the timing of soil surveys in Section 1.4.2.1 of The Applicant's Response to the Rule 17 Letter dated 3 July 2024 (AS-013).</p>

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RR-004.072	A schedule of appropriate requirements will be essential to ensure this is undertaken to the necessary standards. A full record of condition on a plot-by-plot basis should be undertaken including photos pre and post construction.	The Outline Soil Management Plan (SMP) (APP-271), provides an overview of the pre and post construction surveys, which include the ALC surveys, in section 2.4. As per paragraph 20 of the SMP, it has been proposed that a full record of condition will be undertaken on a plot-by-plot basis and would include a photo log. This would be produced to the landowner to give a true reflection of the land parcel prior to construction and post-construction, the landowners' signature gained as agreement.
RR-004.073	Prior to and post construction, a competent person should be employed to ensure that information on existing agricultural management and soil/land conditions is obtained, recorded and verified by way of a detailed pre and post construction condition survey.	This has been proposed in paragraph 15 of the Outline Soil Management Plan (SMP) (APP-271).
RR-004.074	If Agricultural Land Classification surveys and British Standard soil testing are to be undertaken across the areas in which construction activities are proposed, then survey points should be made at least every 100m and in each field where the field is less than 100m in length. The productivity of the farmland has been considered (see section 8.4), it is noted that all land within a c.6km radius of connection point is classified as Agricultural Land Classification (ALC) Grade 1, the highest and most valuable grading (as identified in ES Chapter 25 Land Use (document 6.1.25) and presented in Figure 25.2 (document reference 6.2.25.2). As such, applying the search area as defined in Section 8.2 Table 8.1, all land in this search area is ALC Grade 1 and therefore could not be avoided when identifying potential On Shore Sub-Station location at Weston Marsh. Constraints mapping that included proximity to Land Use (and ALC) was undertaken when identifying route options and the selected route option impacted less Grade 1 land than the original route.	As per paragraph 16 of the Outline Soil Management Plan (SMP) (APP-271), the ALC surveys and British Standard soil testing will be undertaken at survey points positioned at least every 100m, or in each field where the field is less than 100m in length.
<b>Soil Management Plan (SMP)</b>		
RR-004.075	At the moment this is an outline document, but it appears to be an acceptable document which needs to be secured via a requirement so that it forms part of any Development Consent Order granted and the recommendations implemented. An agricultural liaison officer and Soil Clerk of Works are proposed who will supervise works as they proceed.	The mitigation measures set out in the outline SMP are secured via requirement 18 (code of construction practice) of the draft DCO (document 3.1, version 3) which requires the submission and approval of a code of construction practice which must include a soil management plan (which must accord with the Outline SMP) prior to commencement of any stage of the onshore transmission works.
RR-004.076	The Outline SMP sets out the principles and procedures for general good practice mitigation for soil management during the onshore construction works to minimise the adverse effects on the nature and quality of the soil resource. In populating the document it will be necessary to identify the individual areas of land and the route for soil stripping, trenching, restoration and similar.	<p>The final SMP will be based upon the Outline SMP (APP-271), supplemented by survey data where required, and submitted to the relevant local planning authority for approval in consultation with LCC prior to the commencement of any stage of the construction works.</p> <p>As per paragraph 10 of the outline SMP, the Final SMP will be implemented through the 'location-specific construction method statements'. 'Locations' will be determined by the contractor and/or the Soil Clerk of Works (SCoW) depending upon several factors including the works to be undertaken, the machinery to be used, soil types and results of any additional survey works, and site constraints, with the works monitored to audit their compliance with both the final SMP and the 'location-specific construction method statements'.</p> <p>Paragraph 43 of the Outline SMP further details that the final SMP and location-specific construction method statements will be defined based on the results of the site investigation and soil survey reports, where available. Each location-specific construction method statement shall include details of the methods of working, proposed site machinery and tillage equipment, materials and Health, Safety, Security and Environment (HSSE) requirements.</p>
RR-004.077	The SMO identifies a number of soil based challenges including running sand and drainage issues which will need to be addressed in detail.	These impacts have been identified in the Outline Soil Management Plan (SMP) (APP-271) and will be addressed in more detail in the final SMP.
RR-004.078	The Cables will generally be laid so as to avoid continued interference with normal agricultural operations as far as reasonably practicable. The Cables should be laid to contour with a depth of cover of not less than 1.2 metres	As per table 2 of the Schedule of Mitigation (APP-287) (mitigation reference: 109), the cables will be buried at a depth to allow agricultural activities to continue unaffected.

ID	Relevant Representations	Applicant Response
	from the original surface to the top of the protective tile above the Cables, except where necessary for good engineering reasons and with the agreement of the Landowner and/or occupier.	As per table 8.5 of the Project Description chapter of the ES (APP-058), the minimum trench depth to the cable protection tile would be 1.2m unless there are engineering constraints in which a minimum depth of 0.9m will be utilised.
RR-004.079	<p><b>Drainage</b></p> <p>Impacts in agricultural drainage have been assessed in the ES Chapter 23 Geology and Ground Conditions (document 6.2.23), with any relevant impacts or mitigation used to inform the Land Use Chapter (document reference 6.1.25) where necessary. The Project has also appointed a local drainage contractor to ensure the Project's pre and post construction drainage schemes are designed in a harmonic way with existing drainage systems.</p>	This comment is noted by the Applicant.
RR-004.080	<p><b>Summary</b></p> <p>It is noted that no ALC survey has been undertaken regarding the cable route, though a full ALC of the final route is proposed. The details of this with soil assessment will be invaluable. The proposed development is likely to have a mainly temporary impact on agriculture and soils that will result in the temporary loss of agricultural production in the development area generally and/or the possible more permanent loss of production from mostly very good and excellent quality agricultural land with the exception of the Onshore Sub-Station which will involve the permanent loss of Grade 1 agricultural land.</p>	<p>The ALC surveys will be undertaken prior to the construction of the Project commencing. The impacts along the cable route are not considered to be significant, however, the area of land required for the OnSS is considered as a permanent loss in EIA terms.</p> <p>See also response to RR-004.076</p>
RR-004.081	Land Drainage issues remain of concern to farmers and landowners in restoring the land after cable burial.	<p>Noted. As per paragraph 17 of the Outline Soil Management Plan (SMP) (APP-271), landowners will be contacted as part of the pre-condition survey to identify the provision of any temporary drainage requirements and/or drainage diversions.</p> <p>Section 5.6 details the management of agricultural drainage, stating that many post-construction drainage designs will be considered and discussed with the landowners.</p>
RR-004.082	In considering the impact on the overall farming enterprises both locally and across the Cable Route, it may be necessary to seek additional information on the impact on the individual farms themselves. Though it is noted an Agricultural Officer is to be employed which will assist in securing this information and would be helpful if a mechanism could be provided to demonstrate how this information will be secured and how it will operate.	The Project intends to appoint an Agricultural Liaison Officer (AL), as per section 2.2 of the Outline Soil Management Plan (SMP) (APP-271) who will consult with landowners as part of their remit. As per paragraph 17, this liaison with landowners would include identifying potential constraints and barriers to construction and identify the provision of any temporary drainage requirements and/or drainage diversions.
<b>Economic Regeneration/Growth</b>		
RR-004.083	<p>Chapter 29 : Socio Economic Characteristics Volume 1 provides an assessment of the potential impacts of the project on socio economics, tourism and recreation.</p> <p>Socio-Economic Characteristics of the Area</p> <p>This section includes the statutory and policy context and baseline environment. Baseline environment covers study areas, data sources, the existing environment and future baseline. Basis of assessment – covers the scope of assessment and considers the realistic worst case scenario.</p>	This comment is noted by the Applicant.
RR-004.084	<p>Study Areas – Onshore includes -</p> <p>Local Economic Area (LEA) defined as the Greater Lincolnshire LEP and Hull and East Yorkshire LEP – area includes all potential infrastructure construction sites and possible key port locations.</p> <p>Regional Area – combined regions (Yorkshire and the Humber and East Midlands)</p> <p>UK wide economic impacts also assessed.</p> <p>Local tourism and recreation area (LTRA) – Boston Borough Council, East Lindsey District Council and South Holland District Council.</p>	This comment is noted by the Applicant.
RR-004.085	Analysis on existing environment and socio-economic baseline (population, economic activity, industrial structure, GVA, qualifications, housing, teacher-pupil ratios, agricultural and food security). Analysis of tourism and recreational baseline (visits and spends of tourists, geographic distribution of tourism activity and regional attractions). Finally consideration of the future baseline-scoped-in vs. scoped-out and consideration of realistic worst case scenario.	This comment is noted by the Applicant.

ID	Relevant Representations	Applicant Response
RR-004.086	<p><b>Embedded Mitigation</b></p> <p>This section covers measures to maximise local economic benefit, including engaging with local economic development stakeholders (to identify any potential barriers to entry for this market and actively work towards removing these barriers), industry groups and education and training providers (to identify skill gaps and potential areas for collaboration). This also covers aspirations to support tier 1 contractors to increase their local content, engage with other developers to improve local supply chain opportunities.</p>	This comment is noted by the Applicant.
RR-004.087	<p>Measures to minimise negative impacts during construction are also discussed. Negative socioeconomic, tourism and recreation impacts would be a secondary impact of other identified environmental impacts and are discussed within those chapters of the ES. In this case that includes chapters on land use, noise and vibration, traffic and transport and landscape and visual assessment.</p>	This comment is noted by the Applicant.
RR-004.088	<p><b>Assessment Methodology</b></p> <p>Considers assumptions and limitations, magnitude of impacts (economic, tourism and recreational as well as demographic and service demand impacts), sensitivity of receptors (receptors include economies, sectors, tourism and recreation assets and community and social assets), and assessment methodology (this covers the economic assessment and the relevant standards and guidelines adopted, tourism and recreation impact which considers the factors driving tourism activity).</p>	This comment is noted by the Applicant.
RR-004.089	<p>Impact Assessment</p> <p>Including receptors, construction and development, operations and maintenance, decommissioning. Key receptors identified as economic activity, population, accommodation supply, social infrastructure and tourism activity. Discussion covers economic activity within the LEA, regional area and the UK, the UK vegetable market, tourism activity in the LTRA, social and community assets (such as housing, education and health services and how current users may be impacted by new people moving to the area as a result of the project).</p> <p>Construction and development, includes the estimation development and construction expenditure and the estimated distribution of expenditure, estimated monetary contribution to LEA, Regional Area and UK.</p> <p>This section also considers the impact and magnitude of impact within the study area. Covering increase in employment, social and community asset impacts, UK vegetable market impact, tourism and recreation assets impacts.</p>	This comment is noted by the Applicant.
RR-004.090	<p>Cumulative Impact Assessment</p> <p>Considering inter-relationships, interactions and transboundary effects. Tables are included with the other developments considered. Key topic areas considered as cumulative impacts include economic impacts, tourism impacts, social and community assets impacts, and vegetable market impacts.</p>	This comment is noted by the Applicant.
RR-004.091	<p>Summary</p> <p>In summary LCC do not consider that the impacts of the construction phase on tourism have been satisfactorily addressed. The construction period runs for a significant period of time and whilst its impact in an particularly location maybe modest it does not appear that any consideration has been given to the fact that certain locations will be more sensitive to working taking place in the main tourism season than others. LCC request further consideration should be undertaken to identify the locations that are more sensitive(from a tourism perspective) to the impact of working in the holiday season and plan for construction activities in these areas to take place outside of the main tourism season (April to September).</p>	<p>The approach outlined in ES Chapter 29: Socio-economic Characteristics (APP-084) considers the sensitivity of individual assets and the tourism economy in general and how the significance of these effects has been considered. The key drivers of tourism in the area are identified in Table 29.19 and the assessment on the key drivers of tourism in the area has been considered. Where environmental effects have been identified that impact on other tourism receptors, the sensitivity of those receptors to change has also been considered.</p> <p>The assessment assumed that the construction workforce will be dispersed across the LTRA and the impact on demand for social and community assets, such as accommodation is considered in Table 29.36.</p>
RR-004.092	<p>In respect of the cumulative section as noted above in the sections on ecology, transport and heritage assets not all of the current NSIPs in Lincolnshire have been identified in the documents and therefore the fully cumulative impacts are not assessed. The Council is aware of 21 NSIPs in Lincolnshire not 14 as stated in paragraph 313 and whilst it is accepted that this number is growing all the time as more schemes emerge, 14 significantly underestimates the current number. In relation to paragraph 314 it is not clear why only Grade 1 Best and Most Versatile Agricultural land has been captured and not all land that constitutes BMV which is Grade 1, Grade 2 and Grade 3a.</p>	<p>The projects listed in table 26.90 Socio Economics Chapter (APP-084) were taken from the Planning Inspectorate website. Of the other 33 NSIPs listed within the East Midlands region, 14 were found to be within Lincolnshire with one of these having no design information available due to the early stage of the project, and a further two only partially within Lincolnshire. The NSIPs assessed were selected based upon their location within Lincolnshire, permanent impact on BMV land and the availability of data regarding the prior two points.</p>

ID	Relevant Representations	Applicant Response
		<p>The assessment was based upon the most current data available on the number of NSIPs from the Planning Inspectorate, as well as the information on the potential land take of each of these projects that was available at the time.</p> <p>All land that constitutes BMV was considered and assessed, paragraph 314 is referencing that this is inclusive of Grade 1 land, please also refer to paragraph 396 of the Land Use Chapter (AS1-050) where this value is referenced and from where it was utilised for the purposes of the Socio-economics assessment.</p>
RR-004.093	<p>The detail in Table 29.60 is incorrect for example - West Burton the amount of BMV exceeds 26% and the amount of land which is Grade 1 BMV is 17 ha (2.3%). There are other inconsistencies in this table for the other sites included and request that it is re-done with accurate information with all BMV land captured not just Grade 1 and therefore this table should be updated with accurate details.</p>	<p>The data provided by LCC regarding the volume of BMV land (&gt;26%) and Grade 1 land (2.3%) lost to the West Burton Solar Project has been sourced from Table 19.10 of West Burton Solar Project's ES Chapter 19: Soils and Agriculture (EN010132/APP-057). It is noted that these figures are for the extent of the 'detailed ALC surveys', which were predominately undertaken two years prior to the submission of the West Burton ES and are inclusive of land which was subsequently excluded from the application boundary.</p> <p>The West Burton ES itself stated "there will be no permanent loss of agricultural land, regardless of ALC Grade" and therefore, the data presented was considered unreliable due to covering a wider area than the proposed development and that "no permanent loss" would not be possible due to the proposed development including "substations and an Energy Storage System" (totalling approximately 4.27ha) which would undoubtedly result in a permanent loss of agricultural land.</p> <p>As the data was unreliable, assumptions had to be drawn in order to action LCC's request that a cumulative assessment be undertaken for NSIP projects within Lincolnshire. The 'ES Technical Note-Updated Information on Cumulative Projects' for the Heckington Fen Solar Park project (EN010123/REP5-004), which was sourced in the Land Use Chapter (AS1-050), had taken a similar view and had applied assumptions to quantify the permanent loss of BMV land using their own data and that of other developments, which resulted in approximately 2ha.</p> <p>The results of the Land Use assessment were significant, a further increase in the volume of BMV land impacted by other prospective developments would not result in any changes to the outcome of the assessment as the residual effect is already considered to be Major.</p> <p>From a socio-economics perspective, the impact on the vegetable market would depend on the amount of land that was removed from production, compared to the scale of the equivalent farmland used for the production of vegetables across the UK and how this has changed over time. Across the UK, there is approximately 88,000 hectares of land used in the production of vegetables and this has decreased by approximately 16,000 hectares since 2015. In that time period, prices have increased by 1%. Therefore, the volume of BMV land would need to increase to 4,400 hectares (noting the total anticipated value from the Land Use Cumulative impact assessment was 390 Ha) for the magnitude of the impact on the vegetable market to change from negligible to low.</p>
<b>Public Health</b>		
RR-004.094	<p>The Council will make any relevant public health comments through the LIR.</p>	<p>This comment is noted by the Applicant.</p>
<b>Draft Development Consent Order</b>		
RR-004.095	<p>At this stage the Council reserves its position on the relevant parts of the draft DCO including the proposed requirements which are likely to be needed to be amended or added to at the examination progresses. The Council wishes to participate in any Issue Specific Hearing in relation to the drafting of the DCO.</p>	<p>This comment is noted by the Applicant.</p>

ID	Relevant Representations	Applicant Response
<b>Cumulative Impacts</b>		
RR-004.096	LCC wishes to draw to the attention of the Planning Inspectorate and the Examining Authority the unprecedented number of DCO projects that are currently on-going in Lincolnshire which will result in three other examinations taking place in the County at the same time as this one. In addition a second wave of potential DCO projects are now commencing their preapplication stage. LCC wishes to be fully involved in all these examinations but has only limited resources and personnel and therefore requests that careful and sensitive attention is given to the examination timetables to ensure that hearings and deadline dates take into account those of other project that will be under examination at the same time.	The Applicant notes that this comment is directed to the ExA.
RR-004.097	In addition LCC request assurance as to how the ExA will take into consideration further NSIPs and associated details as they emerge in the geographical area of this application. As outlined above a number of projects have commenced non-statutory consultation since the applicant completed their Environmental Statement and therefore these have not currently been assessed in the applicants cumulative assessment. LCC requests that this ExA adopts a mechanism similar to that adopted by the ExAs for the solar projects in western Lincolnshire where each applicant was required to produce a inter- relationship report at the start of their examination and then this is subsequently updated at each deadline during the examination. This report captures information from emerging NSIPs and as details about the projects becomes available requires the applicant to undertake further assessments to assess how these impact on the cumulative impact assessments that have been prepared in the submitted ES. This will provide the ExA, the host authorities and others an opportunity consider the potential cumulative impacts from all these projects as they emerge and the necessary mitigation measures that will be needed.	The Applicant notes that this comment is directed to the ExA. The Applicant will continue to monitor the development and availability of environmental, spatial and temporal project information for other projects in the region to foster collaboration, noting it will be the responsibility of future projects that come forward for planning to undertake their own Cumulative Effects Assessment as per the guidance in Advice Note 17. The Applicant is actively engaging with LCC regarding how the Applicant might evaluate new information from these emerging projects throughout the examination phase.
<b>Community Benefits Package</b>		
RR-004.098	LCC expects appropriate energy related benefits to the local communities and economy to be provided through a Community Benefits package and the Council would welcome the opportunity to explore appropriate opportunities through the examination.	The Applicant is committed to developing a Community Benefit Fund which will be launched after the project reaches financial close.  The Applicant will continue to engage with the local community through the established Community Liaison Groups and other relevant stakeholders to shape the criteria and focus of the Community Benefit Fund.
<b>Summary</b>		
RR-004.099	LCC looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process and welcomes the opportunity to comment on matters of detail throughout the examination.	This comment is noted by the Applicant.

## 1.5 RR-005 South Holland District Council

ID	Relevant Representations	Applicant Response
<b>Introduction</b>		
RR-005.001	By way of an introduction, I am a chartered member of the RTPI and act as Director and founder of Dewar Planning. I have previously worked as planning officer through to head of planning at local planning authorities and have since formed my own private planning practice submitting applications to over 100 local planning authorities across the UK. These applications have ranged from large wind farms to residential schemes, and various small to major scale commercial developments. We also continue to provide bespoke consultancy assistance for local planning authorities due to the positive relationships we have developed.	The Applicant notes these comments.
RR-005.002	The applicant 'GTR4 Limited (trading as Outer Dowsing Offshore Wind)' has applied to the Secretary of State for a Development Consent Order (DCO). Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) as a generating station pursuant to section 14(1)(a) and 15(3) of the 2008 Planning Act. As the Project is expected to have a capacity of greater than 100 MW, it is an NSIP for the purposes of the 2008 Act.	The Applicant notes these comments.

RR-005.003	The Project will comprise up to up to offshore 100 wind turbine generators and a network of subsea array cables together with associated onshore and offshore development. The relevant onshore works as reviewed in this response include: landfall connection works located at Wolla Bank, south of Anderby Creek; onshore cables from the landfall to the onshore substation, including link boxes, earth pits and joint bays; an onshore HVAC substation at Surfleet Marsh to the North of Spalding; onshore cables from the onshore substation to a National Grid substation including link boxes, earth pits and joint bays; accesses, temporary works areas, and landscaping; drainage works, sustainable drainage system ponds, and surface water management systems; and other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project.	The Applicant notes these comments.
RR-005.004	We have extensively reviewed the submission topic areas as part of this response. This response primarily focuses on the final response for the landscape and visual impact assessment; however, the following topic areas have also been considered as part of this response: Air Quality; Onshore Archaeology and Cultural Heritage; Onshore Ecology; Geology and Ground Conditions; Hydrology, Hydrogeology and Flood Risk; Noise and Vibration; Traffic and Transport and, • Landscape and Visual Assessment.	The Applicant notes these comments.
RR-005.005	The application has seen several changes following the previous consultation rounds. Most notably the final route of the cable has been determined, from the landfall location at Wolla Bank running south to the location of the substation at Surfleet Marsh. Previously the southern route had two options north and south of the A52, with many stakeholders preferring the northern route, this has been selected as the final proposed route and considered to reflect the best overall route when all impacts have been considered. Whilst the final technology for the substation is yet to be determined as part of the detailed design phase, the applicant has provided a maximum extent basis for the visual impact assessment. This is considered to be a reasonable approach.	The Applicant notes these comments.
RR-005.006	Within South Holland District Council, segments ECC13 and ECC14 of the onshore works (figure 1.1) are relevant to the assessment. The proposed works in these areas includes underground cables along with the onshore substation area, which forms the largest element of the onshore works for the lifetime of the development.	The Applicant notes these comments.
<b>Representations and Assessment</b>		
RR-005.007	Each Local Planning Authority were a consultee as part of duty to consult (section 42 of the Planning Act 2008). Responses were provided internally from department officers, parish councils, Town Councils, and Councillors. All consultees have the ability to respond directly to the applicant as part of this process and examination of the full submission for development order consent.	The Applicant notes these comments.
RR-005.008	Our response at this stage is focused on landscape impacts due to changes in the scheme and the main impact of the proposal on communities within the district. As the Council do not have a Landscape Officer, an external company was sought to respond on behalf of the Council (Terra Loci) who are Landscape Architects and specialise in Landscape Planning. They have provided scoping and viewpoint comments as well as a final response reviewing the Landscape and Visual Impact Assessment as submitted.	The Applicant notes these comments.
RR-005.009	Our response to the relevant sections of the submission including comments from consultees where relevant is summarised as follows:	The Applicant notes these comments.
<b>Planning Policy</b>		
RR-005.010	Whilst the applicant will seek permission for the proposals directly from the Secretary of State for a DCO under section 37 of the Planning Act 2008, there are still a number of local and national planning policies	The Applicant has considered relevant local and national policy, relevant provisions of the SELLP and the NPPF have been outlined and addressed in the Policy Compliance Document (AS-012).



	<p>which are considered relevant and should be taken account of as part of the development process. These plans and local knowledge have been formed over several years and have come from a significant evidence base.</p> <p>The South East Lincolnshire Local Plan 2011-2036 (SELLP) was adopted jointly by South Holland and Boston Borough Council on the 8 March 2019. The relevant policies within the South East Lincolnshire Local Plan 2011-2036 are:</p> <p>Policy 2 ‘Development Management’ – requires proposals to demonstrate sustainable development considerations have been met through a number of criteria.</p> <p>Policy 3 ‘Design of New Development’ – requires development to create distinctive places through the use of high quality and inclusive design, demonstrating compliance with a number of considerations.</p> <p>Policy 4 ‘Approach to Flood Risk’ – developments must satisfy the sequential test and be supported by a site-specific flood risk assessment covering risk from all sources of flooding including the impacts of climate change. It must be demonstrated that surface water from the development can be managed and will not increase the risk of flooding to third parties.</p> <p>Policy 28 ‘The Natural Environment’ – Requires the protection, enhancement and management of natural assets, by ensuring all development proposals provide an overall net gain in biodiversity.</p> <p>Policy 29 ‘The Historic Environment’ - Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced.</p> <p>Policy 30 ‘Pollution’ Development proposals will not be permitted where, taking account of any proposed mitigation measures they would lead to unacceptable adverse impacts upon:</p> <ul style="list-style-type: none"> <li>health and safety of the public;</li> <li>the amenities of the area; or</li> <li>the natural, historic and built environment;</li> </ul> <p>by way of:</p> <ul style="list-style-type: none"> <li>air quality, including fumes and odour;</li> <li>noise including vibration;</li> <li>light levels;</li> <li>land quality and condition; or</li> <li>surface and groundwater quality.</li> </ul> <p>Planning applications, except for development within the curtilage of a dwellinghouse as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or successor statutory instrument, must include an assessment of:</p> <ul style="list-style-type: none"> <li>impact on the proposed development from poor air quality from identified sources;</li> <li>impact on air quality from the proposed development; and</li> <li>impact on amenity from existing uses.</li> </ul> <p>Policy 31 ‘Climate Change and Renewable and Low Carbon Energy’ - All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated.</p> <p>Policy 32 ‘Community, Health and Wellbeing’ - Development shall contribute to the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community’s health and well-being.</p> <p>Policy 33 ‘Delivering a More Sustainable Transport Network’ – reinforces the national approach to promoting sustainable alternatives to the car through new development, making the best use of, and seek improvements to, existing transport infrastructure and services. Solutions that are based on better promotion and management of the existing network and the provision of sustainable forms of travel are supported. To achieve this, a Transport Assessment and associated Travel Plan will be submitted with proposals.</p>	
RR-005.011	<p>The NPPF does not contain specific policies for NSIPs (for which particular considerations apply, determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs) but may be considered as a relevant consideration as below.</p>	

- Paragraph 123 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land<sup>47</sup>.

Footnote 49 of the NPPF states: Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

- Paragraph 124 - Planning policies and decisions should:  
 encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;  
 give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;  
 promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and  
 support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

- Paragraph 157 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- Paragraph 165 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- Paragraph 180 - Planning policies and decisions should contribute to and enhance the natural and local environment by:  
 protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);  
 recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;  
 maintaining the character of the undeveloped coast, while improving public access to it where appropriate;  
 minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;  
 preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and;  
 remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

**Representations and Assessment**

RR-005.012	Each Local Planning Authority were a consultee as part of duty to consult (section 42 of the Planning Act 2008). Responses were provided internally from department officers, parish councils, Town Councils, and Councillors. All consultees have the ability to respond directly to the applicant as part of this process and examination of the full submission for development order consent.	The Applicant notes these comments.
RR-005.013	Our response at this stage is focused on landscape impacts due to changes in the scheme and the main impact of the proposal on communities within the district. As the Council do not have a Landscape Officer, an external company was sought to respond on behalf of the Council (Terra Loci) who are Landscape Architects and specialise in Landscape Planning. They have provided scoping and viewpoint comments as well as a final response reviewing the Landscape and Visual Impact Assessment as submitted.	The Applicant notes these comments.
RR-005.014	Our response to the relevant sections of the submission including comments from consultees where relevant is summarised as follows:	The Applicant notes these comments.
<b>Air Quality</b>		
RR-005.015	Burning of waste should be avoided. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptors.	<p>Table 2.1 of the Outline AQMP [APP-270] sets out the proposed construction dust mitigation measures which include, in relation to waste management:</p> <p><i>"Avoid bonfires and burning of waste materials. Any burning of waste deemed strictly necessary should be undertaken in accordance with the relevant waste management exemption issued by the Environment Agency, and consideration should be given to the timing of such burning, and the prevailing weather conditions to impact emissions to air and nuisance to offsite receptors."</i></p> <p>And in relation to earthworks:</p> <p><i>"Cover or seed exposed areas and soil stockpiles (where soil is to be stored for over 6 months) to stabilise surfaces as soon as practicable and prevent fugitive dust emissions".</i></p> <p>The Applicant therefore considers the points raised by BBC will be complied with through implementation of the final Air Quality Management Plan, which must accord with the outline AQMP, as set out in requirement 18 (Code of construction practice) of the draft DCO (document reference 3.1) - note this will be the ODOW reference as an updated DCO is planned for submission at the R17 deadline.</p>
RR-005.016	Soil stockpiles should be sealed to recued fugitive dust emissions.	
<b>Noise and Vibration</b>		
RR-005.017	Please provide SHDC Environmental Protection with appropriate contact details in event of complaints.	As set out in the outline Code of Construction Practice (Document reference 8.1(Version 2) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community. The outline Noise and Vibration Management Plan [APP-269] confirms that "Contact details of the appointed CLO will also be made available to the relevant LPAs and local community for the duration of the construction period by the Applicant". As such, the Council will have the relevant contact details in the event of complaints. These commitments will be complied with through implementation of the final CoCP and NVMP which have to accord with the outline CoCP and NVMP respectively, as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).
RR-005.018	Ensure SHDC EP Team & all relevant Noise sensitive receptors (NSR) in the immediate area are informed of any proposed works outside of normal working hours	<p>The Applicant has committed to notifying vibration sensitive receptors (VSRs) ahead of construction works which have the potential to generate significant vibration levels. This is set out in paragraph 35 of the outline NVMP which says:"The relevant LPA and residents of the relevant VSRs would be informed if any construction works which have the potential to generate significant vibration levels are proposed in the near vicinity. These works could include underground tunnelling associated with the trenchless technique or sheet piling operations associated with the major drills."</p> <p>These commitments will be complied with through implementation of the final NVMP which has to accord with the outline NVMP (APP-269), as set out in Requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Vibration levels may be monitored during the works, subject to the findings of the final vibration predictions as outlined in Paragraph 37 of the outline NVMP.</p>

		<p>The relevant VSRs will be identified on a case-by-case basis and will consider the proximity of any occupied dwellings to the works, the type of operations (i.e. drilling/piling) being undertaken and the time of day they are being carried out.</p> <p>The methodology for monitoring would be included within the final NVMP.</p>																
RR-005.019	Maintain sound barriers in good order	<p>As outlined in Paragraph 30 of the oNVMP all temporary barriers will be maintained in good order to ensure they continue to provide the appropriate amount of noise attenuation. In addition, Paragraph 43 of the oNVMP commits to monitoring of the mitigation measures and if nonconformity with any of the mitigation measures is identified, it will be recorded during a site audit and appropriate remedial actions will be implemented.</p> <p>It should also be noted that the final NVMP must accord with the requirements of the oNVMP as set out in requirement 18 of the DCO.</p>																
RR-005.020	Vibration, ensure SHDC EP Team & all Vibration Sensitive Receptors in immediate area are informed of operations such as piling where vibration is likely to exceed 0.3mms and ensure appropriate monitoring equipment is used in vicinity of works	<p>Para 35 of the oNVMP secures the commitment to notify, which says: "The relevant LPA and residents of the relevant VSRs would be informed if any construction works which have the potential to generate significant vibration levels are proposed in the near vicinity. These works could include underground tunnelling associated with the trenchless technique or sheet piling operations associated with the major drills." The council and all relevant VSRs would therefore be notified before any construction operations are undertaken and vibration levels may be monitored during the works, subject to the findings of the final vibration predictions as outlined in Paragraph 37 of the oNVMP.</p> <p>The relevant VSRs will be identified on a case-by-case basis and will consider the proximity of any occupied dwellings to the works, the type of operations (i.e. drilling/piling) being undertaken and the time of day they are being carried out.</p> <p>The methodology for monitoring would be included within the final NVMP.</p>																
<b>Landscape and Visual Assessment</b>																		
RR-005.021	<p>Chapter 28 – Landscape and Visual Impact assessment has been appraised against the scoping responses, included below for reference, dated June 2023, September 2023 and November 2023. Table 3.1 within document reference EN010130-000377-6.1.28 Chapter 28 Landscape and Visual Impact Assessment outlines consultation responses received of relevance to the Landscape and Visual chapter and sets out how they have been responded to within the chapter. The table below is an excerpt from Table 3.1 and outlines the relevant consultation responses and how they are responded to within the LVIA. The Final Response column details any further response of comment relevant following receipt of EN010130-000377- 6.1.28 Chapter 28 Landscape and Visual Impact Assessment. Previous consultation responses, as referenced below, are considered to have been appropriately responded to.</p> <table border="1" data-bbox="332 1480 1513 1764"> <thead> <tr> <th>Date and Consultation phase / type</th> <th>Consultation and key issues raised</th> <th>Section where comment addressed</th> <th>Final response June 2024</th> </tr> </thead> <tbody> <tr> <td colspan="4">Scoping Opinion<sub>1</sub> Comments</td> </tr> <tr> <td colspan="4">Phase 2 Consultation (Section 42 consultation on the PEIR) Comments</td> </tr> <tr> <td>21<sup>st</sup> July 2023 Section 42 Comments</td> <td>"The EIA should include a full assessment of the potential impacts of the development on</td> <td>The assessment of effects on landscape character is presented at section 7.2 with</td> <td>No further comment</td> </tr> </tbody> </table>	Date and Consultation phase / type	Consultation and key issues raised	Section where comment addressed	Final response June 2024	Scoping Opinion <sub>1</sub> Comments				Phase 2 Consultation (Section 42 consultation on the PEIR) Comments				21 <sup>st</sup> July 2023 Section 42 Comments	"The EIA should include a full assessment of the potential impacts of the development on	The assessment of effects on landscape character is presented at section 7.2 with	No further comment	<p>In reference to SHDC's Final response 24<sup>th</sup> November 2023 Section 42 Comments in relation to the table provided in their Relevant Representation; the landscaping scheme, as referenced by BBC, has been developed based on the Maximum Design Scenario (MDS) for the two technology types; Air Insulated System (AIS) and Gas Insulated System (GIS).</p> <p>Any refinements to this planting scheme will be undertaken at detailed design to ensure that the scheme is sympathetic to the final design. Any refinements to the planting scheme therefore will not necessarily have a negative impact on the ability of the planting to effectively 'reduce' long term operation effects. Any refinements to the planting scheme would also need to be approved through a landscape management plan by the LPA in consultation with Lincolnshire County Council (LCC) in adherence with Requirement 10 of the draft DCO (Document 3.1, version 3).</p> <p>The Applicant kick started their Design Review Process (DRP) in January 2024 to ensure all relevant and local stakeholders were able to feed into the detailed design process. Two meetings have been undertaken to date as well as an external Design Review which was commissioned by the Applicant in June 2024. Feedback from this review was provided during the second DRP meeting in July 2024 which the chair of the external design review panel attended. Slides and minutes to this meeting can be found on the Project's website<sup>3</sup>. The Applicant also developed updated visualisations to demonstrate how various colour options and roof shapes could influence the look of the OnSS which were developed following feedback from the first DRP meeting and shared at the second DRP meeting in July 2024.</p>
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<sup>3</sup> <https://www.outerdowsing.com/community-liason-groups/>

	local landscape character using landscape assessment methodologies. The use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013 is encouraged."	reference to the relevant LCAs for the LVIA study area.		The Applicant would like to provide assurance that while various options and considerations are being consulted on at this stage; the purpose is to allow for feedback to be gathered early on in the detailed design process to ensure it can be taken on board by the Applicant as they progress detailed design. The final design of the onshore substation must accord with the design principles statement (APP-293) which, if required, will be updated to capture any additional commitments as agreed through the design review process.
21st July 2023 Sec on 42 Comments	"The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography and loss or disturbance of vegetation. "	The assessment of effects on visual amenity is presented at sec on 7.3. The assessment of effects on physical elements is presented at sec on 7.	No further comment	
21st July 2023 Sec on 42 Comments	"The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification on of the selected op on in terms of landscape impact and benefit. "	Informa on the design of the OnSS is presented in the Design Approach Document (document reference 8.18) and the Design Principles Statement (document reference 8.19). Detailed design will be developed further post DCO Applica on. Informa on of alternative sites is presented at Chapter 4 (document reference 6.1.4).	No further comment	
21st July 2023 Sec on 42 Comments	'The assessment should also include the cumulative effect of the development with other relevant exist ng or proposed developments in the area. A list of proposed cumulative schemes should be submitted and approved prior to the assessment being undertaken. Cumulative impact assessment should include other proposals currently at Scoping stage and onwards.'	The cumulative assessment is presented in sec on 9 and includes the National Grid Onshore Substation (NGSS) which is at the pre-application stage, despite the limited information available.	No further comment	
21st July 2023 Sec on 42 Comments	'Operational effects arising from the Onshore ECC and export cable landfall should be scoped into the assessment as there is potential for a loss of vegetation and altera on of the baseline landscape and visual resource which will be longer las	The residual effects arising from the construction of the landfall, onshore ECC and 400kV cable corridor will be very limited as assessed in sections 7 and 7.3. The residual effects extending from the construction phase into the operational phase are	No further comment	

	<p>ng than the construction phase and the long-term effectiveness of remediation and mi ga on proposals should be considered.'</p>	<p>also considered in these sections.</p>		
<p>24<sup>th</sup> November 2023 Section 42 Comments</p>	<p>"The changes to the scheme have been reviewed by external consultants Terra Loci. Firstly, we would like to reiterate some comments previously made following various ETG mee ngs: - New substation size and proposed mi ga on plan ng - Figure 28.15 - Surfleet Marsh OnSS Indicative Layout and Mi ga on Plan ng shows general areas and locations for mi ga on plan ng but does not indicate intended height or types of mi ga on plan ng proposed, this should be clarified during assessment. Where off site mi ga on plan ng / hedgerow is shown as under consideration, assessment of effects should be undertaken for scenarios with and without this planting to indicate the effectiveness and potential requirement for this mi ga on plan ng. - Updated viewpoint locations - The additional viewpoint locations circulated on the 06/11/23 are more comprehensive and take on board previous comments, these are appropriate to assess the potential for visual impacts. Approach to assessment considering a Project Design Envelope (PDE) based on the AIS footprint and GIS height with visuals showing indicative models of both technologies with the PDE. This proposed PDE appears to consider the 'worst case' scenario from each technology and is an appropriate basis for assessment of potential landscape and visual impacts. The technology modelled in</p>	<p>Information on the mi ga on plan ng is presented in the OLEMS (document reference 8.10). This specifies whips would be planted at approximately 0.8m in height and that the anticipated growth of trees would be between 0.4m and 0.5m per annum to give an approximate height range of 6.8 to 8.3m a er 15 years of growth. While the OLEMS (document reference 8.10) presents some suggested species, the final plan ng pale e will be developed in the Landscape and Ecology Mi ga on Strategy (LEMS) post consent. On-site and off-site mi ga on plan ng is photo-montaged in the visualisations for the representative viewpoints and the assessment in the LVIA covers scenarios in which the mi ga on plan ng is and is not taken into account. Noted regarding the appropriateness of the updated viewpoint list for the LVIA. Noted regarding the appropriateness of the maximum design scenario based on the Air Insulated Switchgear (AIS) footprint and the gas Insulated Switchgear (GIS) height – the visualisations in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27) are clearly labelled to ensure the dis nc on is readily apparent.</p>	<p>This clarification of mitigation planting measures, in combination with year 15 visualisations is helpful to understand the potential for soft landscape measures to mitigate for effects. It is noted that Figure 28.15 refers to 'Maximum Extents' when referring to both on and off-site planting around the OnSS. It is noted that should the extent of mitigation planting be less than this maximum extent, then its function to effectively 'reduce' long term operation effects would be less than stated within the residual effects section on of the assessment.</p>	

	each visual should be clearly indicated.”		
November 2023 Environmental Topic Group Meeting	Representatives of LCC and the LPAs agreed to the LVIA using a ‘Maximum Design Envelope’ (MDE) based on the AIS OnSS footprint and GIS OnSS height are used.	A description of the MDE is presented at sec on 5 and visualisations illustrating the MDE are shown in Figures 28.17 to 28.27 (document reference 6.2.28.17 to 6.2.28.27).	No further comment
22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	Representatives from NE, LCC and S+ELCP agreed that the assessment of effects on the Lincolnshire Wolds AONB could be scoped out owing to the removal of Lincolnshire Node as a potential location for the OnSS.	An overview of landscape designations and their relevance to this assessment is set out at sec on 4.	No further comment
22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	The representative landscape architect for S+ELCP suggested ten viewpoints would be a more appropriate number than the original five viewpoints and suggested inclusion of viewpoints representing the nearby settlements of Surfleet Seas End and Gosberton.	An additional five viewpoints have been included to bring the total number of viewpoints to ten. These are assessed at sec on 7.3. A representative viewpoint is included from Surfleet Seas End. Visibility from Gosberton was so limited that a viewpoint was not included from this location.	No further comment
22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	The representative landscape architect for LLC agreed more viewpoints would be beneficial to the assessment and requested more middle range viewpoints out to 2km from the OnSS be included.	Site work was undertaken by the Project’s landscape architect accompanied by LLCs representative landscape architect with a range of potential additional middle range viewpoints visited and photographed. These are assessed at sec on 7.3.	No further comment
22 <sup>nd</sup> September 2023 Environmental Topic Group Meeting	Representatives from NE, LCC and S+ELCP agreed that both AIS and GIS should be shown in visualisations to illustrate the two different technologies. Given the increase in footprint of the AIS from PEIR, the Project noted that the GIS would no longer necessarily provide a worst case scenario for all receptors.	The visualisations showing models of both the AIS and GIS technologies are presented in document reference 6.1.28.1.	No further comment
20 <sup>th</sup> September 2023	Representatives of LCC and the Local Planning Authorities (LPAs) agreed to the inclusion of the five additional representative viewpoints.	A detailed assessment of the effects on all 11 of the representative viewpoints is presented at sec on 7.3	No further comment

	Environmental Topic Group Meeting			
<b>Other Matters</b>				
RR-005.022	Lincolnshire County Council act as Highways Authority and Lead Local Flood Authority and will comment directly on the proposed development, as may the Drainage Board and the Environment Agency. Additionally, there are other stakeholders such as the Wildlife Trust and Natural England who will provide comments directly associated with ecological impacts.			The Applicant notes these comments.
<b>Concluding remarks</b>				
RR-005.023	Whilst we appreciate many stakeholders will comment directly to the Applicant on the project, we wanted to provide an updated response based on the submitted application with confirmed onshore cable route and location of the substation.			The Applicant notes these comments
RR-005.024	Following the phase 2 consultation on the Preliminary Environmental Information Report in June 2023 and autumn consultation of November 2023 the applicant has now submitted an application for Development Consent Order for examination. Stakeholders have been provided with several opportunities to put forward comments on methodologies and design prior to the final submission which has taken consideration of comments put forward. The topic areas of this response are considered to be appropriately managed, with any relevant comments brought forward for further consideration. The selection of substation technology is understood to take place at a later, detailed design phase and the Council wishes to be informed of the final design and scale of the chosen technology, as this forms the largest part of the onshore development within the development control area of South Holland District Council.			The Applicant notes these comments.
RR-005.025	This response has focused on the Landscape and Visual Impact Assessment and final comments. This advice is based upon the information available at this time. Please note that the advice is given without prejudice to any future comments made by the Local Planning Authority upon the receipt of further information, If you have any queries, please do not hesitate to contact me on the details provided. We look forward to being involved again in the next stage of the process.			The Applicant notes these comments.

## 1.6 RR-006 Fosdyke Parish Council

ID	Relevant Representations	Applicant Response
RR-006.001	The parish will need a full update about the impact this project will have on the local residents	<p>The Applicant held five rounds of consultation with communities from 2022 to 2023 where the project’s footprint and potential impacts were discussed with local residents and feedback was taken on board and fed into the development of the Project design (see Consultation Report [AS1-034] for further details). In addition, the Applicant has held 7 rounds of Community Liaison Group (CLG) meetings which Fosdyke Parish Council is invited to so that they may represent the views of the community. Previous meetings that the Parish were invited to attend were held on the following dates: 1 Dec 2022 (Attended by Cllr Kerry Gratton), 23 Feb 2023 (attended by Cllr Kerry Gratton), 20 April 2023 (attended by Cllr Kerry Gratton), 10 August 2023 (attended by Cllr Kerry Gratton and Cllr Alan Mowton), 19 October 2023 (attended by Cllr Kerry Gratton and Cllr Alan Mowton), 31 January 2024 (attended by Cllr Chris Cropley) and 03 July 2024 (attended by Cllr Kerry Gratton and Cllr Alan Mowton).</p> <p>The Applicant will continue to engage with Fosdyke Parish Council and local communities throughout the development phase, and into construction and operations. During construction a Community Liaison Officer (CLO) will be appointed and will act as the main focal point with the community. This commitment is secured in the draft DCO (document 3.1 Version 3)) which requires that a Code of Construction practice (CoCP) be submitted and approved by the relevant planning authority and must include “a stakeholder communications plan” which, as detailed in the Outline CoCP (document 8.1, Version 2)) will include the appointment of a CLO.</p>
RR-006.002	Impacts of drilling down to insert cables on local old houses that are near to the underground cables, will surveys be carried out?	Before the commencement of drilling works, the contractor (not yet appointed) will complete a condition survey of the area near the works. The pre-and post-condition surveys will be completed, subject to the location, proximity, nature/sensitivity of the receptor, and type of work. The nature of the survey could be visual, structural, or another, subject to the location requirement.



ID	Relevant Representations	Applicant Response
		<p>The Applicant would also like to provide assurance that potential impacts from vibration have been assessed in detail in ES Chapter Noise and Vibration (APP-081) and no significant effects were identified.</p> <p>The British Standard utilised for guidance on the levels of groundborne vibration required to cause damage to structures is BS 7385-2 1993 <i>Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration</i>.</p> <p>The guidance states that to cause damage to residential type buildings a Peak Particle Velocity (PPV) of approximately 15mm/s<sup>-1</sup> (at 4Hz) is required. With regards to heritage buildings, which are considered more sensitive to vibration the guidance does not specify a limit; however, it is considered a lower limit for these buildings would be required.</p> <p>For example, other large infrastructure projects such as Crossrail imposed a precautionary PPV limit of 3mm/s<sup>-1</sup> for heritage buildings which is consistent with the German Standard DIN 4150-3:1999 Effects of vibration on structures.</p> <p>The project is committed to reduce construction noise and vibration levels and, at worst, a ‘<i>minor level of effect</i>’ is predicted at residential receptors which is based on the human response to vibration rather than damage to buildings. With regards to vibration this equates to a PPV level of 0.9mm/s<sup>-1</sup> during the daytime and below 0.3mm/s<sup>-1</sup> during the night-time.</p> <p>As can be deduced from the above, PPV levels from construction operations which the project is committed to are below the level where damage could occur to buildings.</p> <p>Chapter 30 Human Health (AS1-054) considered the impacts of construction noise and vibration (Section 30.7.1) and concluded no impacts as a result of vibration.</p>
RR-006.003	Will the risks to residents health in the long term be monitored?	As outlined in Chapter 30 Human Health (AS1-054)] there will be no significant effects on physical or mental health as a result of the Project. In respect of potential increased noise levels, dust and emission as a result of construction processes and associated construction traffic, embedded mitigation and additional mitigation has been designed to reduce these effects, including as set out in the Outline Noise and Vibration Management Plan (APP-269) and the Outline Air Quality Management Plan [APP-270], which form part of the Outline Code of Construction Practice (CoCP) (APP-268).
RR-006.004	Disturbing natural habits - what environmental assurances can be offered?	The Applicant is committed to minimising the effect of the Project’s construction activities on natural habitats and species and has committed to a range of mitigation measures outlined in the Outline Landscape and Ecological Management Strategy (OLEMS) (AS1-103).
RR-006.005	Noise pollution during the works, will noisy work be limited to a time frame to prevent disturbances?	Unless agreed with the relevant local planning authority construction activities will only be carried out during the working hours set out in Requirement 19 of the draft DCO (document 3.1, Version 3) and the final CoCP, to be produced in accordance with the Outline CoCP [APP-268] after approval by the relevant planning authority. Where it is agreed that construction activities will take place out with these agreed hours, local residents will be notified.
RR-006.006	Heavier traffic flow, will there be extra traffic flow and traffic regulations?	<p>As assessment of the potential impacts on onshore traffic and transport as a result of the construction of the Project has been undertaken in Chapter 27 Traffic and Transport (AS1-052), which did not identify any significant effects.</p> <p>An Outline Construction Traffic Management Plan (CTMP) (APP-289) was submitted with the Development Consent Order (DCO) application, which sets out the types of measures that would be implemented by the Applicant during the construction of the Project to manage construction vehicles and minimise any potential disruption and maintain safety for all other road users. Final CTMPs (for different stages of the onshore construction works of the Project) would be prepared, agreed with Lincolnshire County Council (LCC) highways and implemented, should the DCO application be consented.</p> <p>Also, an Outline Travel Plan ( APP-290) was also submitted with the DCO application, which sets out the types of measures that would be implemented by the Applicant during the construction of the Project to minimise the number of workforce vehicles on the highway network, promoting car sharing and other sustainable travel options. Final CTMPs (for different stages of the onshore construction works of the</p>

ID	Relevant Representations	Applicant Response
		Project) would be prepared, agreed with LCC highways and implemented, should the DCO application be consented. This is secured through the draft DCO (document 3.1, Version 3) Requirement 21 (Traffic and Transport)
RR-006.007	Compensation for residence.	Those who may be able to claim compensation under statutory provisions, including those set out in Section 44 of the Planning Act 2008, are advised to seek legal and valuation advice. The Applicant has consulted all persons identified under section 44 who are known to the Applicant after making diligent inquiry. The Applicant notes that matters relating to compensation are beyond the scope of Examination under Chapter 4 of the Planning Act 2008.
RR-006.008	Money to be invested into the local community as way of compensation	A Community Benefit Fund will be launched after financial close estimated for 2027, however, this is not compensation. Instead, the project hopes that the community benefit fund will be able to make a positive contribution to the communities within which we hope to operate. By investing in STEM skills we hope to provide a sustainable benefit to society. Community Liaison Groups have been consulted on the themes of focus.

### 1.7 RR-007 Well Parish Meeting

ID	Relevant Representations	Applicant Response
RR-007.001	At the AGM of Well Parish Meeting held on Tuesday 7th May 2024, the Meeting voted unanimously to continue to Object to Outer Dowsing Offshore Wind (ODOW) on the following grounds:	The Applicant notes the objection.
RR-007.002	1. CONFLICTS OF INTEREST The proposed project is 1.5GW output and can only connect to the 400kV system (The Grid). National Grid (NG) nominates where projects connect to The Grid. NG nominated two greenfield sites for ODOW, both close to the High Pressure Gas System (Alford and Surfleet). Macquarie Bank is one of the investors in ODOW. National Grid (NG) and Macquarie Bank co-own the UK gas transmission system. This conflict is undeclared. Macquarie Bank also has the right to buy out the remaining NG interest in the Gas Transmission System. This is undeclared. We believe ODOW has been designed around the location of an undisclosed Hydrolyser plant to manufacture hydrogen to substitute methane in the gas transmission system. This would benefit both NG and Macquarie Bank. Also, ODOW have nominated and designed for Alternating Current (AC) generation at an export voltage of 275kV. This choice necessitates onshore step-up transformers (275kV to 400kV); an onshore substation (OnSS), and the probable need for an onshore reactive compensation station (OnRCS). Cable reach for 275kV AC is limited without accommodating for reactive power (losses). Connecting ODOW's 1.5GW at Walpole into the B9 boundary, which is already spilling largely renewable generation, further overloads the carrying capacity of The Grid in that area and contributes to the need for NG's Great Grid Upgrade (GGU). Two sizeable projects (Triton Knoll @0.875 GW and Viking Link @2.2GW), have already been added at Bicker Fen where there is no local electrical demand. When we asked NG employees at a 'information day' why all these inter-dependent projects i.e. the GGU infrastructure, renewable generation and interconnectors (all planned for completion around 2030), were not combined into one DCO Application, they told us 'it would never be consented'.	<p>The Project is an offshore wind generating station consisting of up to 100 turbines with a capacity of 1.5GW and associated onshore and offshore infrastructure. The Applicant does not propose to construct a hydrolyser plant as part of the Project. The Project is proposing an Offshore Reactive Compensation Platform (section 6.4 Chapter 3 Project Description APP-058) and is not proposing any onshore reactive compensation infrastructure. This is secured within the draft DCO (document 3.1, Version 3) which would not allow the Applicant to build an onshore reactive compensation infrastructure or hydrolyser.</p> <p>We are unable to comment on National Grid engagements with the representative.</p>
RR-007.003	2. EXTENT OF THE PROJECT In the Scoping report and at the Old Leake consultation, project members for ODOW stated there would be material Additional Associated Development (Hydrolyser Plant and Storage). Neither of these is detailed in the PIER or the ES. However, in their DCO Application, ODOW state an indicative site area of 240,000m <sup>2</sup> (c.59 acres) of prime agricultural land for their OnSS. Even allowing for flood risk mitigation, this area is excessive for two 275kV to 400kV transformers. However, it would accommodate a Hydrolyser Plant and/or Battery Storage. Surfleet is close to the HP gas system and a water supply. No water and/or no HP gas system, no Hydrolyser Plant. The proposed (if needed) Onshore Reactive Compensation Station (OnRCS) has an indicative height of 25m. The need for, and site, of this has not been confirmed. If it were outside the Surfleet Marsh OnSS site, further consultation and impact assessment would be required.	The scoping stage consultations included options (such as a hydrolyser) that were under consideration at that early stage. These were subsequently dropped from the Project. The Project is defined by the draft DCO Schedule 1 Authorised Project (document 3.1, ASI-024) and does not include a Hydrolysis Plant or a Battery Storage facility. The design of the onshore electrical system does not include an Onshore Reactive Compensation Station. Two technology types for the OnSS are being considered by the Applicant; an Air Insulated Switchgear (AIS) or a Gas Insulated Switchgear (GIS). The size of the onshore substation (OnSS) shown in the Works Plans (document 2.1, ASI-004) as Works 16 (Onshore HVAC substation) and Works 17 (Landscaping) is based on the Maximum Design Scenario footprint of an AIS substation option plus landscaping as this has the larger footprint of the two options, however has a lower maximum height.

ID	Relevant Representations	Applicant Response
		<p>The OnSS includes switchgear (either an external 'AIS' switch yard or a Gas Insulated Switchgear (GIS) building) for up to four grid transformers, individual plant transformers, static compensators, harmonic filters, shunt reactors control rooms and associated plant and buildings. A list of plant assessed for noise impacts can be found in Table 26.1 of Appendix 4 Noise Assessment Chapter (APP-217).</p> <p>The key parameters for the OnSS and landscaping are set out in Tables 8.7 and 8.8 of the Project Description Chapter (APP-058). The maximum building height is 16.5m if the GIS option is taken forward following detailed design.</p>
RR-007.004	3. FLOOD RISK ODOW is reliant on connection to The Grid at an NG substation at Walpole (part of the Grimsby to Walpole section of the GGU). This NG substation does not yet exist.	The Project has grid connection agreement to connect at Weston Marsh. The Project is not reliant upon a connection at Walpole as stated, nor is it reliant upon the capacity upgrades that the G2W project will deliver, due to capacity in the existing overhead lines.
RR-007.005	Both the site of this proposed NG OnSS, and the ODOW OnSS at Surfleet are in designated Flood Risk areas. ODOW's OnSS is sited in Flood Zones 2&3 but is deemed to have passed the Exception Test (EN-1 para.5.8.11). However, the project would only provide 'wider sustainability benefits' to the community (Part 1 of the Exception Test), if 'net zero by 2050' were achieved globally.	The Applicant has carried out a Flood Risk Assessment for the OnSS (APP-212), including modelling of a breach of the river Welland). The sustainability benefits of the Project are described in Section 24.9.2.1 of the OnSS FRA (APP-212) as part of the exception test.
RR-007.006	Raising the OnSS and associated equipment 300mm above peak modelled flood level would be extremely expensive and the modelling does not appear to include the possibility of a storm surge up the Wash coinciding with (or causing), the collapse of the existing flood defences.	The scope and methodology for the modelling to establish the maximum flood depth has been agreed with the Environment Agency and the freeboard required will be achieved through a combination of site raising and the use of equipment plinths and raised floor levels. The modelling report, Appendix A to the Onshore Substation FRA (APP-212) assumes a 50m breach of the river Welland defences at the location with the greatest impact upon the proposed site.
RR-007.007	Pylons can cope with flooding; transformers and hydrolyser plants cannot. Making a project a NSIP does not make it immune to flooding.	The Project does not include a hydrolyser, and the transformers will be located on plinths, a minimum of 300mm above the maximum modelled flood depth. Similarly, vulnerable electrical equipment and controls will all be raised. All onshore cables will be buried and designed to be water compatible.
RR-007.008	4. LOWER COST OPTIONS/COMPLIANCE WITH HND Objective 1 of the Holistic Network Design is 'cost to consumer'. ODOW is backed by the taxpayer through a CfD with OfGem. Any SoS has a duty to ensure taxpayers receive Value for Money. National Grid is a regulated monopoly supplier of high voltage electrical transmission, whose duty is to its shareholders. The lowest cost cabling connection for ODOW (as currently configured in this Application) would be up the Humber. The overall cabling length would be shorter and there would be less onshore cable burial. However The Humber has been ruled out under the ONTR. Connecting ODOW at Walpole contributes to the requirement for NG's GGU, as it is being landed in an area already saturated with renewable generation and consequently spilling power, predominately south. Southern England is a massive power sink with a deficit of around 23GW. National Grid is incentivised to connect generation far from demand as this necessitates more onshore infrastructure, increasing NG's profits. The cost of the HND/GGU ultimately falls on the consumer due to the apparent failure of the UK to organise generation where power is actually needed. The costs in disruption and loss of amenity etc. are borne by local communities, most of which do not benefit from the project. Burying HVAC cables offshore costs c£4MM a kilometre. Burying HVAC onshore costs c£10MM per kilometre. As proposed in this DCO Application, ODOW require 4 circuit 275kV cables of which 77kms is offshore and 63kms are onshore. This is a relatively short distance for offshore cabling, so the largely fixed costs of mobilisation and demobilisation of the cable-laying barge are spread over a low number of kms, increasing the cost per kilometre of the offshore portion. Removing the undeclared Hydrolyser Plant and Storage means that ODOW would become what it purports to be: an offshore generation project in need of connection to the Grid. There is then no need for landfall on the Lincolnshire coast, or connection to the Grid at Walpole. ODOW could export HVAC (400kV), removing the need for its OnSS and OnRCS. Without onshore cabling, ODOW could lay a total of c.240kms of offshore cabling (at the same cost). Cabling from ODOW offshore to Sizewell would be c170km in length. If ODOW generated HVDC (rather than HVAC), the cabling length (for the same cost), would reach Southend (some 240kms). More importantly, ODOW could contribute 240 kms of HVDC cabling to an offshore Grid, thus enabling power to be landed in Southern England; contributing to filling the 23GW sink; removing the need for the Great Grid Upgrade (at an overall lower	<p>The National Grid Electricity System Operator (NGESO) are responsible for the identification and development of an efficient, coordinated and economic connection point for future generation and in this regard the Applicant accepted the grid connection offer for Weston Marsh. The Project is not reliant upon a connection at Walpole as stated. Ofgem is responsible for ensuring NGESO deliver value for existing and future consumers while supporting the transition to a more decentralised and decarbonised electricity system.</p> <p>The Applicant has presented an overview of the Offshore Transmission Network Review (OTNR) and the Pathway to 2030 Holistic Network Design (HND) process in section 1.2 of Chapter 4 Site Selection and Consideration of Alternatives (APP-059). The Applicant will apply for a CfD post consent in accordance with the regulations of the relevant allocation round at that time.</p>

ID	Relevant Representations	Applicant Response
	cost), and saving the taxpayer money. However, National Grid would not earn any money out of an offshore Grid. Another undeclared conflict of interest. We believe this whole project has been configured for the benefit of NG and Macquarie Bank, to the detriment of the consumer and local communities, contrary to the objectives of the HND.	
RR-007.009	5. ROLES OF PINS AND SoS If ODOW and National Grid want to continue with the current arrangement under the DCO, both Macquarie Bank and National Grid should be requested to declare their conflicts of interest; detail their Additional Associated Developments clearly, and repeat all the consultation process in a transparent manner so that all third parties can review and comment on the real project. If ODOW and NG declare that they do not want now (or in the future), to incorporate a Hydrolyser Plant or Storage, there is no need to export 400kV to Walpole. The cost savings to the taxpayer should be assessed for offshore generation at 400kV+ with offshore cabling to Sizewell. If the Sizewell export system can carry the extra 1.5GW from ODOW without capacity reinforcement, and there are no actual technical reasons for such a connection, then this should be pursued as a lower cost option for the taxpayer. If the Sizewell system is constrained, then ODOW should be held back and integrated with the other new planned offshore generation and interconnectors into a HVDC offshore Grid, making landfall in Southern England. This would be the lowest cost, least disruptive option. The SoS should be accountable for facilitating this.	<p>The Project does not include a Hydrolyser.</p> <p>See the Applicant's response to RR-007.002, RR-007.003 and RR-007.008</p> <p>The National Grid Electricity System Operator (NGESO) are responsible for the identification and development of an efficient, coordinated and economic connection point for future generation and in this regard the Applicant accepted the grid connection offer for Weston Marsh.</p>

## 1.8 RR-008 Anglian Water Services

ID	Relevant Representations	Applicant Response
RR-008.001	Outer Dowsing - Anglian Water Relevant Representation (dated 12/06/24) Anglian Water (AW) is the statutory water and wastewater services provider for the proposed Outer Dowsing project order limits. AW has engaged with Total Energies and Corio Generation (the Applicant) and there are on-going discussions regarding the interfaces between the project and our assets. Interfaces between the project and AW assets (underground and surface assets) AW owns and operates the water supply and sewerage infrastructure within the project area. In locations where the project intersects with AW assets, their protection and continuity of water and water recycling services to customers will be required. Through pre-submission discussions with the Applicant, a set of Protective Provisions has been agreed between both parties. A copy is included of the 'Draft Development Consent Order' (document ref. 3.1) Schedule 18, Part 3 For Protection of Anglian Water Services Limited.	The Applicant welcomes AWS' confirmation that the Protective Provisions in Part 3 of Schedule 18 to the draft DCO submitted with the application are agreed (document 3.1, ASI-024).
RR-008.002	The AW existing assets identified within the application boundary are identified in the Book of Reference (document ref. 4.1, also covering the details set out in the Onshore Crossing Schedule (document ref. 6.3.3.2). Discussions are taking place between AW and the Applicant on these aspects to confirm, for example, any sensitive plant, open cut locations, access works, likely diversions any above ground plant and shared access locations. These documents will need to be amended accordingly as these matters are agreed. Our intention is that agreement on these Protective Provisions and other matters will be covered by the bilateral Statement of Common Ground which is being progressed.	The Applicant will continue to engage with AWS to identify sensitive locations requiring protection and potential diversions, which would be carried out in accordance with details agreed in accordance with the Protective Provisions. A draft SoCG has been prepared by the Applicant and has been issued to AWS for comment. The SoCG will be updated to reflect the outcome of ongoing discussions.
RR-008.003	Water supply and water recycling services Water supply AW understands that the Outer Dowsing project will require some water supply for the construction, operation or decommissioning stages of the project. This could be either on a temporary or more permanent basis. The documents submitted with this application state that there will be different requirements for water supply, for example: 1) Project Description: Chapter 3 (document ref. 6.3.3.2) ? Section 8.2.3, para 274, page 104 - for onshore side enabling works services such as water, will be required to support the day-to-day activities. These services are intended to be obtained from a connection to nearby infrastructure or through self-sufficient means. ? Section 9.2.3.3, para. 313, page 113 - for the onshore sub-station potable water will be required at the site for sanitary and mess facilities. This could be obtained from the local water supply utility company.	<p>The Applicant has engaged with AWS' pre-development team and discussed the Project's temporary construction water requirements, including welfare facilities and water for construction purposes. AWS has advised the Applicant that individual applications will be required for any connections, and these will be made in the pre-construction stage. The Applicant intends to minimise its use of potable water for construction by abstracting water from drains for dust control and for use in drilling mud (subject to abstraction permitting requirements, where appropriate). The residual water demand for the cable construction corridor will primarily relate to temporary welfare facilities. These have a relatively low demand and are distributed along the corridor.</p> <p>The applicant will continue to engage with AWS regarding its construction water requirements, especially at the onshore substation construction compound where it is engaging with AWS regarding the supply for the short peak construction period.</p>

RR-008.004	Outline Construction Traffic Management Plan (document ref. 8.1.5) Section 3.2.9, paras. 41 and 64 - refers to a wheel and body wash would be operated at each construction access or haul road crossing. There would also be on-site haul roads dust suppression and water bowsers. The Applicant has been advised of the process to engage with AW regarding water supply requirements. Further advice on water and wastewater capacity and options can be obtained by contacting AW's Pre-Development Team (planningliasion@anglianwater.co.uk).	The Applicant appreciates AWS's offer of advice and held an online meeting with the Pre-Development Team as suggested, to review its construction water requirements. Wheel washing facilities and dust control vehicles would be serviced by water bowsers, using water abstracted from drains, if there is not a convenient option for a connection. The Applicant does not propose using potable water for purposes such as dust control and wheel washing where an alternative source of water can be utilised.
RR-008.005	As a commercial project if there is a requirement for significant supplies of potable or raw water either for the construction or operational stages AW's Wholesale services department may be contacted via wsc@anglianwater.co.uk to assist in scoping out options for assessment. In June 2023, AW published a position statement on non-domestic water demands. In summary, this advises that where a request for a new or increased non-domestic water demand may compromise AW's ability to supply existing and forecast new domestic customers that request is likely to be declined. New water demand requests are currently assessed on a first come, first served and then connected basis and requests are not prioritised based on national policy such as the net zero transition or through cumulative assessment of the impacts and benefits of projects. To support appropriate water resource planning, AW now requires that significant new non-domestic water demands are set out in a Water Resources Assessment (WRA). For applications under the 2008 Act the WRA (or a summary of the WRA) will form part of the Environmental Impact Assessment sufficient to enable regulators including the Environment Agency to advise the Examining Authority and the Secretary of State that the supply of water to the project is potentially deliverable and sustainable. AW requests that the Applicant, provide updates for the Examination and Secretary of State on the project's water demand calculations.	The Applicant has noted the AWS position statement regarding non-domestic supplies and has engaged with AWS regarding the Project's temporary construction requirements. The Project has a negligible permanent water demand, and the construction phase water demand on the cable corridor will not be significant, being primarily for welfare facilities. The Applicant intends to abstract water for purposes such as dust control from watercourses (subject to abstraction permits where necessary). The Applicant is continuing to engage with AWS regarding the construction water requirement at the Onshore Substation (OnSS) temporary construction compound, during the peak construction period of between six and twelve months. The Applicant understands that the water demand would only be considered as 'significant' during this short period and is continuing to work with AWS to look at how this can be managed.
RR-008.006	Water recycling The Applicant should confirm if any mains connected foul water drainage systems are likely to be necessary for the different project stages. The document Project Description: Chapter 3 (document ref. 6.3.3.2) states that waste from the onshore sub-station toilets/ cleaning facilities are intended to be discharged to a local sewer/ septic tank. Details on the process for engaging with AW have been provided to the Applicant.	The Applicant does not intend to utilise any AWS assets for the disposal of foul water. The foul drainage from the onshore substation will be discharged into a septic tank.
RR-008.007	Flooding and surface water. The submitted outline Surface Water Drainage Strategy (SWDS) (document ref. 8.1.5) states in Section 2 'Surface Water Principles' that the SWDS will be developed according to the principles of the SuDS discharge hierarchy. Generally, the aim will be to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable: ? Into the ground (infiltration); ? To a surface waterbody; ? To a surface water sewer, highway drain or another drainage system; or ? To a combined sewer. It is noted that the final SWDS is expected to maintain the existing drainage to and from surrounding land and reduce the risk of any increase in surface water flood risk to off-site areas. Development of the strategy will include an assessment of the current and proposed runoff rates, volume of storage required, and the proposed approach for discharge of water from each work location. If this requires consideration of the use of the public sewer network to manage additional surface water flows, AW will require it to be included as a consultee to the drainage strategy, including the relevant DCO Order for any discharge of requirements in relation to drainage plans and surface water discharge.	The Applicant does not intend to discharge any surface water into an AWS asset and agrees that this would be the last resort after exhausting all other options, following the normal strategy for sustainable drainage. The Applicant will however include AWS as a consultee in relation to the approval of the final Surface Water Drainage Strategy under requirement 18 of the draft DCO.
RR-008.008	Construction Traffic Management Plan (CTMP) We welcome the submission of an outline CTMP and note that the preferred location of haul road crossings within the onshore cable corridor listed in Table 3.3, will need to be discussed and agreed with the local highway authority as part of the final CTMP. The final version should include steps to remove the risk of damage to any of AW's assets from plant and machinery (compaction and vibration during the construction phase) including any haul and access roads and crossings.	The Applicant will carry out a detailed design process, which will identify locations where AWS (and other utility) assets require protection, including at haul roads, access roads and crossings. The Applicant has identified several locations where haul roads and access points are proposed over AWS assets in the soft verge of the highway or agricultural land, where protection may be required and has held a meeting with AWS to discuss the process to necessary protection measures. The Applicant is continuing to engage with the AWS' pre-development services team to identify sensitive assets that may require protection.

## 1.9 RR-009 Representation by Birds On The Edge (Birds On The Edge)

ID	Relevant Representations	Applicant Response
RR-010.001	Birds On The Edge (BOTE) partnership is a joint initiative between the National Trust for Jersey (NTJ), the Government of Jersey Natural Environment Department, and Durrell Wildlife Conservation Trust. BOTE would like to establish a reserve comprising a one kilometre mile stretch of coast between the Plémont and Creux Gabourel Headlands in northern Jersey in order to provide long-term benefits for auk species, and their habitats (the Plémont Seabird Reserve). This is discussed in detail in Document 7.7.5.1 (Plémont Seabird Reserve Feasibility Study Report) submitted in support of the Outer Dowsing DCO application. The Outer Dowsing Offshore Wind Project (the Project) has been liaising with us over the past two years regarding the creation of the Plémont Seabird Reserve and has provided assistance with the research on predatory control measures, which would greatly benefit seabird species including Guillemot and Razorbill. The Project has entered into an exclusivity agreement with NTJ with respect to the funding of the proposed Plémont Seabird Reserve project and with the intention to enable full establishment of the Reserve, should compensation for guillemot and/or razorbill be required to be delivered by the Project. The Project is currently funding a full time Project Officer role at NTJ who is progressing the planning of the reserve project.	This is noted by the Applicant. The Applicant is appreciative of the assistance of BOTE to progress the development of the without-prejudice compensation measure at Plémont Seabird Reserve.

## 1.10 RR-010 The Black Sluice Internal Drainage Board

ID	Relevant Representations	Applicant Response
RR-010.001	The Black Sluice Internal Drainage Board (the Board) is an independent authority constituted under the Land Drainage Act 1930, with duties “to exercise a general supervision over all matters relating to the drainage of land within its district”.	The Applicant acknowledges the Board’s statutory function and has engaged with the Board and kept it informed throughout the development of the Project.
RR-010.002	The Board acts as a non-statutory consultee to Local Planning Authorities, but importantly the Board has its own statutory powers with respect to drainage which also determines how and if a development may proceed.	Noted.
RR-010.003	The Board’s current powers derive from the Land Drainage Act 1991 (LDA1991).	Article 7 of the draft DCO (document 3.1) disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the relevant drainage authorities to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination.
RR-010.004	The Board also acts as an agent to the Lead Local Flood Authority (Lincolnshire County Council - LCC) for LDA1991 Section 23 consenting & enforcement matters, and as a non-statutory sub-consultee for matters regarding flood risk and surface water drainage.	Noted.
RR-010.005	The Boards main concern regarding this project is the impact of the underground cable route on assets such as open and piped watercourses, whether IDB-maintained or riparian, and the ability of the Board and riparian owners to maintain those watercourses for the lifetime of the development.	The Applicant has committed to installing its cables by trenchless means under all IDB owned or maintained drains, and it intends to use trenchless technology for all except the smallest riparian drains. The basic parameters agreed with the IDBs are included in the Project Description (document 6.1.3 APP-058) and the Outline Code of Construction Practice (document 8.1) Section 5.10 Watercourse Crossings. The approvals process in the Protective Provisions is designed to ensure that the project does not compromise the Board’s assets in any way.
RR-010.006	The project must not compromise existing assets or the potential for future assets by their works, nor should the project have any impact on flood risk now or at any time in the future.	The Applicant acknowledges the essential nature of the Board’s assets and the importance of not compromising their function in any way. The Protective Provisions require the Applicant to submit details of works within 9 metres of a drainage work, to the relevant drainage authority for approval prior to commencing those works and thereafter to carry out the works in accordance with the approved details. This therefore provides the Board with the opportunity to review and approve details of any works that may affect its drainage works.

ID	Relevant Representations	Applicant Response
		The Applicant has carried out a Flood Risk Assessment for the ECC and 400kV cable (ASI-068) and provided an Outline Surface Water Drainage Strategy (APP-273) describing how surface water will be managed during the construction phase to avoid any potential for flooding.

### 1.11 RR-011 Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus Wind Limited

ID	Relevant Representations	Applicant Response
RR-011.001	Breesea Limited, Soundmark Wind Limited, Sonningmay Wind Limited together with Optimus Wind Limited (the “Hornsea 2 Project Companies”) own and operate an operational offshore windfarm with a Development Consent Order (DCO) and relevant marine licences (“Hornsea 2”). The Hornsea 2 Project Companies wish to register as an interested party. Hornsea 2 is proximate to the proposed Outer Dowsing Offshore Wind Farm (“ODWF”). The ODWF array is proposed to be located 20.22km and its cable corridor 35.54km away from Hornsea 2. We refer you to our s42 consultation response dated 21st July 2023 (s42 response) that supplements this response. Hornsea 2 does not object to the principle of ODWF. We do, however, wish to participate in the DCO Examination to make representations about the potential impacts on and interactions with Hornsea 2 and, where appropriate, to secure appropriate mitigations. We expect further meaningful engagement to seek to address the below issues which we are open to addressing within or outside the Examination process. Hornsea 2 expects to continue to operate and be maintained in the long-term. It may be upgraded and repowered in future and will then be decommissioned. Co-existence with Hornsea 2 must be considered and protected over the long-term – and the acceptability of cumulative and in-combination impacts – must be properly assessed taking into account each of the above stages of Hornsea 2’s life. Hornsea 2 requires that its operations, consents (including conditions), and any stakeholder agreements entered into by it are unaffected by ODWF. Hornsea 2’s concerns include the following but we reserve the right to raise additional concerns:	The comment is noted by the Applicant.
RR-011.002	Issue one: The first point to note is the effect of energy yield upon Hornsea 2. The proposed ODWF is approximately 20.2km from Hornsea 2. Due to its proximity, there is significant potential for the ODWF turbines to interfere with wind speed or wind direction of Hornsea 2 and thus cause a reduction in energy output from the Hornsea 2 turbines. We note the response from ODWF that the Project has been sited in accordance with requirements of the Crown Estate’s Offshore Wind Leasing Round 4 process, including that projects may not be located within 7.5km of an existing offshore wind farm. We further note that this requirement is considered to mitigate against the potential for the proposed ODWF to impact the energy output from Hornsea 2. This however does not negate the requirement for ODWF to engage on this issue and consider any evidence presented by Hornsea 2	The Applicant notes that Hornsea 2 is located more 20km from the Project. The distance between Hornsea 2 and the Project’s wind turbine generators (WTGs) is increased to 22.2km with the introduction of the Offshore Restricted Build Area (ORBA) (Document Reference 15.9). As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate’s requirements for Offshore Wind Leasing Round 4, including that projects may not be located within 7.5km of an existing OWF unless the owner of the OWF has given their written consent. Additionally, a recent non site specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separate between OWFs, and at separation distances over 20km wake effects become “vanishingly small” (Frazer-Nash Consultancy Limited, 2023. <sup>4</sup> )
RR-011.003	Issue two: Table 15.4 notes the routes used by vessels associated with the Hornsea Projects with reference to the Humber Ports as the route used by construction, operation and maintenance to the Hornsea Projects from the Humber. As part of our review of the PEIR we noted that vessel displacement and restriction of adverse weather routing would be revisited once array reductions were applied. We note the array’s reduction which moves the array from 17km to 22.2km away from Hornsea 2. We note in the ES that a statement is made that vessels typically pass north of the Hornsea Project’s array areas and as such no impact is anticipated. Nonetheless the cumulative and in-combination effects as set out in the s42 response remain a concern due to the nature of the increased development in a congested area of sea.	The Applicant notes that the relevant routing of Hornsea Project vessels passes clear of the array area [6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171)] and hence is unlikely to be impacted by the presence of ODOW.  Cumulative routing has also been assessed within 6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171). This assessment showed no anticipated impact to the routes used by vessels to / from the Hornsea projects. The significant refinement to the array area made post PEIR and the introduction of the ORBA allow for increased sea room to the north, with in excess of 7nm available from the northern array area boundary to the infrastructure at the West Sole field, and in excess of 11nm from the northern array area boundary to the Hornsea projects. This searoom also means that even if vessels are displaced north as a result of ODOW, there is not anticipated to be any notable change in allision risk to the assets in the Hornsea Project arrays.

<sup>4</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study  
Applicant’s Responses to Written Questions  
Document Reference: 15.3

ID	Relevant Representations	Applicant Response
		Feedback on the array area refinements have been positive from key shipping and navigation stakeholders including the MCA.
RR-011.004	We further note that cumulative impacts in relation to ornithology has the potential to affect post construction monitoring of Hornsea 2. It is imperative therefore that Hornsea 2 continues to be considered so operational requirements are not impacted. We wish to be kept informed as we may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.	<p>The Applicant confirms that Hornsea 2 was fully considered within the cumulative and in-combination assessments undertaken in the ES. Likely significant effects of the Project on other sea users, including Hornsea 2 are assessed in Chapter 18 Marine Infrastructure and Other Users (APP-073).</p> <p>In relation to ornithology, the Applicant has not identified any likely significant effects alone or cumulatively from the Project for offshore ornithological receptors as set out in ES Chapter 12 Offshore and Intertidal Ornithology (AS1-040). The Applicants assessment determined that the impacts from the Project were negligible and are predicted to be undetectable against a backdrop of natural fluctuations in baseline mortality and productivity. As such, any impacts from the Project will not affect other OWFs post construction monitoring.</p>

### 1.12 RR-012 Brown & Co

ID	Relevant Representations	Applicant Response
RR-012.001	Brown & Co LLP are retained by interested parties to make Relevant Representation objecting to ODOW's DCO application on their behalf. Grounds of Objection:	
RR-012.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p> <p>It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these</p>



ID	Relevant Representations	Applicant Response
		<p>ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>

ID	Relevant Representations	Applicant Response
RR-012.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-012.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <p>Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</p> <p>a request for further detail on the design of the haul road.</p> <p>Soils – it is not only Wisbech soils which are under drained it is all soils.</p> <p>The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</p> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <p>The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</p> <p>The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</p> <p>Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</p> <p>The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-012.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most</p>

ID	Relevant Representations	Applicant Response
RR-012.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p> <p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <p>The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</p> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that: In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-012.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-012.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>

ID	Relevant Representations	Applicant Response
RR-012.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-012.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.

### 1.13 RR-013 Cadent Gas

ID	Relevant Representations	Applicant Response
RR-013.001	<p><b>RELEVANT REPRESENTATION</b> Representation by Cadent Gas Limited (Cadent) to the Outer Dowsing Development Consent Order (DCO) Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central, East Anglian and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient, and coordinated way. Cadent wishes to make a relevant representation in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits including should be maintained at all times and access to inspect such apparatus must not be restricted.</p>	<p>The applicant's Order Limits intersect with Cadent Gas Apparatus at two locations. A158 Skegness Road (2 Cadent Gas pipes – Crossing Schedule UUX-44 and UUX-45) A52 (Haltoft End) (1 Cadent Gas pipe – Crossing Schedule UUX-145)</p> <p>At both these locations the Applicant will be installing cables under the road using trenchless techniques, in accordance with the Outline Code of Construction Practice (APP-268). The Applicant has engaged with Cadent to discuss the crossing arrangements and has received Cadent Gas' safe working documentation.</p> <p>The Cadent assets are shown on the Onshore Crossing Plan (AS1-021 and Onshore Crossing Schedule (AS1-062). The access locations (where protection may be necessary) are shown on the Access to Works Plan (document 2.9, APP-013).</p> <p>The Applicant is in the process of negotiating a set of protective provisions with Cadent Gas to ensure their apparatus is appropriately protected.</p>
RR-013.002	<p>The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards. Cadent has low pressure gas pipelines and associated apparatus located within the order limits which are affected by works proposed, the extent to which is still being assessed and which may require diversions subject to the impact. Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. At this stage, Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met. Cadent has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations.</p>	<p>The Applicant does not foresee a scenario whereby Cadent Gas' apparatus would need to be diverted, as a result of the works proposed. As noted above, the Applicant has committed to installing cables by trenchless technique underneath the roads in which the Cadent apparatus is situated (which means the apparatus will be avoided). The Applicant is in the process of negotiating a set of protective provisions with Cadent Gas to ensure their apparatus is appropriately protected.</p>
RR-013.003	<p>As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed but are in discussion between parties. Cadent wishes to reserve the right to make further representations as part of the examination process but will seek to engage with the promoter to reach a satisfactory agreement.</p>	The Applicant will continue to engage with Cadent Gas to agree the protective provisions.

### 1.14 RR-014 The Crown Estate

ID	Relevant Representations	Applicant Response
RR-014.001	The Crown Estate requests to be registered as an Interested Party in the examination of the Outer Dowsing Offshore Wind Farm. Our interest in the project is that Total Energies and Corio Generation holds an Agreement for Lease from The Crown Estate.	The comment is noted by the Applicant.

### 1.15 RR-015 Corporation of Trinity House of Deptford Strond

ID	Relevant Representations	Applicant Response
RR-015.001	Dear Sir / Madam, We refer to the above application for development consent. Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended). The role of Trinity House as a General Lighthouse Authority under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction. Trinity House wishes to be registered as an interested party due to the impact the developments may have on navigation within Trinity House’s area of jurisdiction. Trinity House is likely to have further comments to make on the application and the draft Order(s) throughout the application process. Please address all correspondence regarding this matter to myself at [REDACTED] and to Mr Steve Vanstone at [REDACTED] Yours faithfully, Russell Dunham ACII Legal Advisor	Trinity House have been consulted throughout the pre-application process, including the Navigational Risk Assessment (NRA) process. This includes dedicated meetings at scoping, Preliminary Environmental Impact Report (PEIR), and post submission. Trinity House were also in attendance at one of the hazard workshops held for the Project as part of the NRA.

### 1.16 RR-016 Defence Infrastructure Organisation

ID	Relevant Representations	Applicant Response
RR-016.001	DIO Safeguarding have previously submitted comments in regard to this development. An assessment will be completed on the information provided to establish if the development has any adverse impacts on Ministry of Defence assets. Once the assessment is completed a response will be provided. DIO Safeguarding wish to me notified of any further consultations.	The comment is noted by the Applicant.
RR-016.002	<p>Thank you for consulting the Ministry of Defence (MOD) in relation to the application for an order granting development consent for the Outer Dowsing Offshore Wind Farm through your communication dated 19 March 2024.</p> <p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>I write to advise the safeguarding position of the MOD in relation to the above applications to construct and operate the Outer Dowsing Offshore Wind Farm.</p> <p>This scheme will comprise of up to 100 wind turbines, with a maximum height to blade tip of up to 403 metres above Lowest Astronomical Tide (LAT) that will be located approximately 54km east of the Lincolnshire coast. In addition to the turbine structures there will be up to 4 Offshore Substation Platforms (OSPs), a offshore accommodation platform and 2 Artificial Nesting Structures. The OSP’s will be connected via interconnector cables. Up to 4 offshore export cables will then connect the OSP’s to the landfall at Wolla Bank, on the Lincolnshire coastline, south of Anderby Creek The onshore components from landfall at Wolla Bank to Surfleet Marsh where it will make to the grid.</p>	The comment is noted by the Applicant. The Applicant continues to engage with MOD and will provide a further update to the ExA during Examination.

ID	Relevant Representations	Applicant Response
	<p>The principal concerns of the MOD with respect to this proposed wind farm relate to the impact of the development on the operation and capability of air defence radar systems, and the potential to create a physical obstruction to air traffic movements.</p> <p>At this time the MOD must object to the proposed development on the basis that the scheme would have a significant and detrimental impact on the effective operation and capability of air defence radars deployed at Remote Radar Head (RRH) Neatishead and RRH Staxton Wold.</p>	
<b>Air Defence (AD) radar</b>		
RR-016.003	<p>The proposed turbines would be located approximately 86.8km from, detectable by, and will cause unacceptable interference to the AD radar at RRH Neatishead and approximately 119.4km from, detectable by, and will cause unacceptable interference to the AD radar at RRH Staxton Wold.</p> <p>Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of “false” aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar’s operational integrity. This would reduce the RAF’s ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.</p> <p>Our assessments have determined that, when operational, the proposed wind farm will cause unacceptable and unmanageable interference to the effective operation of air defence radar deployed at RRH Neatishead and RRH Staxton Wold.</p> <p>The need to mitigate the impacts of the proposed development upon the effective operation of RRH Neatishead and RRH Staxton Wold has been recognised by the applicant and are set out in Chapter 16: Aviation, Radar, Military and Communications of the Offshore Environmental Statement (March 2024). Whilst the applicant has indicated the need to mitigate these impacts, to date no mitigation scheme has been submitted for assessment.</p> <p>Therefore, on the basis of the information provided, and until a suitable mitigation scheme has been submitted, assessed, and accepted, the MOD must object to this proposal due to the impact it will have on the AD radars at both RRH Neatishead and RRH Staxton Wold.</p>	<p>The comment is noted by the Applicant. As noted in ES Chapter 16 Aviation, Radar, Military and Communication (AS1-041) a range of mitigation measures are likely to be available. The Applicant will continue engagement with the MOD to seek to agree suitable mitigation for the impact of the Project on RRH Staxton Wold and RRH Neatishead.</p>
<b>Physical Obstruction</b>		
RR-016.004	<p>In this case the development falls within Low Flying Area 11 (LFA 11). Within these areas fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location would introduce a physical obstruction to low flying aircraft operating in the area.</p> <p>In the event that the applicant is able to overcome the objections listed above, MOD would require that conditions are added to any consent issued requiring the submission, approval and implementation of an aviation lighting scheme, and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. The applicant has acknowledged the MOD requirement for MOD accredited aviation safety lighting in table 16.2 in Chapter 16, Aviation, Radar, Military and Communications of the Offshore Environmental Statement (March 2024).</p> <p>As this development includes structures that exceed a height of 60m above Highest Astronomical Tide (HAT) it would be subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to any CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.</p>	<p>Mitigation of the potential impacts on military low flying aircraft involves the notification and lighting of obstructions, as captured by DCO requirements and DML conditions.</p> <p>Condition 10 of the DMLs contained within Schedules 10 and 11 of the draft DCO require the Defence Infrastructure Organisation Safeguarding to be notified at least 14 days before commencement of the offshore works of the date of construction commencement, the date turbines are brought into use, the maximum height of construction equipment, and the maximum height and the latitude and longitude of turbines and offshore accommodation platforms.</p> <p>Aviation safety lighting as required by the Air Navigation Order 2016 will be exhibited in consultation with Defence Infrastructure Organisation Safeguarding and will remain operational for the life of the development unless otherwise agreed in writing with the Ministry of Defence. This is secured through Requirement 27 of the draft DCO.</p>

ID	Relevant Representations	Applicant Response
	With regard to the remainder of the proposed development including the interarray cables and the export cables which will make landfall at Wolla Bank, these elements would not pass through or occupy any MOD statutory safeguarding zones.	
<b>Summary</b>		
RR-016.005	For the avoidance of any doubt, MOD objects to the proposal on the grounds of the unacceptable impact that the development would have on: <ul style="list-style-type: none"> <li>air defence radar systems sited at RRH Neatishead and RRH Staxton Wold.</li> </ul>	The comment is noted by the Applicant.

### 1.17 RR-017 Diamond Transmission Partners RB Limited

ID	Relevant Representations	Applicant Response
RR-017.001	The proposed project poses some level of risk to our existing project ranging from encroachment to our existing assets. the extension of the SAC also poses financial risk to the project unless mitigation is put in place for the remainder of our licence period.	<p>The comment is noted by the Applicant.</p> <p>In relation to the reference to encroachment, Figure 18.2 of ES Chapter 18 Marine Infrastructure and Other Users Figures (APP-108) shows the potential interactions between the Project and other offshore wind farms (including their export cables) in the surrounding area. Paragraph 12 of ES Chapter 18 Marine Infrastructure and Other Users (APP-073) explains that a 1km buffer has been applied to the Order Limits as the study area so as to capture all relevant receptors. Figure 18.2 shows that the interaction with the Race Bank array area and export cable corridor is limited to the 1km buffer that has been applied to the Order Limits. There is therefore no encroachment by the Project’s physical infrastructure on the Race Bank infrastructure.</p> <p>The Applicant will provide further comments in response to Diamond Transmission Partners RB Limited’s comments once further detail on the nature of the concern is provided. The Applicant maintains that an extension to the Inner Dowsing Race Bank and North Ridge SAC boundary to encompass the relevant habitats, and/or a westerly extension of the Haisborough, Hammond and Winterton SAC has ecological merit and would be an appropriate strategic compensation measure. However, as outlined in document 7.6.3 (Without Prejudice Benthic Compensation evidence base and Roadmap) (APP-248), fundamentally, this is a strategic measure that must be delivered by Defra in conjunction with Natural England and the Joint Nature Conservation Committee (JNCC). It would be expected that Diamond Transmission Partners would have the appropriate opportunity to contribute to the consultation process as part of any formal designation or extension process led by Defra and the relevant SNCBs.</p>

### 1.18 RR-018 Environment Agency

ID	Relevant Representations	Applicant Response
<b>3.1 Draft Development Consent Order (APP-303)</b>		
1	<p>3.1 Article 7 Application and modification of legislative provisions</p> <p>The Environment Agency notes the proposed disapplication of Regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity. The Environment Agency will only agree to this disapplication if the wording of Protective Provisions can be agreed. We have been working, and will continue to work, with the Applicant to agree these during the Examination period.</p>	This is acknowledged by the Applicant. The Applicant is currently waiting for comments from the EA regarding the PPs and will continue to engage with the EA in to finalise these.
2	<p>3.2 Article 12 Temporary stopping up of streets</p> <p>The Environment Agency carries out beach nourishment works annually along the East coast, the purpose of which is explained in more detail in Section 4 below in relation to a legal agreement requested from the Applicant. In connection with these works, it is essential that we have access along Roman Bank and are able</p>	The Applicant appreciates that the EA requires access along Roman Bank, especially during the period when its contractor is carrying out the annual beach nourishment works. The works to the highway at Roman Bank comprise the installation of an access point and it will be necessary to close the road to the public for less than a week. Roman Bank is not sufficiently wide to allow one lane to be kept open for normal traffic movements during the works. The

ID	Relevant Representations	Applicant Response
	to utilise our compound/depot at all times. The route along Roman Bank between our depot and Anderby Pullover is not only used at the time the nourishment works take place, but also during surveys, site mobilisation and enabling works so access is required for most of the year. The diversion route is significantly longer and may not be suitable for the equipment that we need to transport.	Applicant will however be able to allow the EA and its contractor to continue using the road during the works and suggests that this commitment can be included in the Protective Provisions. The Applicant will liaise closely with the EA and its contractor in advance of the commencement of the works and will agree a communication protocol regarding access along the road.
3	3.3 It is unclear in the drafting of Article 12 whether the Applicant (the undertaker) must consult with the street authority. There appears to be two separate powers to temporarily stop up, alter or divert a street: (i) A general power in Article 12(1) which appears to be unrestricted in respect of which streets as long as it is 'during and for the purposes of carrying out the authorised project' and insofar as it is diverting the traffic and preventing all persons from passing along the street, this is 'for any reasonable time', subject to providing reasonable access to pedestrians to premises abutting the street. This power does not appear to be subject to the consultation requirement with the street authority in Article 12(5)(a). (ii) A specific power in Article 12(4), which appears to exist separately to the power in Article 12(1). The Article 12(4) power is drafted so that it is restricted to those streets listed in Schedule 4 (Roman Bank appears as the first item in Schedule 4 to the following extent: 'approximately 329m of Roman Bank between points TR1 and TR2, as shown on sheet 1 of the streets plan.') Article 12(4) is subject to a consultation requirement with the street authority of Article 12(5)(a).	The power in Article 12(4) relates to the streets listed in Schedule 4 of the draft DCO and there is a requirement to consult with the street authority prior to stopping up, altering or diverting the street as the principle of undertaking works to these streets has been authorised through the DCO. The wider general power in Article 12(1) is subject to the consent of the street authority in accordance with paragraph (5)(b) of Article 12 as these streets are not referred to in Schedule 4 of the DCO and so works to these streets have not been "pre-approved" through the DCO in the same way as the streets listed in Schedule 4. There is no need to require consultation with the street authority in respect of the wider general power as the consent of the street authority will be required. This article is standard within DCOs for offshore wind projects.
4	3.4 We would welcome an explanation as to why there appears to be two separate powers in this article, and request that a consultation requirement for the Environment Agency is included in both.	See response above. With respect to the EA's request to be a consultee under Article 12, the Applicant notes that this is contrary to existing precedent. Furthermore, the EA is unlikely to have an interest in the majority of the roads affected by the Project and so it would not be appropriate or proportionate for the EA to be listed as a consultee.  It appears from the EA's Relevant Representation that it is works to Roman Bank that the EA is concerned about. As noted above at RR-018.002, the Applicant will ensure that the EA and its contractor can continue to use Roman Bank during the Applicant's works, and the Applicant will liaise closely with the EA and its contractor in advance of the commencement of the works and will agree a communication protocol regarding access along the road
5	3.5 Alternatively, if the Applicant is able to provide us with private access rights and an alternative access or means of secure storage for our equipment, we would be pleased to discuss this further.	As noted above, the Applicant has proposed that the EA will be able to continue using the road whilst it is closed to the public for traffic management purposes. Therefore, an alternative route is not required.
<b>3.1 Draft Development Consent Order (APP-303) - SCHEDULE 1, PART 3</b>		
6	3.6 Requirement 9 (Detailed onshore design parameters) – As the detailed design parameters, which will be agreed under this requirement, include the proposed finished ground levels for the onshore HVAC substation, the Environment Agency requests that it is included as a consultee in order to review these in relation to flood risk mitigation issues.	The Applicant has no objection to the EA being a consultee in relation to the approval of details of the proposed finished ground levels for the onshore substation in accordance with Requirement 9(1)(b) of the draft DCO and will update the DCO accordingly.
7	3.7 Requirement 15 (Operational Drainage Management Plan) – the Environment Agency notes that it is listed as a specific consultee to the discharge of the Operational Drainage Management Plan. This plan will focus on surface water drainage matters, which fall under the jurisdiction of the Lead Local Flood Authority. Therefore, the Environment Agency does not wish to be a consultee under this requirement.	The Applicant acknowledges that the EA does not wish to be a consultee in the approval of the Operational Drainage Management Plan under Requirement 15 and will remove the EA as a consultee in this requirement in the next version of the draft DCO.
8	3.8 Requirement 16 (Contaminated land and groundwater) – the Environment Agency welcomes its inclusion as a consultee to this requirement to enable it to advise on any scheme to deal with land contamination and the protection of groundwater.	Noted.
9	3.9 Requirement 18 (Code of Construction Practice) – The Environment Agency welcomes its inclusion as a specific consultee to the discharge of this requirement to allow it to advise on issues within its remit. We would welcome discussions as to whether the Contaminated Land and Groundwater Plan should be a listed document under the Code of Construction Practice (CoCP), as explained further in paragraph 13.2.6 below.	Requirement 16 (contaminated land and groundwater) of the draft DCO requires a written scheme to deal with the contamination of any land (including groundwater) to be submitted to the relevant planning authority for approval in consultation with the Environment Agency prior to commencement of works. In addition, the Applicant has committed to submit a Water Quality Management and Mitigation Plan as part of the CoCP. This commitment is reflected in an updated version of the Outline Code of Construction Practice (CoCP) (document 8.1) and paragraph (2) of Requirement 18 of the draft DCO has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP.
10	3.10 Requirement 24 (Onshore Decommissioning) – The Environment Agency requests its inclusion as a specific consultee to the discharge of this requirement to allow it to consider, and advise on, any potential impacts on flood risk and flood defence assets - for example, cables under flood defences.	The Applicant will update Requirement 24 of the draft DCO to include the Environment Agency as a consultee in respect of the onshore decommissioning plan.

**3.1 Draft Development Consent Order (APP-303) - Additional Requirements**



ID	Relevant Representations	Applicant Response
11	<p>3.11 Prohibited Access – We have previously discussed the issue of access to the beach with the Applicant, particularly with respect to the Environment Agency’s flood risk management works in this area. We have concerns regarding the possibility of construction traffic crossing over the Anderby Creek Tunnel due to its stability. However, the Applicant has stated that access to the beach would only be required during an emergency. In view of this, we request that an additional Requirement is included so that it is clear what is required of construction traffic at the landfall area. This requirement reflects the approach adopted in The Hornsea One Offshore Wind Farm Order 2014 (Requirement 15).</p> <p><i>Except in an emergency, the undertaker must not access the beach with construction traffic within plots numbers 01-001 - 01-005 on the land plans during construction of Work Nos. 11 – 14 without the prior approval of the Environment Agency.</i></p> <p><i>(1) Construction traffic is prohibited from crossing over the Anderby Creek Tunnel at any time.</i>  <i>(2) Access to the beach for all construction traffic must be via a recognised vehicular access point.</i></p>	<p>The Applicant understands that the EA is concerned about construction traffic accessing the beach and in particular crossing the Anderby Creek Tunnel. The Applicant wishes to clarify that the Applicant does not intend to take access for construction vehicles onto the beach and does not intend to cross the Anderby Creek Tunnel which falls outside of the order limits.</p> <p>Under the Protective Provisions included in Part 4 of Schedule 18 of the draft DCO for the protection of the EA (document 3.1), the Applicant will be required to submit details of landfall works for the EA’s approval prior to commencing such works. It is envisaged that one or more emergency access routes will be agreed with the EA through this approval process, using route options previously agreed between the EA and the Applicant for ground investigation works</p> <p>The Applicant does not consider the requirement proposed by the EA to be appropriate or necessary as the undertaker does not intend to take access to the beach with construction traffic.</p>
12	<p>3.12 Flood Risk Assessment - We note that the DCO does not include a requirement for the works to be carried out in accordance with the flood risk assessment (FRA). Although there is still additional FRA work to be done, it is likely that mitigation measures, such as finished floor levels of the Onshore Substation, will need be secured through the inclusion of an additional requirement.</p>	<p>The FRA is an assessment which sets out proposed mitigation measures which are subsequently secured within the draft DCO, it is therefore not necessary or appropriate for a separate requirement requiring compliance with the FRA or the mitigation measures within the FRA as these are already secured. For example, the FRA refers to the Outline Surface Water Drainage Strategy (SWDS) (APP-273) in the context of managing drainage during construction. An Outline SWDS was submitted with the Application and a final version, which must align with the outline plan, requires to be submitted for approval post consent in accordance with requirement 18 of the draft DCO. Reference is also made to the Outline Operational Drainage Management Plan (ODMP) (APP-286) which details the proposed measures to manage the quantity, rate and quality of surface water runoff discharge off-site during its operational lifetime and this is secured through requirement 15 of the draft DCO.</p>
<p><b>3.1 Draft Development Consent Order (APP-303) - SCHEDULE 11, PART 2</b></p>		
13	<p>3.13 Protection of Bathing Waters – We request the inclusion of an additional condition to protect Bathing Waters in the event that the design target (i.e the planned Horizontal Directional Drilling (HDD) exit pits will have a design target no closer than 500m to the MLWS mark) cannot be met. The reasons for requesting this, are explained in more detail in paragraphs 9.1.2 to 9.1.5 below.</p> <p><i>Works within 500m of the intertidal area (or within the intertidal area itself) shall not be undertaken between 15 May and 30 September in any year unless a scheme to protect Bathing Waters has been submitted to and approved by the Marine Management Organisation, following consultation with the Environment Agency. The scheme must include:</i></p> <p><i>(1) An assessment of the impact of any works (with a particular focus on the potential bacti issues that may be caused by disturbed sediment), which will be undertaken during the bathing water season of 15 May to 30 September.</i>  <i>(2) Identification of measures to mitigate any identified risks to ensure the current Bathing Water status is not impacted, shall be implemented in accordance with the approved scheme</i></p>	<p>Since stating in the application that the land fall exit pits would have a ‘design target’ of 500m from MLWS, the Applicant has carried out further ground investigations in the nearshore area to validate its design assumptions. The exit pits will not be within 500m of MLWS and therefore this condition is unnecessary. The landfall HDD details will be submitted to the EA for pre-construction approval, in accordance with the requirements of the Protective Provisions for the benefit of the EA, because the landfall cable installation works pass underneath the coastal defences.</p> <p>The Applicant has included this commitment in an updated version of the Outline Code of Construction Practice (document 8.1) and the Outline Cable Specification and Installation Plan (document 8.5).</p>
<p><b>3.1 Draft Development Consent Order (APP-303) - SCHEDULE 18, PART 4</b></p>		
14	<p>3.13 Protection for the Environment Agency – We note that Protective Provisions for the Environment Agency are included in the draft DCO. We are reviewing these and will liaise with the Applicant during the Examination period. The Environment Agency is also requesting the Applicant enters into a separate legal agreement, the details of which are outlined below.</p>	<p>The Applicant looks forward to agreeing the PPs with the EA.</p>
<p><b>Legal Agreement</b></p>		
15	<p>4.1 We have raised concerns to the Applicant about the Environment Agency’s flood risk management works (beach nourishment along the Lincolnshire Coast), which has the potential to be interrupted by the construction of this project.</p>	<p>The Applicant appreciates the importance of the annual beach replenishment works and has engaged with the EA and the current contractor to discuss an agreement with the EA and practical coordination matters with the contractor. The Applicant and the EA held a workshop on the 6th of March 2024 to review options for an agreement and it was agreed in principle that the Applicant would a) indemnify the EA against any additional costs to the EA because of the Project and b) organise its works with the EA’s contractor so that it can complete its program within</p>

ID	Relevant Representations	Applicant Response
	<p>4.2 The defences today along the Lincolnshire Coast are a combination of wide-open beaches with either natural or man-made sand dunes and concrete walls - most of which were rebuilt following the 1953 tidal storm surge. The hard defences were originally designed to withstand the full force of the tides and waves of the North Sea with a low-level beach at the base of the defences.</p> <p>4.3 During the 1980s and 90s many of these defences were improved rather than replaced followed by the addition of a higher-level beach. Since then, work has continued to be carried out each year to make sure the beach height is maintained. Replenishing the sand means the beach takes the brunt of the wave's force and energy instead of hard defences like sea walls. This reduces the amount of damage and erosion to those hard defences – and lessens the risk of water overtopping them.</p> <p>4.4 Every year (between the Easter holidays and 1st October), the Environment Agency invests in artificially nourishing the beaches from Saltfleet to Gibraltar Point, which not only helps to reduce the risk of flooding for Lincolnshire's coastal communities but also retains the appearance of the sandy beach. With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. This work reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land.</p> <p>4.5 To ensure the installation of the Export Cable Corridor (ECC) does not adversely affect or delay the annual beach nourishment work, resulting in delays and additional cost to the public purse and an increased risk of tidal flooding along the Lincolnshire Coast, we require the Applicant to enter into a legal agreement with us. Without such an agreement being in place there is no guarantee that our beach nourishment works can be carried out. If these works cannot be undertaken flood risk to a significant stretch the east coast will increase. Consequently, the Environment Agency objects to the application on the grounds of the potential increase in flood risk (which is contrary to the requirement of paragraph 5.8.11 of the National Policy Statement for Energy (EN-1)) until the Applicant enters into a legal agreement to ensure its works can be carried out on time and with no risk of additional costs to the public purse.</p>	<p>its normal timeframe. The EA proposed using Heads of Terms that were developed for a similar cable installation project, but the EA has not yet provided these to the Applicant.</p> <p>Subject to the final form of agreement with the EA, the Applicant is likely to have a separate agreement with the contractor in the form of a Simultaneous Operations (SIMOPS) Plan. The Applicant has engaged with the current contractor and believes that through advance planning, coordination and flexibility, any delays to either project will be minimal.</p> <p>The Applicant looks forward to receiving the Heads of Terms that the EA agreed to forward on the 6th of March and formulating the agreement so that the holding objection can be lifted.</p>
<p><b>3.3 Other Consents and Licences (APP-305)</b></p>		
16	<p>5.1 We have reviewed this statement and concur with the identification of possible permits that will be required from the Environment Agency for the construction and operation of the development. If any licences to abstract water are required, we strongly recommend early liaison on this matter as available water resources in this region are limited.</p>	<p>The Applicant appreciates the EA's advice regarding additional permits for the abstraction of water</p>
17	<p>5.2 For the Applicant's information and for clarity throughout the application documents - where text only refers to 'Flood Defence Consent (for structures in, under or over a main river / permanent culverts)', the Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> <li>• on or within 8 metres of a main river (16 metres if tidal)</li> <li>• on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)</li> <li>• on or within 16 metres of a sea defence</li> <li>• involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li> <li>• in the floodplain if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission</li> </ul>	<p>The Applicant appreciates the EA's advice regarding permit requirements and the use of exemptions. The Applicant intends to use the exemption (FRA3) at main rivers, with the exception of the Haven. At the Haven and at the landfall, the Applicant understands that the works will not meet the exemption criteria and details will be submitted for pre-construction approval in accordance with the Protective Provisions. The access works alongside the river Welland (see RR-018.049) will also require approval where these are within 16m of the tidal river defences. The applicant believes that additional permits are only likely to be applied for to abstract water for dust control or HDD construction if it is necessary to abstract a daily volume above the permit threshold.</p>
<p><b>4.1 Book of Reference (APP-025)</b></p>		
18	<p>6.1 The Environment Agency is aware that it is listed as a Category 1 (as assumed owner, or reputed owner) for various plots in the Book of Reference. We are currently considering the potential impact the project may have on the Environment Agency's ability to carry out its statutory undertakings and we will provide further comment on this during the Examination.</p>	<p>The Applicant acknowledges the role and powers of the EA and its interests in land affected by the Project. In order to assist the EA, the Applicant will provide the EA with 'filtered' versions of the Land Plan and the Book of Reference showing the EA's interests.</p>

ID	Relevant Representations	Applicant Response
	6.2 The Environment Agency is a statutory undertaker within the meaning at s.127(8)(a) of the Planning Act 2008. Section 165 of the Water Resources Act 1991 (as amended) sets out its powers to carry out flood defence and drainage works (to the extent that it has a power and not a duty).	
<b>6.1.3 Chapter 3 Project Description (APP-058)</b>		
19	7.1 <i>Section 4.3 paragraph 34 - Table 4.1. Onshore ECC and 400kV cable corridor segment reference and description</i> The River Lymn, Wainfleet Relief Channel and River Steeping main rivers are not mentioned within key features and receptors for ECC5. The Witham Haven is not included as a key feature and receptor for ECC10 and ECC11.	The Applicant notes that not all main rivers are listed in the Project Description Chapter (Chapter 3), but these are identified in the Hydrology and Flood Risk Chapter (Chapter 24) and are appropriately assessed.
20	7.2 <i>Landfall Construction</i> – Section 7 describes the landfall works confirming that the cable will be installed under the sea defence via a trenchless method (HDD) and the HDD pits will be bunded. No specified depth below the sea defences has been stated, but the Maximum Design Parameters for the cable depth at the landfall location will be between 5 – 25m. During pre-application discussions, we advised the Applicant that we may (as part of flood defence maintenance/improvement works) have to pile the toe of the sea defence in the future and the length of pile we would need to use is currently unknown.	The Applicant has engaged with the EA regarding the options that may be required to reinforce the east coast defences in the future. The EA cannot provide any details of any works or how they would be carried out, other than this could be a sheet pile wall driven along the toe of the dunes. The Applicant has provided the EA with the indicative profile of its proposed HDD under the dunes and the depth at which the cables would be installed, in the form of a Technical Note. This confirms that the proposed cable installation depth is sufficiently deep that installing piles would be feasible but, in line with normal safety procedures, pre-construction consultation will be necessary to ensure that the work is carried out safely.
21	7.3 Consequently, there would need to be a sufficiently safe distance below maximum pile length to ensure we have a safe working environment that does not interrupt/sever the proposed cables. We are satisfied that the cable depth will give us the required safe working clearance (we require 2m) between the Applicant’s cables and any future pile depths we may need to install.	The Applicant agrees that the proposed depth of cable installation is sufficient to allow sheet pile installation – but due to the inherent risk of piling operations in close proximity to high voltage cables, it is essential that the EA consults the Applicant in advance of the works so that a safe methodology can be agreed. The Applicant’s concern is safety, not only of its asset but for the contractors and the public.
22	7.4 However, this clearance will not be 10m, which is the distance the Applicant has previously advised us that they require – the Applicant has advised they would need to be given the opportunity to agree the design and management controls within 10m of its cables. It is the Environment Agency’s view that it cannot agree to anything that would place an additional burden (or cost to the public purse) on its flood management operations. Consequently, it is our view that should 10m clearance be required then the Applicant will need to ensure its cables are installed at a level that will facilitate this.	The Applicant has requested a 10m ‘Zone of Influence’ as the distance from the cables within which the EA should consult the Applicant regarding the works, to ensure that the contractor is aware of the cables, has properly assessed the risks and these are reflected in its method statement. This should not be confused with a clearance specification. The consultation is no different to what any other operator would require, and the Applicant would be failing in its duty of care if it were not to insist upon such a pre-construction exchange of information.
<b>6.1.7 Chapter 7 Marine Physical Processes (APP-062)</b>		
23	8.1 We have reviewed Chapter 7 in respect of the Environment Agency’s remit on this topic and have the following comments to make.	This comment has been noted by the Applicant.
24	8.2 <i>Section 7.4.3.3 Morphology Paragraph 40</i> - The conclusion presented, that there will be no erosion of the coast for the next 100 years, cannot be based on NCERM2 data, even if accessed in 2024. The NCERM2 product is still in beta form and not publicly available yet, although it is hoped this will be released before the end of 2024. However, NCERM2 is concerned with coastal erosion mapping (cliffs, dunes etc), not areas at risk of flooding, so it is uncertain if it will cover this location.	The coastal erosion data was downloaded from the data.gov.uk website <sup>5</sup> . Previous guidance had suggested that the NCERM2 dataset would be made available in 2023, and given the data within the link was last updated in January 2024, and summarised in the description as “This dataset succeeds National Coastal Erosion Risk Mapping (NCERM) - National (2012 - 2017)”, the Applicant assumed that this dataset constituted NCERM2. There was not, at the point of Application, guidance on this dataset to indicate that it was not publicly available. The dataset was therefore used by the Applicant in good faith, in the belief that this was the recommended source for erosion data as advised by the Environment Agency. Notwithstanding, the Applicant consider that the assessment conclusions presented in Section 12.7 of ES Chapter 7 Marine and Physical Processes (APP-062) remain valid. The Applicant was advised to consult the NCERM2 database as part of the pre-Application consultation with both Natural England and the Environment Agency and would also note that the area under consideration is backed by dunes. The Applicant welcomes the advice from the Environment Agency and will consult the necessary information once available.
25	8.3 It seems unlikely that this section of the coast will not be affected by erosion unless current recharge actions are maintained. Plus, as this paragraph is written, the dataset that the conclusion of no erosion is based on only appears to cover 5 years of beach monitoring data (2018-2021). This is a very small dataset to use to predict long-term responses, especially as the coast has been affected by the Environment Agency’s beach recharge scheme since 1994.	Even disregarding the use of the NCERM2 dataset, Light Detection and Ranging (LiDAR) data from the National Network of Regional Coastal Monitoring Programmes (NNRCMP) has been used to assess change in the beach topography between 2016 and 2020. In addition, studies from the Environment Agency have been used to characterise the receiving environment, with sources ranging from 2011 to 2019 (Environment Agency, 2011; 2013a; 2019b; provided in Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150)). The Applicant

<sup>5</sup> <https://www.data.gov.uk/dataset/7564fcf7-2dd2-4878-bfb9-11c5cf971cf9/national-coastal-erosion-risk-mapping-ncerm-national-2018-2021>

ID	Relevant Representations	Applicant Response
		<p>consider these sources to represent the prevailing conditions at the landfall location, which are represented by continuing beach nourishment resulting in a long-term maintenance of the coastal position.</p> <p>As outlined elsewhere in their Relevant Representation, the Environment Agency notes that "With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land". Given this, the Applicant does not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Due to the presence of beach nourishment since 1994, the beach morphology and position of the shoreline will have moved from its equilibrium state such that assessing the Project against the pre-nourishment environment would be misleading. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the Project would be unobservable.</p>
26	<p>8.4 Paragraph 41 also contradicts the preceding paragraph, in that it clearly states that the beach at landfall continues to erode in between recharge events. In order to predict possible worst-case scenarios one would have to use data from before the replenishment scheme started, possibly calculating coastal change rates from historic maps and old air-photo coverage as well as shoreline profile data collected prior to the LincsShore/beach nourishment scheme.</p>	<p>As outlined elsewhere in their Relevant Representation, the Environment Agency notes that "With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land". Given this, the Applicant does not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Due to the presence of beach nourishment since 1994, the beach morphology and position of the shoreline will have moved from its equilibrium state such that assessing the Project against the pre-nourishment environment would be misleading. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the Project would be unobservable.</p>
27	<p>8.5 <i>Section 7.12 Impact Assessment</i>            Paragraphs 159-161 – The dunes behind Wolla Bank Beach are stable at the present time. However, if annual recharge operations were to cease in the future, it is possible, if not likely, that the dunes would be subject to erosion, especially in the light of continued sea level rise. Although the current and second epochs of the Shoreline Management Plan (SMP) state ‘Hold-the-line’, the management policy for the third epoch has not been agreed. This aspect should be considered when deciding upon locations to site onshore infrastructure and launch sites for HDD, especially as the land behind the dunefield is fairly low lying. The current stability of the dunefield, under an annual recharge scheme, does not in itself provide evidence that the underlying natural system has a high capacity to accommodate the proposed changes. In most dunefields, stability is mainly influenced by the local water table and vegetation cover. A change in the type of vegetation, removal through fire, lowering of the water table through drought, or other stressors may destabilise the dunes and cause localised blowouts and/or wholesale dune migration.</p> <p>8.6 Although the exit pit will be microsituated to avoid interaction with the Chapel Point to Wolla Bank SSSI (Site of Special Scientific Interest), the conclusion that there are no “pathways of effect” to influence this receptor is uncertain. Indeed, Paragraph 156 indicates that cable protection measures may influence local wave conditions and may lead to wave train focusing.</p> <p>8.7 It is possible that similar sediments and features to those that characterise the SSSI may be present outside of the SSSI boundary. It is suggested that a geophysical and geological investigation be conducted to determine the full extent of these features, which would aid in the micro siting of the exit pit and cable protection (if used).</p>	<p>Information is not currently available on the future beach management strategy proposed along this area of coastline. The assessment provided within Section 7.12 of Chapter 7 Marine Physical Processes (6.1.7) [APP-062] is based on the best information available at the time of writing, in line with best practice. As outlined elsewhere in their Relevant Representation, the Environment Agency notes that "With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land". Given this, the Applicant does not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Due to the presence of beach nourishment since 1994, the beach morphology and position of the shoreline will have moved from its equilibrium state such that assessing the Project against the pre-nourishment environment would be misleading. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the Project would be unobservable.</p> <p>With regard to the stability of the dunefields, offshore elements of the Proposed Development have no pathway of effect on the local water table and vegetation cover. Therefore the Applicant maintains that, in relation to Marine Physical Processes pathways, the current stability of the dunefield with regard to sediment supply provides evidence that the underlying natural system has a high capacity to accommodate the proposed changes.</p> <p>Chapel Point to Wolla Bank SSSI is designated for Holocene stratigraphy which, as identified in Appendix 6.3.9.3 Intertidal Technical Report (APP-156), are "buried beneath the foreshore". The Applicant would also consider the designation of 'stratigraphy' to inherently reference subsurface features. The Applicant therefore maintains its position that there is no pathway of effect on this receptor, including through potential wave train focusing. The Applicant would also note that due to the HDD exit pit being located in the subtidal zone, a minimum of 500m seaward from MLWS, the need for cable protection in the shallow nearshore will be inherently reduced.</p> <p>Assessment of the SSSI is provided in Section 7.12.1 of ES Chapter 7 Marine Physical Processes (APP-062), with no pathway of effect identified between cable protection measures or HDD operations and this receptor.</p>
28	<p>8.8 As an aside, previous projects have encountered issues with HDD in this area, a geophysical and geological investigation may also assist in avoiding these issues.</p>	<p>The Applicant would welcome further information from the Environment Agency on difficulties experienced by previous projects with HDD within the area.</p>

ID	Relevant Representations	Applicant Response
29	<p>8.9 In addition, we cannot ascertain where the Applicant has addressed an issue that we raised in connection with the effect the cable installation may have on the offshore features that feed the dune system (Environment Agency’s Section 42 consultation comment “There are sandbars offshore that benefit the beach/sea defence. We do not want these to be removed, therefore areas need to be chosen carefully based on those that contribute to wave breaking/dune sheltering/depth limiting benefits”). We would be grateful if the Applicant could signpost us to where this has been addressed</p>	<p>The Applicant notes that the Environment Agency has provided no advice as to the specific sandbars that they consider to be of concern, as it is not immediately apparent. Geophysical data collected along the Offshore ECC route (where clearance activities would potentially take place) does not suggest the obvious presence of sandbars within the nearshore environment. Furthermore, baseline characterisation of the coastal environment has not indicated that offshore sandbars play a significant role in the maintenance of the Wolla Bank dune system. Montreuil and Bullard (2012) write that although "offshore sand banks are present from Donna Nook to Mablethorpe [...] south of Mablethorpe the sediment budget changes and coastal erosion dominates in part due to the absence of offshore sand banks (Dudgale and Vere, 1993)".</p> <p>Given that the landfall site and Offshore ECC route are both located south of Mablethorpe, and sandbars have not been identified on the available geophysical data within the Offshore ECC, the Applicant does not consider that removal of sandbars is likely in the nearshore environment. If the sandbars mentioned refer to the intertidal 'ridge and runnel' pattern present on the beach, then removal of these features will be inherently mitigated against by the use of HDD, which will not interact with surface features in the intertidal environment.</p>
<p>6.1.8 Chapter 8 Marine Water and Sediment Quality (APP-063)</p>		
30	<p>We have reviewed Chapter 8 with respect to the Environment Agency’s remit on this topic and this is satisfactory.</p>	<p>The comment is noted by the Applicant.</p>
<p>6.3.8.1 Chapter 8 Appendix 1 Water Framework Directive (APP-153)</p>		
31	<p>9.1.1 We have reviewed the Water Framework Directive (WFD) Assessment for the areas within the Environment Agency’s jurisdiction. 9.1.2 Paragraph 152 acknowledges that disturbance of the seabed, which can be associated with cable installation and associated landfall can release sediment bound contaminants into the water column and reduce water quality. Paragraph 154 also acknowledges that an increase of suspended sediment (including bentonite) from cable installation and trenchless technique activities at the landfall has the potential to result in an increase in bacterial counts within the water column. It is stated that ‘any bacterial increase within the water column would be in the order of days’. However, it goes on to assert that the works will not cause an issue to bathing water quality but this is not supported with any evidence.</p>	<p>As noted in paragraph 6 of ES Chapter 8 Appendix 1 Water Framework Directive (APP-153) this assessment seeks to summarise the detailed information across numerous detailed assessments in the EIA. Therefore, the information presented within APP-153 is concise and does not seek to duplicate information presented elsewhere in the Application.</p> <p>As noted in paragraphs 153 and 154 of the ES Chapter 8 Appendix 1 Water Framework Directive (APP-153), detailed assessment of the potential impacts on bathing waters is provided in ES Chapter 8 Marine Water and Sediment Quality (AS1-038) of the Application. Section 8.8.1.1 presents the detailed hydrodynamic and sedimentary modelling which was undertaken to support the Application. This modelling provides the quantitative evidence of the fate of the suspended sediment in the marine environment as a consequence of the proposed activities. The modelling outputs were then considered with expert judgement to provide an understanding of the impacts on water quality receptors and presented in Sections 8.8.1.2 and 8.8.1.3 for both the release of sediment bound contaminants and increases in bacterial counts at bathing waters. This information is the basis for the conclusions of the of ES Chapter 8 Appendix 1 Water Framework Directive (APP-153) presented in paragraphs 152 to 154.</p>
32	<p>9.1.3 We also challenge the assumption in paragraph 169 that ‘The consistent ‘Excellent’ performance of nearby Bathing Waters (see Table 8.8) indicates that the levels of bacteria within the sediments, in close proximity to these Bathing Waters, do not result in a reduction in water quality during natural elevated suspension events’ and that this ‘suggests that elevated bacterial concentrations are unlikely to result from disturbance of seabed sediments in the vicinity of these Bathing Waters’. Excellent classifications are only based on water samples taken between May to September. However, the quality of the sediment will also be influenced by runoff from land and discharges over the winter months, which could also contribute to levels of bacteria.</p> <p>9.1.4 The Environment Agency, in its reply to the Section 42 consultation on the Preliminary Environmental Information Report requested that the Applicant include a condition within the deemed Marine Licence of the DCO to ensure the protection of Bathing Waters. The Applicant’s response to this states that ‘The planned HDD exit pits will have a design target no closer than 500m to the MLWS mark’, and therefore they do not consider a restriction on works necessary. We welcome this design target. However, if this design target</p>	<p>As noted in paragraph 6 of ES Chapter 8 Appendix 1 Water Framework Directive (APP-153) the requirement for classifying Bathing Waters and their legal requirements to meet the required performance standards is based on water samples between 15th May to 30th September in English Waters. This seasonality of the water samples is dictated by Regulation 4 of The Bathing Water Regulations 2013. The performance of a bathing water is only classified during the bathing season (May to September) (Regulation 10 of The Bathing Water Regulations 2013) and therefore any influences outside of this season have no mechanism to reduce bathing water quality. Whilst the Applicant agrees that runoff from land sources and discharges can affect bathing water performance these aren’t exclusively bacterial inputs in the winter and can occur whenever high rainfall occurs. Therefore, the influence of these sources is accounted for within the water samples undertaken during the bathing season. Furthermore, these sources are considered as part of the baseline and will not be impacted by the proposed activities.</p> <p>No significant effects on bathing water quality were determined in paragraph 134 of ES Chapter 8: Marine Water and Sediment Quality (AS1-038) as a result of the proposed works. The Applicant considers having a requirement within the DCO for temporary cessation should the water quality at the Bathing Waters deteriorate or a seasonal</p>

<sup>6</sup> Montreuil , A.L. and Bullard, J.E. (2012), 'A 150-year record of coastline dynamics within a sediment cell: Eastern England', *Geomorphology*, 179, pp.168-185  
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	cannot be met, mitigation may be required. To ensure this is secured we request that the condition outlined in paragraph 3.13 above is included in Part 2 of Schedule 11 (offshore transmission assets)	restriction to be disproportionate. Not only is it considered very unlikely that the Bathing Water would deteriorate but it would also be very difficult to attribute any deterioration to the works as it could be a result of numerous factors within the catchment which may be temporary in nature.  Furthermore, following ground investigations that have been undertaken, the Applicant can confirm that the exit pits will not be within 500m of MLWS and therefore the condition requested is unnecessary (see response at RR-018.013).
33	9.1.5 It is our view that this condition is required to protect Bathing Waters in the event that the design target cannot be met.	Please refer to the Applicant's response at RR-018.013
34	9.1.6 The WFD Assessment for coasts and estuaries focuses on the parts of the offshore export cable corridor crossing the Lincolnshire coastal waterbody and the onshore cable corridor crossing the Witham and Welland Estuaries. Notwithstanding the comments above, the Environment Agency is generally satisfied with the Applicant's approach and conclusions that these sections of the export cable corridor activity are unlikely to result in a deterioration at water body scale or jeopardise the attainment of water body objectives. Significant impacts to protected areas within these WFD waterbodies are also unlikely. 9.1.7 However, further offshore, where the offshore export cable crosses the Inner Dowsing, Race Bank and North Ridge Special Area of Conservation (IDRBNR SAC), impacts to benthic habitats in protected areas from the Export Cable Corridor (ECC) activity cannot be ruled out. We would defer to Natural England to comment on whether the proposed mitigation and compensation packages are sufficient and can be agreed. 9.1.8 Similarly, although impacts to fish and shellfish within WFD waterbodies are not predicted, there may be minor impacts outside of WFD areas from the wider project. We have not reviewed underlying evidence for the Environmental Statement, such as noise modelling and effects on fish, so we defer to the opinion of the Marine Management Organisation in respect of this.	This comment is noted by the Applicant
<b>6.1.9 Chapter 9 Benthic and Intertidal Ecology (APP-064)</b>		
35	10.1 We have reviewed Chapter 9 with respect to the Environment Agency's remit on this topic and this is satisfactory.	The Applicant notes this comment
<b>6.1.10 Chapter 10 Fish and Shellfish Ecology (APP-065)</b>		
36	11.1 We have reviewed Chapter 10 with respect to the Environment Agency's remit on this topic and this is satisfactory.	The Applicant notes this comment
<b>6.1.23 Chapter 23 Geology and Ground Conditions (APP-078)</b>		
37	12.1 <u>Groundwater protection</u> We have reviewed Chapter 23 together with the related Appendices and Figures. The chapter refers to principal aquifer chalk bedrock sensitivity as negligible. Chapter 24 Onshore Hydrology, Hydrogeology and Flood Risk states in Table 24.17 that groundwater within the chalk has high sensitivity. This implies high sensitivity groundwater in a negligible sensitivity principal chalk aquifer. We, therefore, recommend the sensitivity of groundwater is referred to in Chapter 23 for chalk, sandstone and the secondary aquifers. By way of example, from paragraph "51. <i>The geological features within the study area and environs are widespread throughout Lincolnshire and of limited use for knowledge, the sensitivity of bedrock geology throughout the study area is considered to be negligible.</i> "	The applicant acknowledges the difference in the assessment of the chalk aquifer, in relation to its Geological and Hydrological sensitivities. Geological assessment of the chalk formation is assessed as being of negligible sensitivity from a geological perspective. Chapter 23 (APP-078) confirms that groundwater is being assessed separately within Chapter 24 (APP-079).  Within Chapter 24, the chalk formation is assessed in the context of being a principal aquifer and is therefore assigned a different sensitivity (Table 24.17) which relates to the groundwater content of the formation.
38	12.2 <u>SSSI Clay Pits and Superficial Deposits and Groundwater</u> Regarding the SSSI and brick pits near Anderby Creek, these rely on superficial geology for the water content within, the same could be said about superficial geology as the comment above. Where "49. <i>The geological features within the study area and environs are widespread throughout Lincolnshire and of limited use for knowledge, the sensitivity of superficial geology throughout the study area is considered to be negligible.</i> "	The Applicant acknowledges the importance of the SSSI and maintaining the existing hydrological regime that supports it. The Applicant installed two boreholes along the path of the landfall HDDs as part of its ground investigation program. The program also included collecting ground water level monitoring data over a twelve-month period from one site. The Applicant will submit a Water Quality Management and Mitigation Plan as part of the final CoCP to include monitoring of groundwater here and at other locations. This commitment is reflected in the updated Outline Code of Construction Practice (CoCP) (document 8.1, version 2) and paragraph (2) of Requirement 18 of the draft DCO (document 3.1) has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP.
39	12.3 The Chapter continues, "53. <i>There is one BGS record of a closed brickworks in Anderby Creek. The brickworks are estimated to have been worked until the early 1940s, the brick pit is now a large water feature</i>	Please refer to the response to RR-018.037

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	<i>in the settlement. There were a small number of clay pits along the coast to the south of Anderby Creek that may have been associated with the brickworks. These clay pits are now designated the Sea Bank Clay Pits SSSI for ecological aspects”.</i>	
40	12.4 <u>Land Contamination</u> We are satisfied that Chapter 23 and Appendix 1 (Preliminary Land Quality Risk Assessment) demonstrate that an appropriate assessment has been undertaken to identify potential sources of contamination. The potential risks are considered to be low, with the exception of the localised areas of landfill identified in the assessment.	The Applicant acknowledges that the EA agrees that land contamination risks are low.
41	12.5 We are satisfied that appropriate investigation and risk assessment are scheduled (and secured via Requirement 16 in Schedule 1, Part 3 of the DCO) to manage any risks posed by the identified potential sources of contamination, in accordance with the risk management framework provided in Land Contamination: Risk Management (LCRM), available at <a href="http://www.gov.uk/government/publications/land-contamination-risk-managementlcrm">www.gov.uk/government/publications/land-contamination-risk-managementlcrm</a> .	The Applicant welcomes confirmation that the EA is satisfied that the investigation and risk assessments referred to are appropriate.
42	12.6 Our comments on Chapter 24 (below) regarding the conceptual understanding of the groundwater within the chalk should be taken into consideration when assessing the risk posed by any potential contamination at the development site.	The Applicant acknowledges the advice given. The Applicant has committed to submit a Water Quality Management and Mitigation Plan to include monitoring of groundwater, here and at other locations, as part of the CoCP. This commitment is reflected in an updated version of the Outline Code of Construction Practice (CoCP) (document 8.1, version 2) and paragraph (2) of Requirement 18 of the draft DCO has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP. The findings of baseline monitoring will be used to revise the Groundwater Risk Assessment (APP-210).
<b>6.1.24 Chapter 24 Onshore Hydrology Hydrogeology and Flood Risk (APP-079)</b>		
43	13.0.1 <u>Groundwater</u> We have reviewed Chapter 24 together with the related Appendices and Figures. Table 24.2 states, “ <i>Natural England 20th July 2023: Comment – Sea Bank Clay Pits Site of Special Scientific Interest (SSSI) – Natural England note that, where the project makes landfall, it will cross under the Sea Bank Clay Pits SSSI via HDD. This SSSI is predominantly designated for hydrological features which can be susceptible to changes in the water table caused by trenchless crossing. The main risk to this site from the proposed development is considered to be the impacts or changes to the hydrology, specifically quantity and quality of the water that currently feeds the site. This includes changes to ditches and waterbodies in the immediate vicinity. Recommendation – We advise that the project should provide further site-specific survey data on the hydrographic conditions which maintain the designated features within the site. Further to this, we advise that the Project will need to use the results of this survey to provide a detailed method statement to show that it has reduced the risk of this work impacting on the notified features of this site”</i>	The Applicant acknowledges the importance of the SSSI and maintaining the existing hydrological regime that supports it. The Applicant has carried out two borehole ground investigations along the path of the landfall HDDs adjacent to the SSSI and has collected initial water monitoring data. The Applicant has committed to submit a Water Quality Management and Mitigation Plan to include monitoring of groundwater here and at other locations as part of the CoCP. This commitment is reflected in an updated version of the Outline Code of Construction Practice (CoCP) (document 8.1, version 2) and paragraph (2) of Requirement 18 of the draft DCO has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP.  The findings of baseline monitoring will be used to revise the Groundwater Risk Assessment (APP-210) at the Sea Bank Clay Pits SSSI. This risk assessment will be used post-consent for development of a detailed method statement.
44	13.0.2 The Environment Agency agrees with Natural England’s view and considers there to be potential for groundwater from chalk bedrock to be entering the pits from springs or seepages. For example, Chapmans Pond in Cleethorpes further north is a former brickworks clay pit that was abandoned during the early part of the 20th century. It is partially fed by springs and seepages from the underlying chalk principal aquifer. It was these springs and seepages which forced its closure. These pits should be appraised prior to commencement of works to see if it has the potential to be impacted by any works that impact the chalk. Or superficial deposits.	The location of Chapmans Pond has been reviewed and is considered to be remote from any proposed works. A Groundwater Risk Assessment has been undertaken (APP-210). Baseline monitoring and collection of groundwater data will be undertaken prior to construction, as part of the Water Quality Management and Mitigation Plan.
45	13.0.3 Consideration of any potential for groundwater quality impacts for saline water to enter fresh water should also be considered prior to the commencement of works – please see comment in paragraph 13.2.6 in relation to this.	The Applicant is proposing a Water Quality Management and Mitigation Plan as part of the Code of Construction Practice, secured through DCO Requirement 18 (please see RR-018.066). The Water Quality Management and Mitigation Plan will include monitoring of groundwater wells.
46	<u>Flood risk</u> 13.0.4 <i>Section 24.4.3.1 paragraph 52 and section 24.4.3.2 paragraph 84</i> These paragraphs summarise that the majority of the watercourses that pose a risk to the onshore ECC will be tidally influenced. However, there are areas at fluvial flood risk from the Willoughby High Drain.	Section 24.5.2 of the Onshore ECC and 400kV Cable FRA (document 6.3.24.2, version 3) considers fluvial risk along the onshore ECC. This includes assessment of Willoughby High Drain which is found to be low fluvial risk.
47	13.0.5 <i>Section 24.4.3.5 paragraph 165</i> Similarly, there are areas at fluvial flood risk from the Steeping catchment	Section 24.5.2 of the Onshore ECC and 400kV Cable FRA (document 6.3.24.2, version 3) considers fluvial risk along the onshore ECC. This includes assessment of the River Steeping which is found to be low fluvial risk for the present-day scenario.

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48	<p>13.0.6 Section 24.4.3.6 paragraph 191, section 24.4.3.7 paragraph 219, section 24.4.3.8 paragraph, section 24.4.3.9, paragraph 271, section 24.4.3.10 paragraph 298, section 24.4.3.11 paragraph 327</p> <p>These paragraphs describe the defences as providing “for at least a 1 in 200- year event (0.5% Annual Exceedance Probability (AEP))”. The existing tidal defences reduce the risk of flooding (at the defence) to a 0.67% (1 in 150) chance of occurring in any year.</p>	<p>The Applicant acknowledges the information provided by the Environment Agency on the standard of protection for defences along the onshore ECC between Steeping River (ECC 6) to Marsh Road (ECC 11). The embedded mitigation measures outlined in Section 24.7.1 of Chapter 24: Hydrology, Hydrogeology and Flood Risk (APP-079) remain relevant and there is no change with regard to the impact assessment.</p>
49	<p>13.0.7 Table 24.2 (on page 28) states in response to an Environment Agency comment that “It is not intended to locate the cables within the flood defence. At its closest point, the cables would be a minimum of 40m from the flood defence upstream of Fosdyke Bridge. It is possible that this is a miss understanding of the plans, which show a temporary access track running along the flood defence”. We would like to discuss this matter with the Applicant to determine if the location of the temporary access track, which runs along the flood defence, is appropriate. The Applicant may need to provide evidence to demonstrate that the proposed access track would not undermine the defence.</p>	<p>The Applicant has provided the EA with information (in the form of a Technical Note) clarifying the proposed access arrangements in close proximity to the River Welland. The activities comprise using existing farm tracks, with some upgrading and extensions. The final details of works within 16m of the tidal defences will require pre-construction approval from the EA in accordance with the Protective Provisions.</p>
50	<p>13.0.8 Section 24.4.3.12 paragraph 353</p> <p>The existing tidal defences reduce the risk of flooding (at the defence) to a 1% (1 in 100) chance of occurring in any year.</p>	<p>The Applicant acknowledges the information provided by the Environment Agency on the standard of protection for defences along the onshore ECC between Marsh Road to Fosdyke Bridge (ECC 12). The embedded mitigation measures outlined in Section 24.7.1 of Chapter 24: Hydrology, Hydrogeology and Flood Risk (APP-079) remain relevant and there is no change with regard to the impact assessment.</p>
51	<p>13.0.9 Section 24.4.4 paragraph 428 (and other paragraphs within this document) - Table 24.17: Sensitivity values for potential receptors</p> <p>We disagree with the value (sensitivity) of low, assigned to areas of floodplain within the study area. The route passes through populated areas so not all land uses are 'less vulnerable'. Further consideration is required, particularly in areas where the route passes close to populated/residential areas (e.g. areas around Wainfleet) given the proposed development proposes stockpiling within the floodplain.</p>	<p>The Applicant acknowledges that the onshore ECC route passes nearby populated areas that are located within the floodplain. However, it should also be noted that this risk is considered residual due to the defences along the coastline and associated watercourses. Therefore, the sensitivity value of low to the floodplain is still considered appropriate.</p>
52	<p>13.0.10 Section 24.5.2 paragraph 428 - Table 24.18 - Table 24.18: Maximum design scenario for onshore hydrology, hydrogeology and flood risk for the Project alone</p> <p>Table 24.18 only covers the decommissioning of the Onshore Substation (OnSS). We raised this in response to the PEIR consultation and advised that 'the removal and reinstatement work to remove redundant infrastructure may potentially take place within areas at risk of flooding or impact our assets'. The flood risk from these activities will need to be assessed and mitigation measures put in place. We want to ensure any elements left in situ would not impact the Environment Agency's future maintenance or improvement works.</p>	<p>The decommissioning of the onshore assets is considered in Section 24.7.2.1 of Chapter 24: Hydrology, Hydrogeology and Flood Risk (APP-079) which includes removal of redundant assets.</p> <p>The Onshore ECC and 400kV FRA (document 6.3.24.2, version 3 has been updated and includes reference to the decommissioning of onshore infrastructure.</p>
53	<p>13.0.11 Decommissioning will require the removal of redundant cables from ducts under Environment Agency assets and sealing of those ducts through permanent means (i.e. not just capping, but filling) to prevent the ingress of water underneath raised defences. Temporary capping of spare ducts may be acceptable but will be subject to risk assessment and a response plan.</p>	<p>The Applicant has noted the EA's requirements and will seal and fill the ducts under EA assets upon decommissioning and removal of the cables. This will apply at the Steeping River, Steeping relief, the Lymn, Willoughby High Drain and Haven and River Welland crossing locations. The decommissioning works will be completed in line with the onshore decommissioning plan approved in accordance with requirement 24 of the draft DCO, in consultation with the EA.</p>
54	<p>13.0.12 24.5.3 Embedded Mitigation paragraph 24.5.2 - Table 24.19: Embedded mitigation relating to onshore hydrology, hydrogeology and flood risk</p> <p>We support the preparation of an Emergency Flood Response Plan and trenchless drilling crossing techniques for all Environment Agency main rivers.</p>	<p>The Applicant welcomes the Environment Agency's confirmation that it supports the preparation of an Emergency Flood Response Plan and trenchless drilling crossing techniques being used for all Environment Agency main rivers.</p>
55	<p>13.0.13 With respect to the embedded mitigation for stockpiles, the onshore cable route includes temporary compounds and temporary working areas (including stockpiles and noise bunds) within the floodplain and mitigation will be required. The FRA must assess the impacts of land raising / storage on the displacement of floodwater and demonstrate that the development will not increase the risk of flooding to third parties, surrounding areas etc. Please refer to comments made on the 6.3.24.2 Chapter 24 Appendix 2 Flood Risk Assessment ECC and 400kV (Document Reference: 6.3.24.2), particularly those on the HDD pit bunding, noise bund, and working within the floodplain and flood risk mitigation.</p>	<p>The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that under a 0.5% AEP + Climate Change double breach scenario, tidal flood water does not reach the site. The modelling has also considered the 1:1,000 AEP scenario and under these extreme conditions, the bund will still not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1).</p> <p>Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2)) and the Outline Soil Management Plan (document 8.1.3, version 2)). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow through and within flood cells.</p>



ID	Relevant Representations	Applicant Response
		Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design and will adhere to the principles set out in the Outline SMP (document 8.1, version 2). Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline SMP (document 8.1, version 2) has been updated to include additional principles for stockpiling within the floodplain.
56	13.0.14 Section 24.7.1 paragraph 448 Please refer to comments made on the 6.3.24.2 Chapter 24 Appendix 2 Flood Risk Assessment ECC and 400kV (Document Reference: 6.3.24.2)	The Applicant acknowledges the comments made on the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3) and has provided responses to these.
57	13.0.15 Paragraph 453 states that “All designated stockpile areas would be a minimum of 10m from any open watercourse features”. All stockpiles should be located on the landward side of any defence as in some locations the defences are set back from the channel, and should be taken into account. We would like to see this measure specified in the relevant Code of Construction Practice documents. This comment is also relevant to the text in paragraph 494 regarding stockpiled material.	The Applicant confirms that all stockpiling will be landward of defences and the Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include this.
58	13.0.16 Section 24.7.1.1 – Impact 2: Flood Risk, 24.7.1.3 - Impact 6: Flood Risk, 24.7.1.4 – Impact 8: Flood Risk Working within the floodplain (including stockpiling and noise bunds) may impact upon fluvial and tidal flood risk, not just surface water flood risk. The supporting FRA for the ECC does not adequately assess the impacts of works within the floodplain and demonstrate that the risk of flooding will not be increased. Please refer to comments made on Chapter 24 Appendix 2 Flood Risk Assessment ECC and 400kV (Document Reference: 6.3.24.2), particularly those on the HDD pit bunding, noise bund, and working within the floodplain and flood risk mitigation.	The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that it will not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1). Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (Document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain, specifically areas with a higher flood hazard rating. The ECC FRA (document 6.3.24.2, version 3) includes mitigation for works during the construction phase at Section 24.7.1 relating to emergency flood response planning, surface water drainage provision and inspection of existing drainage assets.
59	13.0.17 Paragraph 468 explains how the laying of temporary surfacing material for the working area may increase surface water flood risk. There is a section, which appears to be an access track, located along (or close to) the flood defence between Fosdyke Bridge and an Internal Drainage Board outfall. If this is correct, then the proposed works could have the potential to impact the fluvial flood defence – mitigation may be required to ensure this does not undermine the flood defence	Please refer to the response to comment RR-018.049 regarding construction access arrangements in close proximity to the River Welland defences. The Applicant has previously provided the EA with a description of the access works, through a Technical Note. Following receipt of the EA’s Relevant Representation, the Applicant’s civil engineer has carried out a site visit and confirms that at the location referred to, the land slopes away from the defence and surface water will naturally drain towards the adjacent field. The Applicant is confident that there is no risk of surface water undermining the defence. The details of the works will be submitted for pre-construction technical approval in accordance with the Protective Provisions.
60	13.0.18 Section 24.7.2.1 - Impact 13: Flood Risk and Water Quality Please see comments on Table 24.18 in paragraph 13.0.10 above	Please see the response to the comments referred to (RR-018.052)
61	13.0.19 Section 24.11 paragraph 24.11.2 - Table 24.24: Summary of effects This table should be updated taking account of the Environment Agency’s comments. In summary, the supporting FRA for the ECC does not adequately assess the impacts of works within the floodplain and demonstrate that the risk of flooding will not be increased. The Applicant is asked to refer to comments made on the Chapter 24 Appendix 2 Flood Risk Assessment ECC and 400kV (Document Reference: 6.3.24.2). Consequently, there is insufficient detail and inadequate additional mitigation measures within the CoCP.	The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that it will not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1).  Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size

ID	Relevant Representations	Applicant Response
		<p>of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.</p> <p>As well as assessing work within the floodplain relating to temporary stockpiling and the noise bund, the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3) includes mitigation for works during the construction phase at Section 24.7.1 relating to emergency flood response planning, surface water drainage provision and inspection of existing drainage assets.</p>
6.2.24 Chapter 24 Hydrology Hydrogeology and Flood Risk Figures (APP-115)		
62	13.1.1 We have reviewed these figures and have no comments to make on them.	The Applicant acknowledges that the Environment Agency have made no comments on Chapter 24: Hydrology, Hydrogeology and Flood Risk Figures (APP-115).
6.3.24.1 Chapter 24 Appendix 1 Groundwater Risk Assessment (APP-210)		
63	13.2.1 Cable Laying Techniques, Chalk Depth and Private Drinking Water Supplies. Paragraph 59 states <i>“Trenchless cable installation - with a maximum dig depth of 6m below ground level, a proposed temporary sheet-piling depth of 10m BGL and a trenchless cable installation depth of up to 25m BGL”</i> . It is recommended that the depth of chalk is accurately estimated. Groundwater can be artesian or sub artesian and it is considered this may have an impact on the method of works particularly under the sea bank.	The Applicant has carried out ground investigations in close proximity to all the major trenchless crossings, in order to establish the ground conditions and depth to the chalk. At all locations, works will be above the chalk. The Applicant installed a water monitoring borehole between Roman Bank and the Sea Defence and has collected data to inform the design of the landfall cable installation. Please see the Applicant’s proposal for a Water Quality Management and Mitigation Plan in the response below.
64	<p>13.2.2 We support the statement in paragraph 63 for further assessment. Also, it is noted that a survey is proposed for Bristol Farms Private Domestic Supply. Please see the comments in paragraph 13.2.6 below in relation to this.</p> <p>13.2.3. This follows the recommendation found in Table 24.2 of Chapter 24 (Page 23) made by the Environment Agency at the Expert Topic Group Meeting on 19th , July 2022 <i>“Outlined general methodology, study area, baseline environment and impacts to be scoped in and out. Environment Agency advised abstraction licenses and private and domestic water supplies should be considered as a potential receptor along the route.”</i></p>	In response to this and other comments relating to water quality, the Applicant is proposing formalising construction stage water monitoring through committing to a pre-construction Water Quality Management and Mitigation Plan that would describe the regime for pre-construction and construction monitoring of private water supplies and other locations. The Applicant has updated the Outline Code of Construction Practice (CoCP) (document reference 8.1, version 2) to include reference to this plan to be included in the final CoCP to be approved under DCO Requirement 18 (document 3.1 and paragraph (2) of Requirement 18 of the draft DCO has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP.
65	13.2.4 With regards to the statement, in paragraph 70 <i>“Given the nature of the geology it is considered highly unlikely that the trenchless works will encounter the underlying Chalk aquifer and therefore the potential for a hydraulic connection between the trenchless works and the water supply is assessed as very low. However, it is acknowledged that there is uncertainty as to the source of supply, if from the silty, sandy horizon identified within the superficial deposits there is the potential for a hydraulic connection to exist.”</i> It is our view there is potential for heave due to upward pressure from groundwater in the chalk (this may also be the case for works that breach the chalk offshore too) and we recommend this is considered prior to the commencement of works.	The Applicant acknowledges the Environment Agency’s advice regarding the potential for hydraulic connectivity and groundwater pressure. The Applicant has carried out two rounds of ground investigations in close proximity to all main rivers and at the landfall. The Applicant also installed piezometers in boreholes where the first round of investigations indicated that groundwater factors would influence the design of the cable installation methodology. The Applicant is also proposing a pre-construction Water Quality Management and Mitigation Plan as part of the Code of Construction Practice, secured through DCO Requirement 18 (please see RR-018.066).
66	13.2.5 With regards to the statement, in paragraph 80 <i>“The trenchless cable installation, which may reach a maximum depth of 25m BGL, is also considered to have a negligible impact on the local groundwater regime. A very limited preferential flow path would form in the geology immediately adjacent to the annulus space, however this would not be expected to impact the wider flow regime of the aquifer. Further, it is proposed that the trenchless works would not reach a depth below that of the Chalk’s upper horizon, and therefore the chalk aquifer would not be encountered”</i> . Prior to the commencement of works, we would recommend a conceptual diagram to include accurate depths of geology and works be supplied; groundwater pressure within the chalk may have an impact on works and groundwater regime if a linkage is established – please see comments in paragraph 13.2.6 below in relation to this.	The Applicant has carried out ground investigations at all major crossings and all HDD drills will be above the chalk aquifer. The Applicant understands that the EA will require conceptual diagrams of the crossing profile for the cable installation works that require pre-construction approval by the EA in accordance with the relevant Protective Provisions.
67	13.2.6 As outlined in various paragraphs above (13.0.3; 13.2.2 and 13.2.5), there appears to be a need for further investigations and risk assessments to be undertaken in relation to the protection of groundwater. We note that paragraph 55 of the Outline Code of Construction Practice [APP-268] says that the Applicant has committed to developing a Contaminated Land and Groundwater Plan. There is no further detail on this,	Requirement 16 (contaminated land and groundwater) of the draft DCO requires a written scheme to deal with the contamination of any land (including groundwater) to be submitted to the relevant planning authority for approval in consultation with the Environment Agency prior to commencement of works.

ID	Relevant Representations	Applicant Response
	<p>although it is mentioned in the Schedule of Mitigation [APP-287] (page 25, item ref: 81) but appears to relate to a mitigation commitment more focused on contaminated land. We would therefore welcome discussions with the Applicant regarding how the various investigations and risk assessments, in relation to the protection of groundwater, which are still to be undertaken, are secured within the DCO. In summary, those outlined in our review relate to:</p> <ul style="list-style-type: none"> <li>• Sea Bank Clay Pits;</li> <li>• Potential for saline water to enter freshwater;</li> <li>• Survey for Bristol Farms Private Domestic Supply;</li> <li>• Risk assessments prior to trenchless cable installations</li> </ul>	<p>In addition, the Applicant has committed to submit a Water Quality Management and Mitigation Plan as part of the CoCP (document 8.1, version 2). This commitment is reflected in an updated version of the Outline Code of Construction Practice (CoCP) (document 8.1, version 2) and paragraph (2) of Requirement 18 of the draft DCO has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP. The findings of baseline monitoring will be used to revise the Groundwater Risk Assessment. This risk assessment will be used post-consent for development of the Water Quality Management and Mitigation Plan.</p>
6.3.24.2 Chapter 24 Appendix 2 Flood Risk Assessment ECC and 400kV (APP-211)		
68	<p>13.3.1 We have reviewed the Flood Risk Assessment (FRA) for the ECC and this is not yet adequate for the reasons explained in the paragraphs below. Accordingly, we wish to make a holding objection on flood risk grounds until we have sufficient information to determine if the project satisfies the Exception Test, in accordance with paragraph 5.8.11 of EN-1.</p>	<p>The Applicant has responded to the Environment Agency's comments on the ECC and 400kV FRA below which addresses points raised in relation to the Exception Test, and a revised Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) has been prepared.</p>
69	<p>13.3.2 As a general comment, the FRA shows the ECC lies within Flood Zones 2 and 3. However, it would be extremely beneficial to show the route in comparison to the flood mapping conclusions stated within Section 24.5 (overtopping, breach and modelled flood extents); as has been done for the Flood Map for Planning and Surface Water Flood Map (Figures 24.2.6.1-4 and Figures 24.2.7.1-4). The hazard mapping and fluvial model extents should be used (once demonstrated that scenarios are suitable) to consider the impact of working within the floodplain and inform the mitigation (i.e. no mitigation necessary as certain areas are not within hazard mapping extents / defended fluvial extents, areas to avoid as they are within the fluvial floodplain, areas where the working area needs to be limited and include breaks in stockpiles to allow flood flows through and within flood cell)</p>	<p>The Applicant has made amendments to the Onshore ECC and 400kV cables Flood Risk Assessment (FRA) (document 6.3.24.2, version 3) to incorporate the hazard mapping and fluvial model extents. This has included a consideration of the impact of working within the residual risk floodplain and has informed any mitigation (where required).</p> <p>An updated version of the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) has been submitted alongside this response to the Relevant Representations and includes reference to flood hazard mapping information. Where assessing works within the floodplain a range of mitigation measures are included for works during the construction phase, at Section 24.7.1. These include measures relating to emergency flood response planning, surface water drainage provision, inspection of existing drainage assets and guidance on stockpiling.</p> <p>Flandward in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.</p>
70	<p>13.3.3 <u>Additional Data – River Steeping Hazard Mapping</u>  <i>Section 24.1.4 paragraph 15</i> - the FRA does not refer to the River Steeping hazard mapping. The mapping/data should be used to adequately assess the impact to and from the development and to ensure any required mitigation measures are included. This mapping is key to assessing residual risk, working within the tidal and fluvial floodplains, the impact upon floodplains, third parties and emergency planning.</p>	<p>The Applicant has made amendments to the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) to incorporate the River Steeping hazard mapping data. This has included a consideration of the impact of working within the residual risk floodplain and has informed any mitigation (where required).</p> <p>An updated version of the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) has been submitted alongside this response to the Relevant Representations</p>
71	<p>13.3.4 <u>Use of Environment Agency Modelling</u>  Section 24.1.5 paragraph 19 and section 24.5 - with reference to the overtopping and breach modelling, the Environment Agency tidal hazard mapping was completed for the 2006 (present day) and 2115 climate change scenarios. This modelling utilised the climate change guidance at the time. The FRA must demonstrate that the climate change allowances used and scenarios within the Environment Agency modelling are appropriate to use. This point applies to the Steeping Hazard Mapping and any fluvial modelling used.</p>	<p>The risk has been considered in Section 24.5 of the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) based on the best available data as provided by the Environment Agency. The climate change scenario considered (2115) is in excess of the lifetime of development (2065) and is therefore considered a conservative assessment of risk.</p>
72	<p>13.3.5 <u>Lifetime of the Development and Climate Change</u>  <i>Section 24.1.5.1 paragraph 20 and section 24.1.5.5 paragraph 25</i> - The ECC and 400kV FRA (and ONSS FRA) states that these elements are to be designed for a 35-year design life. Based on the project becoming operational by 2030, its lifetime will extend to 2065.</p>	<p>The onshore ECC will comprise of buried cables. Link boxes will be present along the cable route in addition to the TJBs at landfall and cable termination at the substation.</p> <p>All elements of the proposed onshore ECC are resilient to water and would not be affected by flooding of land along the onshore ECC corridor. It is therefore not considered necessary to assess the H++ climate change scenario.</p>

ID	Relevant Representations	Applicant Response
	<p>13.3.6 Please see comments in paragraph 13.4.3 below in respect of planning policy requirements and the lifetime of development/climate change.</p> <p>13.3.7 Also, it is not clear how the H++ allowance has been considered in the assessment of risk for the onshore ECC.</p> <p>13.3.8 <i>Section 24.1.5.3 paragraph 22</i> - Table 24.2 Peak Rainfall Intensity Climate Change Allowances has two references to the Welland Management Catchment. We assume that this table should reference peak rainfall intensity climate change allowances for the Welland and Witham Management Catchments.</p>	<p>The wording in Table 24.2 of the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) has been updated to reflect the names of the Welland and Witham Management Catchments.</p>
73	<p>13.3.9 <u>HDD Pit Bunding</u> <i>Section 24.4.2 paragraph 65, section 24.4.7.4 paragraphs 99 and 100 and section 24.7.1.4 paragraph 148</i> - There are several references to bunding of the HDD pits. Further detail on the bunding proposal is required. For example, to what level Ordnance Datum (ODN) and for how long?</p>	<p>The Applicant has previously engaged with the EA regarding measures to protect against flood risk during the landfall cable installation works as part of its ongoing engagement with the EA. The Applicant is currently preparing the indicative design arrangements for the landfall drill site, including arrangements for flood protection around the HDD drill pits. The Applicant will share the proposals with the EA once the process has been completed.</p> <p>At the pre-construction stage, final technical details of the arrangements will be submitted to the Environment Agency for approval, as part of the landfall in accordance with the PPs.</p>
74	<p>13.3.10 <u>Noise Bund</u> <i>Section 24.4.2 paragraph 66 and section 24.7.4 paragraph 149</i> - The FRA must include an assessment to demonstrate the impacts of any land raising for the noise bund on overland flow routes and set out any mitigation required. Factors such as breach parameters, expected depths and nearby receptors must be reviewed and considered</p>	<p>The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that it will not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1).</p>
75	<p>13.3.11 <u>Flooding from Rivers or Fluvial Flooding</u> <i>Section 24.4.1, section 24.5.1.2 paragraph 113, section 24.5.2.1 and section 24.4.7</i> - In addition to fluvial flood risk, residual risk must be considered and assessed as part of the FRA. As advised in our comments on additional data, the Environment Agency has undertaken fluvial hazard mapping for the River Steeping and Wainfleet Relief Channel. Fluvial flooding can result from defence exceedance. Please also see comments on working within the floodplain and flood risk mitigation</p>	<p>The Applicant has made amendments to the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) to incorporate the River Steeping hazard mapping data. This has included a consideration of the impact of working within the residual risk floodplain and has informed any mitigation (where required). The updated version of the FRA has been submitted alongside this response to the Relevant Representations.</p>
76	<p>13.3.12 <u>Flooding from the Sea or Tidal Flooding</u> <i>Section 24.4.2 paragraphs 64, 68, 69 and 71, Section 24.4.7 and Section 24.8</i> - The standard of protection varies along the tidal defences and in some areas (the Wash and the River Welland) is lower. Please also see comments on the HDD pit bunding, noise bund and working within the floodplain and flood risk mitigation.</p>	<p>The Applicant acknowledges the standard of protection variation along the tidal and fluvial defences. The embedded mitigation measures outlined in Section 24.7.1 of Chapter 24: Hydrology, Hydrogeology and Flood Risk (APP-079) remain relevant and there is no change with regard to the impact assessment.</p>
77	<p>13.3.13 <u>Working Within the Floodplain and Flood Risk Mitigation</u> <i>Section 24.5.2.1 paragraph 117, Section 24.5.3, Section 24.7 and section 24.7.1.4 paragraph 148</i> - The onshore cable route includes temporary compounds and temporary working areas (including stockpiles and noise bunds) within the floodplain. The FRA must demonstrate that the development will not increase the risk of flooding to third parties and the surrounding area etc. The FRA must assess the impacts of land raising / storage on the displacement of floodwater from fluvial sources and whether any floodplain compensatory storage is required. Given limited areas of undefended fluvial flood areas, compounds, storage areas and stockpiles should be located outside of these areas. The FRA must also assess the impacts on the tidal and defended fluvial floodplains, particularly with regards to flood flow routes, to demonstrate that the proposed development will not increase flood risk to third parties, by deflecting flood water. Paragraph 5.8.12 of EN-1 also states that <i>'there should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site'</i>.</p>	<p>The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that in a 0.5% AEP flood event, including breaches of the coastal defence and Roman Bank, flood water does not reach the site. The modelling also considered the 0.1% AEP event and showed that it will not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1).</p> <p>Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.</p> <p>As well as assessing work within the floodplain relating to temporary stockpiling and the noise bund, the Onshore ECC and 400KV FRA (document 6.3.24.2, version 3) includes mitigation for works during the construction phase at</p>

ID	Relevant Representations	Applicant Response
		Section 24.7.1 relating to emergency flood response planning, surface water drainage provision and inspection of existing drainage assets.
78	13.3.14 We note that Drawing 15 in the Onshore Works Plans [APP-005] shows that the temporary work area for Work No. 19 is within 8.0m of the Wainfleet Relief Channel defences. We advised the Applicant in our response to the Section 42 Project Update Autumn Consultation, any temporary working areas must be set back a least 8.0m from the toe of the raised defences to ensure that they are not impacted and that Environment Agency access to the defences is not restricted. The Applicant should consider issues such as space for equipment, stockpiles etc alongside this restriction.	The Applicant acknowledges that this is an anomaly because the onshore works plan shows the temporary working area extending up to the defences, whereas the construction activity will stop a minimum of 8m from the defences. The Applicant acknowledges the set-back will design its works accordingly
79	13.3.15 Please also see the comments on the HDD pit bunding and noise bund	The Applicant has responded to the comments regarding HDD pit bunding at the landfall drill site, please refer to RR-018.077 (Rep 13.3.10). The Applicant has also responded to comments regarding the noise bund, please refer to RR-018.055.
80	13.3.16 Chapter 24 Hydrology Hydrogeology and Flood Risk (Document Reference: 6.1.24) includes embedded mitigation (e.g. any stockpiles along the onshore ECC would be kept to the minimum possible size with gaps to allow surface water runoff to pass through). This measure does not relate to flood flows and further assessment is required on the impacts on the floodplain and third parties. Whilst paragraph 148 (of this FRA) advises that regular breaks will be created within the stockpiles to allow overland flow, these must be considered and assessed in respect of the floodplain and overland flood flows. Please note that this information is vital to adequately assess flood risk and demonstrate that flood risk from the development is not increased.	Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.
81	13.3.17 Any temporary compounds or storage areas must be set back further than 8.0m from non-tidal main rivers and 16.0m for tidal main rivers (taken from the brink of the watercourse or landward toe where there is a raised defence).	The Applicant acknowledges the set-back required from tidal / non-tidal main rivers and is designing its works accordingly.
82	13.3.18 We support the production of the Emergency Flood Response Plan. Emergency plans are a key part of flood risk mitigation with respect to the safety of people and the recoverability of the site (to ensure that the development remains operational or can be brought back online after flooding), particularly in respect of breach risk. However, we do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Local Planning Authority will be able to provide further advice on Emergency Flood Response Plans.	The Applicant acknowledges that Emergency Flood Plans are a Local Planning Authority responsibility.
83	13.3.19 <u>Conclusion</u> Section 24.8 - The conclusions should be updated once the FRA has been revised to take account of the comments raised above. As we have advised in paragraph 13.3.12 above, the standard of protection varies along the tidal defences. It also varies for fluvial watercourses along the ECC route. The route lies within Flood Zone 3 'high probability', with "Flood risk" being a combination of both the probability and the potential consequences of flooding.	The Applicant has made amendments to the Onshore ECC and 400kV cables FRA (document 6.3.24.2, version 3) to incorporate comments made by the Environment Agency.
<b>6.3.24.3 Chapter 24 Appendix 3 Flood Risk Assessment OnSS (APP-212)</b>		
84	13.4.1 The Applicant has submitted detailed hydraulic modelling, which has been used to produce the submitted FRA for the Onshore Substation. The Environment Agency has reviewed the model and it is not yet considered fit for purpose. The Applicant is currently reviewing our feedback on the model and until this has been approved, the FRA could be subject to change. As such, this also forms part of our holding objection in respect of flood risk as we are unable to confirm that the project passes the flood risk Exception Test, as outlined in paragraph 5.8.11 of EN-1, i.e. that the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.	The Applicant submitted an updated version of the River Welland Breach Modelling (version 3) to the Environment Agency on 25th July 2024 to address the comments provided by the Environment Agency as part of the model review process. This updated version addresses all the comments raised by the Environment Agency and the Applicant therefore considers the model is fit for purpose.  The updated modelling report was submitted as part of the updated OnSS FRA (AS1-070 to ASI-085).

ID	Relevant Representations	Applicant Response
85	<p>13.4.2 Paragraph 21 outlines the anticipated lifetime of development and states “The OnSS is to be designed for a 35-year design life”, this anticipates the development will be operational up to 2065, which is the basis for the FRA. However, given the proposed mitigation strategy includes the construction of the development platform (the raising of the site level), and the DCO does not include any provision to ensure this is removed in 2065, this is not currently acceptable. This is one aspect of the hydraulic model that we are querying.</p>	<p>The Applicant has used 35 years as the Project lifetime for the purpose of climate change allowances because this is the estimated lifetime of the Project. An offshore wind farm and associated infrastructure is unlike many other types of infrastructure projects which have a much longer life expectancy. The 35-year parameter is based on the expected life of the Project components and is typical for consent applications for such projects.</p> <p>The Applicant has engaged with the EA regarding this point and understands that the EA is basing this comment on the examination of another infrastructure project, the Immingham Green Energy Terminal (IGET), where there were several written representations regarding the life of the development in relation to the assessment of impacts.</p> <p>The Applicant has reviewed the IGET application and considers that it has very different features, compared with the Project, in particular:  It is a port facility with a new jetty and berth in the Humber Estuary  It includes a hydrogen plant, which is an upper-tier COMAH site  The hydrogen plant has an operational life of 25 years, with the remainder of the infrastructure having an operational life of ‘50 years or more’  In relation to its location:  It is located in a highly designated area for ecology  The land alongside the river Humber estuary in close proximity to the IGET site has an extreme flood hazard rating, with many properties at risk of flooding  The Applicant understands that the approach it has taken in carrying out the FRA is standard for the onshore infrastructure associated with an offshore wind farm.  The Applicant is not aware of any precedent within offshore wind DCOs limiting the duration of the consent or requiring removal of infrastructure by a certain date and the Applicant does not consider such a requirement to be appropriate.</p> <p>The applicant believes that it has carried out a robust assessment which is appropriate for the development. The Applicant will continue to engage with the EA regarding this matter.</p>
86	<p>13.4.3 The Flood Risk and Coastal Change section of the Planning Practice Guidance (Reference ID: 7-006-20220825) states that “The lifetime of a non-residential development depends on the characteristics of that development, but a period of at least 75 years is likely to form a starting point for assessment”. It also states that “Where development has an anticipated lifetime significantly beyond 100 years such as some major infrastructure projects.....it may be appropriate to consider a longer period for the lifetime of development...” We are aware that many Nationally Significant Infrastructure Projects have a much longer operational life than the original ‘component’ design life, i.e. wind turbines are renewed at the end of their design life and windfarms continue to be maintained and operated. As this project does not have a specific decommissioning date in the DCO, it is our view that a period of at least 75 years should be assessed</p>	<p>See response to RR-018.89 above. In addition, it is worth noting that the Flood Risk and Coastal Change section of the Planning Practice Guidance (Reference ID: 7-006-20220825) refers to the characteristics of the development. The anticipated 35-year lifetime of this type of development is the key consideration.</p>
87	<p>13.4.4 Paragraphs 100 to 105 outline some potential anomalies within the hydraulic modelling and this is an issue that we will work with the Applicant to resolve. We will provide additional comments on this in due course.</p>	<p>The Applicant is currently awaiting further comments on this, and welcomes working with the Environment Agency to resolve these comments.</p>
88	<p>13.4.5 Paragraphs 106 to 111 discuss procedures that will be included as part of an Operational Emergency Flood Response Plan. This appears to be secured in Schedule 1, Part 3, Requirement 18(2)(h) to be submitted and approved as part of the Code of Construction Practice, which we welcome.</p>	<p>The Applicant acknowledges that the FRA refers to an Operational Emergency Flood Response Plan. The plan referred to in Requirement 18(2) of the draft DCO is part of the CoCP and would therefore relate only to the construction phase. The Applicant has amended the draft DCO (document 3.1) to require an Operational Emergency Flood Response Plan to be submitted for approval in consultation with the EA.</p>
89	<p>13.4.6 Conclusions: as mentioned in paragraph 13.4.1 above, the FRA could be subject to change as a result of the outcome of the hydraulic model and we will provide further advice on this during the Examination.</p>	<p>The Applicant welcomes working with the Environment Agency to resolve the comments raised in the Relevant Representations.</p>
<p><b>6.1.31 Chapter 31 Climate Change (APP-086)</b></p>		
90	<p>14.1 We have reviewed this chapter but have no specific comments on its content. The Environment Agency’s comments regarding climate change are included above in its comments on the assessment of flood risk.</p>	<p>The Applicant acknowledges that the Environment Agency has no specific comments on the content of Chapter 31: Climate Change (APP-086). The Applicant has provided responses to the Environment Agency’s comments on the assessment of climate change and flood risk separately.</p>

ID	Relevant Representations	Applicant Response
<b>8.1 Outline Code of Construction Practice (APP-268)</b>		
91	15.1 We have reviewed this plan and are generally satisfied with the scope of topics the Applicant has included. We welcome our inclusion as a consultee to Requirement 18 (in Schedule 1, Part 3 of the DCO), to enable us to review and comment on the final plan.	The Applicant acknowledges the EA comments that it is satisfied with the scope.
92	15.2 <u>Section 5.6 Contaminated Land and Groundwater</u> Paragraph 55 mentions the Applicant’s commitment to developing a Contaminated Land and Groundwater Plan as part of the construction documentation, but this appears to focus on land contamination. As mentioned in paragraph 13.2.6 above further assessments in relation to the protection of groundwater are required and we would welcome discussions on whether the Code of Construction Practice (or a Contaminated Land and Groundwater Plan document under this ‘umbrella’) would cover these matters.	Requirement 16 (Contaminated land and groundwater) of the draft DCO (document 3.1) requires a written scheme to deal with the contamination of any land (including groundwater) to be submitted to the relevant planning authority for approval in consultation with the Environment Agency prior to commencement of works.  In addition, the Applicant has committed to submit a Water Quality Management and Mitigation Plan as part of the CoCP. This commitment is reflected in an updated version of the Outline Code of Construction Practice (CoCP) (document 8.1, version 2) and paragraph (2) of Requirement 18 of the draft DCO (document 3.1) has been updated to require a Water Quality Management and Mitigation Plan to be submitted as part of the final CoCP. The findings of baseline monitoring will be used to revise the Groundwater Risk Assessment. This risk assessment will be used post-consent for development of the Water Quality Management and Mitigation Plan.
93	15.3 <u>Section 5.8 Flood Management</u> The impacts of working within the floodplain (temporary compounds and temporary working areas, including stockpiles and noise bunds) were not sufficiently assessed within the ECC and 400kV FRA (Document Reference: 6.3.24.2). There are no mitigation measures for the impacts of working within the floodplain (temporary compounds and temporary working areas, including stockpiles and noise bunds); mitigation measures may be required.	The Applicant has undertaken hydraulic modelling of the noise bund at landfall which has demonstrated that it will not result in any significant increase in flood risk to any nearby sensitive receptors. These findings are set out in the Noise Bund Hydraulic Modelling Report (document 15.7, version 1).  Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.  As well as assessing work within the floodplain relating to temporary stockpiling and the noise bund, the Onshore ECC and 400KV FRA (document 6.3.24.2, version 3) includes mitigation for works during the construction phase at Section 24.7.1 relating to emergency flood response planning, surface water drainage provision and inspection of existing drainage assets.
94	15.4 <u>Section 5.10 Watercourse crossings</u> Paragraph 86 mentions the installation of temporary bridges. The prior approval of the Environment Agency will be required for any works in, over, under or within 8m of a main river (16m if tidal), on or within 16 metres of a sea defence or within the floodplain if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.	The Applicant can confirm that no temporary bridges are required to be installed at a main rivers, or within 16m of a sea defence.
95	15.5 There are a number of the proposed trenchless main river crossings that could meet an available Environmental Permitting Regulations Exemption, known as a FRA3 Exemption. If the Applicant decides to utilise this Exemption, it may be beneficial to have measures in place for monitoring pre and post-construction to demonstrate compliance with the Exemption. These could be included in the CoCP. For main river trenchless crossings, these could include: a. Topographical survey of the defence at monitoring points (cross sections) pre, during and for two years post-construction; b. Photographic surveys of the defence (landward, crest and riverward face) pre, during and for two years post-construction; c. During construction, monitoring and notification procedures for settlement or damage to the defence. Any settlement or damage to a defence would need to be rectified, and the Environment Agency notified.	The Applicant acknowledges the EA’s advice regarding monitoring and record keeping in situations where cables are being installed using the FRA3 exemption.

ID	Relevant Representations	Applicant Response
<b>8.1.3 Outline Soil Management Plan (APP-271)</b>		
96	16.1 We have reviewed this plan and we are satisfied with the scope of topics the Applicant has included. We welcome our inclusion as a consultee to Requirement 18 (in Schedule 1, Part 3 of the DCO), to enable us to review and comment on the final plan.	The Applicant acknowledges that the EA is satisfied with the scope of the Outline Soil Management Plan (SMP). The Applicant has submitted an updated version of the Outline SMP (document 8.1.3, version 2) alongside this response which includes additional mitigation measures relating to stockpiling within the floodplain.
<b>8.1.4 Outline Pollution Prevention and Emergency Incident Response Plan (APP-272)</b>		
97	17.1 We have reviewed this plan and we are satisfied with the scope of topics the Applicant has included. We welcome our inclusion as a consultee to Requirement 18 (in Schedule 1, Part 3 of the DCO), to enable us to review and comment on the final plan.	The Applicant acknowledges that the EA is satisfied with the scope of the Outline Pollution Prevention and Emergency Response Plan and welcomes its inclusion as a consultee to Requirement 18.
<b>8.1.6 Outline Site Waste Management Plan (APP-274)</b>		
98	<p>18.1 We have reviewed this plan and we are satisfied with the scope of topics the Applicant has included. We welcome our inclusion as a consultee to Requirement 18 (in Schedule 1, Part 3 of the DCO), to enable us to review and comment on the final plan.</p> <p>18.2 We support reducing the soil stores to a minimum and the provision of gaps. However, as advised in our comments on Chapter 24 and the ECC FRA (see paragraph 13.3.13 above), these must also be considered and assessed in respect of the floodplain and overland flood flows. Please note that this information is vital to adequately assess flood risk and demonstrate that flood risk from the development is not increased.</p>	Earthwork stockpiling along the onshore ECC route will follow the principles of soil management set out in the Outline Code of Construction Practice (document 8.1, version 2) and the Outline Soil Management Plan (document 8.1.3, version 2). Stockpiling and other works in areas that are shown to have higher hazard class ratings (as identified within the Onshore ECC and 400kV FRA (document 6.3.24.2, version 3)) will be minimised or avoided where possible in order to mitigate against any increased risk and allow flood flow throughs and within flood cells. Detail with regard to stockpiling and phasing of work will be finalised post-consent. The exact positioning and size of stockpiles will not be known until post-consent detailed design. Stockpiling will be for earth removed from cable trenches locally, and therefore there will be no net loss of volumetric floodplain storage. It is noted that the floodplain along the onshore ECC route is defended and relates to residual risk of tidal flooding only. The Outline Soil Management Plan (document 8.1.3, version 2) has been updated to include additional principles for stockpiling within the floodplain.
<b>8.4 Outline Project Environmental Management Plan (APP-277)</b>		
99	19.1 We have reviewed this plan (for issues within the Environment Agency's remit) and we are satisfied with the scope of topics the Applicant has included.	The Applicant acknowledges that the EA is satisfied with the scope of the Outline Project Environmental Management Plan.
<b>8.5 Outline Cable Specification and Installation Plan (APP-278)</b>		
100	20.1 We have reviewed this plan (for issues within the Environment Agency's remit) and we are satisfied with the scope of topics the Applicant has included.	The Applicant acknowledges that the EA is satisfied with the scope of the Outline Cable Specification and Installation Plan.
<b>8.12 Outline Operational Drainage Management Plan (APP-286)</b>		
101	21.1 We have reviewed this plan (for issues within the Environment Agency's remit) and we are satisfied with the scope of topics the Applicant has included.	The Applicant acknowledges that the EA is satisfied with the scope of the Outline Operational Drainage Management Plan.
<b>8.13 Schedule of Mitigation (APP-287)</b>		
102	22.1 This document sets out how the mitigation measures identified for the project taken from the CoCP will be implemented and secured. We request that this document be updated to include the mitigation measures requested above for the CoCP.	Noted
<b>9.2 Cable Statement (APP-299)</b>		
103	23.1 We have reviewed this document and have no comments to make on it.	Noted
<b>Further Representations</b>		
104	<p>24.1 In summary, we can confirm that we have no objection to the principle of the proposed development, as submitted. The issues and holding objection outlined above are all capable of resolution and we look forward to receiving additional information to resolve our outstanding concerns. We will also continue to work with the Applicant to agree on the wording of the Protective Provisions and the legal agreement.</p> <p>24.2 We reserve the right to add or amend these representations, including requests for DCO requirements and Protective Provisions should further information be forthcoming during the examination on issues within our remit.</p>	The Applicant appreciates the confirmation that the EA has no objection in principle and has outlined in its responses how it intends to address the EA's concerns raised in its representations. The Applicant and the EA have produced a draft Statement of Common Ground, which will address the key issues raised above and how these are closed out.



### 1.19 RR-019 Espoo, Denmark - The Danish Environmental Protection Agency

ID	Relevant Representations	Applicant Response
<p>The Applicant notes that Denmark has made representations both as an Interested Party via Relevant Representations and separately as a result of the Transboundary screening process undertaken by the Planning Inspectorate on behalf of the Secretary of State for the purposes of Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Applicant has therefore responded to Denmark's comments in the same terms in The Applicant's Responses to Relevant Representations (document reference 15.3) and The Applicant's Responses to Pre-Examination Regulation 32 Consultation responses (document reference 15.19).</p>		
RR-019.001	<p>Denmark thanks for the notification regarding OWF project "Outer Dowsing" and wants to participate in the further environmental assessment process. The notification has been sent for consultation to several Danish authorities and interest organizations and has been published on the Danish Environmental Protection Agency's website. Associations/Organisations - Danish Shipping: It can be difficult to keep an overview of the various parks and their extents. Therefore with reference to our previous consultation response regarding same project dated November 23, 2023. repeating our remark from that time: For our member shipping company DFDS which i.a. sailing from Esbjerg, Hornsea 3 will have a big impact. To address some of these impacts we would like this to be the ODOW project by reducing the northern extent of the ODW so that it is ensured that DFDS can sail in a more direct line south of Hornsea 3 towards the entrance to the Humber.</p>	<p>The Applicant identified DFDS as a key shipping and navigation stakeholder at scoping stage, and DFDS have been consulted as part of the Navigational Risk Assessment (NRA) process. The cumulative impact of Hornsea Three and the Project was recognised early on in the NRA process as an important consideration and was a driving factor behind the RLB reductions made post PEIR. In particular, the removal of a significant proportion of the northern extent of the AfL array area to reduce the cumulative impact on DFDS routing.</p> <p>Consultation as part of the NRA process included a dedicated meeting between the Applicant, DFDS and the Chamber of Shipping. DFDS also attended the first hazard workshop, and provided positive feedback on the outputs of the second hazard workshop via the Chamber of Shipping which included the reduction of the northern boundary. As set out in ES Chapter 15 Shipping and Navigation (APP-070) and ES Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171), following this change the Chamber of Shipping "confirmed via email response on 12 January 2024 that feedback collected from DFDS was "broadly positive" regarding navigational safety and the array area updates".</p> <p>Further, the implementation of the Offshore Restricted Build Area as set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) was presented to the Chamber of Shipping in a meeting on the 15<sup>th</sup> August 2024. The Chamber of Shipping confirmed in subsequent email correspondence (dated 4th September 2024) that DFDS had "no issues and find the changes positive."</p>

### 1.20 RR-020 Fisher German LLP on behalf of National Gas Transmission

ID	Relevant Representations	Applicant Response
RR-020.001	<p>Relevant Representation of National Gas Transmission Limited in respect of the Outer Dowsing Offshore Wind DCO (the "Project") This relevant representation is submitted on behalf of NGT Gas Plc ("NGT") in respect of the Outer Dowsing Offshore Wind DCO, and in particular NGT's infrastructure and land which is within or in close proximity to the proposed Order Limits. NGT will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. NGT's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted.</p>	<p>The Applicant is in the process of negotiating a set of protective provisions with NGT to ensure their apparatus is appropriately protected.</p> <p>Whilst the technical details of the crossing will require pre-construction approval, in accordance with requirements of the Protective Provisions, the Applicant has held a meeting with NGT to discuss the indicative arrangements for cable installation and will continue to engage with NGT regarding the technical aspect of the crossing.</p>
RR-020.002	<p>Further, where the Applicant intends to acquire land or rights, or interfere with any of NGT's interests in land or NGT's apparatus, NGT will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.</p>	<p>The Applicant is in the process of negotiating a set of protective provisions with NGT to ensure their apparatus is appropriately protected.</p>
RR-020.003	<p>NGT have infrastructure within the proposed Order Limits NGT owns or operates the following infrastructure within the proposed Order Limits for the Project along with ancillary apparatus: The transmission pipeline form an essential part of the gas transmission network in England, Wales and Scotland: Transmission Pipelines: • Feeder 7 – Gosberton to Tydd St Giles</p>	<p>The Project's export cables will cross the Feeder 7 – Gosberton to Tydd St Giles pipeline. The Applicant intends to install cables under the pipeline using trenchless technology. A haul road would be constructed above the pipeline.</p> <p>The applicant has identified this asset crossing as 'UUX-249' in the Onshore Crossings Plan (document 2.18, APP-022) and Onshore Crossings Schedule (document 6.3.3.2 APP-143).</p> <p>The applicant's civil engineer and NGT's plant protection team are liaising regarding the technical crossing parameters and protection arrangements.</p>
RR-020.004	<p>Protection of NGT Assets As a responsible statutory undertaker, NGT's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGT has a duty to protect its position in relation to infrastructure and land</p>	<p>The applicant acknowledges NGT's duties and rights and understand the need for these to be protected through the protective provisions which, as noted above, are currently being negotiated with NGT.</p>

ID	Relevant Representations	Applicant Response
	which is within or in close proximity to the draft Order Limits. As noted, NGT's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.	
RR-020.005	NGT will require protective provisions to be included within the draft Development Consent Order (the "Order") for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. NGT is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required. NGT requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant's works pursuant to the Order (if made) will ensure protection for those NGT assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow NGT to properly discharge its statutory obligations.	The applicant will continue to engage with NGT to finalise the protective provisions for inclusion in the draft DCO.
RR-020.006	NGT will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions. Compulsory Acquisition Powers in respect of the Project	The applicant will, likewise, continue to engage with NGT.
RR-020.007	As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGT's interests in land, NGT will require further discussion with the Applicant. NGT reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.	The applicant acknowledges NGT's position regarding land rights and will continue to engage regarding this topic.

### 1.21 RR-021 Forestry Commission

ID	Relevant Representations	Applicant Response
RR-021.001	Thank you for consulting the Forestry Commission on this project. As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.	This is noted, and the applicant appreciates the advice given by the Forestry Commission.
RR-021.002	There are no Ancient Woodlands within the order limits, the route only crosses one lowland mixed deciduous woodland which is on the Priority Habitat Inventory (England) at approx. location TF 3661 4115.	The avoidance of ancient woodland was a priority in the routing of the onshore cables. The priority woodland referred to is a strip alongside the Hobhole drain, where cable will be installed by trenchless techniques. The arrangements can be seen in the Project Description Plans (document 6.2.3, App-089, Figure 3.4.39).
RR-021.003	We do also note from the Outline Landscape & Ecological Management Strategy that trenchless techniques will be used to avoid any effects on woodlands.	Noted, the Applicant has referred to this point in its response to RR-021.003.
RR-021.004	Ancient and Veteran trees are also irreplaceable habitats, should any ancient or veteran trees be identified within or adjacent to the order area, the root protection areas of each tree should be identified and fenced with suitable Heras fencing to avoid any loss or deterioration of the trees.	The applicant acknowledges the importance of protecting Ancient and Veteran trees but due to the route selection, does not anticipate any locations where protective measures will be required, but agrees that measures would be implemented if found to be necessary. The habitats within the project order limits are presented in the UK Habitat Classification Survey (document 6.3.21.2, APP-190).
RR-021.005	With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050. The Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss.	The applicant acknowledges the government targets. The project includes tree planting in the screening areas surrounding the onshore substation.
RR-021.006	We note the intention to plant native woodland, hedgerows and grassland as mitigation for the project, with the woodlands and hedgerows primary for screening purposes.	Details of the proposed planting is included in the Outline Landscape and Ecological Management Strategy (OLEMS) (document 8.10, APP-284)
RR-021.007	There may be further opportunities for some larger woodland blocks to increase habitat connectivity and benefit biodiversity across the whole site area.	The applicant believes that it is unlikely that further tree planting will be possible within the order limits and the proposed mixture of tree planting, grassland establishment and hedgerow planting / restoration proposed is appropriate for the local environment.
RR-021.008	Plans should also be put in place for the long-term management and maintenance of any new woodland, with access needing to be considered for future management.	The management of the planting is secured through the DCO (document 3.1), in Schedule 1, Part 3 - Requirement 10 (provision of landscaping) and Requirement 11 (Implementation and maintenance of landscaping) and Requirement 12 Ecological Management Plan. All three requirements relate to the approval

ID	Relevant Representations	Applicant Response
		of plans. Section 3.9 of the Outline Landscape and Ecological Management Strategy (OLEMS AS1-103) outlines the provision of a 30-year monitoring and management plan for all newly created habitats.
RR-021.009	We hope these comments have been useful to you. If you require any further information, please do not hesitate to contact me. Yours sincerely Sandra J Squire Local Partnership Advisor	The Applicant appreciates the advice received from the Forestry Commission.

### 1.22 RR-022 Fosdyke Playing Field

ID	Relevant Representations	Applicant Response
RR-022.001	The route for onshore cables passes through or near the playing field.	The Applicant notes this comment but would point out that the Order Limits are more than 100m from the boundary of the playing fields at the nearest point. The Onshore Works Plan, Sheet 43 (document 2.1, APP-005) shows the Order Limits in the proximity of the playing field. The Applicant can confirm the lane to the playing field 'Puttock Gate' is not a construction traffic route.
RR-022.002	Plus all roads and traffic problems during construction	<p>As assessment of the potential impacts on onshore traffic and transport as a result of the construction of the Project has been undertaken in the Environmental Statement (ES) Chapter 27 Traffic and Transport (document 6.1.27, AS1-052), which did not identify any significant effects.</p> <p>An Outline Construction Traffic Management Plan (CTMP) (APP-289) was submitted with the Development Consent Order (DCO) application, which sets out the types of measures that would be implemented by the Applicant during the construction of the Project to manage construction vehicles and minimise any potential disruption and maintain safety for all other road users. Before onshore transmission works may commence, final CTMPs (for different stages of the onshore construction works of the Project) will be prepared, agreed with Lincolnshire County Council (LCC) highways prior to construction and implemented.</p> <p>Also, an Outline Travel Plan (APP-290) was also submitted with the DCO application, which sets out the types of measures that would be implemented by the Applicant during the construction of the Project to minimise the number of workforce vehicles on the highway network, promoting car sharing and other sustainable travel options. Final Travel Plans (for different stages of the onshore construction works of the Project) will be prepared, agreed with LCC highways prior to construction and implemented.</p> <p>The implementation of these plans will ensure any potential disruption on roads during construction of the Project would be minimised as far as practicable and in line with the conclusions of the ES which assesses a "worst case scenario" will not be significant.</p>

### 1.23 RR-023 Fred Grant Co

ID	Relevant Representations	Applicant Response
RR-023.001	Interruption of land drainage and possible damage to cable by agricultural machine	<p><b>Land Drainage</b></p> <p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p>

ID	Relevant Representations	Applicant Response
		<p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p> <p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such</p>

ID	Relevant Representations	Applicant Response
		<p>cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p> <p><b>Liability</b> The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>

### 1.24 RR-024 Brown & Co and Business Consultants LLP on behalf of George Hay & Sons Limited

ID	Relevant Representations	Applicant Response
RR-024.001	<p>Brown &amp; Co LLP are retained by George Hay &amp; Sons Limited, Wykeham Abby, The Chase, Wykeham, Spalding, PE12 6HE have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. George Hay &amp; Sons Limited have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	
RR-024.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The</p>

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	<p>It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p>Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>

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RR-024.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-024.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <p>Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</p> <p>a request for further detail on the design of the haul road.</p> <p>Soils – it is not only Wisbech soils which are under drained it is all soils.</p> <p>The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</p> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <p>The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</p> <p>The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</p> <p>Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</p> <p>The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-024.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate</p>

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RR-024.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p> <p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:  Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)  Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.  Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts  Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process  Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</p> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:  The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</p> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:  In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-024.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unresponsive. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-024.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>



ID	Relevant Representations	Applicant Response
	the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.	
RR-024.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-024.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-024.011	<p><b>Non-commercial terms and excessive option area</b></p> <p>Due to the uncertainty of the exact location of the Schemes substation ODOW have looked to acquire an option agreement over an excessive area of land (c.200ac). Commercial terms offered are derisory in relation to the rates agreed on the proposed cable easement route. Entering into HoTs in these circumstances would negate further development opportunities, renewable or otherwise.</p>	<p>The Applicant has consulted with the affected party and offered commercial terms to secure an Option over the Connection Area with a view to installing cables only where necessary. The Applicant has agreed terms with the majority of other parties within the Connection Area which contain provision for the Option to, upon National Grid's substation being granted planning consent, fall away if the land is not required or reduced if only part of the Option area is required.</p> <p>The Connection area has been defined following co-ordination with National Grid and represents the latest understanding of the likely location for the National Grid substation. 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. Once the location of the National Grid Substation is known, the route of the 400kV cables will be determined following surveys, ground investigations and engineering considerations.</p>

### 1.25 RR-025 Gunfleet Sands Limited and Gunfleet Sands II Limited

ID	Relevant Representations	Applicant Response
RR-025.001	Gunfleet Sands Limited & Gunfleet Sands II Limited both wish to register as an Interested Party in relation to the Outer Dowsing Offshore Wind Farm DCO Application, due to the proximity of the projects and the potential for cumulative effects. Gunfleet Sands Limited & Gunfleet Sands II Limited may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.	The comment is noted by the Applicant.

### 1.26 RR-026 Brown & Co and Business Consultants LLP on behalf of GVEG Limited

ID	Relevant Representations	Applicant Response
RR-026.001	Brown & Co LLP are retained by G-VEG Limited, Mill Farm, Seadyke Road, Old Leake Boston, PE22 9HY and have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. G-VEG Limited have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection	

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RR-026.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of</p>

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		<p>greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-026.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-026.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <p>Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</p> <p>a request for further detail on the design of the haul road.</p> <p>Soils – it is not only Wisbech soils which are under drained it is all soils.</p> <p>The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</p> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</p> <p>The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</p> <p>Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</p> <p>The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-026.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-026.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p>

ID	Relevant Representations	Applicant Response
		<p>The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</p> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that: In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-026.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unreasonable. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-026.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-026.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-026.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>
RR-026.011	<p>Objection: G-VEG Limited will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and</p>	

ID	Relevant Representations	Applicant Response
	<p>extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business G-VEG Limited must strongly object to the Development Consent Order application. G-VEG Limited reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED].</p>	

### 1.27 RR-027 Historic England

ID	Relevant Representations	Applicant Response										
RR-027.001	<p>The Historic Buildings and Monuments Commission for England (Historic England) is a statutory consultee in relation to the historic environment, the lead body for the heritage sector and the Government's principal adviser on the historic environment. We summarise our representation regarding this proposed project as follows.</p>	<p>The Applicant notes Historic England's remit.</p>										
RR-027.002	<p>1. The proposed development array area includes records for 56 wrecks and obstructions recorded in the UK Hydrographic Office and Historic England's National Record for the Historic Environment and Lincolnshire Historic Environment Record dataset. The Applicant has also discovered an additional wreck not previously recorded. Furthermore, geophysical survey data analysis has led to the identification of 23 high potential anomalies and 166 medium potential anomalies which have been assigned Archaeological Exclusion Zones (AEZs).</p>	<p>The Applicant has updated the assessment to reflect the changes in design with the inclusion of the Offshore Restricted Build Area and removal of the northern option of the ECC as set out in Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9). The updated values are 49 wrecks, obstructions and findspots and detailed in table below, all showing a reduction.</p> <table border="1" data-bbox="1525 961 2754 1140"> <thead> <tr> <th data-bbox="1525 961 2139 1003">Archaeological Potential</th> <th data-bbox="2139 961 2754 1003">Number of anomalies</th> </tr> </thead> <tbody> <tr> <td data-bbox="1525 1003 2139 1035">High</td> <td data-bbox="2139 1003 2754 1035">21</td> </tr> <tr> <td data-bbox="1525 1035 2139 1066">Medium</td> <td data-bbox="2139 1035 2754 1066">146</td> </tr> <tr> <td data-bbox="1525 1066 2139 1098">Low</td> <td data-bbox="2139 1066 2754 1098">1,669</td> </tr> <tr> <td data-bbox="1525 1098 2139 1140">Total</td> <td data-bbox="2139 1098 2754 1140"><b>1,836</b></td> </tr> </tbody> </table>	Archaeological Potential	Number of anomalies	High	21	Medium	146	Low	1,669	Total	<b>1,836</b>
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RR-027.003	<p>2. The Applicant has also explained that marine survey programmes including all geotechnical works are proposed post-consent and prior to construction (should permission be obtained). We therefore confirm that all such survey campaigns are to be designed and planned inclusive of the collection of archaeologically specific cores to meet archaeological objectives set out in an agreed Written Scheme of Investigation (WSI), building on the Outline Marine WSI submitted by the Applicant (PINs Re: APP-282).</p>	<p>This comment is acknowledged by the Applicant.</p>										
RR-027.004	<p>3. It is apparent from the Environmental Statement that the impact assessment presented relies on embedded mitigation to avoid significant impact and that marine survey works and archaeological analysis and interpretation are to occur post-consent, should permission be secured. The Applicant has therefore interpreted requirements set out in National Policy Statements for Energy (published November 2023) that reflect the broad characterisation they have completed in the EIA exercise. It is also important that the Applicant has acknowledged the risk that this project will encounter both the known and presently unknown elements of the historic environment. For example, for the proposed compensation areas desk-based sources of information include 20 wreck records.</p>	<p>This comment is noted by the Applicant, the embedded mitigation is detailed in section 13.7.3 of ES Chapter 13 Marine and Intertidal Archaeology (APP-068) and secured through the Outline Marine WSI (APP-282).</p>										
RR-027.005	<p>4. For terrestrial cable routing and associated works on land, we are aware that work is underway in respect of terrestrial archaeological assessment with advice led by Local Authority curators. However, we underscore the importance of effective assessment and hence risk management, especially in areas of formerly isolated dryer ground within coastal sediment/salt marsh. Such areas, and in particular their fringes, arguably pose the highest risk of important remains being identified late in process.</p>	<p>Geophysical survey deployed in 2023/2024 included electromagnetism alongside magnetometer survey. A report on these surveys has been submitted alongside this response (document 15.8 Onshore Archaeological Geophysical Survey Report). A review of this survey data will inform the strategic placement of trial trenches on the fringes of any dry islands - the wet/dry interfaces referenced by Historic England - as part of a pre-construction campaign of trial trenching.</p> <p>The pre-construction campaign will supplement a campaign of trial trenching and geoarchaeological works already underway which will, alongside the results of geophysical survey, provide additional data on which to base the pre-construction phase of evaluation.</p>										

ID	Relevant Representations	Applicant Response
RR-027.006	<p>5. It is important that an effective approach is in place for curatorial advice and iterative investigations. Whilst not all archaeological risk can be quantified prior to submission, the earlier and better that the project can be across these matters through survey and trenching informed by deposit modelling – the less frequent and substantive construction impacts and any associated construction delays are likely to be.</p>	<p>Since the submission of the application the Applicant has commenced a programme of geoarchaeological works to further develop the submitted deposit model, in line with approval from the Historic England Science Adviser utilising geoarchaeologists from AOC Archaeology. This campaign began in June 2024 and includes 59 geoarchaeological boreholes placed according to recommendations within the submitted deposit model (DBA Part 5 Section 12 (APP-184)). The geoarchaeologist also monitored 34 geotechnical test pits and 28 geotechnical test pits that are being undertaken concurrently. Fieldwork associated with these elements was undertaken in June and July 2024.</p> <p>This campaign also includes 80 slit trenches/test pits with observations being undertaken by the same geoarchaeological team to ensure that geoarchaeologists most familiar with the particular deposits within the Order Limits are deployed.</p> <p>The data from the geoarchaeological boreholes, the geotechnical boreholes/test pits and the slit trenching/test pitting will be used to update the submitted deposit model. The deposit model will, as referenced above be undertaken in accordance with the Outline WSI under requirement 17 of the draft Development Consent Order (document 3.1, version 3).</p> <p>The Applicant acknowledges that the further pre-construction archaeological works will inform the WSIs to be submitted for each stage of the onshore transmission works, As such, requirement 17(i) of the draft DCO has been updated to include the underlined text: “No stage of the onshore transmission works may commence until a written scheme of archaeological investigation (which must accord with the outline onshore written scheme of investigation for archaeological works and is informed by the archaeological investigations referred to in sub-paragraph (2)) for that stage has been submitted to and approved by Lincolnshire County Council in consultation with the relevant planning authority and Historic England.</p>
RR-027.007	<p>6. Whilst a risk based and target approach is essential this should not exclude the testing of terrestrial areas of apparent absence, this is methodologically necessary to address the inherent limitations of initial survey techniques. For the Marine - Terrestrial interface, it is important that terrestrial and marine documentation and delivery is coordinated to avoid failure to address impacts in the intertidal zone or confusion over responsibilities, in particular, where works in support of marine are required on land and vice - versa. This should extend to the integration of analysis mindful that the existing wet/dry boundary is not where it was in past periods.</p>	<p>The pre-construction trial trenching will target blank areas strategically on the basis of electromagnetism and deposit modelling, such that a blanket approach is avoided. With due regard to the depositional environment this is considered to be appropriate and should reassure HE that all areas of potential risk are evaluated.</p> <p>With regard to the inter-tidal zone, no construction works are proposed with the cable being installed via launch and receive pits firmly within the remit of either the terrestrial or marine teams. Inter-tidal impacts were not assessed by the onshore chapter or the offshore chapter.</p> <p>The historic inter-tidal zone has been within the extant terrestrial limits and this is acknowledged in the evaluation undertaken (electromagnetism) and underway (deposit modelling).</p>
RR-027.008	<p>7. Appropriate design solutions to the deserted medieval village earthworks at Slackholme have been discussed and we reaffirm that directional drill at depth beneath the monument is a necessary and proportionate responses to an undesignated site of equivalent importance to a Scheduled Monument (where diversion around the whole site is not possible).</p>	<p>A commitment to undertake trenchless techniques at this location is demonstrated through the Project Description Figures (PINS document reference APP 089 – Figure 3.4.10) and the onshore crossing schedule (document reference 6.3.3.2 (Version 3)). This shows total avoidance of the Slackholme footprint entirely.</p>
RR-027.009	<p>8. Development Consent Order (PINs Ref: APP-303) and Written Schemes of Investigation – In order for requirements in the DCO (in respect of archaeological mitigation) to be effective, they will need to secure the submission (post-consent) of a WSI. These documents will need to be secured in accordance with an Outline Onshore WSI (PINs Ref: APP-283)/Archaeological Mitigation Strategy consulted upon prior to DCO determination. The present wording in the draft DCO for Requirements 17(1) will require amendment to ensure the necessary consultation occurs prior to approval by the relevant planning authority. The subordinate WSI should be written by the actual contractors undertaking the work (not an intermediate consultant) and submitted for approval to the Local Planning Authority (LPA)/MMO responsible for requirement discharge, such that the discharging authority can be advised on consultation by the LPA’s archaeological curator (e.g. Lincolnshire County Council) and Historic England, as appropriate. This structure also ensures independent expert review of the conformity of the submitted subordinate WSI to the archaeological mitigation strategy (Outline WSI) approved by Secretary of State under the DCO. Curator approval of the subordinate WSI(s) is also essential to effective monitoring of delivery of fieldwork, analysis, publication and archiving.</p>	<p>An Outline Onshore Written Scheme of Investigation (OWSI) [APP 283] was submitted alongside the DCO Application. The Applicant can confirm that subordinate WSIs will be written by the contractors undertaking the work.</p> <p>Requirement 17(1) in the draft DCO (document 3.1, version 3) ensures that the necessary consultation occurs “17.—(1) No stage of the onshore transmission works may commence until a written scheme of archaeological investigation (which must accord with the outline onshore written scheme of investigation for archaeological works) for that stage has been submitted to and approved by Lincolnshire County Council in consultation with the relevant planning authority and Historic England.”. The Applicant therefore does not anticipate any amendments to the Requirement is needed.</p> <p>An updated version of the Outline Onshore WSI (Version 2) (document reference 8.9 (V2)) has been submitted alongside this response and acknowledges some additions requested by LCC (such as to include additional details in the preservation in situ section (section 9.7) and confirmation of objectives (section 3.2)).</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant acknowledges that the further pre-construction archaeological works will inform the WSIs to be submitted for each stage of the onshore transmission works, As such, requirement 17(i) of the draft DCO has been updated to include the underlined text:</p> <p>“No stage of the onshore transmission works may commence until a written scheme of archaeological investigation (which must accord with the outline onshore written scheme of investigation for archaeological works and is informed by the archaeological investigations referred to in sub-paragraph (2)) for that stage has been submitted to and approved by Lincolnshire County Council in consultation with the relevant planning authority and Historic England.</p>
RR-027.010	<p>9. We hereby confirm that the production of a scheme specific Marine WSI is required, as conditioned within the deemed Marine Licences (Schedule 10 Generation Assets and Schedule 11 Transmission Assets) of the draft Development Consent Order. However, Schedule 12 (northern artificial nesting structure 1), Schedule 13 (northern artificial nesting structure 2), Schedule 14 (southern artificial nesting structure 1), Schedule 15 (southern artificial nesting structure 2) and Schedule 16 (biogenic reef creation), do not include the equivalent of Condition for a Marine WSI (Condition 13(1)(g) as used in Schedules 11 and 12). This is an essential mitigation requirement considering the present absence of corroboration between desk-based sources of information and the absence of any geophysical data for the proposed compensation areas and the acknowledged risk of encountering elements of the historic environment. We add that the present Outline Marine WSI is sufficient, as it describes mitigation and offsetting works in relation to pre-construction, construction and operation &amp; maintenance phases inclusive of proposed locations for installation of Artificial Nesting Structures (ANS) and creation of benthic reef.</p>	<p>The Applicant agrees that the deemed marine licences contained in Schedule 12 (northern artificial nesting structure 1), Schedule 13 (northern artificial nesting structure 2), Schedule 14 (southern artificial nesting structure 1), Schedule 15 (southern artificial nesting structure 2) and Schedule 16 (biogenic reef creation), should include a condition for a marine archaeological WSI. The draft DCO (document 3.1, version 3) has been updated to include a marine archaeological WSI condition (condition 10(1)(g) and (3)) in each of the deemed marine licences contained in Schedules 12-16 of the draft DCO. The Applicant welcomes the confirmation from Historic England that the Outline WSI (APP-282) is sufficient. As required under condition 13(g) of the deemed marine licences forming Schedules 10 and 11 and condition 10(1)(g) and (3) of the deemed marine licences forming Schedules 12-16 of the draft DCO a written scheme of archaeological investigation which accords with the Outline WSI must be submitted to and approved by the MMO in consultation with Historic England prior to the start of construction.</p>
RR-027.011	<p>10. We will provide further comment through our Written Representation as there are matters which require your attention to ensure that this project is most appropriately aligned with expectations set out in national policy.</p>	<p>This comment is noted by the Applicant.</p>

### 1.28 RR-028 Hornsea 1 Limited

ID	Relevant Representations	Applicant Response
RR-028.001	<p>Hornsea 1 Limited owns and operates an operational offshore windfarm with a Development Consent Order (DCO) and relevant marine licences (“Hornsea 1”). We wish to register as an interested party. Hornsea 1 is proximate to the proposed Outer Dowsing Offshore Wind Farm (“ODWF”). The ODWF array is proposed to be located 23.10km and its cable corridor 38.20km away from Hornsea 1. We refer you to our s42 consultation response dated 21st July 2023 (s42 response) that supplements this response. Hornsea 1 does not object to the principle of ODWF. We do, however, wish to participate in the DCO Examination to make representations about the potential impacts on and interactions with Hornsea 1 and, where appropriate, to secure appropriate mitigations. We expect further meaningful engagement to seek to address the below issues which we are open to addressing within or outside the Examination process. Hornsea 1 expects to continue to operate and be maintained in the long-term. It may be upgraded and repowered in future and will then be decommissioned. Co-existence with Hornsea 1 must be considered and protected over the long-term – and the acceptability of cumulative and in-combination impacts – must be properly assessed taking into account each of the above stages of Hornsea 1’s life. Hornsea 1 requires that its operations, consents (including conditions), and any stakeholder agreements entered into by it are unaffected by ODWF. Hornsea 1’s concerns include the following but we reserve the right to raise additional concerns</p>	<p>The comment is noted by the Applicant.</p>
RR-028.002	<p>Issue one: The first point to note is the effect of energy yield upon Hornsea 1. The proposed ODWF is approximately 23.10km from Hornsea 1. Due to its proximity, there is significant potential for the ODWF turbines to interfere with wind speed or wind direction of Hornsea 1 and thus cause a reduction in energy output from the Hornsea 1 turbines. We note the response from ODWF that the Project has been sited in accordance with requirements of the Crown Estate’s Offshore Wind Leasing Round 4 process, including that projects may not be located within 7.5km of an existing offshore wind farm. We further note that this</p>	<p>The Applicant notes that Hornsea 1 Limited states that Hornsea 1 is located more 20km from the Project. The distance between Hornsea 1 and wind turbine generators (WTGs) is increased to 24.6km with the introduction of the Offshore Restricted Build Area (ORBA) as set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9). As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate’s requirements for Offshore Wind Leasing Round 4, including that projects may not be</p>



ID	Relevant Representations	Applicant Response
	requirement is considered to mitigate against the potential for the proposed ODWF to impact the energy output from Hornsea 1. This however does not negate the requirement for ODWF to engage on this issue and consider any evidence presented by Hornsea 1.	located within 7.5km of an existing OWF unless the owner of the OWF has given their written consent. Additionally, a recent non site specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separation between OWFs, and at separation distances over 20km wake effects become “vanishingly small” (Frazer-Nash Consultancy Limited, 2023 <sup>7</sup> ).
RR-028.003	Issue two: Table 15.4 notes the routes used by vessels associated with the Hornsea Projects with reference to the Humber Ports as the route used by construction, operation and maintenance to the Hornsea Projects from the Humber. As part of our review of the PEIR we noted that vessel displacement and restriction of adverse weather routeing would be revisited once array reductions were applied. We note in the ES that a statement is made that vessels typically pass north of the Hornsea Project’s array areas and as such no impact is anticipated. Nonetheless the cumulative and in-combination effects as set out in the s42 response remain a concern due to the nature of the increased development in a congested area of sea.	The Applicant notes that the relevant routeing of Hornsea Project vessels passes clear of the array area [6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171)] and hence is unlikely to be impacted by the presence of ODOW.  Cumulative routeing has also been assessed within 6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171). This assessment showed no anticipated impact to the routes used by vessels to / from the Hornsea projects. The significant refinement to the array area made post PEIR allow for increased sea room to the north, with in excess of 5nm available to the infrastructure at the West Sole field, and in excess of 10nm to the Hornsea projects. This searoom also means that even if vessels are displaced north as a result of ODOW, there is not anticipated to be any notable change in allision risk to the assets in the Hornsea Project arrays.  Feedback on the array area refinements have been positive from key stakeholders including the MCA.
RR-028.004	Issue three: We note the potential for in-combination impacts on Kittiwake (where there is potential for AEoI (Table 12.1 of the RIAA). We further note that cumulative impacts in relation to ornithology has the potential to affect post construction monitoring of Hornsea 1. It is imperative therefore that Hornsea 1 continues to be considered so operational requirements are not impacted. We wish to be kept informed as we may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.	As set out within the Applicant’s RIAA (AS1-095), it was not possible to exclude the potential for an AEoI to the kittiwake feature of the Flamborough and Filey Coast SPA from the Project when considered in-combination (however an AEoI can be excluded for the Project alone), in part due to the impacts predicted from the Applicants assessments for the Project and how they align with the recent conclusions by the SoS for other OWFs.  The Applicant has not identified any potential significant effects in EIA terms for the Project alone or cumulatively from the Project for either offshore ornithological or migratory fish receptors (APP-067 and APP-065, respectively). Likely significant effects of the Project on other sea users, including Hornsea 1 are assessed in Chapter 18 Marine Infrastructure and Other Users (APP-073). The Applicants assessment determined that the impacts from the Project were negligible and are predicted to be undetectable against a backdrop of natural fluctuations in baseline mortality and productivity. As such, any impacts from the Project will not affect other OWFs post construction monitoring.

### 1.29 RR-029 Hub Rural Ltd on behalf of The Holmes 1987 Pension Fund

ID	Relevant Representations	Applicant Response
RR-029.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:</p> <p>Interested Party - The Holmes 1987 Pension Fund  Project - Outer Dowsing Offshore Wind Project  Property - Land to the east of Marsh Lane, Kirton</p> <p>The Interested Party is required by the Project to:  Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property.</p>	

<sup>7</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study. Applicant’s Responses to Written Questions Document Reference: 15.3

ID	Relevant Representations	Applicant Response
	<p>The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed.</p>	
RR-029.002	<p>At the current time, the following has not been agreed:</p> <p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m’s, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans</p>

ID	Relevant Representations	Applicant Response
		<p>submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>            The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>            The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-029.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and notwithstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>

ID	Relevant Representations	Applicant Response
	and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.	
RR-029.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-029.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-029.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	<p>The landowner has signed Heads of Terms with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p>
RR-029.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT’s) over an extended period, which are too detailed to include here. These HoT’s include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT’s is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party’s relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.30 RR-030 Hub Rural Ltd on behalf of Henry Tunnard Ltd

ID	Relevant Representations	Applicant Response
RR-030.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:</p> <p>Interested Party - Henry Tunnard Ltd            Project - Outer Dowsing Offshore Wind Project            Property - Land on the south west side of Sandholme Lane, Frampton &amp; Land lying to the east of Skeldyke Road and Marsh Road, Boston, PE20 &amp; Land on the north east side of Marsh Road, Kirton &amp; Land adjoining Hundred Acre Farm, Marsh Road, Kirton, Boston, PE20 1ND</p> <p>The Interested Party is required by the Project to:</p> <p>Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property.</p> <p>The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested Party and the Project to be agreed.</p>	
RR-030.002	<p>At the current time, the following has not been agreed:</p> <p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m’s, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the</p>

ID	Relevant Representations	Applicant Response
		<p>crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware</p>

ID	Relevant Representations	Applicant Response
		<p>of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-030.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-030.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-030.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-030.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the</p>	<p>The landowner has signed Heads of Terms with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p>

ID	Relevant Representations	Applicant Response
	implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.	
RR-030.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.31 RR-031 IOG North Sea Limited

ID	Relevant Representations	Applicant Response
RR-031.001	IOG North Sea Limited ("IOG") is the Licence Administrator, Licence Operator, and a Licence Beneficiary, of UKCS Production Licence P2438 (Blocks 48/11c 'ALL' and 48/12b 'ALL') containing the Goddard gas discovery. IOG's joint venture partner, CalEnergy Resources (UK) Limited, is also a Licence Beneficiary. The licence includes a commitment to drill an appraisal well on the Goddard gas discovery, prior to any decision by the Licence Beneficiaries to apply for development and production consent. The outline area of the Outer Dowsing Offshore Wind project overlies a significant portion of the licence, in particular, its southern and western extent, and the southern extent of the Goddard gas discovery. IOG wishes to build upon its existing relationship with the Outer Dowsing Offshore Wind project, and to reassert itself as a regional stakeholder and a neighbour to the project. IOG would like to highlight areas of interest or uncertainty with the proposed project. These are outlined below and are not exhaustive. These frame the overall risk themes that IOG wishes to manage, in collaboration with the project, whilst planning and executing the drilling of an appraisal well on the Goddard gas discovery, and the potential development of the Goddard field.	The comment is noted by the Applicant. The Applicant continues to engage with IOG in relation to UKCS Production Licence P2438 (Blocks 48/11c 'ALL' and 48/12b 'ALL') containing the Goddard & Southsea prospects, most recently meeting on 5th July 2024 and is confident in reaching an agreement with IOG North Sea Limited.
RR-031.002	Helicopter approaches to a Mobile Offshore Drilling Unit ("MODU") Multiple helicopter approach paths are required to allow access to a MODU in varying weather conditions, and for emergency response, during the drilling of appraisal and development wells. We would appreciate consultation between IOG and the project, and potentially directly with IOG's helicopter providers, to ensure MODU access remains unobstructed by project activity.	The comment is noted by the Applicant. The Applicant continues to engage with IOG.
RR-031.003	<p><b>Fixed Installations</b></p> <p>If the Goddard field is developed following development and production consent, IOG would wish to site any fixed installation optimally to allow efficient and effective drilling of any development wells.</p>	The comment is noted by the Applicant. A robust assessment of the potential impacts on oil and gas licence blocks is presented in ES Chapter 18 Marine Infrastructure and Other Users (APP-073) which concludes there will be no residual significant effects.
RR-031.004	Vessel Traffic during Construction and Operations	The comment is noted by the Applicant. The Applicant continues to engage with IOG.



ID	Relevant Representations	Applicant Response
	Well drilling, pipeline laying, and platform installation activities, are regularly serviced by construction, supply, emergency response and stand-by vessels. Careful coordination is required to ensure that any MODU or vessel activity remains unobstructed by project activity.	
RR-031.005	Periodic pipeline and seabed surveys are required during the lifecycle of a gas field, and therefore, coordination is also required to ensure that these operations can continue unimpeded.	The comment is noted by the Applicant. The Applicant continues to engage with IOG.
RR-031.006	Line of Sight Communications. We would appreciate confirmation that any line of sight communication between any fixed installations and the chosen onshore gas terminal would not be obstructed by any individual wind turbines.	The comment is noted by the Applicant. The Applicant continues to engage with IOG.
RR-031.007	Crossing and Proximity Agreements. The appropriate crossing agreements may be required between IOG and the project should any of our respective future subsea infrastructure be crossed, for instance, gas export pipelines and umbilicals across inter-turbine (array) cables.	The comment is noted by the Applicant. As and when further detail on the future subsea infrastructure becomes available, the Applicant will consider whether there is a need for any crossing or proximity agreement.

### 1.32 RR-032 Hub Rural Ltd on behalf of Jonathan Gordon Fowler (and J Fowler & Sons)

ID	Relevant Representations	Applicant Response
RR-032.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning: Interested Party - Jonathan Gordon Fowler and J Fowler &amp; Sons Project - Outer Dowsing Offshore Wind Project Property - Frampton Manor Farm, Frampton, Boston &amp; Land on the south side of Sandholme Lane, Kirton</p> <p>The Interested Party is required by the Project to: Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property.</p> <p>The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed.</p>	
RR-032.002	<p>At the current time, the following has not been agreed:</p> <p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted</p>

ID	Relevant Representations	Applicant Response
	<p>to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p>that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-032.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and notwithstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-032.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-032.005	<p><b>Occupiers and Crop loss</b></p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This</p>

ID	Relevant Representations	Applicant Response
	Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.	document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.  72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.
RR-032.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width</p>	The landowner has signed Heads of Terms with the extent of the Option clearly defined. The Applicant has liaised with the landowner's solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.
RR-032.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.33 RR-033 Brown & Co Property and Business Consultants LLP on behalf of J W Grant & Co

ID	Relevant Representations	Applicant Response
RR-033.001	Brown & Co LLP are retained by J W Grant & Co, Fold Hill, Old Leake, Boston, Lincolnshire and have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. J W Grant & Co have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:	
RR-033.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted</p>

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	<p>lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p>that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p>

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		<p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-033.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-033.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> </ul>

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		<p>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</p> <p>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</p> <p>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-033.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-033.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p>

ID	Relevant Representations	Applicant Response
		<ul style="list-style-type: none"> <li>In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-033.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-033.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-033.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-033.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>
RR-033.011	<p>Objection: J W Grant &amp; Co will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business J W Grant &amp; Co must strongly object to the Development Consent Order application. J W Grant &amp; Co reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the</p>	



ID	Relevant Representations	Applicant Response
	design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown & Co LLP [REDACTED].	

### 1.34 RR-034 Brown & Co Property and Business Consultants LLP on behalf of J W Grant & Co Pension Fund

ID	Relevant Representations	Applicant Response
RR-034.001	Brown & Co LLP are retained by J W Grant & Co Pension Fund, Fold Hill, Old Leake, Boston, Lincolnshire and have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. J W Grant & Co Pension Fund have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:	
RR-034.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans</p>

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		<p>submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-034.003	<b>Soil profile</b>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria</p>

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	<p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing.</p>	<p>for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
<p>RR-034.004</p>	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>v) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>vi) a request for further detail on the design of the haul road.</li> <li>vii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>viii) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>v) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>vi) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>vii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>viii) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
<p>RR-034.005</p>	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered.</p>

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		<p>This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-034.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
<p>RR-034.007</p>	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unreasonable. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
<p>RR-034.008</p>	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of</p>

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	this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.	Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.  72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.
RR-034.009	<b>Preservation of terms agreed under the Heads of Terms [HOT's]</b>  The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.	The Applicant notes the position.
RR-034.010	<b>The provision of incorrect documentation</b>  A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-034.011	Objection: J W Grant & Co Pension Fund will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business J W Grant & Co Pension Fund must strongly object to the Development Consent Order application. J W Grant & Co Pension Fund reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown & Co LLP [REDACTED]	

### 1.35 RR-035 The Lincolnshire Association of Agricultural Valuers Land Interest Group

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RR-035.001	This representation is made on behalf the Land Interest Group (LIG), a group comprising Land Agents that represent Landowners and Occupiers that have a commercial interest in specialist cropping/Vegetable production on silt land affected by the scheme. Grounds of Objection:	
RR-035.002	<b>Insufficient cable burial depth</b>  Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in	<b>Cable Depth</b> The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.  Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage,

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	<p>contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p>similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p>

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		<p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-035.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and pack-house processing.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-035.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating. Moreover, there is no mention of Organic Land and how this will be handled and maintained from weeds and invasive species during the construction and reinstatement process despite this being raised at the initial stages of the scheme.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>ix) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>x) a request for further detail on the design of the haul road.</li> <li>xi) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>xii) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>ix) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>x) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>xi) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> </ul>

ID	Relevant Representations	Applicant Response
		<p>xii) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-035.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-035.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables which are particularly susceptible to dust contamination. Silts are light and frangible when dry, being particularly susceptible to wind blow. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul>



ID	Relevant Representations	Applicant Response
		The Applicant arranged to meet with the LIG on the 4 <sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the OCoCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the OCoCP.
RR-035.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which, in addition to the above issues, make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behavior of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.
RR-035.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unseen and unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-035.009	<p><b>Preservation of terms agreed under the Heads of Terms (HOT's)</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which we are unable to include in this representation due to their length. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation within the agreed timeframe, we have been provided with no reassurance for our clients with legal interest in the scheme that these terms are protected. As such we wish to reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-035.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme. This is a significant failure on the schemes part , putting our clients terms and payments at risk and is wholly unacceptable.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-035.011	<p>The LIG and the Solicitors Action Group (SAG) will continue to engage with ODOW and their legal representatives in an attempt to constructively resolve the issues highlighted and endeavor to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider businesses, as agents, we must object to the Development Consent Order application. We reserve the right to continue to make representations throughout the Examination process if necessary to protect the position of land owners and occupiers farming this specialist and valuable silt land. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme</p>	

ID	Relevant Representations	Applicant Response
	crosses this unique land. Should the Examining Authority require any additional information in relation to this representation, please contact Lucy Turner [REDACTED] as Convener of the Land Interest Group.	

### 1.36 RR-036 Lincolnshire Wildlife Trust

ID	Relevant Representations	Applicant Response
RR-036.001	Lincolnshire Wildlife Trust (LWT) has been actively involved with this application since the pre-application stage, providing written responses to the applicant's published documentation and participating in virtual meetings. LWT has also communicated with other organizations, including other Wildlife Trusts, Natural England, the Environment Agency, and the RSPB	The Applicant notes this comment and appreciates LWT's engagement.

#### Primary Concerns

RR-036.002	<p>Cable Route through IDRBNR SAC: The planned cable route through the IDRBNR SAC does not comply with the Crown Estate's conditions regarding red risk features. The applicant has stated that "The offshore ECC must pass through the Inner Dowsing, Race Bank and North Ridge SAC," but we are not satisfied with the reasoning provided or the application of the mitigation hierarchy.</p>	<p>This is not correct. As set out within the assessments in ES Chapter 7: Marine Physical Processes (APP-062)]and within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), the effects from construction, operation and decommissioning will be temporary in nature, with full recovery of the sandbanks predicted.</p> <p>The Applicant notes that paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (TCE, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions.</p> <p><i>"The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."</i></p> <p>The Applicant has undertaken a detailed and robust site selection process to select the Export Cable Corridor for the Project, as set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059).</p>
RR-036.003	<p>Impact on Sandbank Feature: The applicant inaccurately claims that there will only be a temporary impact on the sandbank feature during the construction phase and due to cable protection.</p>	<p>As set out within the assessments in ES Chapter 7: Marine Physical Processes (APP-062) and within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), the effects from construction, operation and decommissioning will be predominantly short-term and temporary in nature, with full recovery of the sandbanks predicted. In the event of the use of cable protection over the sandbank, the Applicant has committed to removing cable protection that might be required across the sandbank features of the IDRBNR SAC, as detailed within the ES Schedule of Mitigation (APP-287), therefore not proposing a permanent habitat change (long-term but temporary). The physical sandbank feature and associated benthic ecology is expected to recover quickly following the removal of cable protection as set out in in ES Chapter 7: Marine Physical Processes (APP-062) and ES Chapter 9: Benthic and Intertidal Ecology (APP-064).</p>
RR-036.004	<p>Assessment of Impact on SAC: LWT disagrees with the assessment of no significant impact on the SAC, particularly regarding cable protection. This assessment does not align with past casework (HO3 decision) and fails to mention the site's unfavorable condition. The recent update from Natural England to the MPA advice package for the site has also not been considered. Pilots show that the site's features (reef and sandbanks) are already in an unfavorable condition due to existing activities, including cabling.</p>	<p>As discussed within the Report to Inform Appropriate Assessment (AS1-095), the Applicant maintains that, with the commitment to use only removable cable protection over the sandbanks, and the very small potential impact if cable protection is even required, this is sufficient mitigation to enable a conclusion of no AEoI of the sandbank features within the Inner Dowsing, Race Bank and North Ridge SAC, as full recovery will occur following decommissioning of the Project; therefore not impeding the Conservation Objectives of the site.</p> <p>The unfavourable status of the sandbank feature was considered within the assessment of the potential for an AEoI. The Applicant notes that the advice package from Natural England was updated following submission of the Application; however, the Applicant does not consider that the changes to the advice change any conclusions drawn within the Report to Inform Appropriate Assessment (AS1-095) (i.e. remains confident in the conclusions of no potential for an AEoI). Whilst the Applicant notes the previous decisions of the SoS with respect to impacts to sandbanks, it highlights that these decisions were for different SACs and as such are not directly applicable to the Project's assessments.</p>

ID	Relevant Representations	Applicant Response
RR-036.005	Onshore Cable Routing and Grid Infrastructure: Concerns about the planned onshore cable routing and grid infrastructure.	The Applicant has worked closely with LWT since the Project's inception; specifically in relation to interactions with Local Wildlife Sites (LWS), namely the Anderby Marsh LWS at the Project's Landfall where the Applicant committed to a number of mitigation measures early on in the Project's development; such as the development of a noise bund at the landfall compound and associated seasonal working constraints as included in the Outline Landscape and Ecological Management Strategy (OLEMS) (AS1-103), this is specifically set out in Section 3.7.5.4.  The Applicant would welcome further details on LWT's concerns relating to the onshore cable routing and grid infrastructure, noting this has not been raised with the Applicant through their previous consultations.
<b>Additional Concerns:</b>		
RR-036.006	Timescales for Projects: Concerns about the project timelines.	The Applicant would welcome further details on LWT's concerns relating to the Project's timeline.
RR-036.007	Cumulative Impacts to Dogger Bank SAC: Potential cumulative impacts on the Dogger Bank SAC	Impacts to Dogger Bank SAC from the Project were screened out as presenting no Likely Significant Effect within the HRA Screening Report (APP-239) due to the distance between the Project and the Dogger Bank SAC.
RR-036.008	Impacts on Nursery/Spawning Grounds: Effects on important nursery and spawning grounds for sandeel, herring, and other ecologically and commercially important fish species.	The Applicant maintains that all effects on fish have been robustly assessed within ES Chapter 10: Fish and Shellfish Ecology (APP-065).
RR-036.009	Biodiversity Net Gain (BNG): Need for proper assessment and commitment to BNG.	The Applicant has submitted a Biodiversity Net Gain (BNG) Assessment Report (AS-014) providing a detailed assessment and further details as to the Applicant's approach to BNG and the opportunities being progressed.
RR-036.010	Dredging Impacts: Evaluation of dredging impacts and disposal of dredged material.	The Applicant maintains that all effects from dredging and disposal activities have been appropriately assessed in the ES.
RR-036.011	Noise Impact Modelling: Modelling the impacts of noise and cumulative noise	The Applicant maintains that the underwater noise modelling and associated assessments are robust.
RR-036.012	Outdated Data: Many referenced datasets are over 5 to 20 years old and not site-specific. LWT insists on current, site-specific data collection.	The Applicant maintains that the baselines used in the assessments are robust, with historical data used to support more recent data. Extensive site-specific data were collected across the array area and offshore ECC as set out in ES Chapter 7: Marine Physical Processes (APP-062), ES Chapter 9: Benthic and Intertidal Ecology (APP-064) and ES Chapter 10: Fish and Shellfish Ecology (APP-065).
RR-036.014	Inadequate Data from Hornsea Developments: Data from the Hornsea developments, 17 km away, is not suitable for the ODOW project.	The Applicant maintains that the baselines used in the assessments are robust, with regional data used to support site-specific data. Extensive site-specific data were collected across the array area and offshore ECC as set out in Volume 1, Chapter 7: Marine Physical Processes (APP-062), ES Chapter 9: Benthic and Intertidal Ecology (APP-064) and ES Chapter 10: Fish and Shellfish Ecology (APP-065).
RR-036.015	Inner Silver Pit: Lack of sufficient evidence on safeguarding this habitat.	The Applicant has avoided the Inner Silver Pit as part of the routing for the cables. Further mitigation for this non-designated feature is not considered necessary in the absence of any significant effects.
RR-036.016	Flamborough & Filey Coast SPA and Dogger Bank SAC: Risks of adverse effects on site integrity due to potential impacts on kittiwake birds and sandbank features.	The Applicant has presented a full assessment of the impacts to the relevant SACs and SPAs within the RIAA (AS1-095). A derogation case, including compensation measures has been developed for the kittiwake feature of the Flamborough and Filey Coast SPA due to the potential in-combination effects to that species.
RR-036.017	Seal Haul-Out Sites: Potential disturbances to grey seals, particularly at Donna Nook, are underestimated and require careful evaluation.	The marine mammal assessment presented in ES Chapter 11 Marine Mammals (APP-066) considers the impacts of the construction, operation and decommissioning on seal haul out sites.
RR-036.018	Fish and Shellfish Ecology: Reliance on outdated and non-site-specific data is inadequate. Updated local data is essential.	The Applicant maintains that the baselines used in the assessments are robust, with regional and historic data used to support site-specific data. Extensive site-specific data to help inform the baseline for fish and shellfish were collected across the array area and offshore ECC as set out in ES Chapter 10: Fish and Shellfish Ecology (APP-065).
RR-036.019	LWT has provided detailed descriptions of these concerns and recommended measures in our formal written responses to the applicant. We are happy to share these responses upon request. Yours sincerely, Beth Fox Conservation Officer Lincolnshire Wildlife Trust	This comment is noted by the Applicant.

### 1.37 RR-037 Lincs Wind Farm Limited

ID	Relevant Representations	Applicant Response
RR-037.001	Lincs Wind Farm Limited ("Lincs") owns and operates an operational offshore windfarm with a s36 consent and relevant marine licences ("Lincs Wind Farm"). Lincs wishes to register as an interested party. The Outer	The comment is noted by the Applicant.

ID	Relevant Representations	Applicant Response
	<p>Dowsing Wind Farm array is proposed to be located 46.05km away but there is an overlap between the Lincs array area and the Projects 1km buffer around the offshore ECC. Lincs does not object to the principle of ODWF. We do, however, wish to participate in the DCO Examination to make representations about the potential impacts on and interactions with Lincs and, where appropriate, to secure appropriate mitigations and if deemed appropriate protective provisions due to the significant proximity between the projects. Lincs would like to engage with ODWF to discuss the inclusion of protective provisions in the DCO pending completion of a proximity agreement. For the avoidance of doubt Lincs agrees with ODWF that the overlap can be addressed through a proximity agreement but we expect further meaningful engagement to seek to address the overlap and the below issues which we are open to addressing within or outside the Examination process. Lincs expects to continue to operate and be maintained in the long-term. It may be upgraded and repowered in future and will then be decommissioned. Co-existence with Lincs must be considered and protected over the long-term. Lincs requires that its operations, consents (including conditions), and any stakeholder agreements entered into by it are unaffected by ODWF. As stated in the original s42 response, it would be helpful to understand all of the ODWF's project components and routes associated with the proposed works (including the transmission works) so that we can establish that access for Lincs Wind Farm, including access for jack up vessels and anchor splays (etc.), will be maintained and that physical interactions can be avoided or understood and appropriately mitigated. Lincs concerns include the following but we reserve the right to raise additional concerns as appropriate.</p>	
RR-037.002	<p>Issue one: The first point to note is the effect of energy yield upon Lincs. The proposed ODWF is approximately 46.05km from Lincs Wind Farm. Due to its proximity, there is significant potential for the ODWF turbines to interfere with wind speed or wind direction of Lincs and thus cause a reduction in energy output from the Lincs turbines. We note the response from ODWF that the Project has been sited in accordance with requirements of the Crown Estate's Offshore Wind Leasing Round 4 process, including that projects may not be located within 7.5km of an existing offshore wind farm. We further note that this requirement is considered to mitigate against the potential for the proposed ODWF to impact the energy output from Lincs. This however does not negate the requirement for ODWF to engage on this issue and consider any evidence presented by Lincs.</p>	<p>The Applicant notes that Lincs OWF is located more 40km from the Project. As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate's requirements for Offshore Wind Leasing Round 4, including that projects may not be located within 7.5km of an existing OWF unless the owner of the OWF has given their written consent. Additionally, a recent non site specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separate between OWFs, and at separation distances over 20km wake effects become "vanishingly small" (Frazer-Nash Consultancy Limited, 2023<sup>8</sup>).</p>
RR-037.003	<p>Issue two: It has been noted that Lincs has been assessed as a receptor for activity/access displacement in construction, direct disturbance and damage to existing assets from construction and disturbance to operations from the physical presence of infrastructure. For all areas the conclusion is not significant. We would appreciate if more information on this could be provided so we can properly understand and respond to the potential impacts and mitigations being proposed. It is important that any solutions properly take into account existing consent conditions and agreements. As noted above it would be helpful to understand all of ODWF's project components and routes associated with the proposed works and how they interface with the Lincs Wind Farm.</p>	<p>The Applicant notes that there is no direct overlap between the Project Order Limits and the Lincs wind farm. APP-073 considered the potential for effects arising to other infrastructure and concluded that with industry standard simultaneous operations agreements, any conflict between operations would be avoided.</p> <p>The full Project details are set out within ES Chapter 3 Project Description chapter (APP-058) which describes all potential components of the Project. The Applicant has not designated a specific construction or operations port at this stage, and would not award the relevant contract prior to any consent being granted and as such it is not possible to confirm vessel routes for the Project.</p>
RR-037.004	<p>Issue three: In relation to shipping and navigation we would appreciate being given the opportunity to input into and participate in discussions around navigational risks. Lincs requires direct engagement both prior to and during construction. Once further information becomes available through examination and we have had the opportunity to consider the assessments in detail, Lincs may require protective provisions to ensure engagement prior to finalisation of ODWF's construction programme due to the proximity/overlap between the projects.</p>	<p>The Applicant notes that the array area is located approximately 25 nautical miles (closest point) from the Lincs Offshore Wind Farm (OWF). Therefore, there will not be any overlap in construction activities associated with the array area that would create navigational safety concerns or constraints.</p> <p>The export cable corridor passes 0.1nm (closest point) to the north of Linc OWF [APP-171]. The Outline Cable Specification and Installation Plan (CSIP) [APP-278] sets out what will be included in the final CSIP. This will include consultation, Cable Burial Risk Assessment, the cable laying plan and methodology. The final CSIP (which must accord with the outline CSIP) will be submitted for the approval of the MMO post-consent in accordance with condition 13 of the deemed marine licences forming schedules 10 and 11 of the draft DCO (document 3,1, version 3).</p>

<sup>8</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study. Applicant's Responses to Written Questions Document Reference: 15.3

ID	Relevant Representations	Applicant Response
		<p>As part of this process the existing Lincs OWF assets will be considered and consulted as required including the operation of installation vessels to ensure they maintain safe distances from existing assets.</p> <p>The Offshore Reactive Compensation Platform (ORCP) Area is located less than 1nm (closest point) to the Lincs OWF [APP-171].</p> <p>Under condition 13(a) of the transmission DML forming schedule 11 of the draft DCO, the final location of the ORCP within the area shown on the Offshore Works Plans (AS1-005 0) for Work No. 7 – HVAC reactive compensation platforms will be required to be approved by the MMO in consultation with the MCA and Trinity House and this will include consideration of baseline traffic patterns (noting the current routing to the Lincs OWF passes inshore and in proximity to the ORCP area). This will ensure risks to passing traffic including the vessels associated with Lincs OWF are ALARP. It is noted that the ORCP area is located offshore of local sandbanks, meaning that as existing routing is already defined by these sandbanks, no additional impact on this routing is anticipated. Further, the majority of vessels using the inshore area immediately inshore of the banks are wind farm vessels transiting to and from the Lincs OWF.</p>
RR-037.005	<p>Issue Four: We note the potential for in-combination impacts on Kittiwake (where there is potential for AEol (Table 12.1 of the RIAA). We further note that cumulative impacts in relation to ornithology and migratory fish has the potential to affect post construction monitoring of Lincs. We also note that within Document 7.6.3 the Applicant has proposed a SAC extension over Lincs’ export cable route. It is imperative that Lincs continues to be considered so operational requirements are not impacted. We wish to be kept informed as we may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.</p>	<p>As set out within the Applicant’s RIAA (AS1-095), it was not possible to exclude the potential for an AEol to the kittiwake feature of the Flamborough and Filey Coast SPA from the Project when considered in-combination (however an AEol can be excluded for the Project alone), in part due to recent conclusions by the SoS.</p> <p>The Applicant has not identified any potential significant effects alone or cumulatively from the Project for either offshore ornithological or migratory fish receptors as set out in ES Chapter 12 Offshore and Intertidal Ornithology and Chapter 10 Fish and Shellfish Ecology (APP-067 and APP-065 respectively). The Applicants assessment determined that the impacts from the Project were negligible and are predicted to be undetectable against a backdrop of natural fluctuations in baseline mortality and productivity. As such, any impacts from the Project will not affect other OWFs post construction monitoring.</p> <p>The Applicant is not promoting a specific extension of an SAC within the DCO Application, with this without-prejudice compensation measure clearly identified as being a strategic measure which would need to be delivered by Defra, and would be subject to a full site selection process by the relevant SNCBs and consultation on any proposed areas. The Applicant has simply identified some theoretical options for an SAC extension based on the known presence of suitable seabed feature (specifically sandbanks which may qualify as Annex 1 habitat) demonstrating the feasibility of such a measure to give the ExA and SoS confidence that the measure is deliverable and can be relied upon in the event that it is concluded that compensation were required.</p>

### 1.38 RR-038 Lindsey Marsh Drainage Board

ID	Relevant Representations	Applicant Response
RR-038.001	<p>With regard to the request for consultation response relating to the above project I would advise that the route of the over land cable path runs through the area under the control of Lindsey Marsh Drainage Board. There are numerous watercourses that are likely to be impacted by the development, principally by the cable route crossings but also the installation of culverts and to perhaps to a lesser extent by any above ground installations. I feel that it is important to raise some specific issues that will need to be considered further and in detail as a part of the DCO process.</p>	<p>The Applicant acknowledges the Board’s statutory powers and the importance of its duties in maintaining the drainage system. The Applicant has engaged with LMDB throughout the pre-application process and included LMDB in its quarterly ‘Expert Topic Group’ briefings from 2022 to 2023.</p>
RR-038.002	<p>All Board watercourses are subject to Byelaws, which are intended to protect the watercourses and the Board’s ability to maintain them. With this in mind I would advise the following.</p>	<p>Article 7 of the draft DCO (document 3.1) disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the</p>

		relevant drainage authorities to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination.
RR-038.003	Byelaw Number 3 states that: No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board).” Consent will only be granted for the increase in flow to a watercourse where the Board is happy that in doing so no demonstrable harm will be caused. It may be the case that appropriate mitigations are required to be put in place to either attenuate flow or to enhance the existing watercourse to ensure no detriment. If this is not possible alternative outfall locations may need to be considered. This is unlikely to be a significant issue with this development, but may be relevant where buildings or hardstanding areas drain into watercourses in the district.	See response above regarding the disapplication of byelaws. That said, the new only permanent discharge associated with the Project is outside the LMDB area and the Applicant is engaging with the relevant drainage authority in respect of that discharge. Discharges from temporary hard standings will be managed in accordance with sustainable drainage principles and the Applicant has submitted an Outline Surface Water Drainage Strategy (document 8.1.5 APP-273) as part of the application documents. A final Surface Water Drainage Scheme will be submitted to the relevant planning authority for approval prior to construction works commencing in accordance with requirement 18 of the draft DCO and any new discharges (if required) will require approval in accordance with the Protective Provisions.
RR-038.004	Byelaw Number 10 states that: No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure. This will relate primarily to above ground installations, sub stations, haul routes or fences associated with the proposal.	See response to RR-038.002 above regarding the disapplication of byelaws. The Protective Provisions require the Applicant to submit details of any works within 9 metres of a drainage work or likely to affect a drainage work to the relevant drainage authority for approval prior to commencing those works and thereafter to carry out the works in accordance with the approved details. This therefore provides LMDB with the opportunity to review and approve details of any works that may affect its drainage works.
RR-038.005	Byelaw number 17 states that: No person shall without the previous consent of the Board - (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse; (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank; (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse; (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof; (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse. Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.	See response to RR-038.004 above.
RR-038.006	The Board will require all watercourses to be crossed by means of HDD at a depth no less than 2 metres PLUS the cable safety distance below the hard bed level of all watercourses (to ODN if EA or IDB maintained). This will apply to the primary cable route and any interconnecting cables between array sites. The purpose of this requirement is to allow the IDB to maintain and have the flexibility to improve watercourses in the future due to climate change (works will include deepening & widening of watercourses).	It was agreed amongst the group of drainage authorities within the Order limits that Witham Fourth District IDB (W4DIDB) would take the lead in discussions with the Applicant on behalf of the other drainage authorities and so the Applicant engaged with W4DIDB (who was acting on behalf of the relevant drainage authorities) to confirm the basic parameters for crossings, and these are included in the Project Description (document 6.1.3, APP-058) Section 8.1.6.2 ‘Use of Trenchless Techniques’. The Applicant has committed to crossing all IDB maintained drains by HDD but considers that very small riparian drains may be suitable for open cut crossings, as described in the Project Description, paragraphs 242-246. In accordance with the protective provisions, the Applicant will submit details of watercourse crossings to LMDB for approval and so LMDB will get the opportunity to approve the crossing methodology prior to works being undertaken.

RR-038.007	Any culverts either permanent or temporary within Board maintained watercourses will require consent. Any permanent culvert installations will be required to comply with the Boards planning and Byelaw Policy. It is anticipated that the above requirements would be covered by SOCGs, MOU, and via Protective Provisions within the DCO. The Board are in discussions with the applicants representatives in relation to developing these agreements. Any culverting or other works within the bed of any riparian watercourse within the Board's district be they temporary or permanent will also require consent. It should be noted that the Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/ culvert or the Board's machinery access to the watercourse/ culvert which is required for annual maintenance, periodic improvement and emergency works.	See response to RR-038.004 above.  The Project includes the installation of a haul road, and the creation of a culvert bridge is the Applicant's preferred methodology for creating a temporary crossing.  The Applicant appreciates that culverting works are likely to be of greater concern to the IDB, compared with trenchless cable installation because it involves placing a structure in the channel of the watercourse. General parameters for the IDBs acceptable standards for culverting works have been established through consultation with W4DIDB (acting on behalf of the drainage authorities), with pre-construction approval of details by the relevant drainage authority being secured through the protective provisions.
RR-038.008	I hope that the above is of assistance and I look forward to further ongoing detailed discussions with regard to the proposal.	The Applicant appreciates the information provided and will continue to engage with LMDB in respect of the application with a view to reaching agreement on the protective provisions.

### 1.39 RR-039 Ossian Offshore Wind Farm Ltd Template

ID	Relevant Representations	Applicant Response
RR-039.001	Ossian Offshore Wind Farm Ltd (Ossian) wish to register as an interested party in the Development Consent Order Examination for the Outer Dowsing Offshore Wind Farm (ODOWF) for the following reasons: Ossian is a joint venture partnership between SSER, Marubeni Corporation and Copenhagen Infrastructure Partners. The Ossian Offshore Wind Farm (Ossian OWF) will be located some 80km off the coast of Angus, in Scotland. Through National Grid Electrical Systems Operator (ESO)'s Holistic Network Design (HND) process, Ossian OWF will connect the renewable energy generated by the Ossian OWF to national grid substations in the Lincolnshire Area, at Lincolnshire Connection Node (LCN) in East Lindsey District Council and at Weston Marsh (WM) in the South Holland District Council area. The latter connection is also the grid connection for ODOWF. Therefore, the two projects have a shared interest in terms of their transmission assets connection into WM.	This comment is noted by the Applicant. The Applicant will continue to engage with Ossian as and when further details of the proposed transmission infrastructure are made available.
RR-039.002	The transmission assets connections for Ossian OWF have been designated as projects of national significance by the Secretary of State for the Department of Energy Security and Net Zero, pursuant to a direction made under s.35 Planning Act 2008 dated 23 May 2024. Ossian OWF has not yet submitted its applications for development consent for the Ossian OWF transmission assets, which Ossian is in the early stages of preparing. Ossian is not seeking to object to the ODOWF application and is supportive of the ODOWF development recognising the substantial benefits to energy security and renewable energy generation in combating the effects of climate change. However, owing to the shared interest of the transmission assets connection at WM, Ossian wishes to register as an interested party to preserve its future interests and participate in the ODOWF Examination as necessary.	This comment is noted by the Applicant. The Applicant will continue to engage with Ossian as and when further details of the proposed transmission infrastructure are made available.

### 1.40 RR-040 Hub Rural Ltd on behalf of Janice Norma Pettitt, Richard Nelson Pettitt, F Pettitt & Son

ID	Relevant Representations	Applicant Response
RR-040.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:</p> <p>Interested Party - Janice Norma Pettitt and Richard Nelson Pettitt and F Pettitt &amp; Son</p> <p>Project - Outer Dowsing Offshore Wind Project</p> <p>Property - Land on the west side of Woad Lane, Fishtoft</p> <p>The Interested Party is required by the Project to:</p>	

ID	Relevant Representations	Applicant Response
	<p>Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed.</p> <p>At the current time, the following has not been agreed:</p>	
RR-040.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m’s, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and</p>



ID	Relevant Representations	Applicant Response
		<p>will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>

ID	Relevant Representations	Applicant Response
RR-040.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-040.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-040.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-040.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	<p><b>Encumbering Land</b></p> <p>The Applicant and the Interested Party have now agreed the terms of the option agreement and cable easement, and the option agreement has been signed. The Applicant understands that this matter has therefore been resolved.</p>
RR-040.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party’s relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

ID	Relevant Representations	Applicant Response
	<p>the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	

### 1.41 RR-041 Maritime and Coastguard Agency

ID	Relevant Representations	Applicant Response
RR-041.001	<p>The MCA will be responding to the ExA on matters concerning the safety of maritime navigation and maritime emergency response. MCA will provide comments on the Navigation Risk Assessment, Shipping &amp; Navigation chapter of the EIA Report, and the content of the DCO and DML. The main issues for MCA are concerning vessel routeing, vessels' ability for continued safe passage, that risks to all vessels and craft are at an acceptable level, and the project is not at the detriment to the provision of Search and Rescue, and other emergency response.</p>	<p>All main issues raised in the Relevant Representation by the MCA have been fully assessed within ES 6.1.15 Chapter 15 Shipping and Navigation (APP-070) and 6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171). The required MCA methodology as set out in MCA Marine Guidance Note (MGN) 654 has been applied, both in terms of assessment methodology and what hazards are considered.</p> <p>All impacts assessed were found to be within As Low As Reasonably Practicable (ALARP) parameters.</p> <p>The MCA have been consulted throughout the NRA process. This includes dedicated meetings at scoping, PEIR, and post submission. The MCA were also in attendance at both hazard workshops held for the Project.</p> <p>As detailed in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) in the most recent meeting held on the 15<sup>th</sup> August 2024, the MCA stated that the introduction of the Offshore Restricted Build Area (ORBA) and refinement of the offshore ECC were both positive from a shipping and navigation perspective.</p>

### 1.42 RR-042 Marine Management Organisation

ID	Relevant Representations	Applicant Response
<b>General Comments</b>		
RR-042.001	<p>Paragraph Number: 2.11 Marine Plans</p> <p>The Environmental Statement (ES) correctly identified that the proposed development is within the East Marine Plan areas. The MMO requests that all policies are reviewed within a table to show compliance. This must be produced as the Secretary of State must use the East Marine Plan when making planning decisions for the sea, coast, estuaries and tidal waters, as well as developments that impacts these areas, such as infrastructure. The relevant marine plan policies that should be met can be identified using the Explore Marine Plans tool and policy information on the following website: <a href="https://www.gov.uk/guidance/explore-marine-plans">https://www.gov.uk/guidance/explore-marine-plans</a></p> <p>Although some Marine Plan Policies are discussed under the relevant chapters to which they relate, MMO requires the Applicant to detail how the proposed project is compliant with the relevant marine plans by producing a marine plan policy assessment in one document.</p>	<p>The Applicant submitted a Policy Compliance Document (AS-012) on 31<sup>st</sup> July 2024. This includes consideration of the Marine Policy Statement and the East Inshore and East Offshore Marine Plans. A full assessment of relevant Marine Plan Policies relevant to the Project can be found in Table 1 of section 6, from page 798. The Applicant therefore considers that the creation of an additional document would be superfluous and is not required as the information requested by the MMO is included within the Policy Compliance Document (AS-012).</p>
<b>Development Consent Order (DCO) and Deemed Marine Licences (DMLs)</b>		
RR-042.002	<p>Paragraph Number: 3.1.1 Draft Development Consent Order</p>	<p>The comment is noted by the Applicant.</p>

ID	Relevant Representations	Applicant Response
	<p>MMO has reviewed the draft DCO and provided comments below. MMO are currently undertaking a detailed review and will provide further comments on the DCO at Deadline 1 and during the course of the examination.</p>	
RR-042.003	<p>Paragraph Number: 3.2.1 Unexploded Ordnance The MMO would like clarity on if the investigation of and the detonation of UXO's are included within the licenced activities. These are not part of any of the Works order or set out within the activities of Schedule 10 &amp; 11, however a draft UXO marine mammal mitigation plan is proposed.</p>	<p>Whilst the impacts from unexploded ordnance (UXO) clearance have been assessed within the relevant chapters of the Environmental Statement, the Applicant is not seeking consent at this stage for the investigation of and clearance of UXO due to the degree of uncertainty regarding the number of UXO which may need to be cleared. Such activities are therefore not included within the scope of the licenced activities, as discussed with the MMO during the pre-application Evidence Plan Process as noted in Appendix 5.1.5. Evidence Plan Process Consultation (APP-052).</p> <p>Prior to the commencement of offshore construction for the Project, a marine licence application will be made to the MMO for the investigation of potential UXOs and the clearance of confirmed UXOs. A formal UXO Clearance Marine Mammal Mitigation Protocol (MMMP) will be drafted and submitted as part of the marine licence application, which will be based on the best available evidence at that point in time.</p> <p>The Applicant submitted an Outline MMMP for UXO Clearance Activities (APP-280) as part of the suite of application documents in response to advice from Natural England to do so. The Outline UXO MMMP is intended to demonstrate that effective mitigation measures are available to mitigate the impacts of UXO clearance to negligible, however the measures proposed within the marine licence application and associated MMMP pre-construction will be based on best practice and up to date evidence at that point in time.</p>
RR-042.004	<p>Paragraph Number: 3.3.1 Arbitration Schedule 19 proposes a new enhanced Appeals procedure for the Applicant should the MMO refuse an application for approval under a condition, or fail to determine the application for approval by certain 'determination dates' which have been inserted into the DML in Schedule 20. This Appeals procedure is not available for other marine licence holders. The MMO strongly requests that the Appeals procedure for the MMO is removed from both the DCO.</p>	<p>Article 38 (Arbitration) of the draft DCO makes provision for disputes arising under the provisions of the DCO, unless otherwise provided for, to be settled by arbitration however paragraph (2) of Article 38 restricts the scope of this and confirms that matters for which the consent or approval of the Secretary of State or the MMO is required will not be subject to arbitration.</p> <p>The Arbitration Rules set out in Schedule 19 therefore do not apply to matters which require the consent or approval of the MMO.</p> <p>Paragraph (2) of Article 39 (Requirements, appeals, etc.) gives effect to Schedule 20 (procedure for discharge of requirements) which provides a procedure for the discharge of requirements. This does not apply to the discharge of conditions under the Deemed Marine Licences (DMLs).</p> <p>The Arbitration and Appeals procedures set out in the DCO therefore do not apply to the DMLs.</p>
RR-042.005	<p>Paragraph Number: 3.3.2 Arbitration Appeals are already available to the Applicant in the form of an escalated internal procedure and judicial review ("JR"), and therefore, including any additional appeal mechanism within the DCO and DML is unnecessary. The Marine Licensing (Licence Application Appeals) Regulations 2011 apply a statutory appeal process to the decisions that the MMO makes regarding whether to grant or refuse a licence or conditions which are to be applied to the licence. However, they do not include an appeal process to any decisions the MMO is required to give in response to an application to discharge any conditions of a marine licence issued directly by us. Therefore, if the DCO were to be granted with the proposed appeal process included, this would not be consistent with the existing statutory processes. This amendment would be introducing and making available to this specific Applicant, a new and enhanced appeal process which is not available to other marine licence holders, creating an unlevel playing field across the regulated community. These proposals go against the statutory functions laid out by parliament. The private nature of the arbitration process does not align with the public functions and duties of the MMO. The removal of the MMO decision-making function, and its placement into the hands of a private arbitration process, is inconsistent with the MMO legal function, powers and responsibilities, which was never intended by Parliament in enacting the Planning Act 2008 or MCAA 2009. The MMO also consider that arbitration would not be consistent with p.4 of Annex B of the PINS Guidance Note 11, which states</p>	<p>See Applicant's response to 3.3.1 above.</p>

ID	Relevant Representations	Applicant Response
	<p>that "the MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO". Inclusion of a different mechanism for determination of disputes in respect of DMLs would not be consistent with Marine Licences issued independently by the MMO.</p>	
RR-042.006	<p>Paragraph Number: 3.3.3 Arbitration In addition to this, the MMO emphasises that we are an open and transparent organisation that actively engages, and maintains excellent working relationships with, industry and those it regulates. The MMO discharges its statutory responsibilities in a manner which is both timely and robust in order to fulfil the public functions vested in it by Parliament. The scale and complexity of Nationally Significant Infrastructure Projects creates no exception in this regard and indeed it follows that where decisions are required to be made, or approvals given, in relation to these developments of significant public interest, only those bodies appointed by Parliament should carry the weight of that responsibility. Since its inception the MMO has undertaken licensing functions on over 130 DCOs, comprising some of the largest and most complex operations globally. The MMO is not aware of an occasion whereby any dispute which has arisen in relation to the discharge of a condition under a DML has failed to be resolved satisfactorily between the MMO and the applicant, without any recourse to an 'appeal' mechanism.</p>	See Applicant's response to 3.3.1 above.
<b>Transfer of Benefit of the Order</b>		
RR-042.007	<p>Paragraph Number: 3.4.1 The MMO understands that Article 6 – Transfer of Benefit is drafted in a similar way to previous consents granted by the Secretary of State (SoS), however the MMO has major concerns over the wording.</p>	As acknowledged by the MMO, Article 6 (Benefit of the Order) is a standard provision with significant precedent in DCOs. The article is particularly important in offshore wind DCOs as the regulatory regime requires the transmission infrastructure to be transferred to an offshore transmission owner (OFTO). The wording of Article 6 reflects current practice and is considered appropriate in the context of the draft DCO. The Applicant has responded to the MMO's specific comments in the rows below.
RR-042.008	<p>Paragraph Number: 3.4.2 Article 6(1)-(2) gives the right to permanently transfer the benefits of the DCO including the deemed marine licences (DML) in Schedule 11,12&amp; 13 to a third party with the consent of the SoS.</p> <p>Part 2: Article 6(1)-(2) "6.—(1) Subject to this article, the provisions of this Order have effect solely for the benefit of the undertaker. (2) Subject to paragraph (3), the undertaker may with the written consent of the Secretary of State— (a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the transferee;"</p> <p>The MMO considers that this is a clear departure from the 2009 Act, which would normally require the licence holder (here 'the undertaker') to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the Secretary of State (SoS) providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer.</p> <p>Parliament has already created a statutory regime for such a process and it is unclear what purpose the written consent of the SoS actually serves. If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under 2009 Act, the MMO queries why is it considered necessary or appropriate for the SoS to 'approve' the transfer of the DML.</p> <p>It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by the MMO under the existing 2009 Act regime.</p>	<p>The provisions contained within paragraphs (1) and (2) of Article 6 are long established in offshore wind DCOs and the appropriateness and legality of such provisions in light of the provisions of the Marine and Coastal Access Act 2009 have been debated at length during previous offshore wind DCO examinations but ultimately Examining Authorities and the Secretary of State have considered such provisions to be appropriate. To depart from well-established precedent would be prejudicial to the Applicant.</p> <p>With respect to the MMO's comment querying why it should be the Secretary of State approving the transfer (in the event that paragraph (6) does not apply), this is to reflect the fact that it is the SoS that grants the DCO (which includes the DMLs, as well as various other powers and obligations) and so the Applicant considers that in the event of a transfer of the whole or part of a DCO (which includes DMLs), it is appropriate that the SoS (as the relevant regulator in the case of DCOs) should approve this as there may be considerations that go beyond the DMLs (for example, interactions with articles, requirements or other Schedules which relate to offshore matters). Furthermore, it is likely that any transfer will relate to works and powers within the DCO in addition to licensed activities under the DMLs and so it would not be appropriate or practical to require the consent of the SoS in respect of the DCO aspects only and the consent of the MMO in respect of the DML aspects as this would create duplication.</p> <p>It is worth noting that given the regulatory context in which the offshore wind industry sits, it is unlikely that a transfer will take place to a transferee that does not hold a licence under the Electricity Act 1989 and so in most circumstances, paragraph (6) will apply and the approval of the SoS will not be required. In such circumstances, paragraphs (8) to (11) provide for a robust notification process whereby the undertaker must notify the SoS, and where relevant, the MMO, of the transfer. Paragraph (9) reflects the wording set out in earlier DCOs (for example, Hornsea Three, Hornsea Four, East Anglia ONE North, East Anglia TWO, Norfolk Vanguard etc) and was drafted in response to comments from and in consultation with the MMO on those earlier projects to ensure the information provided within the notification meets the requirements of the MMO.</p>

ID	Relevant Representations	Applicant Response
	<p>Because of this confusion and potential duplication, it is the position of the MMO that these provisions are removed and that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO</p>	<p>The Applicant does not consider there to be any duplication under the current drafting and indeed considers that the MMO’s proposed approach would create duplication and potentially confusion (particularly if the SoS were to approve the non-DML elements of a transfer and the MMO were to refuse the transfer of the DML aspects, or if the period taken for each authority to grant consent differed significantly). The Applicant therefore considers the transfer and notification process set out within Article 6 to be appropriate, fit for purpose and in line with established precedent.</p>
RR-042.009	<p>Paragraph Number: 3.4.3 This Article 6(2)(b) gives the right to temporarily transfer the benefits of the DCO (including DML) to a third party.</p> <p>Article 6(2)(b) “6(2)(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be so agreed, except where paragraph (6) applies, in which case the consent of the Secretary of State is not required.”</p> <p>The MMO resists the inclusion of this article. Here the written consent of the SoS is not required. The MMO does not recognise that this would create a more streamlined system. Rather it simply operates to create an additional administrative procedure for marine licences (and one not envisaged by Parliament) and with no clarity in how it will operate.</p>	<p>The Applicant notes that there may be some confusion here as Article 6(2)(b) operates in the same way as Article 6(2)(a) and transfers under this provision will also be subject to Secretary of State approval where paragraph (6) does not apply. The MMO’s comment that SoS consent is not required under paragraph (b) is therefore not entirely correct.</p> <p>As noted in response to 3.4.2 above, this paragraph follows established precedent and has been included in numerous DCOs granted by the Secretary of State.</p>
RR-042.010	<p>Paragraph Number: 3.4.4 The MMO has concerns regarding Article 6(3)</p> <p>Article 6(3) “6(3) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of any or all of the provisions of any of the deemed marine licences.”</p> <p>The MMO notes that there is no obligation for the SoS to take into account the views of the MMO when providing its consent. Furthermore, there is no obligation for the MMO to be informed of the decision of the SoS, notwithstanding its impact on the MMO as the licencing authority.</p> <p>From a regulatory perspective it is highly irregular that a decision to transfer a licence should not be the decision of the regulatory authority in that area (the MMO) but instead should be subject to such a cursory process as is set out in Article 6(1)-(3).</p> <p>The MMO thus resists this change as unworkable. As explained above, Articles 6 (1)-(3) sets out what is effectively a new non-legislative regime for the variation and transfers of marine licences. In support of these provisions, Article 6(12) explicitly disapplies sections 72(7) and (8) of the 2009 Act, which would otherwise govern these procedures.</p>	<p>The Applicant considers that the obligation on the Secretary of State to consult the MMO is entirely appropriate and sufficient and is drafted in standard terms. It is not necessary or indeed standard practice in DCOs to explicitly include text requiring the views of bodies consulted on matters to be considered or taken into account as this would be done as a matter of course.</p> <p>With respect to notifying the MMO of the SoS’ decision, the Applicant expects that the Secretary of State would publish any decision granting consent to a transfer request (as is the case with Secretary of State approvals under a DCO) and so the MMO would be made aware of the Secretary of State’s decision in the usual way. Further drafting to clarify this would be unnecessary and inconsistent with the drafting elsewhere in the DCO.</p> <p>In addition, paragraph (8) requires the MMO to be notified by the undertaker prior to any transfer taking effect, if the transfer relates to the exercise of powers in their area.</p> <p>See the Applicant’s response to 3.4.2 above in respect of the other points raised by the MMO in this comment.</p>
RR-042.011	<p>Paragraph Number: 3.4.5 Article 6(12) “(12) Section 72(7) and (8) of the 2009 Act do not apply to a transfer or grant of the whole or part of the benefit of the provisions of any of the deemed marine licences to another person by the undertaker pursuant to an agreement under this article 6 (benefit of the Order) save that the MMO may amend any deemed marine licence granted under Schedule 11, Schedule 12 or Schedule 13 of the Order to correct the name of the undertaker to the name of a transferee or lessee under this article 6 (benefit of the Order).”</p> <p>This conflicts with the MMO’s stated position that the DML granted under a DCO should be regulated by the provisions of 2009 Act, and specifically by all provisions of section 72.</p>	<p>See the Applicant’s response to 3.4.2 above.</p> <p>With respect to the MMO’s comment about Article 6 being inconsistent with Advice Note Eleven, the Applicant does not agree with this interpretation. The Advice Note states:</p> <p>“Where developers choose to have a marine licence deemed by a DCO, it is envisaged that developers will seek to agree the draft marine licence with the MMO prior to submitting their DCO application to the Planning Inspectorate. The conditions included in a marine licence should be enforceable, clear and sufficiently detailed to allow for monitoring and enforcement. The MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO.”</p>

ID	Relevant Representations	Applicant Response
	<p>Section 72(7)(a) of 2009 Act permits a licence holder to make an application for a marine licence to be transferred, and where such an application is approved for the MMO to then vary the licence accordingly (s. 72(7)(b)). This power that should be retained and used in relation to the DML granted under the DCO and the MMO therefore resists the inclusion of this article 6(12) to disapply these provisions.</p> <p>The key concern held by the MMO is that Article 6 operates to override and/or unsatisfactorily duplicate provision that already exist within MCAA 2009 for dealing with variations to marine licences. Such provisions are also inconsistent with the PINS Guidance on how DMLs should operate within a DCO. Advice Note Eleven, Annex B – Marine Management Organisation   National Infrastructure Planning (<a href="https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advicenotes/an11-annex-b/">https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advicenotes/an11-annex-b/</a>) provides that where the undertaker choses to have a marine licence deemed by a DCO, the MMO, “will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO.” Article 6 as drafted is not in compliance with this guidance.</p>	<p>The Applicant considers that the text quoted from the Advice Note relates to the content of a DML rather than the mechanism for transferring DMLs.</p>
<b>Materially</b>		
RR-042.012	<p>Paragraph Number: 3.5.1</p> <p>The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that ‘do not give rise to any materially new or materially different environmental effects’ should be updated to clarify this.</p>	<p>The text referred to by the MMO can be found in the context of (1) amendments to approved details (i.e. where a plan or document has been approved under a requirement of the DCO or a condition of the DML and the Applicant requests approval of an amendment to the approved plan) and (2) in relation to the approval of maintenance activities.</p> <p>With respect to the amendment of approved details, the wording is contained in Requirement 29 of the DCO and in paragraph 9 of the DMLs contained in Schedule 10 to 15 and paragraph 8 of the DML contained in Schedule 16. The text in the DMLs states:</p> <p><i>“Any amendments to the details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i></p> <p>The provision clearly states that any amendments “must be in accordance with the principles and assessments set out in the environmental statement” and therefore the provision is not seeking to enable the undertaker to undertake works beyond what has been assessed in the ES. Rather, the provision clarifies the position regarding amendments to approved plans. The Applicant therefore does not agree with the MMO’s proposed alternative text or the MMO’s comments at 3.5.2 – 3.5.7.</p> <p>It should also be noted that this is standard text appearing in very similar terms in numerous DCOs and DMLs, including Hornsea Project Three, Hornsea Project Four, Norfolk Vanguard, Sheringham Shoal and Dudgeon Extensions and East Anglia ONE North and East Anglia TWO and has therefore been accepted by the Secretary of State as being appropriate.</p> <p>Turning to the approval of maintenance activities, the wording raised by the MMO can be found in paragraph (4) of condition 4 of the DMLs in Schedules 10 and 11 and condition 2 of the DMLs in Schedules 12 to 16.</p> <p>The text in paragraphs (1), (2) and (4) of this condition in the DMLs is as follows:</p> <p><i>“(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.</i>  <i>(2) No maintenance works whose likely effects are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.</i></p> <p>[...]</p>

ID	Relevant Representations	Applicant Response
		<p><i>(4) Where the MMO’s approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i></p> <p>The reason for including the text “unless otherwise approved by the MMO” in paragraph (2) is because there may be maintenance activities which were not envisaged at the point of undertaking the EIA but that are relatively minor in nature or would not give rise to any materially new or materially different effects beyond those assessed in the ES. The inclusion of this text is necessary to enable such activities to be approved by the MMO through this condition rather than potentially requiring a further marine licence which would be disproportionate in the context. The materiality threshold is well established in DCO precedent.</p> <p>The MMO states that the “inclusion of the word materially essentially means that the undertaker makes the decision as to what is and what is not material. Under EIA it is for the appropriate authority to determine what the likely significant effects will be and how those should be mitigated.” The Applicant disagrees with this statement as paragraph (4) makes it clear that it is for the MMO to determine whether it is satisfied that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed.</p> <p>Historically, DMLs did not include a condition clarifying the maintenance works that can be undertaken however this condition, including the text in paragraph (4) has been included in the Hornsea Three DMLs. The Applicant notes that this text is also included in the Examination version of the Rampion 2 DMLs yet the issue raised by the MMO here was not included in the final principal areas of disagreement submitted by the MMO prior to the Examination closing. Indeed, in its Written Representation dated 27 February 2024 in respect of the Rampion 2 Application, the MMO specifically requested the text “do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information” to be included in the relevant condition. In its Relevant Representation dated 16 August 2024 in respect of the Morecambe Offshore Windfarm Generation Assets Application the MMO also suggested including this text in the amendment of approved details condition. It is therefore not clear why the MMO is now departing from well-established precedent and is actively recommending the inclusion of this text in the DCOs and DMLs for other offshore wind farm projects but is raising concerns with it in the context of this application.</p>
RR-042.013	<p>Paragraph Number: 3.5.2 The MMO considers that wording should be updated to ‘do not give rise to any new or different environmental effects to those assessed in the environmental information’. This also applies to the definition of “maintain”.</p>	See the Applicant’s response to 3.5.1 above.
RR-042.014	<p>Paragraph Number: 3.5.3 The intention behind EIA is to protect the environment by ensuring that in deciding whether to grant a development consent for a project, and in deciding what conditions to attach to that consent, the decision has full knowledge of what the likely significant environmental effects of the project/development will be. That knowledge then guides the consent process and what conditions, if any, to attach to the consent. Additionally, there is considerable public consultation under the EIA process because the process recognises the importance of local knowledge in environmental decision making.</p>	See the Applicant’s response to 3.5.1 above.
RR-042.015	<p>Paragraph Number: 3.5.4 The EIA legislation was designed to apply to those plans/projects which could be sufficiently detailed and particularised at the application stage, to allow the consenting decision to be taken in the full knowledge of what the likely significant effects of that plan or project would be. In such circumstances, it would be unnecessary to create a legal obligation under the order which requires the activities to remain within what was assessed under the EIA, because the consent authorises the detailed and well particularised project, assessed in the EIA to be carried out, and therefore, providing the development is constructed as per the consent, those works would, by default, remain within the parameters of the EIA.</p>	See the Applicant’s response to 3.5.1 above.
RR-042.016	Paragraph Number: 3.5.5	See the Applicant’s response to 3.5.1 above.



ID	Relevant Representations	Applicant Response
	<p>The difficulty identified with EIA, as was discussed in the Rochdale Envelope case, is that to deal with an outline planning case, where the project will flex over time, you need to undertake the EIA at the outline permission stage when there is not enough detail to properly identify what the final design of the project will actually be. In the case of Rochdale the court was saying things could remain flexible providing the EIA took account of the need for evolution of the project over time and assessed the likely significant effects within clearly defined parameters, and then the consent granted imposed conditions to ensure that the process of evolution kept within the parameters of the EIA. Whilst there might not be an express provision that you can point to in the legislation that says that a project cannot exceed the effects assessed in the EIA, it is implied (or the purpose of EIA would be undermined) and the Rochdale case discusses this.</p>	
RR-042.017	<p>Paragraph Number: 3.5.6            In this DCO and the DML, the Applicant is wanting flexibility in terms of the design details (both in terms of some of the construction details, and in relation to some of the maintenance activities). Where those design details are not finalised at the application stage, the Applicant is wanting to retain some flexibility and is proposing that the works that can be carried out should be restricted to those which do not give rise to materially new or materially different environmental effects to those assessed in the EIA. The concern with this is that the inclusion of the word materially here would allow the undertaker to carry out works whose effects are outside of the likely significant effects assessed in the EIA, providing they do not do so materially, i.e. in any significant way, greatly, or considerably. This is not what the purpose of the EIA process is, and it runs contrary to the purpose of EIA. The other issue with this is that whilst the undertaker is responsible for producing the environmental information and statement on which the EIA decision is based, the appropriate authority is responsible for the EIA consent decision, the inclusion of the word materially essentially means that the undertaker makes the decision as to what is and what is not material. Under EIA it is for the appropriate authority to determine what the likely significant effects will be and how those should be mitigated.</p>	See the Applicant's response to 3.5.1 above.
RR-042.018	<p>Paragraph Number: 3.5.7            The MMO does not consider that it is appropriate to use the word material in these circumstances. If the Applicant wants the flexibility of not being prescriptive about the design from the start, the Order and the DML granted through it should restrict works which can be carried out to those which do not give rise to any new or different environmental effects to those assessed in the EIA.</p>	See the Applicant's response to 3.5.1 above.
<b>Schedule 16</b>		
RR-042.019	<p>Paragraph Number: 3.6.1            Schedule 16 of the DML enables the recreation of Annex I Reef as a compensation measure within Inner Dowsing Race Bank North Ridge (IDRBNR) Special Area of Conservation (SAC) and that this will be considered as part of the Habitats Regulations Assessment (HRA) for the DCO/DML rather than a separate post consent marine licence. MMO defers to Natural England as statutory nature conservation body (SNCB) and supports any comments in relation to benthic compensation.</p>	The comment is noted by the Applicant.
RR-042.020	<p>Paragraph Number: 3.6.2            MMO notes that some of the potential compensation areas of search are located where The Crown Estate has recently issued seabed lease areas to the Aggregates Industry. MMO query whether this has been taken into account. We acknowledge that this is wider seabed issue and MMO will continue to work with relevant interested parties to address this and provide further comments throughout Examination accordingly.</p>	As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059), the Applicant refined the areas for biogenic reef from the wider area presented at PEIR. This included the removal of any areas that overlap with aggregate areas that have a marine licence under the Marine and Coastal Access Act 2009 and have obtained a Production Agreement from The Crown Estate. The aggregate areas noted by the MMO have been awarded Exploration and Option agreements, and it is only once a Production Agreement is entered into and/or a marine licence application made would the spatial extent of such aggregate areas be known. As such, at this stage the Applicant considers it to be entirely appropriate to include these areas identified for the creation and re-creation of biogenic reef.
<b>Schedule 20</b>		
RR-042.021	<p>Paragraph Number: 3.7.1            Determination Dates            The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions of this nature. The time it takes the MMO to make such determinations depends on the quality of the</p>	See Applicant's response to 3.3.1 above.

ID	Relevant Representations	Applicant Response
	<p>application made, and the complexity of the issues and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions. The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods. Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in a timely manner as it is able to do so. The MMO's view is that it is for the developer to ensure that it applies for any such approval in sufficient time as to allow the MMO to properly determine whether to grant or refuse the approval application</p>	
<b>Additional Conditions</b>		
RR-042.022	<p>Paragraph Number: 3.8.1 Maintenance Reporting To ensure the MMO is able to know the maintenance activities throughout the lifetime of the operation including understanding any impacts the MMO requests this condition is added to both Schedule 10 and 11. "23.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation. (2) The report must provide a record of the licensed activities as set out in condition 3 during the preceding year, the timing of activities and methodologies used. (3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will— (a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition XX(1) of this licence; (b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence."</p>	<p>Condition 13(1)(h) of the DMLs in Schedules 10 and 11 requires an offshore operations and maintenance plan (OOMP), in accordance with the outline OOMP, to be submitted to the MMO prior to commencement and it provides for the review and resubmission every three years during the operational phase. This is therefore a forward looking document advising the MMO of the maintenance activities that are anticipated. Prior to undertaking maintenance activities under the DMLs, the undertaker will be required to issue notices to mariners in accordance with condition 7(9) and to provide copies of the notices to the MMO. The MMO will therefore be notified of maintenance activities throughout the operations and maintenance period under the existing DML conditions and therefore the condition proposed by the MMO is considered to be unnecessary.</p>
RR-042.023	<p>Paragraph Number: 3.8.2 Stages of Construction To ensure the MMO has the full timetable for construction the MMO requests this condition is added to both Schedule 10 and 11. "24.—(1) The licenced activities must not be commenced until a written scheme setting out the stages of construction of the authorised development seaward of MHWS has been submitted to and approved by the MMO in writing. (2) The stages of construction referred to in sub-paragraph (1) will not permit the authorised development to be constructed in more than one overall phase. (3) The scheme must be implemented as approved. (4) The written scheme referred to in sub-paragraph (1) must be submitted to the MMO in writing six months prior to the planned commencement of the licenced activities."</p>	<p>Condition 13(1)(b) of the DMLs in Schedules 10 and 11 requires the submission of a construction programme to the MMO for approval prior to commencement of licensed activities. The Applicant therefore does not consider it necessary to include the condition suggested by the MMO in the DMLs as it would result in unnecessary duplication.</p> <p>Whilst it is acknowledged that a similar requirement (Requirement 8) is included in the DCO in respect of the onshore works, the purpose of this is to clearly define the onshore construction stages so that requirements can be discharged in respect of specific stages. This is not relevant to the offshore works.</p>
RR-042.024	<p>Paragraph Number: 3.8.3 Adaptive Management MMO requests that the following conditions be added to the Pre-construction monitoring and surveys condition (condition 19 of Schedules 10 and 11) to allow the applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs. "(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed."</p>	<p>The Applicant notes that condition 19 of Schedules 10 and 11 of the draft DCO (AS1-024) relates to post-construction monitoring, rather than pre-construction monitoring as is envisaged by the MMO's comments.</p> <p>The Applicant notes that PINS Advice Note 15 confirms that, at paragraphs 15.2 and 29.2, whilst the law and policy relating to planning conditions does not necessarily apply to deemed marine licence conditions, it is considered that similar principles should apply when drafting these. The law and policy relating to planning conditions require that conditions should be precise, enforceable, necessary, relevant to the development,</p>

ID	Relevant Representations	Applicant Response
	<p>“(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identifies impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB’s to reduce effects to a suitable level for this project. Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent.” The conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage.</p>	<p>relevant to planning and reasonable in all other respects. The Applicant’s view is that these standards are not met by the proposed wording.</p> <p>The Applicant considers that the additional parts of the condition are imprecise and unnecessary as: the effect of the condition could be to require further monitoring and adaptive management of impacts which do not give rise to likely significant effects on the environment under EIA or an AEoI under the Habitats Regulations. An environmental effect is not significant and a project does not result in an AEoI simply because an effect is unanticipated.</p> <p>The purpose of the EIA Regulations is to ensure that, at the point a decision is taken in relation to a project, the decision-maker does so in full knowledge of the likely significant effects on the environment, insofar as can be assessed at that point in time. The EIA Regulations require the ES to set out a: “<i>description of the measures envisaged to avoid, prevent, reduce, or if possible offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements</i>” (emphasis added). The EIA Regulations do not require the ultimate consent to protect against all unanticipated environmental effects. The MMO has not identified any specific environmental effects, which give rise to concern and therefore justify the imposition of additional monitoring and adaptive management requirements.</p> <p>Under section 72 of the Marine and Coastal Access Act 2009, the MMO has the power to vary marine licences because of a change of circumstances relating to the environment or human health, because of increased scientific knowledge relating to either of those matters, in the interests of safety of navigation or for any other reason that appears to the MMO to be relevant. The imposition of the proposed condition is unnecessary, given the absence of an identified concern and the existence of the MMO’s general powers under section 72 of the Marine and Coastal Access Act 2009.</p>
<b>Conditions to Remove</b>		
RR-042.025	<p>Paragraph Number: 3.9.1 Force Majeure The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) “matters”) the defence cannot be relied upon in the event of any enforcement action.</p>	<p>The condition imposes a requirement to report any deposits made in an emergency within 48 hours which can be enforced alongside section 86. Similar provision is included in numerous Orders for offshore wind farms including East Anglia One North and Two, Hornsea Four and Sheringham and Dudgeon Extension projects. It is not considered appropriate for the Order, which will be a statutory instrument, to state that this is in addition to the terms of section 86 of the Marine and Coastal Access Act 2009.</p>
<b>Environmental Statement</b>		
<b>General Comments</b>		
RR-042.026	<p>Paragraph Number: 4.1.1 MMO has focused its review on the following chapters of Volume 1 Outer Dowsing Offshore Windfarm Environmental Statement (ES) March 2024 Revision: 1.0, by Outer Dowsing Offshore Wind. However, MMO has also reviewed the accompanying figures in Volume 2, and relevant appendices in Volume 3 where required: 6.1.1 Chapter 1 Introduction 6.1.3 Chapter 3 Project Description 6.1.7 Chapter 7 Marine Physical Processes 6.1.8 Chapter 8 Marine Water and Sediment Quality 6.1.9 Chapter 9 Benthic and Intertidal Ecology 6.1.10 Chapter 10 Fish and Shellfish Ecology 6.1.11 Chapter 11 Marine Mammals</p>	<p>The comment is noted by the Applicant.</p>
RR-042.027	<p>Paragraph Number: 4.1.2 An up-to-date schedule including specific timings and dates for each of the proposed works must be provided to the MMO. MMO must be further informed of any updates, or changes to the schedule, prior to the commencement of the works, this is to ensure an effective inspection can occur.</p>	<p>Noted. The submission of a Construction Programme to the MMO for approval prior to commencement of licensed activities is required under condition 13(1)(b) of Schedules 10 and 11 in relation to the Generation Assets and Transmission Assets, respectively.</p>
<b>Coastal Processes</b>		
RR-042.028	<p>Paragraph Number: 4.2.1 MMO had previously raised concerns that impacts on coastal processes and geomorphology above the Mean High Water Spring (MHWS) were scoped out. MMO believes that this should be scoped in under Impacts 3, 4 and 8 (construction and in operations maintenance and decommissioning). MMO notes that</p>	<p>The Applicant welcomes the MMO’s agreement in relation to the inclusion of certain receptors above MHWS, as appropriate.</p>

ID	Relevant Representations	Applicant Response
	coastal processes and geomorphology above MHWS within the suggested impacts (3,4 and 8) above has been included. Therefore, this concern has been resolved.	
RR-042.029	<p>Paragraph Number: 4.2.2</p> <p>MMO previously raised that impacts of using scour protection (relating to a greater footprint of hard substrate being introduced, which may lead to habitat change/loss) should be compared to the impacts of simply designing foundations which can accommodate scour development. Additionally, MMO noted that ‘there is limited numerical basis for the prediction of secondary scour’ has been noted. MMO suggested further evidence should be collected from field data/monitoring evidence from other wind farms if available, acknowledging that empirical assessment methodologies are less established for edge/secondary scour than they are for primary scour where no scour protection is applied. It is not clear whether secondary scour footprint is factored into project footprint estimates. Further information was requested be provided to support this.</p>	<p>Secondary scour has been considered within ES Chapter 7 Marine Physical Processes (APP-062), with evidence provided from Hornsea One OWF in the absence of empirical assessment methodologies. The Applicant compared the Project to Hornsea One as several similarities on factors influencing scour formation were observed:</p> <ol style="list-style-type: none"> <li>1) in the Array Area, both projects show the same tidal range (variation from 1.7 m to more than 4 m) and tidal excursion (northwest to southeast);</li> <li>2) the average significant wave height is similar (1.3 m for the Project and 1.5 m for Hornsea One within the Array Area);</li> <li>3) surficial seabed sediments are similar in the Array Areas of both projects (sand and gravelly sand);</li> <li>4) Bathymetry is in the same order (10 to 30 m for the Project and 20 m on average at Hornsea One).</li> </ol> <p>Consequently, the Applicant believes that the comparison between the Project and Hornsea One is relevant and valid for assessing the scour formation/ impact.</p> <p>The Applicant also notes that the predicted extent of secondary scour would occur within the footprint for seabed preparation works around foundations, which represents the greatest area for habitat disturbance.</p>
RR-042.030	<p>Paragraph Number: 4.2.3</p> <p>Section 7.12.2.2 in Volume 1: Chapter 7: Marine Physical Processes document (ref: PP1-ODOW-DEV-CS-REP-0115) discusses the impacts of seabed scouring, with some estimations for the magnitude of the scour equilibrium volumes. There is a good general discussion regarding scour. MMO notes that there have still not been any predictions made for secondary scour due to limited numerical basis for prediction and remains unclear as to whether secondary scour volumes are included in the project footprint. MMO considers this to be a weakness. The suggested impact for scour is minor adverse, which we do believe is appropriate. However, we note that this is an area that could be improved yet we recognise it to be a cross-sector issue.</p>	<p>The Applicant welcomes the agreement from the MMO as to the conclusion of the assessment of the effect from seabed scour is not significant in EIA terms (minor adverse). The Applicant has acknowledged the uncertainties around the assessment of secondary scour within the assessment.</p>
RR-042.031	<p>Paragraph Number: 4.2.4</p> <p>The only impacts scoped out of the ES (Section 7.7.1.2) in regard to the physical processes is the hydrodynamic impacts from installation vessels such as jack-up rigs, cable laying vessels etc during the construction phase. MMO has no concerns regarding this topic not being included within the ES.</p>	<p>The Applicant welcomes the MMO’s agreement in relation to the impacts scoped out.</p>
RR-042.032	<p>Paragraph Number: 4.2.5</p> <p>in Section 7.2 Paragraph 10. Section 7.3.2 of Volume 3: Appendix 7.2 Physical Processes document, goes into further detail of the data sources used and lists them all, including project-specific surveys including geophysical for the marine physical processes. There are a wide range of sources used and within reasonable timeframes. MMO considers them to be appropriate.</p>	<p>The Applicant welcomes the MMO’s agreement in relation to the data sources used.</p>
RR-042.033	<p>Paragraph Number: 4.2.6</p> <p>Table 7.4 outlines the embedded mitigation in relation to marine physical processes. MMO agrees with the measures in the table, which include standard procedures such as the creation of Cable Installation Plans and Scour Protection Management Plans.</p>	<p>The Applicant welcomes the MMO’s agreement in relation to the embedded mitigation measures.</p>
RR-042.034	<p>Paragraph Number: 4.2.7</p> <p>Section 7.13 outlines the Cumulative Impact Assessment and Section 7.14 discusses the Inter-relationships which discusses the potential impacts on the benthic communities and fish species. MMO considers there to be an adequate description of the potential cumulative and inter-related impacts.</p>	<p>The Applicant welcomes the MMO’s agreement in relation to the potential cumulative and inter-related effects.</p>
RR-042.035	<p>Paragraph Number: 4.2.8</p> <p>MMO notes some of the colour schemes and bathymetric scales are difficult to read. For example, Figure 7.6 – the colour scale on the figure is small with only 0 and 32 labelled for depth with no other depths highlighted. This isn’t particularly useful for the reader and could be improved. Figure 7.7 – colour scheme used for the Benthic Samples Folk class is hard to distinguish the classes. MMO suggested that this is also improved.</p>	<p>The Applicant thanks the MMO for the suggestion for revisions to the scales presented for some figures which the Applicant will take into consideration for future figure creation. However at this stage the Applicant does not intend to revise these figures as this would not alter the conclusions of the assessment, nor have any comments been identified by the stakeholder regarding the assessment which are linked to these figures.</p>
RR-042.036	<p>Paragraph Number: 4.2.9</p>	<p>The Applicant thanks the MMO for highlighting the omission of Impact 8 from Table 7.3. Impact 8 has been considered within Section 7.12.3.3 of ES Chapter 7 Marine Physical Processes (APP-062), with the potential</p>

ID	Relevant Representations	Applicant Response
	MMO notes that Impact 8 is not included in the decommissioning stage of Table 7.3 (Maximum Design Scenario). MMO queries whether this is an oversight or intentionally left out. Whilst the cables are meant to be left in situ, MMO query if there is any risk of exposure by retreating shorelines/local erosion that may need to be considered.	effect identified as not significant in EIA terms. Appropriate set back distances, taking into account the risk of coastal erosion, have been selected during the landfall design process.  The Applicant does not consider that it is necessary to update the document as the change would not result in any change to the conclusions of the ES.
RR-042.037	Paragraph Number: 4.2.10 In Table 7.5, where potential impacts/changes are classified to pathways and receptors; Impact 4 is only identified as a pathway. MMO considers it should be pathway/receptor, as Impact 4 includes the geomorphology above MHWS, which includes shoreline features such as beach dunes.	The Applicant notes the comment from the MMO however does not consider that it is necessary to update the document as the change would not result in any change to the conclusions of the ES as the receptor “geomorphology above MHWS” has been fully assessed within Impact 4.
RR-042.038	Paragraph Number: 4.2.11 MMO notes that the Physical Processes Technical Baseline (Document number 6.3.7.1) was recently updated to include the correct Annex B. The MMO has not had time to review this updated version and may provide further comments on this document.	The comment is noted by the Applicant.
<b>Dredge, Disposal and Chemical Use</b>		
RR-042.039	Paragraph Number: 4.3.1 MMO raised previous comments concerning the Preliminary Environmental Information Report (PEIR) with regard to whether a change in the number of gravity bases, would require an increase in the need for scour protection (rock dumping) due to the change in foundations. MMO notes that full descriptions of scour by foundation type are provided in Chapter 3 and in the approach in the outline scour management plan (document 8.2.1). There is also a consideration of the need for disposal sites as part of the updated assessment presented in the ES and a disposal site characterisation report has been provided alongside the DCO application. This provides clarification sought by MMO’s previous comments on the PEIR.	The comment is noted by the Applicant.
RR-042.040	Paragraph Number: 4.3.2 Although the number of samples taken are less than is recommended by OSPAR guidelines (14-06e), and which would be expected for sediment dredges of this size, considering the sandy/coarse physical composition of the project area the effort seems appropriate over both the array and the Export Cable Corridor (ECC). Full descriptions of the physical and chemical analysis of the material undertaken are provided (summarised in Chapter 9 Appendix 9.2) which is sufficient to characterise the dredge material.	The comment is noted by the Applicant.
RR-042.041	Paragraph Number: 4.3.3 MMO notes that in the Water Framework Directive (WFD) Assessment, it states that the environmental quality standards directive list (Environment Agency (EA) 2016) should be considered when undertaking an assessment (Chapter 8.03 point 14) and that point 73 states, “There is no intention to knowingly release any chemicals listed in the EQSD into the environment, during the construction, operation and maintenance, or decommissioning phase of the Project.” To be able to be compliant with this, the properties of all the chemicals (products) and their component substances used for the construction operation maintenance and decommissioning of the offshore windfarm should be known to, and approved by the regulator on structures within 1nm (jurisdiction of WFD). For example potentially jacking grease, chemicals used on rollers for cable pulling, may contain chemicals on the EA list. MMO recommends these types of chemical are added to the chemical risk assessment (CRA).	The Applicant notes this comment and will ensure that all chemicals are listed within the CRA produced post-consent.
RR-042.042	Paragraph Number: 4.3.4 Chapter 7 Point 93, describes the potential requirement for drilling. The chemicals that might be used for these works are not discussed within the ES (drill muds as well as paints, coatings, dye, tracer, cement etc.). OSPAR guidance on the environmental considerations for the development of offshore windfarms (2008-3) point 57 states that, “All chemicals, paints, coverings etc used in the construction should be approved for use in the marine environment and their ecotoxicological properties known”. MMO considers that this includes drilling fluids including, tracers, cement, grout etc. The ES should outline how the Project intends to provide this information to the regulator. Similarly, the applicant describes the type of drilling fluid for the Horizontal directional drilling (HDD), however detailed information regarding these types of chemicals should be provided in the CRA, including the impact and likelihood/contingency for	The Applicant notes this comment and will ensure that all chemicals and substances which have the potential to enter the marine environment are listed within the CRA (which will be contained within the PEMP) produced post-consent.

ID	Relevant Representations	Applicant Response
	<p>blow out. Currently all that is stated is that management measures to minimise the likelihood of unplanned release of drilling fluid is outlined in the Code of Construction Practice (CoCP). MMO notes that table 8.14 confirms the commitment to provide a Project Environment Management Plan (PEMP) that will include a Marine Pollution Contingency Plan (MPCP) that will provide protocols to cover accidental spills and potential contaminant release, and provide key emergency contact details, and therefore should include the chemical risk for substances used on the OWF with potential for entry into the marine environment (e.g. cleaning fluids, rigwash, cement or biocides used within gravity base structures etc.).</p>	
RR-042.043	<p>Paragraph Number: 4.3.5 In Chapter 8 Water and sediment quality, table 8.2, it identifies the need to consult with the MMO regarding contamination and benthic survey sample and analysis requirements and that “project specific sediment sampling has been discussed with the MMO reference, with further detail provided in Volume 1, Chapter 9”. MMO validated laboratories have been used to undertake appropriate analysis to be able to characterise the proposed dredge material sufficiently, and estimates of worst case scenarios for dredge volume for various phases of the construction and operation have been provided (Chapter 9 Appendix 9.2).</p>	The comment is noted by the Applicant.
RR-042.044	<p>Paragraph Number: 4.3.6 For dredge and disposal, sources such as the UK Marine Monitoring and Assessment Strategy (UKMMAS, 2010) and OSPAR assessments (OSPAR, 2022) are identified. The full suite of baseline datasets used to inform the Marine Water and Sediment Quality (MW&amp;SQ) aspects of the ES, including project specific surveys, are presented in Section 8.4 of this ES chapter (Table 8.2). For the array, 30 sediment samples were analysed and included Particle Size Analysis (PSA), total organic content, trace metals, organotins, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs) and organochlorine pesticides (OCPs) such as dichlorodiphenyltrichloroethane (DDT) and dieldrin, and 28 samples for the ECC. MMO considers this to be appropriate.</p>	The comment is noted by the Applicant.
RR-042.045	<p>Paragraph Number: 4.3.7 The applicant identifies embedded mitigation to physical process, namely with regard to dredge and disposal and chemical risks are those for Landfall using Horizontal Directional Drilling and the fact that for the foundations and offshore cables etc., the dredged material from construction will be deposited within an area of similar sediment characteristics in close proximity to the dredge location to retain sediment within the sediment transport system, which seems appropriate.</p>	The comment is noted by the Applicant.
RR-042.046	<p>Paragraph Number: 4.3.8 MMO notes that the assessment of impact as a result of contaminant release for scour and increase in suspended sediment concentration for cumulative assessments has been scoped out. MMO is content with this conclusion.</p>	The comment is noted by the Applicant.
RR-042.047	<p>Paragraph Number: 4.3.9 There is a comprehensive list of nearby projects under construction/consideration. There is an adequate description of the potential cumulative and inter-related impacts and effects on the physical and biological environment in relation to impacts of dredge and disposal.</p>	The comment is noted by the Applicant.
RR-042.048	<p>Paragraph Number: 4.3.10 Volume 1: Chapter 3: Project Description, section 6.11.5.5 second paragraph and Section 7.1 first paragraph has an error ‘reference source not found’. MMO recommends that this is rectified.</p>	This comment is noted by the Applicant. The Applicant also notes that this change would not alter the conclusions of the ES and therefore does not consider that it is necessary to update the submitted ES chapter.
RR-042.049	<p>Paragraph Number: 4.3.11 Additionally, Chapter 8 point 58 refers to metals analysis in Table 8.10, this should read Table 8.9 (as Table 8.10 identifies PAH contaminant levels (µg/kg) as analysed from the Project-specific array survey, against Canadian guidelines). Chapter 8, point 59 States “59. The full suite of metals analysed at each of the 28 stations within the ECC are provided in Table 8.11”. However, the heading for table 8.11 is “Table 8.11: PAH contaminant levels (µg/kg) as analysed from the Project-specific ECC survey, against Canadian guidelines”. MMO recommends that these are rectified.</p>	This comment is noted by the Applicant. The Applicant also notes that this change would not alter the conclusions of the ES and therefore does not consider that it is necessary to update the submitted ES chapter.

ID	Relevant Representations	Applicant Response
RR-042.050	<p>Paragraph Number: 4.3.12</p> <p>Volume 1: Chapter 8: Marine Water and Sediment Quality, Point 61, states that “The full suite of contaminants analysed at each of the 30 stations within the array area are provided in Table 8.12.” However, this data is in the Table labelled 8.10. Similarly point 66 states that PAH for 28 stations within the ECC are in Table 8.13, this data is in Table labelled 8.11. Table 8.12 contains PAH data for the ECC not the Array -“Table 8.12: PAH contaminant levels as analysed from the Project specific ECC survey, against USEPA guidelines”.</p>	<p>This comment is noted by the Applicant. The Applicant also notes that this change would not alter the conclusions of the ES and therefore does not consider that it is necessary to update the submitted ES chapter.</p>
RR-042.051	<p>Paragraph Number: 4.3.13</p> <p>Section 3.3 heading in the Offshore In-Principle Monitoring Plan (8.03), has a typo where ‘benthic’ is spelt incorrectly.</p>	<p>This comment is noted by the Applicant.</p>
RR-042.052	<p>Paragraph Number: 4.3.14</p> <p>MMO notes the comprehensive discussions on the contaminants present and description of analysis and comparisons of results, which is welcomed. However, a minor point regarding concerns for levels of Arsenic exceeding Action level 2 (AL2) “One station in the survey area, ECC_51, had very high concentrations of arsenic, exceeding all thresholds detailed in Table 23, including Cefas action level 1 of 20mg.kg-1 and Cefas action level 2 (AL2) of 50 mg.kg” (Volume 3: Chapter 9: Appendix 9.2 page 82). The Project should note that the current published AL2 for Arsenic is 100 milligrams per kilogram (mg/kg) dry weight.</p>	<p>The Applicant welcomes the clarification provided on the Cefas Action Levels.</p>
RR-042.053	<p>Paragraph Number: 4.3.15</p> <p>It is noted that ‘ecological’ scour protection may be used that would not exceed the footprint of the methods presented. Any scour protection method used should be notified to the MMO for review and approved prior to use.</p>	<p>Under condition 13(d)(iii) of Schedules 10 and 11of the dDCO, the Applicant must submit a Scour Protection and Cable Protection Management Plan (SPCPMP) to the MMO for approval prior to construction which must accord with the Outline SPCPMP (APP-295). The condition requires the SPCPMP to include details of the need, type, sources, quantity and installation methods for scour protection and cable protection and as set out in the Outline SPCPMP (APP-295), the SPCPMP will contain full details of the proposed protection materials, locations and volumes to be deployed.</p>
RR-042.054	<p>Paragraph Number: 4.3.16</p> <p>The applicant may wish to note that Volume 1: Chapter 3: Project Description, Section 6.11.5.1 describes rock placement and size of rock. All rock used for scour protection should be inert and free from fines</p>	<p>This comment is noted by the Applicant.</p>
RR-042.055	<p>Paragraph Number: 4.3.17</p> <p>In Volume 1: Chapter 8: Marine Water and Sediment Quality, point 150 states that “Bentonite is a non-toxic, inert, natural clay material with a particle size less than 63µm. It is included in the List of Notified Chemicals approved for use and discharge into the marine environment and is classified as a Group E substance under the Offshore Chemical Notification Scheme. Substances in Group E are defined as the group least likely to cause environmental harm and are “readily biodegradable and non-bioaccumulative”. This is further supported by bentonite being included on the OSPAR List of Substances Used and Discharged Offshore which are considered to Pose Little or No Risk to the Environment (PLONOR)”. This list of chemicals is not an ‘approved’ list to denote chemicals approved for use in offshore wind and the wording should be amended.</p>	<p>This comment is noted by the Applicant. As required under condition 13(1)(e) of the DMLs within Schedules 10 and 11 of the dDCO, the Applicant will submit a PEMP (which must accord with the Outline PEMP (APP-277)) containing details of all the proposed chemicals to be used for construction of the Project to the MMO for approval prior to works taking place.</p>
RR-042.056	<p>Paragraph Number: 4.3.18</p> <p>The list referenced in Chapter 8, point 26, is a list of chemicals that have had all their substance data (ingredient level) presented checked and verified as complete (includes all relevant persistence bioaccumulation and toxicity data per ingredient) and generic oil and gas platform parameters applied to rank them. It is therefore not appropriate to assume that this list can be used like-for-like within offshore wind applications. The operator can choose chemicals from the ranked list use, at which point they provide a site-specific risk assessment together with detailed justification for the use of each chemical (product) to the regulator (MMO) who then makes a determination whether to permit. Even chemicals that are on the PLONOR list have to be approved by the regulator prior to use. Therefore, all chemicals with a pathway to the marine environment used on the offshore windfarm (unless covered by other regulations e.g. MARPOL) including Bentonite quantities should be notified to MMO with their properties, including safety data sheets to the regulator for approval, prior to use in the marine environment. In addition, impacts of “blow out” should this occur and loss of drill string contingency should also be</p>	<p>This comment is noted by the Applicant. As required under condition 13(1)(e) of the DMLs within Schedules 10 and 11, the Applicant will submit a PEMP (which must accord with the Outline PEMP (APP-277)) containing details of all the proposed chemicals to be used for construction of the Project to the MMO for approval prior to works taking place.</p>

ID	Relevant Representations	Applicant Response
	<p>provided in the method statement. The PEMP will include a chemical risk assessment (CRA) “Where relevant, this will comprise a risk assessment for the use of these chemicals in the marine environment, including consideration of whether they are approved for use offshore (e.g. included on the PLONOR list).” As in the point above, the Cefas ranked list is not an ‘approved list’ for use. All chemicals for use at any phase in the life of the windfarm should be notified to MMO if there is a pathway to the marine environment and not covered by other regulations (e.g. used on vessels in closed systems (with no top up) or covered under other regulations e.g. MARPOL).</p>	
Benthic ecology		
RR-042.057	<p>Paragraph Number: 4.4.1 The acoustic data did not reveal any unique signatures that could be attributed to Sabellaria spinulosa reef, although the ground truthing showed the presence of patchy reef in several places although it was low lying. MMO raised concern that future geophysical surveys would not detect potential Sabellaria spinulosa reef and asked for clarification on how any pre-construction surveys would identify reef to avoid by micro-siting. MMO welcomes that the Project has committed to pre-construction surveys as outlined within Outline Biogenic Reef Mitigation Plan March 2024 document (ref 8.22). However, this document does not provide any details on the methodology to be adopted. We would highly recommend the use of drop-down video at the previous areas where substantial low and medium reef was observed in still images as it is known to be difficult to distinguish reef from the surrounding coarse/mixed sediments (see Jenkins et al 2015, 2018).</p>	<p>This comment is noted by the Applicant. The Applicant will agree the methodology for any pre-construction monitoring with the MMO and its advisors prior to surveys being undertaken as required under condition 13(1)(c)(i) of the DML within Schedule 11 of the dDCO.</p>
RR-042.058	<p>Paragraph Number: 4.4.2 Regarding the spread of invasive non-native species and the consideration of this impact in the cumulative effects assessment (CEA), MMO notes that temporary increases in suspended sediment concentration (SSC) and sediment deposition during construction has only been considered under this assessment. We recognise that embedded measures have been considered within the PEMP, however this is restricted to vessel movements during construction and does not consider potential spread of Invasive Non-Native Species (INNS) during operation. MMO notes the acknowledgement of the lack of scientific knowledge regarding the spread of INNS and that the windfarm may act as stepping stones extending the impact beyond a local scale but has still assessed the magnitude as negligible. We therefore again advise reassessing this as above ‘negligible’ and advises scoping INNS into the cumulative effects assessment during operation.</p>	<p>The Applicant has reconsidered the risk of the spread of INNS as assessed within the ES Chapter 9 Benthic and Intertidal Ecology (APP-064) in the Environmental Report for the Offshore Restricted Build Area and Offshore Export Cable Corridor (document reference 15.9), with no change considered necessary with regard to the magnitude of “negligible” as determined in ES Chapter 9 Benthic and Intertidal Ecology (APP-064). The Applicant notes that a key consideration of the risk of the spread of INNS is the local sea area within which the Project will be situated, with offshore wind farm and other infrastructure present near to the Project (e.g. Triton Knoll OWF to the west, the Hornsea Zone OWFs to the north of the site, Dudgeon and Sheringham Shoal OWFs to the south and the numerous oil and gas platforms within this area). Further considered in reaching the magnitude conclusion was consideration of the presence of oil and gas assets within (the Malory platform and Galahad Tee) and immediately adjacent (Barque platform) to the array area, with the presence of these assets posing an existing risk of the spread of INNS, rather than were the Project to be positioned within a previously unused area of seabed. Therefore, the Applicant remains confident in the determination of a negligible magnitude for the risk of INNS from the Project alone and the consequent scoping out of this impact from the cumulative assessment and so does not consider that any update or reassessment is required.</p>
RR-042.059	<p>Paragraph Number: 4.4.3 MMO notes that there has been commitment to monitor INNS only if gravity base structures (GBS) are used. It is not clear why this is the only turbine base type that is being considered. All structure types can provide suitable colonisation substrate for INNS. MMO requests a response regarding this.</p>	<p>Whilst the Applicant acknowledges that all foundation types can provide suitable colonisation substrate for INNS, GBS are considered to pose the greatest risk as they provide the largest continuous surface area within the water column for settlement and colonisation by INNS, were this foundation type to be used. Furthermore, the commitment to monitor specifically this foundation type was linked to the lesser use of this type for OWFs and therefore was an acknowledgement of the reduced evidence base surrounding INNS colonisation risk.</p>
RR-042.060	<p>Paragraph Number: 4.4.4 Annex I stony reef was scoped out of the assessment at Section 42 consultation. However, MMO notes that reefiness assessments have been undertaken for this feature within the OWF and ECC.</p>	<p>The Applicant notes that the reefiness assessments were undertaken on the survey data collected prior to PEIR preparation and that the scoping out of stoney reef was based on the results of those survey data. As Appendix 6.3.9.1: Benthic Ecology Technical Report (Array) (Volume 3 Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array) (APP-154) and Volume 3 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) (APP-155)) and Appendix 6.3.9.2: Benthic Ecology Technical Report (ECC) (APP-155) were not required to be updated between PEIR publication and DCO Application, the full survey results and the reefiness assessments undertaken within those documents remains. It would not be appropriate to update reports to exclude the analysis of stoney reef as it provides the evidence for the exclusion of that feature from the assessment.</p>
RR-042.061	<p>Paragraph Number: 4.4.5</p>	<p>The Outline Biogenic Reef Mitigation Plan (APP-296) provides information on the survey effort and potential mitigation measures which could be used by the project if potential <i>S. spinulosa</i> reef is identified prior to construction. The final mitigation measures (if required) and the details of such measures (e.g. buffer zones</p>



ID	Relevant Representations	Applicant Response
	MMO recognises that there has been commitment to mitigation for <i>Sabellaria spinulosa</i> reef via micro-siting, however, the mitigation plan does not contain sufficient detail to assess whether it is appropriate.	around reef if any is identified) would be agreed with the MMO prior to the construction of the Project. As all Project-specific survey data collected to date (Volume 3 Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array) (APP-154) and Volume 3 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) (APP-155)) and the subsequent independent reanalyses (document 15.16) have not identified any qualifying Annex I reef within the proposed Order Limits, it is not possible, nor would it be appropriate, to provide details of theoretical mitigation measures for a habitat which is not recorded to be present.
RR-042.062	Paragraph Number: 4.4.6 The CEA should consider the spread of INNS during operation as per the comment in paragraph 4.3.2 above.	See response to paragraph 4.4.2 of RR-042 above.
RR-042.063	Paragraph Number: 4.4.7 MMO agrees with Natural England in that the assessment seems to down weight the reefiness scores as they are averaged over the transect. Some of the transects show areas of continuous low/medium reef which should be considered as separate patches as per Jenkins et al, 2015, 2018. The technical report does not provide any information on the distance covered for these patches. In the absence of sufficient acoustic data, it should be assumed that any distance of 5 metres (m) or greater with continuous reef presence should be considered as Annex I reef and should not be averaged across the transect, especially considering the naturally patchy nature of <i>Sabellaria spinulosa</i> reef.	<p>Averaging height and percentage cover scores recorded at every data point is the standard approach taken by BSL for assessment of potential <i>S. spinulosa</i> reef. This approach relies on it being possible to identify <i>S. spinulosa</i> aggregations signatures from the geophysical data (typically using SSS and MBES), which is something that BSL specialise in, with senior personnel having experience of doing this for &gt;20 years. While delineation of <i>S. spinulosa</i> reef can be achieved in mobile sandy substrates, this is more difficult to achieve in mixed sediment habitats and often not possible to distinguish <i>S. spinulosa</i> aggregations from the surrounding ambient mixed sediment. As noted in Jenkins et al. (2018) "Delineating <i>S. spinulosa</i> reef extent was achievable for some areas within the study site, but not for all. The lack of a consistent, and replicable, acoustic signatures synonymous with reef presence across the study site made mapping reef extent at the site scale difficult.", this was also the case for the current survey.</p> <p>The consideration of single data points showing Low/Medium/High reef structure would not be appropriate as they do not cover sufficient area (25 m<sup>2</sup>) to be considered Annex I reef. Excluding these single reef structure data points, there were three transects where two or more adjacent data points showed Low/Medium/High reef structure. To assess what difference would be seen if each of the segments of Low/Medium reef structure were assessed as potential separate reefs. For this assessment, the same reefiness assessment method used in the technical report has been used here, so this is not repeated here. The difference is that this assessment calculates average (mean) reefiness levels and the corresponding reef 'structure' for each segment, which is then assessed against the estimated area of the patch. As noted previously, it is not possible to accurately assess the areas of the reef from the available geophysical data, so the patch has been assumed to be circular with the diameter of the circle taken, on a precautionary basis, to be the straight-line distance between adjacent non-reef data points either side of the potential reef segment. This 'circular' patch assessment method has been used by BSL for a number of <i>S. spinulosa</i> and stony reef assessment over the past decade with no negative feedback from clients, regulators or SNCBs. The results of this analysis show that the patches across all three transects would achieve overall 'reefiness' levels (incorporating patchiness, elevation and area measures) of 'Not a Reef' or 'Low Reef', for which strong justification would be needed for these areas to be considered Annex I reef.</p> <p>One image within ECC_66 was found to contain 'High Reef', due to high patchiness and elevation scoring however, the average result for this patch was still 'Low Reef, with the overall conclusion for ECC_66 being that this site was "Not a Reef" in line with the guidance for determining 'reefiness'.</p>
RR-042.064	Paragraph Number: 4.4.8 There is a discrepancy between Figure 54 on P188 of Volume 3: Appendices: Chapter 9 Benthic and Intertidal Ecology (ref: PP1-ODOW-DEV-CS-REP-0165) when compared to the text on P187. The text states that the <i>Sabellaria spinulosa</i> aggregations were not reef-forming at station OWF_76, but Figure 54 shows station OWF_76 to be classified as 'medium reef'. This should be checked.	The areas of medium and low reef mentioned by Natural England have been further investigated. In ECC_66, medium reef was not consistent for 150 m, the closest 2 stills assessed for <i>S. spinulosa</i> were 5 m apart (5 m – 110.5 m between 'medium reef' stills) and the same was evident for low reef stills. It should be noted that medium reef and low reef points are overlaid on top of the no reef/not a reef data points in Figure 54 to highlight their presence and avoid higher reefiness data points being obscured by no reef/not a reef, which explains the discrepancy between the Figure 54 and text on P187.
RR-042.065	Paragraph Number: 4.4.9	The Applicant confirms that the reference on page 90 of Volume 3 Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array) (APP-155) to station "ECC_02" refers to the station labelled "FA_02" in Table 25 and also Figure 24 of the same document.

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	On page 90 of Appendix 9.2 Benthic Ecology ECC Area Results Report. (Document Number: 6.3.9.2), there is referral to an ECC station (ECC_02), however there is no ECC_02 listed in Table 25 on pages 94/95. MMO suggests that this be checked and corrected.	
<b>Chapter 10 Fish and Shellfish Ecology</b>		
<b>Fish ecology</b>		
RR-042.066	Paragraph Number: 4.5.1 One of the concerns MMO raised at PEIR stage was in relation to disturbance to herring at their spawning grounds from piling noise, and we had requested the inclusion of some further underwater noise (UWN) modelling, we have provided further comments on this issue in points 4.5.2 – 4.5.4.	The Applicant has provided responses to the issues raised in MMO paragraphs 4.5.2 to 4.5.4 of RR-042 below.
RR-042.067	Paragraph Number: 4.5.2 MMO previously recommended the presentation of additional noise modelling for the received levels of single strike sound exposure levels (SELs) at the Banks herring spawning grounds based on the 135 decibel (dB) SELs startle response (as per Hawkins <i>et al.</i> (2014)). In the ES, the utility of the 135dB threshold has been challenged and it has been suggested that it is overly precautionary, and that, as stated by Popper <i>et al.</i> (2014), it is not appropriate to determine the potential for behavioural effects quantitatively due to the range of behavioural responses. Notwithstanding these comments, the potential behavioural impact ranges for 135dB as 5dB increments from the piling source in Figure 10.40 of the Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, document (ref: PP1-ODOW-DEV-CS-FIG-0010) were presented. MMO welcomes this inclusion as per our request.	The Applicant notes this comment.
RR-042.068	Paragraph Number: 4.5.3 Although the 135dB modelling has been presented in the ES, it does not to include the 135dB impact range for behavioural effects in their impact assessment for herring and has provided a discussion in Section 10.6.1 in Volume 1: Chapter 10: Fish and Shellfish Ecology document (ref: PP1-ODOW-DEV-CS-REP-0118) to support their decision. The discussion provided includes some valid points concerning the limitations of the study by Hawkins <i>et al.</i> (2014), such as the study being carried out in a quiet coastal sea loch where fish were not accustomed to heavy disturbance, and that the fish in the study (sprat) were not involved in any particular activity, i.e. spawning. MMO recognise that there are limitations with the study, and it is accurate that the Hawkins <i>et al.</i> (2014) 135dB SELs threshold was determined based on sprat schooling in the water column rather than sprat (or herring) engaged in spawning, however, sprat are a clupeid species, closely related and anatomically similar to herring, and similarly sensitive to underwater sound (sprats also possess a swim bladder involved in hearing), so are considered a suitable proxy species in terms of their hearing sensitivity. Given that there is an absence of suitable peer-reviewed empirical evidence of behavioural responses in clupeid fishes to support an alternative threshold for impulsive noise, MMO considers the 135dB threshold from Hawkins <i>et al.</i> (2014) is the best current scientific evidence from which a quantitative threshold can be derived for the purposes of modelling behavioural responses in herring. Notwithstanding this, we would be willing to consider the use of an alternative quantitative threshold for modelling behavioural responses in herring (or a similar clupeid fish), should one be able to be provided, which is based on an appropriate species, suitable situation, and peer-reviewed literature.	<p>The Applicant is confident that a suitably precautionary assessment has been undertaken to establish the potential impacts from underwater noise on herring. The Applicant confirms that, as noted by the MMO, SELs noise contours have been presented in Figures 10.39 and 10.40 of Volume 2, Chapter 10: Fish and Shellfish Ecology Figures Part 2 of 2 (APP-098) in 5dB increments from the piling source up to 135dB SELs. The presentation of these contours is further supported by a literature review in paragraph 213 et seq. of ES Chapter 10: Fish and Shellfish Ecology of the ES (APP-065) to present the range of potential behavioural responses of fish to underwater noise stimuli and the factors and life events (e.g., sex, age, season, individual condition) that may influence them.</p> <p>The Applicant however would like to highlight that they do not support the use of the 135dB SELs contour, as presented in Hawkins <i>et al.</i> (2014), to establish behavioural impact ranges for clupeids and other noise-sensitive fish species. Specifically, the Applicant points out that the 135dB SELs threshold is based on a study undertaken within a quiet sea loch, and it is therefore not considered appropriate to use this threshold within a much noisier area such as the central North Sea (which is subject to high levels of anthropogenic activity and consequently noise), as the fish within this area will be acclimated to the noise and would be expected to have a correspondingly lower sensitivity to noise levels. The Applicant considers that it is important to note that the authors of Hawkins <i>et al.</i> (2014) specifically conclude “However, these data cannot yet be used to define the sound exposure criteria”. Notwithstanding, the paper notes a range of response to the same sound level in the studied species (sprat <i>Sprattus sprattus</i>) from no reaction to a possible flee reaction. Hawkins <i>et al.</i> (2014) posit that this reflects the behaviour of the fish at the time of exposure, as well as the presence or absence of predators. As such, the Applicant considers that the use of the threshold recommended by the MMO is not scientifically robust and the qualitative assessment of the risk of behavioural disturbance as presented by the Applicant better enables a consideration of the potential for significant impacts at a population level of the species considered. This is particularly the case for herring where the concern for this species focuses on the potential impacts on spawning activity, which cannot be sufficiently evaluated with the consideration of a single threshold value.</p> <p>Finally, the Applicant recognises the lack of any established quantitative threshold for disturbance effects to fish from underwater noise. Based on the available literature, the thresholds as presented within Popper <i>et al.</i> (2014), whilst acknowledged as limited by the studies which informed the review, are currently recommended as the most appropriate criteria to use for assessing the impacts of underwater noise effect to fish (Popper and</p>

ID	Relevant Representations	Applicant Response
		Hawkins, 2019). Popper <i>et al.</i> (2014) advises the use of a qualitative risk assessment for behavioural effects, based on the hearing sensitivity of the species of concern, which is the approach the Applicant has followed within ES Chapter 10: Fish and Shellfish of the ES (APP-065). The Applicant notes that Hawkins was a co-author on Popper <i>et al.</i> (2014).
RR-042.069	<p>Paragraph Number: 4.5.4</p> <p>MMO welcomes the reference to the study by Skaret <i>et al.</i> (2005) which found herring to have a significantly reduced reaction to external stimulus when involved in spawning activity than when swimming/schooling. MMO notes the suggestion that in light of this study, it is likely that any behavioural impacts to fish (herring) would be significantly reduced when spawning, with consequently limited impact on spawning potential. However, it must be recognised that the study by Skaret <i>et al.</i> (2005) investigated vessel avoidance responses in herring exposed to continuous noise exposures, which is entirely different to the impulsive noise exposure generated by the proposed piling works. More importantly, whilst herring may display a biological drive to spawn regardless of the impulsive piling noise exposures, it is equally possible that such disturbance may cause herring to abandon necessary migrations to the gravel beds on which they need to spawn, in order to avoid the disturbance, potentially resulting in reduced spawning success and limited recruitment of herring larvae into the Banks stock. In the absence of appropriate, empirical evidence indicating that herring will continue to spawn when subject to significant UWN disturbance, a precautionary approach, based on the best available, peer-reviewed evidence, should be adopted (ICES, 2003, 2015, 2018). For the reasons given above, we maintain that the 135dB threshold (as per Hawkins <i>et al.</i>, 2014) is a precautionary, but appropriate threshold for the purpose of modelling behavioural responses in herring at their spawning ground and that the resulting impact range should be given due consideration in terms of whether the range of effect is likely to overlap the various herring spawning grounds near Flamborough head, or hinder the north-south migration of Banks herring in the Central North Sea.</p>	<p>The Applicant reiterates that they do not support the application of the 135dB SELs contour to establish behavioural impact ranges for fish species, including species that are considered hearing specialists (e.g. herring) for the reasons set out above.</p> <p>With regard to the Skaret <i>et al.</i> (2005) results being from a continuous noise source, this is acknowledged; however, the Applicant does not consider that this invalidates the conclusions made in reference to that paper as set out in ES Chapter 10: Fish and Shellfish Ecology (APP-065), particularly as the importance of the motivational status of fish in determining their response to sounds is well established (as reviewed in Hawkins <i>et al.</i>, 2014). In addition, recent studies on the range dependent nature of piling sounds show a marked change in the impulsiveness of piling noise with distance from the piling location, with piling sounds becoming more similar to non-impulse (continuous) sounds as the sounds propagate through the environment (e.g., Hastie <i>et al.</i>, 2019<sup>9</sup>; ORJIP, 2024<sup>10</sup>). Available data indicate that the greatest change in the acoustic properties of sounds generated during piling occur within the first 5 to 10km from the pile location, which suggests that predicted impact ranges for TTS and behavioural reactions in fish, which for stationary receptors typically extend far beyond this range are not necessarily representative of the true risk of these effects (which would be much smaller were this change to non-impulsive noise considered in modelling outputs). In this respect, the Applicant would like to highlight that the 135dB response threshold from Hawkins <i>et al.</i> (2014) is based on measurements of behavioural reactions very close to the emitted sound. Given the decrease of impulsiveness of piling sounds away from the source, there is therefore potential that the risk of behavioural reactions may be overestimated at the large ranges predicted for this noise level from the modelling, as current models are not able to account for changes in the impulsive nature of sound.</p> <p>Whilst the Applicant acknowledges the importance of not affecting the migration of herring to the spawning grounds, the herring that spawn on the Banks grounds migrate to the grounds from a general northerly direction. The migration of this species to its spawning grounds were considered within the assessment presented in ES Chapter 10: Fish and Shellfish of the ES (APP-065) and for the reasons set out above, the Applicant maintains that the conclusion of a minor adverse effect for all effects to herring which is not significant in EIA terms remains valid.</p>
RR-042.070	<p>Paragraph Number: 4.5.5</p> <p>MMO has no concerns regarding the scoping in/out of impacts or receptors. The fish species present in and around the project's study area have been correctly identified, as have the spawning and nursery grounds found within the vicinity of the project. The potential impacts to fish receptors and commercial fisheries have been appropriately scoped in/out of the ES. The list of impacts identified in the ES can be found in Annex 2</p>	The Applicant welcomes the comment. The Applicant has no further comments on this matter.
RR-042.071	<p>Paragraph Number: 4.5.6</p> <p>As agreed at the PEIR stage, impacts arising from accidental pollution during the construction, operation and maintenance (O&amp;M), and decommissioning phases have been scoped out of further assessment on the basis that a Project Environmental Management and Monitoring Plan (PEMMP) will be implemented to mitigate pollution events. Impacts from direct disturbance during the O&amp;M phase have now been scoped in, which is appropriate. Impacts arising from changes in fishing pressure due to displacement have been scoped out of further assessment for fish ecology, but scoped into the assessment for</p>	The Applicant welcomes the comment. The Applicant has no further comments on this matter.

<sup>9</sup> Hastie, G., Merchant, N.D., Götz, T., Russell, D.J., Thompson, P. and Janik, V.M. (2019). Effects of impulsive noise on marine mammals: investigating range-dependent risk. *Ecological Applications*, 29(5): p.e01906.

<sup>10</sup> ORJIP (2024). Range dependent nature of impulsive noise (RaDIN). Report prepared by SMRU Consulting and itap as part of the Offshore Renewables Joint Industry Programme (ORJIP) for Offshore Wind.

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	commercial fisheries, which MMO supports. Transboundary impacts have been scoped into the assessment in respect of Annex II migratory fish species listed as features of European sites in other European Economic Area (EEA) States.	
RR-042.072	Paragraph Number: 4.5.7 MMO notes that some benthic compensation within an area of seabed for the creation and re-creation of biogenic reef habitat, located within the Biogenic Reef Restoration Area reviewed in document Volume 1: Chapter 3: Project Description, document (ref: PP1-ODOW-DEV-CS-PDE-0001), has been proposed. Further comments on the potential impacts and suitability of creation / re-creation of biogenic reef habitat and the benefits to benthic ecology are found in the Benthic Ecology and Shellfish Ecology sections.	The Applicant notes this comment. The Applicant has provided responses to the MMO's further comments below.
RR-042.073	Paragraph Number: 4.5.8 MMO considers that overall, the assessment is proportionate for the nature and scale of the project. However, we do have some comments and recommendations that need to be addressed on the appropriateness of the assessment (see points 4.5.1, 4.5.2, 4.5.3, 4.5.4 above, and 4.5.10 below).	The Applicant welcomes the comment. Please see responses to specific points raised at paragraphs 4.5.1 to 4.5.4 above and paragraph 4.5.10.
RR-042.074	Paragraph Number: 4.5.9 On the whole, the evidence sources and data that have been used to inform the assessment are all appropriate, and there are no signification gaps in evidence to give cause for concern.	The Applicant welcomes the MMO's confirmation that the Applicant has appropriately characterised the baseline environment.
RR-042.075	Paragraph Number: 4.5.10 The 'heat' maps in Figures 10.14 – 10.17 in the Volume 1: Chapter 10: Fish and Shellfish Ecology document (ref: PP1-ODOW-DEV-CS-REP-0118) that show abundance of herring larvae across the study area, have used International Herring Larvae Surveys (IHLS) data from 2009/2010 - 2020/2021. The ES was finalised in March 2024, so there are 2 years of more recent IHLS data that could have been used to inform the assessment. MMO appreciates that the modelling is likely to have been completed prior to the ES submission and prior to all the internal checks, thus this is a minor comment to note. However, for a project of this size and nature, MMO would typically expect the most recent 10 years of IHLS data, up to year 2022/2023, to have been used, and recommend this is done in future.	The Applicant has produced revised figures showing IHLS 'heat' maps for the most recent 10 years of IHLS data, up to the year 2023/2024. These figures are included in Document 15.9A, which has been submitted to the ExA alongside these responses to the Relevant Representations. The Applicant notes that the methodology for the interpolation of the IHLS data has been updated following advice from the MMO to the consultants supporting the Applicant, and therefore the appearance of larval hot spots has changed slightly compared to Figures 10.14 to 10.17 within Volume 2, Chapter 10: Fish and Shellfish Ecology Figures Part 1 of 2 of the ES (APP-097). The Applicant confirms that the updated methodology does not change the identification of the areas of relative importance for herring spawning and considers that the conclusions presented in the ES remain valid. The Applicant notes that the purpose of the heatmapping process (as first proposed within Boyle & New, 2018) is simply to inform the spatial extent of current spawning activity in herring. The revised methodology for the production of the heatmaps (as required due to a change in how the data are recorded for IHLS outputs), simply results in a slightly differing appearance of the maps, without changing the apparent importance of each area.
RR-042.076	Paragraph Number: 4.5.11 The baseline characterisation utilises a broad combination of datasets and provides temporal analysis and validation of regional monitoring datasets, for example Fisheries Sensitivity Maps (Coull <i>et al.</i> , 1998 & Ellis <i>et al.</i> , 2012), IHLS data, MMO landings data and International Bottom Trawl Surveys (IBTS) data, to name but a few. Further data and evidence has been acquired through site-specific benthic ecology surveys undertaken across the array area and offshore ECC. These surveys include sediment grabs, epibenthic trawls and Environmental DNA (eDNA) data. The data and evidence sources used to inform the assessment are consistent with those used for other OWF Environmental Impact Assessments (EIAs).	The Applicant welcomes the comment. The Applicant has no further comments on this matter.
RR-042.077	Paragraph Number: 4.5.12 A series of 'best practice' embedded measures that aim to mitigate potential impacts of the proposed works to fish receptors has been proposed in (documents reviewed; Volume 1: Chapter 10: Fish and Shellfish Ecology, document (ref: PP1-ODOW-DEVCS-REP-0118)). These include an MPCP, marine invasive and non-native species prevention measures, the development of a decommissioning program to ensure impacts from decommissioning are minimised, the use of soft-start techniques on commencement of piling, the implementation of a PEMP and the burial of cables wherever possible. MMO supports the inclusion of these embedded mitigation measures.	The Applicant welcomes agreement from the MMO regarding the embedded mitigation measures.
RR-042.078	Paragraph Number: 4.5.13 Concerning the effects of electro-magnetic fields (EMF) on electro-sensitive fish receptors such as elasmobranchs, eels and lampreys, MMO notes that the intended average cable burial depth for array, interconnector and export cables will be between 0 - 3m. In line the with the National Policy Statement EN3 (Department of Energy & Climate Change, 2011)) MMO recommends that where possible, cables are	The comments are noted by the Applicant. The Applicant also notes that the current NPS EN3 (DESNZ, 2023) does not include the requirement for a specific minimum burial depth. Notwithstanding this, the Applicant has committed to a target burial depth of 1m below the seabed.

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	<p>buried to a minimum depth of 1.5m (subject to local geology or seabed obstructions) as this will further increase the distance between electro-sensitive fish receptors and EMF, as well as reduce the risk of snagging and damage to cables by other marine vessels e.g. anchors, bottom-towed gear. MMO also notes that a cable burial risk assessment has been undertaken in respect of the sections of export cables which cross through Annex 1 sandbanks. MMO defers to Natural England as the SNCB for further comments on impacts to the features of the SAC.</p>	<p>The Applicant confirms that cable burial will be the preferred option for cable protection, as set out in Section 6.11.5, paragraph 98 of ES Chapter 3: Project Description (APP-058). As detailed in Section 6.11.5, paragraph 99 of ES Chapter 3: Project Description (APP-058), the cable burial depth will be determined by a cable burial risk assessment as part of the final project design process. Where it is not possible to bury a particular section of cable to the desired burial depth, installation of cable protection will be considered as described in Section 6.11.5 of ES Chapter 3: Project Description (APP-058). A Cable Specification and Installation Plan (CSIP) will be developed prior to construction, informed by the cable burial risk assessment, which will specify the cable installation techniques and necessary minimum burial depths. An Outline CSIP has been submitted with the DCO application (APP-278), and the final CSIP will be submitted to the MMO post-consent for approval in accordance with the conditions of the dMLs. The proposed burial of the subsea cables and the application of additional cable protection if needed, will provide a separation between buried cables and the seabed surface, and therefore effects from EMF will be reduced.</p>
Herring		
RR-042.079	<p>Paragraph Number: 4.5.14 The impacts to herring from UWN from piling have been assessed as ‘minor’ adverse which is not significant in EIA terms, so any specific mitigation measures for the species have not been proposed. MMO does not support the conclusion for a number of reasons which MMO will expand on in the following points.</p>	<p>The Applicant maintains the position that piling at the Project will not result in significant population level effects to Banks herring. Please see responses to paragraphs 4.5.15 to 4.5.23 below and the positions presented above.</p>
RR-042.080	<p>Paragraph Number: 4.5.15 In categorising the sensitivity of receptors, it is stated that herring are considered to be of high vulnerability, with low recoverability and of regional importance, and therefore have a ‘medium’ sensitivity rating. This is based upon the criteria provided in Table 10.10 (Volume 1: Chapter 10: Fish and Shellfish Ecology (APP-65), document (ref: PP1-ODOW-DEV-CS-REP-0118) – see Annex 3) which states that for a receptor to be of ‘high’ sensitivity it must also be internationally or nationally important. MMO also notes that hearing sensitivity group 3 has been categorised (Cod, sprat and whiting), group 2 fish species (salmonids) and group 1 fish species (flat fish and sandeels etc.) as all having a receptor sensitivity of ‘low’. MMO’s opinion is it is not appropriate to list all of these above-mentioned species, which have variable sensitivities to the impacts of underwater noise, as having the same sensitivity rating within the 4 stage receptor sensitivity criterion. MMO agrees that herring are more sensitive to underwater noise impacts than fish in other hearing sensitivity groups, as well as fish within their own hearing sensitivity group (Cod etc.). However, MMO does not agree with the criteria set out in Table 10.10 (see Annex 3) regarding the subjective categorisation of herring as a ‘medium’ sensitivity species. This is based on 3 main reasons: 1) Herring are of national importance, both ecologically by playing a critical role in the north sea food-web as a prey item for many Annex II species, rare and vulnerable species and species of conservation importance, as well as being commercially important for UK fisheries; 2) the timing of the impact (i.e. piling) overlapping with critical life stages (spawning etc.); 3) herring are highly sensitive in two ways, both physiologically with regard to them possessing a swim bladder involved in hearing (Popper <i>et al.</i>, 2014) and ecologically with their reliance on a specific benthic location during their spawning and egg-yolk larvae life cycle stages. If piling works overlapped both spatially and temporally with herring spawning it could result in limited or no capacity to avoid, adapt to, accommodate or recover from this impact. Therefore, it is MMO’s opinion that herring, who are sensitive both physiological and ecologically, should be categorised as a ‘high’ sensitivity receptor.</p>	<p>The Applicant considers the assessment of potential noise impacts to herring and their spawning grounds presented in ES Chapter 10: Fish and Shellfish Ecology (APP-065) is appropriate and adequate. As detailed in paragraphs 76 to 81 and summarised in Table 10.10 within ES, Chapter 10: Fish and Shellfish of the ES (APP-065), the determination of a receptor’s sensitivity to an impact has been based on the receptor’s vulnerability and recoverability together with its assigned value. Specifically, the ‘medium’ sensitivity definitions include nationally important species that have a high vulnerability and medium to low ability for recovery. Therefore, the Applicant considers that the sensitivity assessment for herring as ‘medium’ is appropriate. The Applicant also considers that an importance of regional is appropriate for herring when considering the Banks stock, which inhabits the Central North Sea. However, as noted above, even were herring to be considered as nationally important, then the sensitivity determination would not change, and the conclusions drawn within APP-065 would remain unchanged.</p> <p>With regards to the vulnerability assessment, the Applicant would draw attention to paragraphs 134 to 136 and paragraph 148 of ES Chapter 10: Fish and Shellfish Ecology (APP-065), in which herring have been assessed as being highly vulnerable to UWN from piling, based on their good hearing ability, their high susceptibility to pressure-related injuries, and their reliance on specific benthic locations for spawning. The assigned ‘high’ vulnerability for herring represents the highest possible vulnerability score and considers that both survival and reproduction rates of herring could be affected during piling through a combination of mortal and recoverable injuries, TTS and behavioural changes to spawning herring. The Applicant considers that the reference by the MMO to an overlap with herring spawning grounds is not an appropriate consideration within a sensitivity assessment, with that aspect of the significance of effect being more appropriately a consideration within the determination of the magnitude of effect. Specifically, a small overlap with an identified spawning ground could be considered to be of higher impact magnitude than a larger overlap with a less important habitat, but this does not affect the sensitivity of the receptor, which is dictated by its biology.</p> <p>Regarding the ability of herring to recover from noise-induced effects, the Applicant notes that piling itself will not change the characteristics of potential suitable spawning substrates and any potential lethal effects would be restricted to areas close the piling locations and would only affect a very small proportion of the Banks spawning population in areas outside the main spawning beds off Flamborough Head. Sub-lethal effects such as TTS and behavioural changes are likely to affect a larger proportion of the population, but these effects are anticipated to be temporary and reversible. In addition, given the intermittent nature of piling, herring may be able to spawn between individual piling events, even when previously disturbed. The Applicant also refers to</p>

ID	Relevant Representations	Applicant Response
		the discussion presented above in the response to paragraph 4.5.4 of RR-042 regarding the motivation of fish being a key consideration in determination of the likely reaction to external stimulus (e.g. noise). It is therefore the Applicant's view that herring have the potential to recover from noise effects. The Applicant acknowledges that recovery may take several years given the potential for localised lethal effects and a decrease in the reproductive output; therefore, the recoverability of herring to the impact has been assessed as 'low', as detailed in paragraph 136 within ES Chapter 10: Fish and Shellfish Ecology (APP-065).
RR-042.081	<p>Paragraph Number: 4.5.16</p> <p>It is also important to remember that where a receptor is sensitive to an impact e.g., underwater noise or disturbance to habitat, such sensitivity is irrespective of the location. What matters is whether the receptor in question is at risk from the impact at that particular location and, if so, what the level / magnitude of risk is likely to be if there was (hypothetically) a spatial overlap. Taking herring as the receptor and noise disturbance in their spawning habitat as the impact; we know that herring rely on specific locations of gravel substrates on which to lay their eggs, therefore gravid females and the developing eggs and larvae attached to the gravel will have very limited to no capacity to avoid disturbance to their spawning habitat. As the impact has the potential to occur at the critical life stage of spawning, the sensitivity of the receptor is considered 'high'.</p>	<p>The Applicant is confident that the sensitivity assessment outcome reported within ES Chapter 10: Fish and Shellfish Ecology of the ES (APP-065) is appropriate. As stated in response to point 4.5.15 above, the potential for UWN to affect spawning herring has been assessed as part of the vulnerability assessment presented in paragraphs 134 to 136 and paragraph 148 of ES Chapter 10: Fish and Shellfish Ecology (APP-065). This assessment acknowledges both the demersal spawning nature of herring and the high susceptibility of herring to underwater noise. The vulnerability of herring to UWN from piling has therefore been assessed as 'high', which represents the highest possible vulnerability score.</p> <p>For the sensitivity assessment, several factors have been considered, namely a receptor's vulnerability to an impact, its recovery potential and its ecological and/or commercial importance, as described in Table 10.10 in ES Chapter 10: Fish and Shellfish Ecology of the ES (APP-065). The Applicant maintains that no change is required to the sensitivity determination for herring and therefore the conclusions of the ES remain unchanged.</p>
RR-042.082	<p>Paragraph Number: 4.5.17</p> <p>Based on the points discussed in 4.5.15 – 4.5.16, and using the matrix in Table 10.11 found in Volume 1: Chapter 10: Fish and Shellfish Ecology, document( ref: PP1- ODOW-DEV-CS-REP-0118), see Annex 4, to determine effect significance, when the receptor sensitivity for herring is re-categorised as 'high', with a 'low' magnitude of impact (as considered by the ES), it would result in a significance of effect of 'moderate' which is significant in EIA terms.</p>	<p>The Applicant reiterates that they do not consider it appropriate to re-categorise the sensitivity of herring to UWN generated during piling from 'medium' to 'high' for the reasons presented in points 4.5.15 and 4.5.16 above.</p>
RR-042.083	<p>Paragraph Number: 4.5.18</p> <p>In addition, MMO does not agree with the assessment of a 'low' magnitude of impact for the reasons outlined in points 4.5.19 – 4.5.22 below.</p>	<p>The Applicant maintains their position that piling at the Project will not result in significant population level effects to the Banks spawning component and that the magnitude of potential impacts to herring during piling is 'low'. Please see detailed responses to sections 4.5.19 to 4.5.22 below and points 4.5.3 and 4.5.4 above.</p>
RR-042.084	<p>Paragraph Number: 4.5.19</p> <p>In Figures 10.39 and 10.40 in document Volume 2: Chapter 10: Fish and Shellfish Ecology (APP-065) Figures, (ref: PP1-ODOW-DEV-CS-FIG-0010), see Annex 5, it is presented that the modelled noise contours for pin-piling and monopiling (respectively), including the 135dB SELs threshold alongside the 'heat' maps of herring larval abundance and the historic herring spawning grounds from Coull et al. (1998). Both figures show a significant overlap between the 135dB SELs noise contour and large areas of larval densities ranging 0 to 6,000 herring larvae per metres squared (m<sup>2</sup>), as well as overlaps with the historic spawning grounds. MMO has already highlighted in point 4.5.3, the reasons why we maintain that using the 135dB SELs threshold is appropriate for determining the likelihood of behavioural impacts causing disturbance to gravid and spawning herring.</p>	<p>The Applicant has provided updated heatmaps including the most recent years as part of Document 15.9A, which has been submitted to the ExA alongside these responses to the Relevant Representations. The Applicant reiterates that they do not support the application of the 135dB SELs contour to establish behavioural impact ranges for fish species, including species that are considered hearing specialists (e.g. herring), for the reasons as set out in response to point 4.5.3 above.</p>
RR-042.085	<p>Paragraph Number: 4.5.20</p> <p>Further modelling presented in the Figures 10.35, 10.36, 10.39 and 10.40 in Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, document (ref: PP1-ODOW-DEVCS-FIG-0010) demonstrates that noise disturbance from pin-piling and mono-piling of the Artificial Nesting Structures (ANS) and in the array, will cause mortality and potential mortal injury, recoverable injury and temporary threshold shift (TTS) in herring at the spawning grounds (and other fish species).</p>	<p>The comment is noted by the Applicant. The predicted impacts from the construction of the ANS have been fully assessed within ES Chapter 10: Fish and Shellfish Ecology of the ES (APP-065).</p>
RR-042.086	<p>Paragraph Number: 4.5.21</p> <p>MMO notes the highlighted larval densities of herring around the array site (ranging 0 to 6,000 larvae per m<sup>2</sup>) are much lower than those that occur off Flamborough Head, which is considered to be the current focus of Banks spawning activity, as demonstrated by the IHLS data. Whilst MMO agrees that the larval densities are much lower compared with areas around Flamborough Head, it is still important to consider the importance of the southern extent of the spawning ground around Outer Dowsing to the overall contribution to the Banks herring spawning population, as this location been shown to be of periodical</p>	<p>The Applicant has provided updated heatmaps including the most recent years as part of Document 15.9, which has been submitted to the ExA alongside these responses to the Relevant Representations. The Applicant notes that the ICES IHLS data sheets for the years 2020 and 2021 do not contain information about the volume of seawater filtered during sampling. It is therefore not possible to calculate larval densities and show heatmaps for the years 2020/2021 and 2021/2022 using the revised methodology (as detailed in response to point 4.5.10 above), and as such these years have been excluded, but the data for years 2022/2023 and 2023/2024 as the most recent data available are provided.</p>

ID	Relevant Representations	Applicant Response
	<p>importance to the Banks herring spawning population. MMO notes the presented IHLS larval density plots for individual years in Figures 10.15, 10.16 and 10.17 in the Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, document (ref: PP1-ODOW-DEV-CS-FIG-0010). Increased larval densities were recorded in the IHLS data for years 2011-2012, 2016-2017 and 2019-2020 which visually demonstrates the ongoing importance of the southern portion of the Banks spawning ground in certain years (see Annex 6). MMO notes the latest 2 years' IHLS data (2021/2022 and 2022/2023) have not been presented, so it is not known if herring relied more heavily on this southern portion of the Banks spawning ground during this period.</p>	
RR-042.087	<p>Paragraph Number: 4.5.22 In summary, the UWN modelling presented shows that the effects of UWN from piling is likely to cause behavioural impacts across a wide area of the southern portion of the Banks spawning ground, albeit where larval densities are lower, the UWN modelling also demonstrates that spawning herring will be affected by piling through impacts including mortality and potential mortal injury, recoverable injury and TTS. The IHLS data also demonstrate that the location of around Outer Dowsing OWF plays a more important role as a spawning habitat in certain years.</p>	<p>The Applicant refers to the responses set out in 4.5.3, 4.5.4 and 4.5.15 to 4.5.23.</p>
RR-042.088	<p>Paragraph Number: 4.5.23 For the reasons outlined in points 4.5.19 – 4.5.22, MMO believes that it is appropriate and necessary to re-categorise the magnitude of impact from 'low' to 'medium', resulting in a significance of effect of 'major'. To conclude this point, it is in MMO's opinion that the presented current categorisation of herring sensitivity does not appropriately reflect their vulnerability to the underwater noise impacts associated with the proposed works.</p>	<p>The Applicant considers the magnitude assessment of potential noise impacts to herring and their spawning grounds presented in ES Chapter 10: Fish and Shellfish of the ES (APP-065) to be appropriate and adequate. The Applicant acknowledges that there is a partial overlap of the lethal and recoverable injury noise contours with the southern extent of the Banks spawning ground around Outer Dowsing. However, as shown by annual IHLS data presented in Volume 2, Chapter 10: Fish and Shellfish Ecology Part 1 of 2 (APP-097) and in document 15.9, the main spawning of Banks herring consistently occurs north of the Project, off Flamborough Head. It is also recognised that there is annual variability in the areas used for spawning, with the southern portion of the Banks spawning ground being relatively more important for spawning in some years. However, even in years of higher spawning activity, the relative importance of the areas surrounding Outer Dowsing for herring spawning remains low when compared to both the spawning intensity observed off Flamborough Head and the extent of areas over which peak spawning takes place. In addition, there is no overlap between the areas of highest larval abundances off Flamborough Head and piling noise at a level that will induce TTS (186dB cumulative Sound Exposure Level (SELcum)).</p> <p>It is therefore the Applicant's view that the proportion of Banks spawning herring stock that would be impacted by piling is minimal when compared to the areas of peak herring spawning off Flamborough Head and that this level of impact will not lead to material changes to the Banks spawning stock. On this basis, the Applicant does not consider it appropriate to re-categorise the magnitude of impact from 'low' to 'medium'.</p>
RR-042.089	<p>Paragraph Number: 4.5.24 Points 4.5.14 – 4.5.23 have outlined our position and concerns regarding the presented assessment for impacts of UWN on herring. For these reasons, we believe that there is potential for significant impacts to occur to Banks herring at a population level, if suitable mitigation is not employed. MMO therefore recommends that the following licence condition is included in the deemed marine licence (DML):</p> <ul style="list-style-type: none"> <li>• No piling of any type shall be permitted between 01 September and 16 October each year. Reason: To protect spawning Banks herring and their eggs and larvae during their spawning season.</li> </ul>	<p>The Applicant maintains their position that piling at the Project will not result in significant population level effects to Banks herring. Therefore, no additional mitigation measures in the form of seasonal piling restrictions are deemed necessary.</p>
RR-042.090	<p>Paragraph Number: 4.5.25 It is worth noting that the duration of the recommended piling condition is shorter than that typically recommended for the Banks herring spawning season (August to October inclusive). The recommended condition is proportionate to the licence condition for Triton Knoll OWF (DCO/2013/00004), located ~10km west of Outer Dowsing OWF, and reflects the timing of when herring spawning typically occurs in this southerly part of the Banks spawning ground, relative to those areas of spawning ground further north, e.g. Flamborough Head. This refined spawning period was identified through interrogation of IHLS data during the consenting stage for Triton Knoll OWF, and through the understanding that herring migrate through the North Sea from north moving south during their spawning season (Cushing and Bridger 1966, and Burd, 1978).</p>	<p>The Applicant notes the MMO's comment but maintains that no seasonal restriction is necessary in this instance.</p>

Sandeel

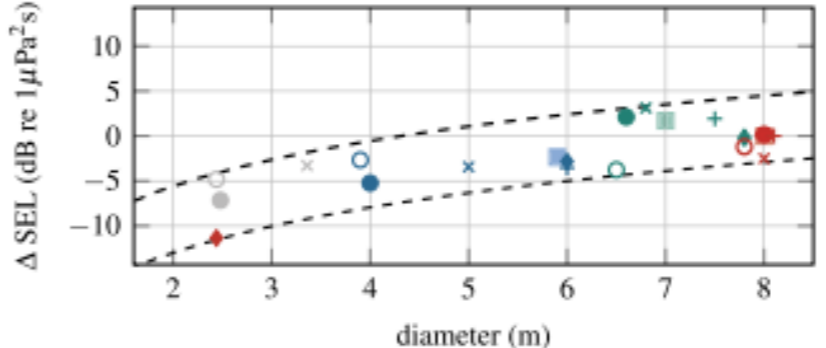
ID	Relevant Representations	Applicant Response
RR-042.091	<p>Paragraph Number: 4.5.26</p> <p>MMO notes the recognition of the increased sensitivity of sandeels to offshore construction and disposal activities and that a species-specific assessment has been undertaken, which is appropriate. For the UWN impact assessment, sandeel have been categorised as Group 1 (fish without swim bladder) and are assessed as a stationary receptor, which is appropriate. For the impacts of mortality and potential mortal injury, from sequential pin-piling in the array area, an impact range of up to 1.5km is predicted. However, under the scenario of pin piles for jacket foundations being installed simultaneously at both the North East (NE) and South West (SW)piling locations, a larger impact range is predicted, with a maximum area of 9km<sup>2</sup>. For simultaneous piling of two monopile foundations at the NE and S W piling locations, the range of effect for potential for mortality and potential mortal injury in sandeels equates to a maximum area of up to 6.4km<sup>2</sup>. Figures 10.25, 10.26, 10.29, 10.30, 10.34, 10.37 and 10.38 in Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, document (ref: PP1-ODOW-DEV-CS-FIG-0010) present the modelled noise contours for pin-piling and monopiling within the Array and ANS search areas including sequential and simultaneous piling scenarios. With the exception of Figure 10.34, the Figures largely show the overlaps between the effects of mortality and potential mortal injury and TTS in sandeels with sandeel habitat in the Outer Dowsing study area.</p>	<p>The Applicant welcomes the comment. Please see response to point 4.5.27 below.</p>
RR-042.092	<p>Paragraph Number: 4.5.27</p> <p>Please note that Figures 10.29, 10.30, 10.31 and 10.32 do not present the spawning grounds for sandeel or any other species that are spawning in the area, so are of little value in their current form. The figures with the relevant spawning grounds and/or habitats included should be re-presented.</p>	<p>Revised underwater noise modelling associated with the Environmental Report for the Offshore Restricted Build Area and Offshore Export Cable Corridor (document 15.9) has been undertaken and the equivalent figures have been updated as advised by the MMO.</p>
RR-042.093	<p>Paragraph Number: 4.5.28</p> <p>On the whole, the UWN modelling indicates that there will be injurious effects to sandeels across much of the array area where habitat is suitable. This is likely to be of greatest concern during their winter hibernation period and spawning period (November to February inclusive). In addition, disturbance to sandeel habitat across the Outer Dowsing area will result in further disturbance to the species, again this will be of greatest concern during their winter hibernation period and spawning period. Whilst MMO agrees with the presented statement that sandeel habitat is widely distributed across the central North Sea, it is reasonable to assume that impacts of UWN and habitat disturbance to sandeel will occur at a local scale. MMO does not believe this warrants any further mitigation to prevent significant impacts to sandeels at a population scale. However, as highlighted in our previous comment, there are a number of protected areas which overlap or are in close proximity to the Outer Dowsing study area which include Annex II species that may rely on sandeels as part of their diet whilst foraging in the area and therefore, may experience reduced foraging success and/or incur greater energy expenditure travelling to new feeding grounds as a result of localised impacts to fish populations during the construction of the wind farm, especially those receptors with relatively small and/or coastal restricted foraging areas. MMO defers to the relevant SNCB on whether localised reductions in sandeel will cause significant effects to any of the annex II species, however, MMO notes that the impacts of prey availability has been assessed in Chapter 12, Intertidal and Offshore Ornithology</p>	<p>The Applicant welcomes the MMO's confirmation that no further mitigation is required to prevent significant impacts to sandeels at a population scale.</p> <p>The Applicant also acknowledges MMO's concerns about the implications of impacts to fish populations for protected species that may rely on fish as prey. The Applicant highlights that indirect impacts on protected marine mammal and bird species due to impacts on prey availability have been assessed in Volume 1, Chapter 11: Marine Mammals (APP-066) and ES Chapter 12: Offshore and Intertidal Ornithology (APP-067), respectively, as well as within the RIAA (AS1-095).</p>
RR-042.094	<p>Paragraph Number: 4.5.29</p> <p>The approach to the assessment of cumulative and inter-related impacts outlined in the Offshore Cumulative Effects Assessment in Volume 1: Chapter 10: Fish and Shellfish Ecology (APP-065), document (ref: PP1-ODOW-DEV-CS-REP-0118) follows a standard approach of identifying the impacts which have potential to cause an effect. The study area for the range of effect is 12km around the array area and 15km around the ECC (for sedimentary impacts, based on physical processes). For underwater noise the range of effect is 100km due to the larger range of effect from noise generating activities such as piling. All other offshore operations (OWFs, subsea cables and aggregate areas) within the study area in the planning, consented, construction and operational activities have been identified.</p>	<p>The Applicant welcomes the comment. The Applicant has no further comments on this matter.</p>
RR-042.095	<p>Paragraph Number: 4.5.30</p> <p>The cumulative behavioural effects to fish from underwater noise between different OWFs and the proposed works to fish have been assessed. However, from our understanding, the underwater noise</p>	<p>The Applicant acknowledges MMO's concerns but maintains their position that the use of the 135dB SELss threshold for behavioural responses in herring (and other clupeids) during piling is not appropriate.</p>



ID	Relevant Representations	Applicant Response
	<p>impact ranges for behavioural responses in fish have been based on the conclusions of the ES of those windfarms, which may quantify behavioural responses in a different way, therefore appropriate comparisons cannot be made. For example, the ES states that the Hornsea Project Three OWFs (Ørsted, 2018) assessment assumed a maximum of 319 monopiles across the site and predicted behavioural effects up to 10.8km from the piling locations. However, the Hornsea Project Three OWF ES did not include modelling of the 135dB threshold for behavioural effects in herring, therefore discussing the potential overlapping cumulative effects with the proposed works is not appropriate; especially when the Applicant’s behavioural effects assessment for fish has not been modelled using the 135dB threshold either (Hawkins et al., 2014). Secondly, MMO recommends that the cumulative impact range contours are presented, for all the projects discussed in the cumulative impact assessment, as a figure to help better visualise any potential cumulative impacts between OWF projects</p>	
RR-042.096	<p>Paragraph Number: 4.5.31 MMO reiterates a comment made at PEIR stage, concerning cumulative impacts of UWN from piling; We are becoming increasingly concerned about the increase in hammer energies being used to install monopiles at OWFs. Monopile hammer energies have typically been in the region of 4,000 – 5,000 kilojoules (kJ), but we are seeing an increasing number of OWF licence applications proposing the use of 6,000 – 7,000kJ. These higher hammer energies are likely to result in noise impacting a larger area. Whilst receptor-specific mitigation is recommended by MMO when the evidence suggests that significant impacts to a particular species of fish are likely to occur, we do have general concerns regarding impacts to all fish (and other marine fauna in general) from unmitigated noise disturbance during piling at sea, especially given the recent surge in OWF development in the North Sea. For example, MMO notes in Table 10.19 in Volume 1, Chapter 10: Fish and Shellfish Ecology, document (ref: PP1-ODOW-DEV-CS-REP-0118) that there may be temporal overlaps in the construction phases of Norfolk Boreas, Sheringham Shoal Extension, Dudgeon Extension, Hornsea Three and Hornsea Four OWFs, all of which require piling as part of their construction activities. It is therefore MMO’s opinion that additional noise abatement measures should be implemented for piling at this development as standard. With this in mind, the Project should consider the use of additional noise abatement measures for piling, such as bubble curtains (see Würsig <i>et al.</i> (1999)), or other alternative measures</p>	<p>The Applicant maintains that no further mitigation is required as no significant effects have been predicted for fish and shellfish receptors ES Chapter 10: Fish and Shellfish Ecology (APP-065), both for the project alone and cumulatively.</p>
RR-042.097	<p>Paragraph Number: 4.5.32 The worst-case scenario for simultaneous piling of two monopile foundations at the SW and NE piling locations in the array area has been modelled. MMO requests an explanation as to why this scenario has been chosen as the ‘worst-case’? In our opinion, modelling simultaneous piling from the SW and NE locations is indeed the worst- case scenario in terms of geographical spread, but not necessarily for fish receptors, specifically herring. The most vulnerable herring spawning grounds in relation to the project array are located northwest of the site. Therefore, in our opinion for a worst-case simultaneous piling scenario, the NE and NW locations should also be modelled as these locations are the most critical in terms of impacts to herring at their spawning grounds and consequently are where greatest overlap in noise disturbance will occur. MMO asks for a more detailed explanation on why these locations (SW and NE) were chosen for their worst-case scenario for simultaneous piling for fish receptors, herring specifically. MMO additionally requests the presentation of the modelled results for simultaneous piling of two monopiles from the NE and NW locations.</p>	<p>The Applicant welcomes the agreement from the MMO as to the SW and NE locations representing the worst-case scenario for the spatial impact from piling. The worst-case location for piling effects to herring spawning grounds is the NW location, which has also been modelled. All the modelling locations used to inform the ES were agreed through the ETG, and those used for ES match those used at PEIR, which the MMO were content with. Notwithstanding, the Applicant considers that remodelling of the NE and NW locations, specifically for herring, is not required, as it is possible to predict what the combined overlap would be from these two modelling locations based on the individual modelling locations, with the Applicant having given due consideration to this within the interpretation of the modelling outputs and the determination of the magnitude of effect to herring. Furthermore, the Applicant notes the MMO’s preferred methodology to assess underwater noise disturbance, which is based on “single strike” thresholds. These do not combine or increase with exposure from multiple locations and thus the effective worst-case location for single strike disturbance is an overlay that leads to the greatest geographical area, which is NE and SW. In reference to the disturbance at herring spawning grounds, the ‘reach’ of the zone of disturbance would be no greater than the two individual (and separately modelled) NE and NW locations.</p>
RR-042.098	<p>Paragraph Number: 4.5.33 In paragraph 247 of the ES Volume 1, Chapter 10: Fish and Shellfish Ecology, document (ref: PP1-ODOW-DEV-CS-REP-0118) it states that the migration circuit for herring in the North Sea has been mapped alongside the herring larval hotspots, and noise contours from piling in the array area, the ORCPs and ANSs in Volume 2, Figure 10.38. Please note that Figure 10.38 of the Volume 2 Figures chapter presents</p>	<p>The Applicant acknowledges the incorrect reference to Figure 10.38. The migration circuit of herring in the North Sea is presented in Figure 10.1 within Volume 3, Appendix 10.1: Fish and Shellfish Ecology Technical Baseline (APP-159).</p>

ID	Relevant Representations	Applicant Response
	UWN modelling relating to sandeel. The MMO considers that the figure for herring should be presented as described, or signposting provided to the correct volume/chapter it can be found in	
Shellfish ecology		
RR-042.099	<p>Paragraph Number: 4.6.1</p> <p>The MMO notes the use of several data sources for shellfish and shellfisheries. These are a combination of desk sources and additional opportunistic surveys. However, the listed data sources do not cover the array or cable corridor, and several are over 10 years old, which could be considered outdated. Furthermore, as acknowledged by ODOW, the surveys conducted are not shellfish targeted surveys and are therefore only indicative of presence and absence of shellfish species. It is acknowledged that the report states “the MMO agreed that the baseline datasets identified in the Scoping Report (Outer Dowsing Offshore Wind, 2022) were appropriate for characterisation and the MMO confirmed no need for site-specific surveys.” However, the MMO would expect more recent data to inform the baseline environment for shellfish receptors and shellfisheries.</p>	<p>The Applicant highlights that, as detailed in Table 10.2 of Volume 3, Appendix 10.1: Fish and Shellfish Ecology Technical Baseline (APP-159), the baseline description of shellfish receptors within the Project fish and shellfish study area draws on a wide range of recent and historic data, including site-specific survey data, regional datasets, and monitoring studies undertaken for a number of existing and proposed OWFs in the southern North Sea region. Site-specific benthic ecology baseline data, including from benthic grabs, Drop Down Video and epibenthic trawls, were collected within the AfL array area and offshore ECC in April and July 2022 respectively (Volume 3 Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array) (APP-154) and Volume 3 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) (APP-155)), with the results relevant to shellfish receptors presented in Section 10.3.2 of Volume 3, Appendix 10.1: Fish and Shellfish Ecology Technical Baseline (APP-159). The Applicant also highlights that information on the current status of commercially important shellfish stocks within the Project fish and shellfish study area is presented in Section 10.5 of Volume 3, Appendix 10.1: Fish and Shellfish Ecology Technical Baseline (APP-159). The Applicant is therefore confident that the data used to characterise the baseline environment for shellfish receptors and shellfisheries are robust and sufficient for the purposes of EIA.</p>
RR-042.100	<p>Paragraph Number: 4.6.2</p> <p>The MMO acknowledges that the specific benthic ecology surveys including Particle Size Analysis of sediment samples, epibenthic trawls and eDNA have since been conducted. As acknowledged within the ES, the site-specific surveys vary in their effectiveness in capturing shellfish. MMO notes the use of several data sources, including existing surveys from other developments and desk-based literature. In our opinion, although some data sources are relevant, these are not recent (some over 10 years old). Furthermore, although site-specific surveys have been conducted, no shellfish targeted surveys have been undertaken to inform the baseline for shellfish receptors.</p>	<p>The Applicant reiterates that they are confident that the data used to characterise the baseline environment for shellfish receptors and shellfisheries are robust and sufficient for the purposes of EIA, for the reasons presented in point 4.6.1 above.</p>
RR-042.101	<p>Paragraph Number: 4.6.3</p> <p>MMO defers to Eastern Inshore Fisheries &amp; Conservation Authority (EIFCA) for comments on potential impacts of the development on cockle and whelk features in The Wash.</p>	<p>This is noted by the Applicant.</p>
RR-042.102	<p>Paragraph Number: 4.6.4</p> <p>It is noted that the impacts that have been considered in the Cumulative Impact Assessment are, during the construction phase, cumulative mortality, injury and behavioural changes resulting from underwater noise; and Cumulative increase in Suspended Sediment Concentration and sediment deposition.</p>	<p>The Applicant welcomes the comment. The Applicant has no further comments on this matter.</p>
RR-042.103	<p>Paragraph Number: 4.6.5</p> <p>For the UK potting fishery, the “implementation of evidence-based mitigation in line with Fishing Liaison with Offshore Wind and Wet Renewables guidelines, following procedures to be set out within the outline Fisheries Liaison and Coexistence Plan” has been proposed. MMO agrees with the mitigation measure proposed.</p>	<p>The Applicant welcomes agreement from the MMO regarding the proposed mitigation measures for the UK potting fishery.</p>
RR-042.104	<p>Paragraph Number: 4.6.6</p> <p>A comprehensive list of nearby projects under construction/consideration has been provided. MMO considers that there is an adequate description of the potential cumulative and inter-related impacts and effects on the physical and biological environment for shellfish and shellfisheries.</p>	<p>The Applicant welcomes agreement from the MMO regarding the description of the potential cumulative and inter-related impacts and effects on the physical and biological environment for shellfish and shellfisheries.</p>
RR-042.105	<p>Paragraph Number: 4.6.7</p> <p>There are some scientific names which are incorrect. For example, In the document Appendix 10:1 Fish and Shellfish Ecology Technical Baseline (APP-159), p23 “<i>European lobster Homarus 23ubulate</i>”, the scientific name should be <i>Homarus gammarus</i>. On p24 of the same document “European common squid <i>Alloteuthis 24ubulate</i>”. The European common squid scientific name is <i>Alloteuthis subulata</i>. MMO requests that these are amended.</p>	<p>The Applicant acknowledges the incorrect species names which were a typographic error during document finalisation. The Applicant notes that the common names used sufficiently identify the species of concern and so no update is required.</p>
RR-042.106	<p>Paragraph Number: 4.6.8</p>	<p>The Applicant notes this comment but does not consider that this requires amendment.</p>

ID	Relevant Representations	Applicant Response
	MMO advises that scientific names of the shellfish species should be presented in brackets next to the common name. This has been done in some cases but not all. This is a minor comment, for the applicant to consider.	
Underwater Noise		
RR-042.107	<p>Paragraph Number: 4.7.1</p> <p>MMO considers that the relevant impacts have largely been scoped in. The impacts of relevance to underwater noise that have been considered include the following:</p> <p>Construction:</p> <ul style="list-style-type: none"> <li>• Impact 1: Unexploded Ordnance (UXO) Clearance – Permanent Threshold Shift (PTS);</li> <li>• Impact 2: UXO Clearance – Disturbance;</li> <li>• Impact 3: Pile driving – PTS;</li> <li>• Impact 4: Pile Driving –TTS;</li> <li>• Impact 5: Pile driving – Disturbance;</li> <li>• Impact 6: PTS from other construction activities;</li> <li>• Impact 7: TTS from other construction activities;</li> <li>• Impact 8: Disturbance from other construction activities;</li> <li>• Impact 10: Vessel disturbance;</li> </ul> <p>Operation:</p> <ul style="list-style-type: none"> <li>• Impact 14: Operational noise;</li> <li>• Impact 16: Vessel disturbance</li> </ul>	The Applicant welcomes this comment.
RR-042.108	<p>Paragraph Number: 4.7.2</p> <p>It was raised during the PEIR consultation that MMO would expect the impact of UXO Clearance and TTS to be listed as a specific impact in Volume 1: Chapter 11: Marine Mammals, document (ref: PP1-ODOW-DEV-CS-REP-0119), alongside PTS and disturbance (see section 11.5.1.1, for example). It is still unclear why this impact isn't specifically listed with the other impacts. Nevertheless, predicted TTS ranges for fish and marine mammals have been provided in the underwater noise assessment (currently Appendix 11.2, document reference 6.3.11.2), which is appropriate.</p>	The Applicant confirms that, as set out In ES Chapter 11 Marine Mammals (APP-066): TTS is used as a proxy for disturbance in the UXO assessment (impact 2); TTS for pile driving is presented as impact 4; and The range and number of animals predicted to be impacted are presented in full for both.
RR-042.109	<p>Paragraph Number: 4.7.3</p> <p>MMO notes that a detailed UXO survey will be completed prior to construction. The type, size and number of possible detonations and duration of UXO clearance operations is not known at this stage. It is noted that the Project is not seeking to license the disposal of UXO in this application, but it is included in the impact assessment.</p>	This comment is noted by the Applicant.
RR-042.110	<p>Paragraph Number: 4.7.4</p> <p>MMO considers that the approach to identify and assess the potential impacts is largely appropriate. Detailed underwater noise modelling is provided in Volume 3: Appendix 11.2 Underwater Noise Assessment, document (ref: PP1-ODOW-DEV-CSREP-0170). This appendix presents the predicted impact ranges for PTS and TTS (for marine mammals), and mortality, recoverable injury and TTS for fish species. Volume 1: Chapter 11 Marine Mammals, document (ref: PP1-ODOW-DEV-CS-REP-0119) provides further details and consideration of the effects of underwater noise including disturbance. For assessing disturbance from pile driving, a species-specific dose response approach has been adopted, which is appropriate. Noise contours at 5dB intervals were generated by noise modelling and were overlain on species density surfaces to predict the number of animals potentially disturbed.</p>	This comment is welcomed by the Applicant.
RR-042.111	<p>Paragraph Number: 4.7.5</p> <p>The Outline mitigation plans for piling and Unexploded Ordnance Clearance (UXO) have been submitted. An In Principle Southern North Sea (SNS) SAC Site Integrity Plan (SIP) has also been submitted. Overall, at this stage, Please see below for specific comments.</p>	This comment is noted by the Applicant.
Appendix 11.2 Underwater Noise Assessment (Document reference: 6.3.11.2)		
RR-042.112	Paragraph Number: 4.7.6	The Applicant notes the comments, although the context of the site location is expected to be clear and no additional clarification of the location of the site was thought necessary. Coordinates and specific bathymetry

ID	Relevant Representations	Applicant Response
	<p>The map in Figure 1-1 (on page 1) is lacking any coordinates and has little geographical context. The bathymetry layer is not very informative either (no legend or contours and using a single colour). This is also the case for all the other maps presented in the report. We don't expect that bathymetry should be shown in great detail on the maps that otherwise focus on presenting modelling impacts (e.g., TTS and PTS contours). However, it would be useful if the bathymetry was shown (together with coordinates / more geographical context) perhaps on the first map, since they all appear to show the same domain.</p>	<p>values are provided in Table 3-1, next to Figure 3-3, and it is felt that for image presentation this level of detail would clutter the figures. However in the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix C Underwater Noise Modelling Report (document reference 15.9C), a bathymetry colour scale has been added to the two relevant figures.</p>
RR-042.113	<p>Paragraph Number: 4.7.7 A number of scenarios (covering monopile and jacket pin-pile foundations) have been modelled including three locations within the array area, two locations for the Offshore Reactive Compensation Platform (ORCP) and two locations for the Artificial Nesting Structures (ANS). Additional modelling has also been carried out to investigate the potential impacts of two piling installations occurring simultaneously at separated foundation locations. Using the monopile and jacket pile foundation piling scenarios, separately, modelling has been carried out for simultaneous piling at the SW and NE locations. We understand that the SW and NE locations have been chosen as this represents the maximum geographical spread of locations. Indeed, the maximum separation between piles will likely lead to the greatest risk of disturbance. However, other (additional) scenarios may also need to be considered, such as locations which are in closer proximity to important habitats (i.e., spawning or nursery grounds). Please also refer to comment 4.5.32.</p>	<p>The Applicant notes the concerns and would draw attention to the MMO's preferred methodology to assess underwater noise disturbance for fish, which is based on "single strike" thresholds. These do not combine or increase with exposure from multiple locations and thus the effective worst case location for single strike disturbance is an overlay that leads to the greatest geographical area, which is NE and SW. In reference to (for example) the disturbance at herring spawning grounds, the 'reach' of the zone of disturbance would be no greater than the two individual (and separately modelled) NE and NW locations.</p>
RR-042.114	<p>Paragraph Number: 4.7.8 Table 4-2 (in section 4.1) shows a summary of the maximum predicted unweighted peak sound pressure level (SPL<sub>peak</sub>) and the SELs noise levels at a range of 750 m from the source. This section (section 4.1) is a new addition to the report. MMO appreciates the inclusion of this information. It is very informative (we would say more than the source levels (SLs), since the SLs only have meaning within the particular context of the propagation model – while the values at 750 m, should, in principle at least, correspond to true noise values that could be verifiable by field measurements).</p>	<p>The Applicant welcomes this comment. The Applicant agrees that the presentation of noise levels at 750m is more useful than the source levels.</p>
RR-042.115	<p>Paragraph Number: 4.7.9 The values (focusing on the SELs) do not seem to be particularly very high, given the large pile diameters and hammer energies. The monopile foundation values (for a 14 m diameter pile and 6600 kJ hammer energy) are only 1-1.5 dB above the corresponding jacket pile foundation values (5 m diameter pile and 3500 kJ hammer energy) at the same locations. The increase of hammer energy alone from 3500 kJ to 6600 kJ might plausibly explain these differences; however, the substantial increase in pile diameter (from 5 to 14 m) does not seem to have a very important role. This is somewhat at odds with the emerging evidence from literature, which suggests that the pile diameter is a very important factor in the scaling of the piling noise (von Pein et al., 2022). In this context, we also note that the report acknowledges that the INSPIRE model is based on existing empirical data (which allegedly does not exist for the parameters relevant for the foundation at this windfarm) which need to be extrapolated, based on the existing trends, up to the scale of piling anticipated for the current application.</p>	<p>The Applicant notes the MMO's reasonable comments: on the face of it (and as per von Pein <i>et al.</i> 2022) the significant increase between the pile diameters under consideration (5m vs 14m) should lead to a big increase in their noise output. However, we consider that von Pein <i>et al.</i> (2022) has overestimated the significance of the diameter as a determining parameter and its effect is much lower. Figure 7 in von Pein <i>et al.</i> shows the fit of the predicted noise levels to empirical data. Although the best fit does tend towards an asymptote, which we agree with, our analysis indicates a much shallower curve: indeed, the difference between noise data points shown at pile diameter 4m and 8m is the same, and beyond 6.5m indeed appears to be trending downwards. We consider that the pile energy input has the greatest effect on the noise output, although, of course, it is complicated. Section 3.1 of Chapter 11 Appendix 2 Underwater Noise Assessment (APP-161) discusses the confidence in the modelling against historic data and how current parameters have been extrapolated.</p>  <p>Fig 7 (top) from von Pein <i>et al.</i> 2022.</p>
RR-042.116	<p>Paragraph Number: 4.7.10 Section 4.5 Multiple location modelling (on page 49): The report states that "It is assumed that a fleeing animal in the model starts at both piling locations". We are unsure what this means. The meaning of an</p>	<p>The Applicant would like to clarify the multiple modelling location methodology. The sound field set up around the two piles is calculated by the model, accounting for the simultaneous noise sources. In this combined sound field, the fleeing receptor starts from each pile location as this represents the highest overall potential noise</p>

ID	Relevant Representations	Applicant Response
	<p>impact zone (such as those enclosed by the TTS contours in Figure 4-1) is that of showing all starting positions of fleeing animals that eventually accumulate noise exposure above the particular threshold level of that respective impact. As such, the model needs to consider animals starting to flee from all points within the model domain in order to establish which starting points fall within the impact zone and which fall outside - not only starting at the two piling locations. This comment does not necessarily require any action as such; however, we wanted to highlight that this statement could be seen as confusing.</p>	<p>level, much greater than (for example) the middle of the two piling locations. The impact ranges in the combined sound field are modelled, and this is then repeated at the second location (or third etc where relevant). The two impacted areas are then overlaid, and a combined area is calculated. Previous methodologies used a central or other locations, which resulted in odd figure-8 patterns where the receptor gained maximum exposures by fleeing directly from a relatively quiet area directly towards a piling location, which was implausible and generally led to smaller overall areas.</p>
<b>Chapter 12 Offshore and Intertidal Ornithology</b>		
RR-042.117	<p>Paragraph Number: 4.8.1 MMO defers to Natural England as SNCB and supports any comments raised in relation to the Ornithology. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs.</p>	<p>The Applicant notes this comment.</p>
<b>Chapter 13 Marine and Intertidal Archaeology</b>		
RR-042.118	<p>Paragraph Number: 4.9.1 MMO defers to the Historic England on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.</p>	<p>The Applicant notes this comment.</p>
<b>Chapter 14 Commercial Fisheries</b>		
RR-042.119	<p>Paragraph Number: 4.10.1 It is likely that there will be an impact to fishing operations and to other legitimate users of the sea, as temporary exclusion zones will be in force around the worksite for the duration of any proposed works. This could result in temporary restrictions of access to fishing grounds or navigation routes. MMO notes the inclusion of such safety zones within ES Volume 1: Chapter 14: Commercial Fisheries, document (ref: PP1- ODOV-DEV-CS-REP-0122) MMO defers to the National Federation of Fishermen's Organisations and Sussex Inshore Fisheries and Conservation Authorities, along with standalone representatives on matters of commercial fisheries. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.</p>	<p>The Applicant notes this comment. The potential impacts of temporary exclusion of fishing activity during construction are assessed in Chapter 14: Commercial Fisheries (APP-069), Section 14.7.1, with mitigation proposed where potentially significant impacts are identified. The Applicant has and will continue to engage with the NFFO, IFCA and local fishers.</p>
<b>Chapter 15 Shipping and Navigation</b>		
RR-042.120	<p>Paragraph Number: 4.11.1 MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.</p>	<p>The Applicant notes this comment.</p>
<b>Chapter 17 Seascape Landscape and Visual</b>		
RR-042.121	<p>Paragraph Number: 4.12.1 MMO defers to Natural England as the SNCB, along with Historic England and the Local Planning Authorities on matters of Seascape, Landscape and Visual Resources and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs</p>	<p>The Applicant notes this comment.</p>
<b>Other Application Documents</b>		
<b>In Principle Southern North Sea Special Area of Conservation Site Integrity Plan</b>		
RR-042.122	<p>Paragraph Number: 5.1.1 As advised during the PEIR consultation, the need to implement effective alternatives to unmitigated piling – i.e. measures to reduce noise at source (noise abatement) is especially pressing given the wider context of the current ramp up of offshore wind development at unprecedented scale in the North Sea. To ensure adequate preparations are made and potential delays avoided, it is therefore in the applicant's interest to plan for noise abatement measures at the earliest opportunity and to incorporate such measures into relevant mitigation plans.</p>	<p>The assessments within the relevant documents in the ES Chapter 10: Fish( Ecology (APP-065) and marine mammals (APP-066)) and the RIAA (AS1-095) have not identified any potential effects requiring additional mitigation in the form of Noise Abatement Systems (NAS) and as such the Applicant does not consider it necessary to commit to such mitigation at this stage. Notwithstanding, the Applicant has identified NAS as a potential measure within the Outline SIP (document reference 8.7) and Outline MMMP (document reference 8.6.1) which may be identified as required prior to the construction of the Project through the development of the final Site Integrity Plan and/or the final Marine Mammal Mitigation Protocol.</p>
RR-042.123	<p>Paragraph Number: 5.1.2 MMO defers to Natural England and other SNCBs for further comment on SIPs. As per paragraph 23 of the SIP, MMO does agree with the JNCC, Natural England &amp; DAERA (2020) guidance in that it is important</p>	<p>The Applicant will discuss the need for additional mitigation at the post-consent stage should it be required.</p>

ID	Relevant Representations	Applicant Response
	to allow sufficient time between assessment and construction to implement additional mitigation measures if necessary.	
Outline Marine Mammal Mitigation Protocol (MMMP) for Piling Activities		
RR-042.124	<p>Paragraph Number: 5.2.1</p> <p>It is noted that page 12 states that the maximum number of piling events (for multi-leg pin piled jackets) in a single day is eight, assuming two piling rigs, each installing four piles. For the purposes of the underwater noise modelling to inform the MMMP, 6 piling events at a single location have been modelled to inform the maximum injury ranges. Indeed, the worst-case stated in the underwater noise modelling is 6 piles to be installed in a 24-hour period (and a total of 12 piles in 24 hours for the simultaneous piling) (4 hours per pin pile equating to a total of 24 hours).</p>	The Applicant confirms this is an error within the Outline Marine Mammal Mitigation Protocol (MMMP) for Piling Activities (APP-279). The correct number of multi-leg pin piled jackets installed in a day is 12 when assuming simultaneous piling, 2 rigs with 6 pin piles. The Applicant has amended the error in the Outline Marine Mammal Mitigation Protocol (MMMP) for Piling Activities (document reference 8.6.1).
RR-042.125	<p>Paragraph Number: 5.2.2</p> <p>The specific mitigation measures that will be implemented during the construction of the Project will be determined, in consultation with relevant SNCBs, following the appointment of the installation contractors (and therefore, confirmation of final hammer energies and foundation types), collection of additional survey data (further geophysical and/or geotechnical data) and/or information on maturation of emerging technologies. This additional data and information will allow the noise modelling to be updated and feed into discussions on the appropriate mitigation measure(s) in the Final Piling MMMP (if required). MMO considers this approach to be appropriate.</p>	The Applicant welcomes this comment.
RR-042.126	<p>Paragraph Number: 5.2.3</p> <p>The Outline MMMP identifies the standard mitigation measures that are commonly employed, including: pre-piling deployment of Acoustic Deterrent Devices (ADDs), Marine Mammal Observers (MMOb), Passive Acoustic Monitoring (PAM) system and a piling soft start procedure. Noise abatement is also considered (section 4.4). MMO notes that the specific protocol for handling piling breaks would be determined in collaboration with the piling contractor and SNCBs and documented in the final piling MMMP.</p>	The Applicant will detail the specific protocol for handling planned and un-planned breaks in the final post-consent piling MMMP. The Applicant will seek advice from the SNCBs and the piling contractor on the appropriate measures for inclusion in the final post-consent piling MMMP.
Outline Marine Mammal Mitigation Protocol for UXO		
RR-042.127	<p>Paragraph Number: 5.3.1</p> <p>As with the Outline MMMP for piling, this MMMP for UXO only provides a high-level outline of the information which would be contained within the UXO MMMP that will accompany a future Marine Licence application. The document identifies the standard mitigation measures that are commonly employed for UXO clearance, including: prepiling deployment of Acoustic Deterrent Devices (ADDs), Marine Mammal Observers (MMOb), Passive Acoustic Monitoring (PAM) system, low order techniques and noise abatement</p>	The final UXO clearance MMMP will be submitted as part of the separate Marine Licence Application for UXO clearance in the post-consent stage. The final UXO clearance MMMP will refer to the measures identified in the Outline MMMP for UXO clearance, however, would be subject to any updated or new guidance and advice from SNCBs at the time of drafting.
RR-042.128	<p>Paragraph Number: 5.3.2</p> <p>Of relevance, paragraph 27 states that “Technologies are available which attenuate the amount of noise emitted at the source (noise abatement). The use of bubble curtains during high-order UXO clearance activities is now standard best-practise for UXO clearance campaigns for offshore wind projects, with all projects since East Anglia One being required to use bubble curtains (subject to certain environmental limitations) for UXO detonations with combined charge sizes of greater than 50 kilogram (kg) (TNT-equivalent)”. MMO considers that bubble curtains should be deployed for all high-order detonations, including those under 50 kg.</p>	This is noted by the Applicant. The final UXO clearance MMMP will be submitted as part of the separate Marine Licence Application for UXO clearance in the post-consent stage, which will follow the guidance and best-practice at the time of drafting.
Offshore In-Principal Monitoring Plan (IPMP)		
RR-042.129	<p>Paragraph Number: 5.4.1</p> <p>The IPMP has been produced to provide the basis for delivering the monitoring measures required by the conditions of the deemed Marine Licences (dMLs) contained within the draft Development Consent Order (DCO). The monitoring plan to be submitted to the MMO for approval post consent must accord with this IPMP. Final detailed plans for monitoring work will be produced post consent closer to the time that the actual work will be undertaken, in line with the conditions proposed within the dMLs.</p>	This comment is noted by the Applicant.
RR-042.130	Paragraph Number: 5.4.2	This comment is noted by the Applicant.

ID	Relevant Representations	Applicant Response
	Paragraph 31 (section 3.5.2) appropriately identifies that if piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type will be undertaken with the methods agreed with the MMO and relevant SNCBs in the pre-construction period. This is in keeping with the standard monitoring requirements for offshore wind farms. Monitoring of the first four piled foundations (during the construction phase) is required for validation purposes – to check whether the noise predictions in the ES are reasonable/appropriate.	
RR-042.131	Paragraph Number: 5.4.3 MMO notes that monitoring (in the form of MMObs and PAM) will also be undertaken in order to manage to the risk of auditory injury to marine mammals from underwater noise.	This comment is noted by the Applicant.
RR-042.132	Paragraph Number: 5.4.4 MMO will continue discussions on monitoring throughout examination. MMO also encourages pre-engagement at the earliest stages once consented to allow for any issues to be resolved.	This comment is noted by the Applicant.
<b>Outline Fisheries Liaison and Coexistence Plan</b>		
RR-042.133	Paragraph Number: 5.5.1 The MMO welcomes and notes that an Offshore Fisheries Liaison Officer (OFLO) will be appointed, alongside a Company FLO and a Marine Coordinator for Outer Dowsing OWF.	This comment is welcomed by the Applicant.
RR-042.134	Paragraph Number: 5.5.2 Advice should be sought via the FLO when the timetable of works is known so that the local industry can provide real-time advice.	The Applicant has provided an updated Outline FLCP (document reference 8.14) to include the updates recommended by the MMO.
RR-042.135	Paragraph Number: 5.5.3 MMO would note that MMO will not act as arbitrator in regard to compensation and will not be involved in discussions on the need for or amount compensation being issued. This needs to be made clear within the Outline Fisheries Liaison and Coexistence Plan.	The Applicant has provided an updated Outline FLCP (document reference 8.14) to include the updates recommended by the MMO.
<b>Report to Inform Appropriate Assessment</b>		
RR-042.136	Paragraph Number: 5.6.1 The MMO defers to and supports Natural England as SNCB regarding impacts to international designated sites and the HRA for the Project.	The Applicant notes the MMOs deference to Natural England in relation to HRA matters. The Applicant has responded to Natural England's comments separately.
RR-042.137	Paragraph Number: 5.6.2 The MMO will keep a watching brief on these documents and would remind the Applicant that any mitigation secured through these assessments will need to be included within the conditions on the DML.	The Applicant notes the comment regarding the inclusion of mitigation within the DMLs. The Applicant has clearly identified where relevant where mitigation measures are secured within the DMLs or within specific Outline Plans.
<b>Habitats Regulations Assessment Derogation Case</b>		
RR-042.138	Paragraph Number: 5.7.1 The MMO defers to and supports Natural England as SNCB regarding the derogation case proposed.	The Applicant notes the MMOs deference to Natural England in relation to derogation case matters. The Applicant has responded to Natural England's comments separately.
RR-042.139	Paragraph Number: 5.7.2 The MMO will keep a watching brief on these documents and would ask for any compensation requirements to be included within the DCO at this stage to ensure all parties have reviewed the wording, should the Secretary of State be minded to include compensation	The Applicant notes the comment regarding the inclusion of compensation information within the DCO at this stage.
<b>Outline Offshore Operations and Maintenance Plan</b>		
RR-042.140	MMO would like to see details of Operation and Maintenance (O&M) activities from both within and outside the designated sites. This is to ensure details of cable protection required within designated sites are provided for further comment.	The Applicant would welcome clarification from the MMO regarding the details of what they wish to see in response to this query.

### 1.43 RR-043 Brown & Co Property and Business Consultants LLP on behalf of M Baker (Produce) Ltd Pension Scheme

ID	Relevant Representations	Applicant Response
RR-043.000	Brown & Co LLP are retained by M Baker (Produce) Ltd Pension Scheme, c/o The Gables, Ings Lane, Leverton, PE22 0AX have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. M Baker (Produce) Ltd Pension Scheme has met with the Scheme and the	

ID	Relevant Representations	Applicant Response
	<p>Scheme’s agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	
<p>RR-043.001</p>	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don’t exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming</p>



ID	Relevant Representations	Applicant Response
		<p>to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-043.002	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-043.003	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> </ul>

ID	Relevant Representations	Applicant Response
	<p>reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.  iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</p> <p>Following this feedback, the Applicant made the following amendments to the oSMP:  i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.  ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.  iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained  iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
<p>RR-043.005</p>	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-043.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>▪ Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>▪ Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>▪ Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> </ul>

ID	Relevant Representations	Applicant Response
		<ul style="list-style-type: none"> <li>▪ Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>▪ Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>▪ The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCoCP and take on board any further comments they may have in relation to the OCoCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the OCoCP.</p>
RR-043.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-043.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-043.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HOT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HOT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-043.010	<p><b>The provision of incorrect documentation</b></p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>

ID	Relevant Representations	Applicant Response
	A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.	
RR-043.011	Objection: M Baker (Produce) Ltd Pension Scheme will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business M Baker (Produce) Ltd Pension Scheme must strongly object to the Development Consent Order application. M Baker (Produce) Ltd Pension Scheme reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown & Co LLP [REDACTED]	

#### 1.44 RR-044 NATS En Route LTD

ID	Relevant Representations	Applicant Response
RR-044.001	[NATS Ref. SG33815] Dear Sirs, NATS has been engaged and is in talks with the Applicant in the respect of the anticipated impact of the proposal, on its operations. Accordingly NATS wishes to register as an Interested Party. Thanks and regards S. Rossi NATS Safeguarding Office	The comment is noted by the Applicant. The Applicant and NATS remain in discussion in relation to mitigation measures and will provide the ExA an update at Deadline 1.

#### 1.45 RR-045 Natural England

##### 1.45.1 Natural England's Relevant Representation

5. The Applicant notes comments made in Natural England's Relevant Representations Sections 1-4.
6. The Applicant has provided responses to each of the detailed advice appendices in section 7 of the representations provided by Natural England in the tables below.

##### 1.45.1.1 Section 5 The Natural Features Potentially Affected by this Application

NE Ref	Representation	ODOW Response
5.1	The designated sites and interest features included within Tables 5.1 and 5.2 are those which may be significantly affected by the proposed project, based on the information provided to date. It should be noted that this list may change if new evidence emerges during the Examination. Links have been provided to the citation, conservation objectives and supplementary advice for designated nature conservation sites. We have provided links, as these are large and live documents which are updated on a regular basis to incorporate the most up to date evidence. To avoid potentially out of date or inaccurate documents being referred to during the Examination we recommend that the links are utilised.	This is noted by the Applicant.
5.2	On the basis of the information submitted, Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would have an adverse effect, either alone or in-combination, on the integrity of the SPAs, SACs and Ramsar sites presented in Table 5.1. Natural England is also concerned that the protected features of the SSSIs listed in Table 5.2 may be damaged or destroyed.	The Applicant is confident in the assessment undertaken with the RIAA (AS1-095) which confirms it is possible to conclude no potential for an Adverse Effect on Integrity (AEoI) for all features of all Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsars beyond reasonable scientific doubt, with the exception of the in-combination effects to kittiwake at the Flamborough and Filey Coast SPA, for which a derogation case (APP-242), including compensation measures (APP-249, APP-250, APP-251 and APP-256), has been submitted. Notwithstanding the Applicant's conclusions, based on Natural England's advice pre-application, the Applicant has developed without-

NE Ref	Representation	ODOW Response
		<p>prejudice derogation cases and corresponding without-prejudice compensation measures for the following features and sites:            Guillemot at the Flamborough and Filey Coast SPA;            Razorbill at the Flamborough and Filey Coast SPA;            Sandbanks partially covered by seawater at all times within the Inner Dowsing, Race Bank and North Ridge SAC; and Annex I biogenic reef within the Inner Dowsing, Race Bank and North Ridge SAC.</p> <p>Please see APP-242 to APP-249 and APP-252 to APP-259.</p> <p>The feature of the relevant SSSI's have all been assessed within the relevant aspect chapters of the ES, with no likely significant effects concluded to these features.</p>
5.3	Our principal areas of disagreement with the Applicant's conclusions over specific ecological receptors, are presented in Table 6.1 and in more detail in receptor specific appendices	Please refer to Section 1.45.1.2 of this document for comments on the principal areas of disagreement (PADS). The Applicant has also responded to Natural England's detailed comments in the receptor specific appendices in separate tables.
5.4	Matrix to Determine Environmental Impact Assessment Effect Significance -We acknowledge that a matrix approach to determining the significance of effects on ecological features, is commonly used. However, this method often relies on value- rather than evidence-based judgements. The subjective evaluation of magnitude of impact and sensitivity/importance of receptors through expert judgement has led to many impact magnitudes and receptor importance/sensitivities being downgraded across topics in the EIA. We also note that any effect that is concluded to be of moderate or major significance in the ES, is deemed to be 'significant' in EIA terms, whereas effects concluded to be of negligible or minor significance, are deemed 'not significant' in EIA terms. This cut-off could exclude any effect concluded to be less than moderate, in turn, this could lead to errors in assessing cumulative effects adequately.	<p>The Applicant is confident that the matrix approach for determining the significance of effect remains appropriate and the most robust method for informing EIAs. This approach is in line with all offshore wind DCO Applications and follows current best-practice. The Applicant's approach to EIA is detailed in Chapter 5 ES, EIA Methodology (APP-060). The Applicant's methodology for determining the magnitude of impact and sensitivity of receptors (which combined determine the significance) relies on evidence-led determinations for each aspect, informed by the scientific literature as well as professional judgement. The "value" of a receptor is considered for some aspects where this is relevant to the potential for population level impacts; e.g. fish and shellfish, where the extent over which the receptor is deemed to be "important" to the ecosystem (i.e. it's "value") is considered within the determination of the sensitivity of the receptor. However, this is only a part of the sensitivity determination, with the "value" of the receptor considered alongside the biological sensitivity of the receptor to each specific impact. As such, the Applicant strongly disputes Natural England's characterisation that the assessments are solely "value-based" judgements, when they are evidentially judgements made following the best-available evidence. The evidence base for the conclusions of both magnitude and sensitivity are clearly set out within all the relevant aspect chapters.</p> <p>The Applicant is confident that the evidence-led determinations of magnitude and sensitivity lead to a robust conclusion of significance of effect for each impact for all receptors and disagrees that such magnitudes and sensitivities are "downgraded".</p> <p>For the cumulative effects assessment set out in each aspect chapter, a robust process to identify the developments for which a receptor-source-pathway (spatially and temporally) exists and therefore where cumulative effects with the Project have the potential to occur (see section 1.7.7 of Chapter 5 ES, EIA Methodology [APP-060]. Professional judgement has been used to determine which impacts should be included, and notes that this has been consulted on throughout the Project development, including at Scoping and Preliminary Environmental Information Report phases, as well as discussed and agreed through the Expert Technical Groups. Therefore, the Applicant is confident that all relevant impacts for which the Project may contribute to a cumulative effect on a specific receptor for each aspect has been appropriately considered in the DCO Application.</p>
5.5	<p>Protected Species - An application for a European Protected Species and/or wildlife licence may be required for impacts on the following species:</p> <ul style="list-style-type: none"> <li>▪ Harbour Porpoise/Harbour Seal</li> <li>▪ Grey Seal</li> <li>▪ Bats</li> <li>▪ Badger</li> <li>▪ Otter</li> <li>▪ Reptiles</li> <li>▪ Water Vole</li> <li>▪ Amphibians (including Great Crested Newt (GCN), common toad and smooth newt)</li> </ul>	<p>The Applicant has drafted licence applications in respect of great crested newt (GCN) and water vole, which have been submitted to Natural England with the aim of obtaining LoNIs prior to the examination.</p> <p>Based on current information it is the Applicant's assessment that a licence in respect of bats, badgers and otter is not required, further information is included in 8.10 Outline Landscape and Ecological Management Strategy (OLEMS) (Version 3) submitted alongside this response document.</p> <p>The draft licences are based on the current ecological baseline, but this is likely to change, particularly for very mobile species such as badger. Therefore, pre-construction surveys are necessary to ensure any new ecological features are recorded, impacts are considered, and licensed accordingly as outlined in 8.10 OLEMS (Version 3).</p>

NE Ref	Representation	ODOW Response
		In relation to harbour porpoise, harbour seal and grey seal, it is the Applicant's understand the MMO does not issue LoNI for marine EPS licences. When the design of the wind farm is being finalised, discussions of the final Project details will be undertaken with the MMO. If necessary, clarification will be sought on the requirement for an EPS Licence and, if required, an application for an EPS Licence will be made.
5.6	Draft Letters of No Impediment (LONI) for any protected species have not yet been issued to the Applicant. In order to issue a draft LONI, Natural England require a submission of a draft licence application and as yet Natural England not received one from the Applicant. We recommend that the Applicant contacts Natural England's wildlife licencing service as soon as possible with the required information. The current lead time for processing draft species licences, where no further clarification from the Applicant is required is 30 working days.	The Applicant has engaged with the Natural England Wildlife Licensing Service (NEWLS) via the Pre-Submission Screening Service and recognises the need for Letters of No Impediment. In order to obtain a LoNI, the Applicant has submitted full draft licence applications for the relevant species as detailed above.
5.7	Should the DCO be granted, Natural England advises the Applicant progresses with a licence application (where required) at the earliest opportunity. For reference, Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.	See response to 5.6.
<b>5.8a Other matters relating to Natural England's remit – we advise that the following may be significantly affected by the proposed Outer Dowsing Offshore Wind project based on the information provided to date:</b>		
5.8b	Fish and shellfish – Natural England has concerns over project impacts on the identified suitable herring spawning grounds and preferential habitat for sand eels. Both species and their eggs are valuable food source for various designated features within the wider North Sea. We have concerns that changes caused by the project will have the impact of reducing prey availability in supporting habitat for designated features listed in Table 5.1. However, at this stage we defer our response on fish and shellfish to the technical expertise of CEFAS. We may provide further advice on review of stakeholder and Applicant responses throughout the examination process	The Applicant has fully assessed the likely significant effects to fish receptors, including herring and sandeel from the construction, operation and decommissioning of the Project (APP-065), with no significant effects identified. Within Chapter 12 Offshore and Intertidal Ornithology (AS1-040), Chapter 11 Marine Mammals (APP-066) and the RIAA (AS1-095), indirect impacts to ornithological and marine mammal receptors from changes in prey have been assessed, with no significant effects and no potential for an AEol identified from impacts to these receptors prey species. The Applicant has responded to the comments raised by Cefas on behalf of the MMO within the responses to RR-046.
5.8c	Biodiversity net gain (BNG) – The Environment Act 2021 includes the requirement for NSIPs to deliver at least 10% increase in the pre-development biodiversity value of onsite terrestrial habitat (to mean low water which includes intertidal habitat). The Applicant should develop and present BNG proposals in adherence with well established BNG principles. BNG will apply to all terrestrial NSIP projects from November 2025.	The Applicant submitted a Biodiversity Net Gain Assessment Report in August 2024 [AS-014]. This assessment has been completed with reference to established and emerging good practice guidance, including BS8683:2021, CIEEM/IEEMA/CIRIA Good Practice Principles (2016) and Guidance (2019), Statutory Biodiversity Metric and associated User Guide and Condition Assessments (Feb 2024), Planning Advisory Service BNG FAQs ( <a href="https://www.local.gov.uk/pas/events/pas-past-events/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs">https://www.local.gov.uk/pas/events/pas-past-events/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs</a> ) and CIEEM (2021) Biodiversity Net Gain Report and Audit Templates. The Applicant set out its ambition to deliver a biodiversity gain early in the consultation phase, approximately 2 years ago. However, the policy and legal context for NSIPs at the current time means that whilst a commitment to the rules and principles of BNG can be made, a commitment to a specific percentage gain against the current version of the Biodiversity Metric is not possible for a project at this stage in the design process. At this stage, the Applicant has used a baseline of the Realistic Worst Case Scenario, with a commitment to update the baseline post-DCO decision and based on the detailed scheme design. This iterative design process will allow the approach to BNG to be refined, including further consultation with third party, i.e. off-site, voluntary Biodiversity Unit providers, e.g. RSPB. Further commitments to BNG within the Project's Order Limits (RLB) are not possible as: the compulsory purchase of land specifically for BNG compensation would be very difficult to justify;; the majority of the project occurs on land that is identified as BMV and there is an equally weighted policy requirement to recognise the benefits of, and avoid impacts to, BMV; and the Project is ineligible for Statutory Biodiversity Credits (NE BNG Enquiries 25/07/2024). In respect of the long-term management of biodiversity gains, habitats within the Applicant's landownership (primarily focused around the OnSS) will be subject to a 30-year monitoring and management plan, prepared with reference to current good practice. Outline management provision is set out in the OLEMS, submitted alongside this response document.

1.45.1.2 Section 6 Principal Areas of Disagreement Summary Statement (PADSS)

7. Natural England submitted their Principal Areas of Disagreement Summary Statement (PADSS) as part of their Relevant Representations.
8. The PADSS are presented in the Table below which Natural England have requested should be read in conjunction with Natural England’s Written Representations presented in Appendices A to I of these Relevant Representations. These provide further detail on the areas of disagreement as well as other areas of disagreement which require resolution. For ease of reference, Natural England have added a RAG rating for each principal area.
9. The Applicant has provided a response to the PADSS below as part of the response to Relevant Representations included in this document.

NE Ref	The principal issue in question	The brief concern held by Natural England reported on in full in Written Representations	What needs to change, or be included or amended to overcome the disagreement?	Likelihood of the concern being addressed during Examination	Risk (NE)	ODOW Response
<b>Marine Physical Processes and Benthic Ecology</b>						
NE1	<i>Sabellaria spinulosa</i> baseline data	Natural England has concerns with the sufficiency of the data in order to draw conclusions, with any confidence, as to the presence, extent and quality of Annex I biogenic reef ( <i>Sabellaria spinulosa</i> ).	Natural England advises the Applicant re-examines the existing data, analytical approach and methods which have been used to provide a baseline of the extent and distribution of Annex I <i>Sabellaria spinulosa</i> reef.	Uncertain		The Applicant remains confident in the analyses undertaken to inform the characterisation of the baseline for the ES and the RIAA, including the presence or absence of Annex 1 reef, as presented within APP-154 and APP-155, and supported by the regional analysis as set out in APP-158. Notwithstanding, the Applicant contracted an independent reanalysis of the survey data (videos and stills) along the offshore ECC to reevaluate the potential for Annex I reef to be present within the ECC (which was considered the primary focus due to the overlap within the Inner Dowsing, Race Bank and North Ridge SAC, of which Annex I reef is a designated feature). This reanalysis (document reference 15.13) has confirmed that none of the areas of <i>S. spinulosa</i> meet the criteria (Gubbay, 2007) to qualify as forming Annex 1 reef, supporting the conclusions of the previous analysis. Further detailed responses to Natural England concerns are set out within the Applicant’s responses to Annex C and Annex D of REP-045.
NE2	Nearshore (depth of closure) area - cable protection	Natural England is unable to rule out impacts to The Wash and North Norfolk Coast SAC, The Wash SPA, The Wash Ramsar and The Wash SSSI. This is due to potential disruption of wave energy transmission, nearshore sediment pathways, and coastal morphology, due to the presence of cable protection within the shallow nearshore zone perpendicular to longshore sediment transport.	Natural England advises that cable protection should be avoided in shallow nearshore areas. We advise the Applicant should clarify the Maximum Design Scenario (MDS) for cable protection within shallow nearshore water and revisit their impact assessment conclusions.	Uncertain		The Applicant fully assessed the likely significant effects to disruptions to wave energy transmission, sediment transport and coastal morphology within Chapter 7: Marine Physical Processes (APP-062), and concluded no significant effects were likely to occur. This was consequently considered within the RIAA (AS1-095) which concluded no potential for an AEoI to the Wash and North Norfolk Coast SAC, Wash SPA and Wash Ramsar. As set out in response to detailed comments from Natural England in Annex B of REP-045, the Applicant considered within its assessment the limitations on the deployment of cable protection due to the implementation of mitigation measures across the Project, including those related to shipping and navigation safety.

NE Ref	The principal issue in question	The brief concern held by Natural England reported on in full in Written Representations	What needs to change, or be included or amended to overcome the disagreement?	Likelihood of the concern being addressed during Examination	Risk (NE)	ODOW Response
						Condition 13(d)(ii)(bb), Part 2 of the deemed marine licences at Schedules 10 and 11 of the dDCO (3.1) limits the deployment of cable protection and scour protection to no greater than 5% of the water depth. In line with Maritime and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654, a reduction in water depth of greater than 5% would require consultation with the MCA on appropriate mitigations. As such, any installed cable protection in these shallow water areas would be low in profile and therefore not considered to affect regional or local sediment transport.
NE3	Inner Dowsing Race Bank North Ridge (IDRBNR) SAC Site Integrity: Annex I Sandbank	There will likely be an AEoI to the IDRBNR Annex I 'Sandbanks which are slightly covered by sea water all the time' feature from the lasting habitat loss/change due to the placement of cable protection within IDRBR.	Natural England advises the Applicant revisits the assumptions and assessment conclusions made. The Applicant must demonstrate the mitigation hierarchy has been fully explored to demonstrate that impacts are minimised.	Uncertain		The Applicant maintains that its conclusions of no potential for an AEoI to the sandbanks feature of the IDRBNR SAC are robust, as set out in AS1-095. The Applicant confirms that the mitigation hierarchy was fully explored, including consideration of the options as recommended by Natural England as set out in Annex A of APP-064.
NE4	IDRBNR SAC Site Integrity: Annex I 'reefs' (Sabellaria spinulosa)	Natural England is unable to advise that an AEoI for Annex I Sabellaria spinulosa reef interest feature can be ruled out due to habitat (and supporting habitat) loss/change from any placement of cable protection and disturbance during installation. There is an insufficient level of confidence in the baseline data to inform our advice.	Natural England advises the assumptions made by the Applicant to draw the conclusion of no AEoI on Annex I Sabellaria spinulosa reef features within IDRBNR are not scientifically robust and require revisiting in order that inconsistencies and contradictions between the evidence and conclusions presented are resolved.	Unlikely There is no guarantee this issue will be resolved within the examination timeframe.		Please see the response to NE Ref 1 above. The Applicant remains confident in the conclusions of no potential for an AEoI to the Annex I reef feature of the IDRBNR SAC based on the absence of any reef having been recorded during the baseline characterisation surveys for the Project.
NE5	The Crown Estate Agreement for Lease	Natural England queries how the project will comply with the Export Cable Region Assessments that inform their seabed lease with The Crown Estate, given the identified AEoI.	We suggest that feedback is sought through the examination process from The Crown Estate who are obligated to ensure the outcomes of the Round 4 plan level HRA are upheld.	Unlikely		The Applicant notes that paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (TCE, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions. "The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."
NE6	"Without Prejudice" Benthic Compensation	Natural England cannot support the following proposed "Without Prejudice" Compensation Measures Alternative measures for Annex I sandbanks	Natural England believes that these approaches would not offset the predicted impacts on an	Unlikely		The Applicant considers that these measures retain value as potential without-prejudice compensation measures. The Applicant refers



NE Ref	The principal issue in question	The brief concern held by Natural England reported on in full in Written Representations	What needs to change, or be included or amended to overcome the disagreement?	Likelihood of the concern being addressed during Examination	Risk (NE)	ODOW Response
		and Reef Creation of Annex I reef as compensation for Annex I Sandbank Habitat Anthropogenic Pressure Removal: Marine Debris and Awareness Campaign	interest feature and/or there is currently no delivery mechanism			the ExA to the detailed responses to the concerns raised regarding these measures in response to Annex D of REP-045.
NE7	“Without Prejudice” Benthic Compensation	For all remaining “Without Prejudice” benthic compensation proposals not mentioned above, Natural England can see merit in their objectives. However, further progress is required on each measure to have confidence that they are achievable and would deliver effective compensation for project impacts.	Natural England advises that further work on each measure will be required during examination before we can advise on the suitability.	Uncertain Further review is likely to be undertaken during examination and with no guarantee this issue will be resolved within the examination timeframe.		The Applicant will update the Examining Authority on the progress of the development of the various without prejudice compensation options as appropriate throughout the Examination. The Applicant refers the ExA to the detailed responses regarding these measures in response to Annex D of REP-045.
<b>Marine Mammals</b>						
NE8	Southern North Sea SAC: effectiveness of the Site Integrity Plan (SIP) process	Natural England is concerned that the SIP process is being exclusively relied on to address in-combination noise levels from multiple projects on SAC harbour porpoise in the post- consent phase.	To provide greater confidence that in-combination noise levels can be kept below the thresholds, the Applicant should commit to the use of Noise Abatement Systems. rather than rely on the SIP to address impacts on the SAC in the post-consent phase. This should be secured at the earliest opportunity.	Unlikely		The Applicant considers that the SIP process remains the most effective method by which to manage the in-combination effects on the Southern North Sea SAC from multiple noise generating activities. Within the Outline SIP provided alongside this response document (8.7) the Applicant notes that the use of Noise Abatement Systems (NAS) is a mitigation option which may be used to avoid the thresholds being exceeded, however, the most appropriate measures will be identified prior to construction when further details as to the activities that will overlap with the construction of the Project are known. Therefore, the Applicant does not consider it appropriate to commit to NAS at this stage, when the need for this is not yet established.
<b>Ornithology</b>						
NE9	Assessment Methodologies	We disagree with the methods used to calculate and describe the impacts to seabird species. In particular we have significant concerns over: <ul style="list-style-type: none"> <li>▪ Apportioning of individuals to SPAs;</li> <li>▪ Bioseasons and their definitions;</li> <li>▪ Proportion of birds assessed as adults;</li> <li>▪ Baseline Mortality Calculations;</li> <li>▪ Calculations for scale of compensation required.</li> </ul>	We have provided advice to the developer via the Section 42 consultation response, expert topic groups and a workshop held in January 2024 recommending approaches to take regarding these issues. The presented approaches departs from Natural England’s (SNCB) standard advice. The issue can be addressed. We advise the Applicant applies our advice and presents assessments in line with this to.	Likely This is subject to the applicant presenting assessments that are in line with SNCB advice.		The Applicant presented it’s understanding of the “Natural England” approach within the DCO Application alongside the Applicant’s preferred approach. The Applicant has provided updated assessments using the latest advice from Natural England and aligning with the recently published JNCC guidance (JNCC, August 2024) within the within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and associated appendices and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10).
NE10	Impacts on and proposed compensation for Flamborough and Filey Coast Special Protection	Guillemot and Razorbill It is likely that NE will be unable to rule out an Adverse Effect on Integrity on FFC SPA Guillemot and Razorbill. High numbers of Auks will be impacted by the	Guillemot and Razorbill We stress that the applicant should present assessments undertaken in line with the SNCB advice and present the outputs of these,	Unlikely There is no guarantee this issue will be resolved within the examination timeframe.		As a result of continuing engagement with stakeholders, and enabled by progress on engineering design, the area within which the Wind Turbine Generators (WTGs) and Offshore

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	Area (FFC SPA) Guillemot and Razorbill	development. The departure from SNCB advice has led to attempts to apparently reduce the impacts, as presented. We welcome the applicant's approach to providing the 3 compensation measures relating to Auk species. There is a lack of clarity concerning mitigation for Auks. It is not clear how robustly Auks were factored in when designing the reduction of the array area and whether further reduction could be undertaken to reduce impacts.	shifting focus from attempting to reduce impacted numbers. The proposed compensation measures will require substantial work to improve evidence and demonstrate viability and efficacy in order to demonstrate that the proposed measures can be secured and will prove to be ecologically robust. Further reduction for the array area should be considered to reduce impacts to Auk species.			Platforms (OPs), up to four offshore substations and one accommodation platform, will be positioned has been refined as set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).  The ORBA has been introduced to reduce the impact from the presence of the WTGs (and offshore platforms) on auk species (specifically common guillemot and razorbill), informed by a consideration of geophysical and geotechnical data. This has reduced the impact to guillemot by approximately 15% from that presented at DCO Application.  The Applicant is continuing to further develop the proposed without-prejudice compensation measures for guillemot and razorbill, including having undertaken survey work since DCO Application to inform the Additional Measures for Guillemot and Razorbill (as detailed within APP-259). Where appropriate, updates on the progress of these without-prejudice measures will be provided throughout the Examination phase.
NE11	Impacts on and proposed compensation for Flamborough and Filey Coast Special Protection Area (FFC SPA) Kittiwake	We cannot yet agree on conclusions made with regards to the level of impact upon Kittiwake, based upon the applicant's departure from the SNCB advised approach.	The applicant should present assessments based on the SNCB guidance and propose compensation at a suitable ratio for an agreed impact value based on SNCB advice.	Likely Subject to the Applicant presenting assessment in line with SNCB advice and basing compensation upon agreed outputs.		The Applicant has provided updated assessment values for kittiwake within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10).
<b>Onshore Ecology</b>						
NE13	The Wash SPA and Ramsar Site Integrity: Overwintering Annex I bird features	Until two years of baseline onshore ornithology data are considered within both the Environmental impact Assessment (EIA) and the Report to Inform the Appropriate Assessment (RIAA), Natural England cannot draw any conclusions on the proposed impacts to overwintering bird species, including the suitability of any mitigation measures to designated species of	Natural England advises the Applicant submits an amended EIA and RIAA presenting their conclusions based on the completed two years of baseline data. We advise an Outline Annex I species mitigation management plan for designated features of the SPA is submitted into examination and agreed as part of the consent.	Likely Providing our recommendations are followed.		An addendum [AS1-108 <sup>11</sup> ] has been produced which documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. The impact assessment and mitigation measures documented in the EIA [APP-077] and RIAA [APP-236] have been reviewed and amendments have been presented

<sup>11</sup> Outer Dowsing Offshore Wind. July 2024. Response to Section 51 Advice. Addendum: Winter Bird Survey 2023/24. Document Reference: 13.2. Rev: 1.0.

NE Ref	The principal issue in question	The brief concern held by Natural England reported on in full in Written Representations	What needs to change, or be included or amended to overcome the disagreement?	Likelihood of the concern being addressed during Examination	Risk (NE)	ODOW Response
		the Wash SPA and Ramsar using functionally linked land (FLL).				in the Addendum [AS1-108] and RIAA [AS1-097]. Further details on cropping has also been provided in a clarification note <sup>12</sup> . Mitigation measures have been amended following review of the season two data, specifically to extend the seasonal restriction around The Haven to include a soft start to works in April in order to minimise disturbance to dark-bellied brent geese and has been included in 8.10 OLEMS (Version 3). Following review of the data from the season two surveys, with inclusion of the additional mitigation, it is concluded that the assessment of significant effects in the EIA and the conclusion on adverse effects on site integrity in the RIAA, in relation to onshore ornithology, have not changed. Further information is provided in the Applicant's response to Natural England's relevant representations Appendix I and Appendix H.
NE14	Horizontal Direction Drilling (HDD) at landfall	The landfall location at Anderby Creek, just North of Wolla Bank SSSI, has already experienced unforeseen complications and impacts from horizontal directional drilling operations during the Triton Knoll windfarm installation.	Natural England advises a more detailed plan of landfall construction methodology should be defined and submitted into examination.	Likely		<p>The installation works at the landfall will consider lessons learned from Triton Knoll. For example, to ensure similar complications are not encountered the Project have identified the need for the placement of a temporary steel casing pipe at the launch point down to the competent ground as well as the management of the drills in relation tidal movement.</p> <p>The Applicant has undertaken pre-construction ground investigations in July 2024 to avoid unforeseen direct or indirect impacts on Chapel Point to Wolla Bank SSSI. Further details on Frac - Out management are included in Section 2.3 of the Outline CoCP (8.1).</p>
NE15	Sea Bank Clay Pits SSSI	Sea Bank Clay Pits SSSI is designated for hydrological features which may be susceptible to changes in the water table.	We advise that the Applicant should provide details of mitigation measures within a named plan, which is secured within the DCO.	Likely		An updated version of the OCoCP (document 8.1 (Version 2)) has been submitted with this response securing construction stage water monitoring through committing to a pre-construction 'Water Quality Monitoring and Mitigation Plan' that would describe the regime for pre-construction and construction monitoring of private water supplies and other locations (including Sea Bank Clay Pits SSSI).

<sup>12</sup> Outer Dowsing Offshore Wind. August 2024. 15.14 Additional clarifications relating to Natural England's Relevant Representations (Appendix I).

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NE16	Soils and Best and Most Versatile Land	Natural England has concerns that without detailed site specific soil data and Agricultural Land Classification (ALC) classification, the project is unable to show how it avoids impacting best most versatile (BMV) land.	We advise the EIA is updated to present further site specific information on detailed and semi-detailed ALC and soil function surveys. This site-specific detail informed through a site survey is required to assist the decision maker to reach a decision and apply the National Policy Statement for Renewable Energy Infrastructure (EN-3).	Uncertain Until Natural England as seen the updated information, we are unable to finalise our position	High	This also details mitigation measures in the event of any impacts being identified during construction. The draft DCO has been updated (3.1 Draft Development Consent Order (Version 3)) to secure that a Water Quality Monitoring and Mitigation Plan forms a part of the Code of Construction Practice to be submitted for approval pursuant to DCO Requirement 18.
<p>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 [APP-080] of the ES. In the assessment the Applicant has classified all of the Grade 3 land as Grade 3a land, therefore qualifying as Best Most Versatile 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, 3b thereby being excluded as BMV.</p> <p>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 carefully thought through soil management planning including measures pertaining to covering of excavation, storage, and remediation, the use of legumes<sup>13</sup> on excavated soil during storage effects will be mitigated.</p> <p>A review of publicly available data confirmed that no peat was present within the 'Order Limits' of the Project, as shown on Figure 23.2 Superficial Geology in Chapter 23 Geology and Ground Conditions Figures [AS1-059]. The majority of the route comprises arable farmland which, by its usage, does not contain peat.</p> <p>This would be confirmed as part of the pre-construction soil surveys. The data resulting from the surveys would be reviewed by appropriate competent experts to identify the most appropriate methods of mitigation. Appropriate</p>						

<sup>13</sup> This practice ensures the soils retain their nutrient value.  
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NE Ref	The principal issue in question	The brief concern held by Natural England reported on in full in Written Representations	What needs to change, or be included or amended to overcome the disagreement?	Likelihood of the concern being addressed during Examination	Risk (NE)	ODOW Response
						<p>management and mitigation measures for peat would then be included within the final SMP, if required.</p> <p>As stated during the Expert Topic Groups (ETGs), copies of the minutes for which have been submitted as Appendix 6.1 of the ES [APP-149], the Applicant has committed to pre-commencement ALC surveys following the MAFF (1988) guidelines and testing soils in line with the ALC guidance as well as performing nutrient analysis (British standard testing on both topsoil and subsoil) so that soils are reinstated to their previous conditions. Surveys and soil management practices that will be carried out post-consent will be carried out in accordance with the final Soil Management Plan (SMP) to be submitted and approved pursuant to Requirement 18 of the draft DCO and which must accord with the outline Soil Management Plan (document 8.1.3 (Version 2)). The SMP will set out the good practice for surveys and soil management practices to avoid significant adverse effects on soil resources. Pre-commencement is considered the most appropriate time for ALC and soil condition surveys 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.</p> <p>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.</p>
NE17	Protected Species Mitigation Licence	The Applicant has yet to seek Letters of No Impediment from the Natural England Wildlife Licencing Services (NEWLS) team for a draft protected species mitigation licence for Greater Crested Newt (GCN), Water Vole, Bats, Badger and Otter.	Natural England is unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application. It should also be noted that Natural England is unable to comment on the need for a licence, this responsibility falls to the developer.	Uncertain		<p>The Applicant has drafted licence applications in respect of great crested newt (GCN) and water vole, which have been submitted to Natural England with the aim of obtaining LoNIs prior to the examination.</p> <p>The draft licences are based on the current ecological baseline, but this is likely to change, particularly for very mobile species such as badger. Therefore, pre-construction surveys are</p>

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						necessary to ensure any new ecological features are recorded, impacts are considered, and licensed accordingly. Based on the current information, it is the applicant's assessment that the Project will not lead to any licensable impacts on any other species. An updated version of the OLEMS (version 3) has been submitted with detailed annexes to provide the rationale for this.
<b>DCO/DML</b>						
NE18	Marine Recovery Fund	Natural England has concerned the compensation conditions related to the use of the Marine Recovery Fund or other third-party compensation options, are not sufficient to appropriately secure compensation and revision is needed.	Natural England advises the DCO compensation conditions are amended to make it clear what will be required when opting for a third-party option, making sure to address the need for monitoring and adaptive management measures.	Likely		The Applicant refers to its detailed comments in response to Natural England's comments at A1 of Appendix 1 of the Natural England RR.
NE19	Compensation Schedules	The compensation schedules timing requirements are not sufficient. For Kittiwake they include three full breeding seasons and not four. For all other compensation plans they do not secure that the compensation will be in place and functioning prior to impact.	Natural England advises the DCO is amended to make it clear that compensation must be in place and functioning prior to operation.	Uncertain		The Applicant refers to its detailed comments in response to Natural England's comments at A2 of Appendix 1 of the Natural England RR.

## 1.45.2 Appendix A DCO & DMLs

### 1.45.2.1 Development Consent Order and Deemed Marine Licence, Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
A1	The compensation conditions related to the use of the Marine Recovery Fund or other third-party compensation options, are not sufficient to appropriately secure compensation and revision is needed.	Natural England advises the DCO compensation conditions are amended to make it clear what will be required when opting for a third-party option, making sure to address the need for monitoring and adaptive management measures.	<p>The legislation, guidance and policy around the MRF and strategic compensation continue to evolve. The drafting of the compensation provisions in Schedule 22 of the draft DCO (3.1)<sup>14</sup> is intended to retain flexibility to account for future evolutions in the strategic compensation framework. If more precise detail relating to monitoring and adaptive management was included in the draft DCO, this could unintentionally restrict the Applicant's ability to rely on the MRF or strategic compensation measures if the proposals as drafted conflicted with the operation of the broader strategic plan. The inclusion of additional detail relating to monitoring and adaptive management in the draft DCO is unnecessary given the involvement that Natural England will have in the evolution of the measures funded by the MRF.</p> <p>For each compensation measure, Schedule 22 of the draft DCO(3.1) requires the submission of a CIMP, following consultation with the relevant CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England. Natural England will therefore have the opportunity to review and directly influence any appropriate monitoring and adaptive management proposed within the relevant CIMP at the point where more detail as to the operation of the MRF or third-party options</p>

<sup>14</sup> Note: the Applicant has submitted a revised version of the DCO along with this document.  
Applicant's Responses to Written Questions  
Document Reference: 15.3

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p>becomes available. This is in addition to Natural England's pivotal role in the development of the library of compensation measures which are to be funded by the MRF once established.</p>
A2	<p>The compensation schedules timing requirements are not sufficient. For Kittiwake they include three full breeding seasons and not four. For all other compensation plans they do not secure that the compensation will be in place and functioning prior to impact.</p>	<p>Natural England advises the DCO is amended to make it clear that compensation must be in place and functioning prior to operation.</p>	<p><u>Kittiwake</u></p> <p><i>ANS</i></p> <p>The Applicant has set out the evidence for the proposed timing requirements between the construction of the ANS and the operation of the first turbine in the Offshore Artificial Nesting Structures Evidence Base and Roadmap (APP-256). It is not necessary for the impact to be fully compensated prior to operation and this principle has been accepted in considering the compensation requirements for multiple offshore wind Development Consent Orders, including Hornsea Project 3, Hornsea Project 4 and the Sheringham and Dudgeon Extension projects (see further at A16 below). In the event that turbines become operational prior to any birds raised on the ANS recruiting to the intended sites, the Applicant is confident that any compensation debt accrued will be offset well within the lifespan of the Project. An amendment of the lead-in time to four breeding seasons is therefore unnecessary.</p> <p><u>Guillemot</u></p> <p><i>Predator eradication</i></p> <p>In relation to the predator eradication measure, the Applicant has set out the indicative timetable for delivery of the predator eradication measure at Table 5.1 of the Without Prejudice Predator Control Evidence Base and Roadmap (APP-257), which aligns with the proposed requirement at paragraph 4(a)(iv), Part 2 of Schedule 22 of the draft DCO (3.1) that the predator eradication measure has commenced no later than one year prior to the installation of any tower comprised within a turbine. The Applicant considers that a one breeding season requirement is appropriate for this measure as it will provide immediate benefits through a reduction in adult mortality, as well as the increased survival of young, with mammalian predators known to predate both adult and juvenile auks and their eggs. Therefore, the Applicant is confident that any compensation debt accrued will be offset well within the lifespan of the Project.</p> <p><i>Disturbance reduction and habitat improvement measure</i></p> <p>In relation to the disturbance reduction and habitat improvement measure, the Applicant has set out the indicative timetable for delivery of the disturbance reduction and habitat improvement measure at section 7.6 of the Without Prejudice Additional Measures for Guillemot and Razorbill Evidence Base and Road Map (APP-259), which aligns with the proposed requirement at paragraph 4(b)(iii), Part 2 of Schedule 22 of the draft DCO (3.1) that the disturbance reduction and habitat improvement measure has commenced no later than one year prior to the installation of any tower comprised within a turbine. The Applicant considers that a one breeding season requirement is appropriate for this measure as it will provide immediate benefits through a reduction in adult mortality, as well as the increased survival of young, with disturbance events known to have sub-lethal effects on adults as well affecting productivity, and avian predation affecting both adults and eggs/young at these colonies. Therefore, the Applicant is confident that any compensation debt accrued will be offset well within the lifespan of the Project.</p> <p><i>ANS</i></p> <p>In relation to the ANS measure, paragraph 4(c)(iii) of Part 2 of Schedule 22 of the draft DCO (3.1) requires the Guillemot CIMP to set out an implementation timetable for delivery of the ANS. The Guillemot CIMP is required to be submitted following consultation with the Guillemot CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England. It is likely that the ANS, if progressed, would form part of a package of compensation measures.</p> <p><u>Razorbill</u></p> <p><i>Predator eradication</i></p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p>In relation to the predator eradication measure, the Applicant has set out the indicative timetable for delivery of the predator eradication measure at Table 5.1 of the Without Prejudice Predator Control Evidence Base and Roadmap (APP-257), which aligns with the proposed requirement at paragraph 4(a)(iv), Part 3 of Schedule 22 of the draft DCO (3.1) that the predator eradication measure has commenced no later than one year prior to the installation of any tower comprised within a turbine. The Applicant considers that a one breeding season requirement is appropriate for this measure as it will provide immediate benefits through a reduction in adult mortality, as well as the increased survival of young, with mammalian predators known to predate both adult and juvenile auks and their eggs. Therefore, the Applicant is confident that any compensation debt accrued will be offset well within the lifespan of the Project.</p> <p><i>Disturbance reduction and habitat improvement measure</i></p> <p>In relation to the disturbance reduction and habitat improvement measure, the Applicant has set out the indicative timetable for delivery of the disturbance reduction and habitat improvement measure at section 7.6 of the Without Prejudice Additional Measures for Guillemot and Razorbill Evidence Base and Road Map (APP-259), which aligns with the proposed requirement at paragraph 4(b)(iii), Part 3 of Schedule 22 of the draft DCO (3.1) that the disturbance reduction and habitat improvement measure has commenced no later than one year prior to the installation of any tower comprised within a turbine. The Applicant considers that a one breeding season requirement is appropriate for this measure as it will provide immediate benefits through a reduction in adult mortality, as well as the increased survival of young, with disturbance events known to have sub-lethal effects on adults as well affecting productivity, and avian predation affecting both adults and eggs/young at these colonies. Therefore, the Applicant is confident that any compensation debt accrued will be offset well within the lifespan of the Project.</p> <p><i>ANS</i></p> <p>In relation to the ANS measure, paragraph 4(c)(iii) of Part 3 of Schedule 22 of the draft DCO (3.1) requires the Razorbill CIMP to set out an implementation timetable for delivery of the ANS. The Razorbill CIMP is required to be submitted following consultation with the Razorbill CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England. It is likely that the ANS, if progressed, would form part of a package of compensation measures.</p> <p><u>Benthic compensation</u></p> <p>In relation to the timing for delivery of benthic compensation, it is the Applicant's position that, were the Secretary of State to determine the potential for an AEoI on the IDBRNR SAC could not be excluded, then the timing of delivery of compensation should be deferred. This is because the final need for and quantity of that compensation (including the relevant impact: compensation ratio) cannot be determined until it is established that cable protection is required over the sandbank features or that <i>S. spinulosa</i> reef is identified within the offshore ECC, which would take place at the pre-construction survey stage. Further detail is set out at section 5.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). Notwithstanding this position, for each of the proposed compensation options, the Applicant has set out indicative timescales which would allow implementation of the relevant measure prior to the commencement of cable installation works (the earliest point at which any impact could occur) in Q4 2028. The timeline for each measure is set out in the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248).</p> <p><u>Sandbank</u></p> <p><i>Biogenic reef seeding</i></p> <p>In relation to the biogenic reef seeding measure, the proposed indicative delivery timeframe for each option is explained at figure 5.1, section 5.3.6, table 5.3, section 5.4.6 and table 5.6 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). In relation to the proposals to create a native oyster reef, table 5.3 sets out that the reef would be constructed during Q2 of 2028 and, in relation to the proposals to create blue mussel beds, these would be established during Q2/Q3 2027. Either measure could therefore be in place in advance of the proposed start of cable installation works in Q4 2028. Paragraph 4(a)(iii) of Part 4 of Schedule 22 of the draft DCO (3.1) requires the Sandbank CIMP to set out an implementation timetable for delivery of the biogenic reef seeding</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p>measure. The Sandbank CIMP is required to be submitted following consultation with the Sandbank CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><i>SAC extension</i>            The SAC extension measure is the Applicant's preferred benthic compensation option at this stage should the Secretary of State's AA conclude an AEoI of the sandbank feature of the IDRBNR SAC. The Applicant notes the following comment from Natural England at Table 1, Appendix D (Benthic Compensation) in Natural England's RR (RR-045) "where Natural England recognises that there are likely to be time lags between impact occurring and compensation achieving the desired outcomes. In this scenario, Natural England would wish to see the project contribution to the measure to be such that it ensures an overall environmental net positive outcome for the impacted feature over the lifetime of the project."</p> <p>Notwithstanding this acknowledgement, the proposed delivery timeframe is explained at section 3.3.5 and table 3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). Table 3.2 sets out an indicative timeline for the SAC extension measure which anticipates the SAC extension being proposed for consultation, thereby allowing the extended area to benefit from the protection afforded by the Conservation of Habitats and Species Regulations 2017 by virtue of the relevant planning policy, by Q2 2027. This would allow the compensation measure to be implemented significantly in advance of the anticipated start date for cable installation works in Q4 2028. Paragraph 4(b)(ii) of Part 4 of Schedule 22 of the draft DCO (3.1) requires the Sandbank CIMP to set out estimated timescales for completing the designation of the SAC extension. The Sandbank CIMP is required to be submitted following consultation with the Sandbank CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><i>Marine debris removal</i>            In relation to the marine debris removal measure, section 8.3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248) sets out the proposed delivery timeframe for this compensation measure. Debris removal works would provide an immediate improvement in terms of physical attributes and ecosystem recovery. There is therefore no requirement to specify a particular lead in time for this measure to take effect prior to the impact occurring.</p> <p><i>Removal of redundant infrastructure</i>            In relation to the removal of redundant infrastructure measure, the proposed indicative timescale for removal of redundant infrastructure is set out at section 6.3.2 and table 6.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The indicative timetable anticipates that infrastructure removal would be complete by the end of 2027, before the anticipated start of cable installation works in Q4 2028. Paragraph 4(d)(iv) of Part 4 of Schedule 22 of the draft DCO (3.1) requires the Sandbank CIMP to set out an implementation timetable for removal of the redundant infrastructure. The Sandbank CIMP is required to be submitted following consultation with the Sandbank CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><i>Removal of aggregate industry pressures</i>            In relation to the removal of aggregate industry pressures measure, the proposed indicative timescale for removal of aggregate industry pressure is set out at section 7.2.1 and table 7.1 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The indicative timetable anticipates that agreement would be reached with the relevant licence holder for buy out of licenced aggregate removal quantities by the end of 2027, before the anticipated start of cable installation works in Q4 2028. Paragraph 4(e)(ii) of Part 4 of Schedule 22 of the draft DCO (3.1) requires the Sandbank CIMP to set out an implementation timetable for the delivery of the removal of aggregate industry pressures measure. The Sandbank CIMP is required to be submitted following consultation with the Sandbank CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><i>Sandbank protection measure</i></p>

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			<p>The Applicant agrees with Natural England, that should compensation be required for the IDRBNR SAC, that strategic compensation is the preferred option and is the most likely to be successful. The delivery timescales and key milestones for the SAC extension measure are set out at Table 3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The Applicant notes the following comment from Natural England in relation to the SAC extension measure at Table 1, Appendix D (Benthic Compensation) in Natural England's RR (RR-045) "where Natural England recognises that there are likely to be time lags between impact occurring and compensation achieving the desired outcomes. In this scenario, Natural England would wish to see the project contribution to the measure to be such that it ensures an overall environmental net positive outcome for the impacted feature over the lifetime of the project."</p> <p>The overall delivery timescale for alternative methods of protection is likely to be similar to the timescales for delivery of the SAC extension. The Applicant notes that the majority of the activities in Phase 1 (i.e. the provision of assistance in the development of an Area of Search and data gathering) which would apply to the SAC extension measure would also apply to the alternative methods of protection. Therefore, in the event that the SAC extension measure was not pursued at a later date, an alternative method of protection could be pursued building on the Phase 1 work.</p> <p><i>Seagrass bed habitat creation/restoration</i></p> <p>In relation to the seagrass bed habitat creation/restoration measure, the proposed indicative timescale for the creation/restoration of seagrass beds is set out in section 10.3.2 and table 10.1 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The indicative timetable anticipates that seagrass seeds/shoots would be deployed by the end of Q3 2027, before the anticipated start of cable installation works in Q4 2028. Paragraph 4(g)(iii) of Part 4 of Schedule 22 of the draft DCO()(3.1) requires the Sandbank CIMP to set out an implementation timetable for the delivery of the seagrass bed habitat creation/restoration measure. The Sandbank CIMP is required to be submitted following consultation with the Sandbank CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><u>Biogenic Reef</u></p> <p><i>Biogenic reef seeding</i></p> <p>In relation to the biogenic reef seeding measure, the proposed indicative delivery timeframe for each option is explained at figure 5.1, section 5.3.6, table 5.3, section 5.4.6 and table 5.6 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). In relation to the proposals to create a native oyster reef, table 5.3 sets out that the reef would be constructed during Q2 of 2028 and, in relation to the proposals to create blue mussel beds, these would be established during Q2/Q3 2027. Either measure could therefore be in place in advance of the proposed start of cable installation works in Q4 2028. Paragraph 4(a)(iii) of Part 5 of Schedule 22 of the draft DCO ()(3.1) requires the Biogenic Reef CIMP to set out an implementation timetable for delivery of the biogenic reef seeding measure. The Biogenic Reef CIMP is required to be submitted following consultation with the Biogenic Reef CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p> <p><i>SAC extension</i></p> <p>The SAC extension measure is the Applicant's preferred benthic compensation option at this stage should the Secretary of State's AA conclude an AEoI of the biogenic reef feature the IDRBNR SAC. The proposed delivery timeframe is explained at section 3.3.5 and table 3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). Table 3.2 sets out an indicative timeline for the SAC extension measure which anticipates the SAC extension being proposed for consultation, thereby allowing the extended area to benefit from the protection afforded by the Conservation of Habitats and Species Regulations 2017 by virtue of the relevant planning policy, by Q2 2027. This would allow the compensation measure to be implemented significantly in advance of the anticipated start date for cable installation works (the earliest point at which any impact could occur) in Q4 2028. Paragraph 4(b)(ii) of Part 5 of Schedule 22 of the draft DCO (3.1) requires the Biogenic Reef CIMP to set out estimated timescales for completing the designation of the SAC extension. The Biogenic Reef CIMP is required to be submitted following consultation with the Biogenic Reef CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p><i>Marine debris removal</i></p> <p>In relation to the marine debris removal measure, section 8.3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248) sets out the proposed delivery timeframe for this compensation measure. Debris removal works would provide an immediate improvement in terms of physical attributes and ecosystem recovery. There is therefore no requirement to specify a particular lead in time for this measure to take effect prior to the impact occurring.</p> <p><i>Biogenic reef protection</i></p> <p>The Applicant agrees with Natural England, that should compensation be required for the IDRBNR SAC, that strategic compensation is the preferred option and is the most likely to be successful. The delivery timescales and key milestones for the SAC extension measure are set out at Table 3.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The Applicant notes the following comment from Natural England in relation to the SAC extension measure at Table 1, Appendix D (Benthic Compensation) in Natural England's RR (RR-045) "<i>where Natural England recognises that there are likely to be time lags between impact occurring and compensation achieving the desired outcomes. In this scenario, Natural England would wish to see the project contribution to the measure to be such that it ensures an overall environmental net positive outcome for the impacted feature over the lifetime of the project.</i>"</p> <p>The overall delivery timescale for alternative methods of protection is likely to be similar to the timescales for delivery of the SAC extension. The Applicant notes that the majority of the activities in Phase 1 (i.e. the provision of assistance in the development of an Area of Search and data gathering) which would apply to the SAC extension measure would also apply to the alternative methods of protection. Therefore, in the event that the SAC extension measure was not pursued at a later date, an alternative method of protection could be pursued building on the Phase 1 work.</p> <p><u>All protected features</u></p> <p><i>MRF and payment to or collaboration with a third party</i></p> <p>As set out in response to A1 above, the drafting of the MRF and third party options is deliberately flexible to account for future evolutions in the strategic compensation framework and how it will operate. Any appropriate timing requirements will be set out in the relevant CIMP, submitted following consultation with the relevant CSG (of which Natural England is a member), for approval of the Secretary of State, following further consultation with Natural England. Natural England will therefore be afforded several opportunities to feed in to the relevant CIMP prior to its approval by the Secretary of State. This is in addition to Natural England's pivotal role in the development of the library of compensation measures which are to be funded by the MRF once established.</p>
A3	The recent SADEP DCO included wording within the post construction monitoring condition to make it clear that, if identified impacts are more than those assessed and/or that mitigation measures have been insufficient, then further measures and/or remediation may be required to ensure the Proposed Development remains beneficial to the environment.	Natural England advises the Applicant includes and secures with the ODOV DCO/DML wording in accordance with the SADEP DCO which contains a clause requiring adaptive management /remediation measures to be implemented, and further consultation with relevant bodies is required to inform agreement/discharge.	<p>The additional wording proposed by Natural England is unnecessary as monitoring and adaptive management measures are envisaged in the existing drafting.</p> <p>In relation to kittiwake, guillemot and razorbill, proposals for monitoring and adaptive management are incorporated into the existing drafting in Parts 1, 2 and 3 of Schedule 22 of the draft DCO (3.1). For each specified compensation measure, the relevant CIMP is required to set out: "<i>details of the proposed ongoing monitoring and reporting on the effectiveness of the measures, including: survey methods; success criteria; adaptive management measures; timescales for the monitoring and monitoring reports to be delivered; and details of the mechanism to determine the need for any alternative compensation measures and/or adaptive management measures</i>" and "<i>provision for annual reporting to the Secretary of State, to include (...) and target any adaptive management measures in consultation with the (relevant CSG)</i>".</p> <p>Each CIMP is required to accord with the Kittiwake Compensation Plan (APP-250), the Without Prejudice Guillemot Compensation Plan (APP-252) or the Without Prejudice Razorbill Compensation Plan (APP-255) as appropriate. Each of the compensation plans cross refer to the monitoring and adaptive management details set out in the Offshore ANS Evidence Base and Roadmap (APP-256), the Without</p>

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			<p>Prejudice Predator Control Evidence Base and Road Map (APP-257) and the Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map (APP-259).</p> <p>In relation to sandbank and biogenic reef, the CIMP are required to accord with the Without Prejudice Sandbank Compensation Plan (APP-244) and the Without Prejudice Biogenic Reef Compensation Plan (APP-246) respectively. The compensation plans cross refer to the monitoring and adaptive management details set out in the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248).</p> <p>In all cases, the Applicant is required to implement the measures set out in each CIMP under paragraph 5 of each Part of Schedule 22 to the draft DCO (3.1). Any updates to the CIMP must be approved in writing by the Secretary of State under paragraph 8 of Part 1, paragraph 8 of Part 2, paragraph 8 of Part 3, paragraph 7 of Part 4 and paragraph 7 of Part 5 of Schedule 22 to the draft DCO. Those updates must also accord with the relevant compensation plan and it must be demonstrated to the satisfaction of the Secretary of State that the update is unlikely to give rise to any materially new or materially different environmental effects from those considered in the relevant compensation plan.</p>

#### 1.45.2.2 Development Consent Order and Deemed Marine Licence, Detailed Advice and Recommendations

NE Ref	DCO Ref	Comment	Recommendation	Applicant Response
A4	3.1 - Article. 2, Pg. 8	Natural England notes the definition of maintain does not link to the limits of maintenance as described in the Environmental Statement (ES), or to the outline operations and maintenance plan.	Natural England suggest linking to the limits of maintenance to provide clarity that only activities assessed within the ES are covered by the definition of maintenance.	<p>No update to the drafting of the DCO is required. The definition of “maintain” in Article 2 of the draft DCO refers to the assessment of environmental effects in the ES (emphasis added): <i>““maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the offshore works, to the extent assessed in the environmental statement; and any derivative of maintain must be construed accordingly;”</i></p> <p>In addition, condition 4(2) of the deemed marine licences set out at paragraph 4 of Part 2 of Schedule 10 and paragraph 4 of Part 2 of Schedule 11, condition 2(2) of the deemed marine licences set out at paragraph 2 of Part 2 of Schedule 12, paragraph 2 of Part 2 of Schedule 13, paragraph 2 of Part 2 of Schedule 14, paragraph 2 of Part 2 of Schedule 15 and paragraph 2 of Part 2 of Schedule 15 of the draft DCO state that <i>“No maintenance works whose likely effects are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.”</i></p>
A5	3.1 - Sched 1 Part 3 Requirement 18	This requirement is for the Code of Construction Practice and includes a list of mitigation plans and requirements for various ecological factors. Natural England notes that the list does not include a requirement to monitor Sea Bank Clay Pits SSSI in the event of dewater. Natural England notes this is an important commitment and should be secured within the DCO.	Consider inclusion of a plan to monitor the Sea Bank Clay SSSI within requirement 18. And ensure that all environmental mitigation measures are appropriately secured.	<p>()An updated version of the OCoCP (Version 2) has been submitted securing construction stage water monitoring through committing to a pre-construction ‘Water Quality Monitoring and Mitigation Plan’ that would describe the regime for pre-construction and construction monitoring of private water supplies and other locations (including Sea Bank Clay Pits SSSI).</p> <p>This also details mitigation measures in the event of any impacts being identified during construction. The OCoCP now includes reference to this plan to be included in the final CoCP to be approved under DCO Requirement 18.</p>
A6	3.1 -	Natural England notes that the relevant Statutory Nature Conservation Body (SNCB) is not listed as a body that will be	Consider amendment to make it explicit that the relevant SNCB will be consulted.	The Applicant is content to make this amendment and this is reflected in the updated draft DCO submitted alongside these responses.

NE Ref	DCO Ref	Comment	Recommendation	Applicant Response
	Sched. 10, Pt 2, Cond. 13(1) (a), Pg. 124	consulted by the Marine Management Organisation (MMO) on this document. Natural England would expect to be consulted on all sections of this document, especially regarding the Environmental micro- siting requirements.		
A7	3.1 - Sched. 10, Pt. 2, Cond.14(2) Pg. 127	Given the recent increase in size and complexity of offshore wind farm construction, Natural England considers that a period of four months is insufficient to approve some documentation.	Natural England advises the condition is amended to a 6 month approval period. Natural England notes that for the Dudgeon and Sheringham Extension Project, a 6-month period was agreed for some conditions. Natural England would be happy to engage with the Applicant and the MMO to come to a similar agreement.	<p>The Applicant notes that condition 14(2) of Part 2 of Schedule 10 of the draft DCO provides for an approval period of at least four months unless otherwise stated.</p> <p>Following consultation with Natural England and the MMO, the Applicant revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities, as requested by Natural England. Of particular concern to Natural England, the MMMP (condition 13(1)(f) of Part 2 of Schedule 10 of the draft DCO) and the SIP (Condition 22(3) of Part 2 of Schedule 10 of the draft DCO) provide for a six month period (3.1).</p>
A8	3.1 - Sched. 10 and 11 Condition 19 Pg. 129	<p>The recent SoS decision for Sheringham and Dudgeon Extension Project (SADEP) approved the recommendation from Natural England and the Marine Management Organisation for amendments to the monitoring requirements should monitoring highlight particular impacts requiring remediation or further mitigation works. Natural England have pasted the condition used below for your reference:</p> <p><i>(7) In the event that the reports provided to the MMO under sub-paragraph (4) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph</i></p> <p><i>(4). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required</i></p>	Natural England advises the Applicant includes and secures with the ODOW DCO/DML wording in accordance with the SADEP DCO (Condition 20 (schedules 10 and 11) and Condition 19 (schedules 12 and 13) of the dML) which contain a clause requiring adaptive management measures to be implemented, and that further consultation with relevant bodies is required to inform agreement/discharge.	<p>In relation to the monitoring and adaptive management of compensation measures, the Applicant refers to its comments at A3 above.</p> <p>The Applicant notes that the wording proposed extends beyond the question of monitoring and adaptive management of compensation measures and therefore applies to any and all environmental effects.</p> <p>The Applicant notes that PINS Advice Note 15 confirms that, at paragraphs 15.2 and 29.2, whilst the law and policy relating to planning conditions does not necessarily apply to deemed marine licence conditions, it is considered that similar principles should apply when drafting these. The law and policy relating to planning conditions require that conditions should be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects. The Applicant’s view is that these standards are not met by the proposed wording.</p> <p>The Applicant considers that the additional parts of the condition are imprecise and unnecessary as:</p> <p>(a) the effect of the condition could be to require further monitoring and adaptive management of impacts which do not give rise to likely significant effects on the environment under EIA or an AEoI under the Habitats Regulations. An environmental effect is not significant and a project does not result in an AEoI simply because an effect is unanticipated.</p> <p>(b) The purpose of the EIA Regulations is to ensure that, at the point a decision is taken in relation to a project, the decision-maker does so in full knowledge of the likely significant effects on the environment, insofar as can be assessed at that point in time. The EIA Regulations require the ES to set out a: “description of the measures envisaged to avoid, prevent, reduce, or if possible offset any <u>identified</u> significant adverse effects on the environment and, <u>where appropriate</u>, of any proposed monitoring arrangements” (emphasis added). The EIA Regulations do not require the ultimate consent to protect against all unanticipated environmental effects.</p> <p>(c) Natural England has not identified any specific environmental effects, which give rise to concern and therefore justify the imposition of additional monitoring and adaptive management requirements.</p>

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		<i>to undertake the adaptive management or mitigation once the consent is granted.</i>		
A9	3.1 - Sched. 10 Part 2 Condition 21	Natural England notes this condition prohibits the deployment of cable protection 10 years after the completion of construction. Natural England notes that this only applies to areas outside of benthic SACs. A condition is required to make it clear that no cable protection may be deployed within areas within the Inner Dowsing North Ridge and Race Bank SAC after completion of construction.	Natural England advises this condition is amended to secure that no cable protection will be deployed within the designated site after the construction works within the designated site have completed. Please see agreement drawn to this effect for SADEP in regards to inside and outside of Cromer Shoal Chalk Beds MCZ	<p>The effect of installing cable protection has been assessed as a long-term or permanent habitat loss or alteration at section 9.8.2.9 of Chapter 9 Benthic and Intertidal Ecology (APP-064). Paragraph 245 confirms that the effect is assessed as an impact of the operational phase of the Project. The MDS at Table 9.10 confirms the total area of cable protection which may be deposited, the area of cable protection which may be deposited outside sandbank features in the IDRBNR SAC and the amount of removable cable protection which may be deposited on sandbank features within the SAC.</p> <p>Section 9.8.2.9 of Chapter 9 Benthic and Intertidal Ecology (APP-064) concludes that, applying the mitigation set out at Table 9.12, there are no likely significant effects arising from this impact.</p> <p>The effect of installing cable protection on the IDRBNR has also been assessed as a long-term or permanent habitat loss or alteration at Section 9.1.5.1 of the RIAA (AS1-095). Paragraph 148 confirms that the effect is assessed as an impact of the operational phase of the Project. The MDS at Table 9.1 confirms the total area of cable protection which may be deposited, the area of cable protection which may be deposited outside sandbank features in the IDRBNR SAC and the amount of removable cable protection which may be deposited on sandbank features within the SAC.</p> <p>Paragraphs 151 and 152 of the RIAA (AS1-095) conclude that, applying mitigation, there is no AEol on the IDRBNR SAC from the Project alone during O&amp;M with respect to the biogenic reef and sandbank features and therefore, subject to natural change, the designated feature will be maintained in the long-term.</p> <p>The proposed amendment to the condition is therefore unnecessary.</p>
A10	3.1. - Sched. 11, Sched. 12, Sched. 13, Sched. 14, Sched. 15 & Sched. 16.	All comments raised on Schedule 10 apply to Schedule 11, 12, 13, 14, 15 and 16 where similar provisions exist. For brevity Natural England will not repeat these comments.		The Applicant notes Natural England's comments and refers to its responses to responses at A6 to A9 above.
A11	3.1 - Sched. 16, Pg. 202	Natural England notes that Schedule 16 of the DML enables the recreation of Annex I Reef as a compensation measure within IDRBNR SAC and that this will be considered as part of the HRA for the DCO/dML rather than a separate post consent marine licence.	Until further evidence is provided to refine down the 17 areas of search to 1 or maybe 2 locations the potential impacts on Annex I features within the SAC and/or the conservation objectives for the site can't be assessed. Therefore, at this time we are unable to support the inclusion of Schedule 16.	<p>The Applicant has set out the initial site selection process that it has undertaken to identify potentially suitable locations to support self-sustaining oyster and blue mussel populations, including a habitat suitability assessment, at sections 5.3.3 and 5.4.3 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248).</p> <p>The Applicant is proposing to consent the development of a biogenic reef through the DCO. In the event that an AEol cannot be excluded for sandbank or biogenic reef and this measure is progressed, the grant of the deemed marine licence at Schedule 16 to the DCO would remove the need for further process were the DCO to be granted without Schedule 16 and therefore allowing the delivery of the compensation at an earlier stage and providing greater confidence in the</p>

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				measure's delivery. Further details are set out at sections 5.3.5.2 and 5.4.5.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap (APP-248). The effects of this measure have been fully assessed under HRA and EIA in the Application (AS1-095) and (APP-055 to APP-108). The Applicant would welcome views from Natural England on the output of the initial site selection process and assessment prior to undertaking any refinement.
A12	3.1 - Sched. 16, Pg. 202	We also note that some of the 17 potential compensation areas of search are located where The Crown Estate has recently issued seabed lease areas to the Aggregates Industry. Whilst they do not have a Marine Licence for aggregates dredging it remains unclear how these overlapping seabed uses are managed from a legal perspective and how this aligns with designated site management and the revision of the East Marine Plan. This is likely to have a bearing on the inclusion of Schedule 16 for this project.	We acknowledge that the issue of marine spatial prioritisation is a wider seabed issue than for just this project, and we will continue to work with relevant interested parties to address this and update the Examination accordingly.	(As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059), the Applicant refined the areas for biogenic reef from the wider area presented at PEIR. This included the removal of any areas that overlap with aggregate areas that have a secured a marine licence under the Marine and Coastal Access Act 2009 and have obtained a Production Agreement from The Crown Estate. The Applicant understands that in relation to the aggregate areas noted by the Natural England, The Crown Estate has set out its intention to award an Exploration and Option Agreement for the area concerned but that neither entry into the Exploration and Option Agreement, nor the final spatial extent of the area has been confirmed by The Crown Estate. The Applicant also notes that the award of such an Exploration and Option Agreement would not provide exclusivity for that area of seabed. It is only once a Production Agreement is entered into and a marine licence application submitted would the spatial extent of such aggregate areas be known. As such, at this stage the Applicant considers it to be entirely appropriate to include these areas identified for the creation and re-creation of biogenic reef. The Applicant will continue to liaise with The Crown Estate in relation to this matter.
A13	3.1 - Sched. 11, Pt. 2, Cond .22, Pg 130	Due to the need to appropriately consider in- combination impacts of other developments it is also important that the Site Integrity Plan (SIP) should not be submitted too early.	Natural England recommends that the condition should require the SIP no sooner than 9 months and no later than 6 months prior to commencement of piling.	<p>Condition 22, Part 2 of Schedule 10 and condition 22, Part 2 of Schedule 11 of the draft DCO provide that the SIP should be submitted for approval no later than 6 months prior to the commencement of piling activities.</p> <p>The JNCC, Natural England &amp; DAERA Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs (2020) states (emphasis added): <i>“when the HRA is carried out there may be considerable uncertainty over project design, schedules and other planned developments. In such cases, a pre-construction condition should be attached to the project approval requiring an assessment to be undertaken prior to initiating the works to determine if the activities and schedules of this project and of others (relevant for the in-combination assessment) are still within the parameters used to reach the HRA conclusions. SNCBs will work with Government and regulators to develop this condition, which will be tested, and amended if needed, as projects progress. <u>There should be enough time between the assessment and the start of construction to allow for the effective implementation of any further mitigation/management considered necessary to satisfy the authorities that the SAC will not be adversely affected...</u>”</i></p> <p>In light of the extract from the above guidance, the Applicant does not consider it desirable to include a restriction as to the earliest point at which the SIP should be submitted.</p>
A14	3.1 - Sched. 22 Pt. 1 Cond. 4(b), Pt. 2	For conditions which relate to project contribution to a Marine Recovery Fund. Natural England has some preferred wording to cover requirements for use of the Marine Recovery Fund.	Natural England suggests that The Applicant considers our suggested wording provided to regulators (Annex 1).	The Applicant has provided its comments on the proposed drafting at Table 3 below.

NE Ref	DCO Ref	Comment	Recommendation	Applicant Response
	Cond. 4(d), Pt. 3 Cond. 4(d), Pt. 4 Cond. 4(h), Pt. 5 Cond 4(e)			
A15	3.1. - Sched. 22 Pt. 1 Cond. 4(c) & (d), Pt. 2 Cond. 4(e) & (f), Pt. 3 Cond. 4(e) & (f), Pt. 4 Cond. 4(i) & (j), Pt. 5 Cond. 4(f) & (g).	These conditions allow for third parties to deliver, or partly deliver compensatory measures on behalf of the Applicant. However, conditions enabling third party delivery do not include provisions for monitoring or for adaptive management should the compensatory measures not be effective. The current drafting does not imply an either or situation, which means that, should the project rely on a contribution to be made to such funds to deliver compensation the project specific compensation would also be required.	Natural England suggests these sections require review and amendment to make it clear exactly what will occur should the developer decide to use third party compensation.	The Applicant refers to its comments at A1 above.
A16	3.1 – Sched. 22 Pt. 1 Cond. 5	This requirement ensures that compensation for impacts to Kittiwake designated to the Flamborough and Filey Coast Special Protection Area must be provided three full breeding seasons prior to operation. However, Natural England notes that on other developments a period of four full breeding seasons was deemed appropriate and considers this should therefore be amended to ensure alignment. It is further noted that Parts 2-5 do not have a similar requirement or any provision which would ensure compensation is in place prior to works.	Amend the condition to reflect four full breeding seasons in line with compensation requirements for other projects and check the parts securing compensatory measures for other designated features (Sched. 22, Pts. 2-5). The amendment should be made to ensure compensation is delivered and is sufficiently functioning prior to impact occurring. However, the wording of compensation requirements may change as discussions on the measures progress	The Applicant refers to its comments on timings for delivery of compensation for each protected feature at A2 above.  In relation to kittiwake, the Applicant highlights the following: (d) Hornsea Four Offshore Wind Farm - paragraphs 3(d) and 4 of Part 2 of Schedule 16 of the Hornsea Four Offshore Wind Farm Development Consent Order 2023 were recently amended to reduce the length of time the ANS needs to be in place before operation from four full breeding seasons to two full breeding seasons and that this was agreed with Natural England. (e) Hornsea Three Offshore Wind Farm - the Hornsea Three Offshore Wind Farm Development Consent Order 2020 originally provided for four ANS to be in place and for four full breeding seasons to have passed prior to operation of the turbines. The Hornsea Three Offshore Wind Farm DCO was amended twice, again with agreement from Natural England, so that the relevant periods are three breeding seasons for two of the ANS, two breeding seasons for one of the ANS and a requirement that the final ANS was installed prior to the operation. (f) Part 2, Schedule 17 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for three full breeding seasons to have passed before operation of turbines.  In addition, the Applicant notes that, during the Examination for the Sheringham Shoal and Dudgeon Extension DCO, Natural England stressed that lead in times for compensatory measures should be considered on a case by case basis. There is therefore no ecological justification in this instance for alignment with the four year lead in time when: a) there have now been several departures from that position which have been agreed by Natural England; and b) the Applicant has presented the evidence base which supports the inclusion of the period set out in Part 1, Schedule 22 of the draft DCO in the Offshore Artificial Nesting Structure Evidence Base and Roadmap (APP-256).



NE Ref	DCO Ref	Comment	Recommendation	Applicant Response
A17	3.1 – 12 – Ecological management Plan Page 52	As detailed within Appendix I, Natural England is concerned that mitigation for Annex I pink-footed geese is covered under the generic mitigation within for over wintering birds utilising land which is functionally linked to designated sites, secured by the Outline Landscape and Ecological Management Strategy (OLEMS)	Natural England advises a requirement is included within the DCO to secure a commitment for an Outline Annex I bird species mitigation plan with the level of detail required securing provisions relating to the geographical definition of the mitigation scheme; a timeframe for the approval process; details of pre-construction surveys and mitigation. The outline mitigation should be agreed with Natural England as part of the consenting process.	The season two winter bird survey addendum (AS1-108) provides details of the distribution and abundance surveys for pink-footed goose, including a review of any changes required to the assessment or mitigation measures for this species. The season two results show that between zero and three flocks of pink-footed goose were recorded per visit across the approximately 70km long onshore survey area. Flocks typically moved location between visits. Flocks were recorded feeding and loafing in fields with bare soil, cereal and stubble. On the basis of a small number of flocks, moving around between fields and utilising common field types, the localised working restriction remains a suitable mitigation measure. ODOW notes that Natural England’s guidance on mitigation for pink-footed goose is tailored to situations where the species is primarily feeding on sugar beet, which is not the case within the survey area. A sample study of 1,000ha of land within the onshore Order Limits (Dalcour Maclaren) which was undertaken in 2023 recorded only ~2% sugar beet (See 15.14 Additional clarifications relating to Natural England’s Relevant Representations (Appendix I)). The season two wintering bird surveys recorded pink-footed geese utilising bare ground, cereals and stubble rather than sugar beet. Therefore the suggested mitigation strategy is not applicable to the Project.

#### 1.45.2.3 Development Consent Order and Deemed Marine Licence, Annex 1: Suggested Benthic compensation wording provided to regulators

NE Ref	Annex 1: Suggested Benthic compensation wording provided to regulators	Applicant Response
	<p><i>Schedule XX</i></p> <p><i>[Site Name] Special Area of Conservation or Marine Conservation Zone: Delivery of measures to compensate for [impacts]</i></p> <p>1. In this Schedule—  “BIMP” means the Benthic Implementation and Monitoring Plan for the delivery of measures to compensate for offshore windfarm construction and/or operation within the [Site Name] SAC/MCZ as a result of the authorised development;  “BSG” means the benthic steering group who will shape and inform the scope and delivery of the BIMP;  “[Site ref] SAC” means the [Site name] Special Area of Conservation; “[Site ref] MCZ” means the [Site name] Marine Conservation Zone;  “[Site ref] SAC/MCZ compensation plan” means the document certified as [In Principle Compensation Plan Document Ref] by the Secretary of State for the purposes of this Order under article XX (Certification of plans etc); and  “Strategic Compensation Fund” means the [name of strategic fund] fund established by Defra [or another Government body] for the purpose of implementing strategic compensation measures. “Strategic Compensation Owner” means the government body which established the Strategic Compensation Fund with the responsibility to manage contributions to the fund and/or delivery of the strategic compensation measure.</p> <p>2. No later than 2 years from the date of this order the Undertaker must advise the Secretary of State of the intention to provide compensation either;  a. Through a monetary contribution to the Strategic Compensation Fund; or  b. Through a project/developer led compensation scheme for the undertaker to provide compensation as outlined in the [site ref] SAC/MCZ Compensation Plan.</p>	<p>In relation to the proposed paragraph 2, it is unclear to the Applicant why the requirements of this paragraph are necessary. It is unclear from the drafting whether it would be possible to select an alternative option after an election had been made and it would appear unlikely that this would be possible after 2 years from the date of the order. This could preclude the opportunity to rely on an alternative compensation measure as adaptive management, for example, if a developer-led measure was unsuccessful, the undertaker may not be able to rely on the establishment of the MRF. This would be unduly restrictive and the Applicant does not consider there to be an ecological justification for this requirement.</p> <p>In relation to the proposed paragraph 3, the relevant trigger for the requirement for the plan for the work of the relevant steering group ought to be commencement of the relevant works which give rise to the impact on the protected feature in question, in this case, Work No. 5, rather than the commencement of any part of the authorised development, which comprises all of the authorised works under the DCO both offshore and onshore.</p> <p>In relation to the proposed paragraphs 4, 5 and 6, the Applicant refers to its comments in response to point A1. The legislation, guidance and policy around the MRF and strategic compensation continues to evolve. There is therefore a real risk that, if the proposed drafting was included in the draft DCO, this could unintentionally restrict the Applicant’s ability to rely on the MRF or strategic compensation measures if the proposals as drafted conflicted with the operation of the broader strategic plan.</p> <p>In relation to the proposed paragraph 8, it is not clear what is meant by the “establishment and implementation phases of the BIMP” and therefore the time period to which this obligation relates is not clear. Whilst the obligation is stated to be on the undertaker to meet with and report to the BSG at least annually throughout these phases, attendance at a meeting is not wholly within the undertaker’s control. The Applicant considers that the purpose of the proposed drafting at paragraph 8 is addressed in paragraph 2, Part 4 and paragraph 2, Part 5 of Schedule 22 of the draft DCO.</p>

NE Ref	Annex 1: Suggested Benthic compensation wording provided to regulators	Applicant Response
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Paragraphs 7-15 of this Schedule shall not apply to the extent that a contribution to the Strategic Compensation Fund has been elected in Paragraph 2 of this Schedule and paragraphs 4, 5 and 6 of this schedule shall not apply to the extent that a project/developer led compensation plan has been elected in paragraph 2 of this Schedule.

3. The authorised development may not be commenced until a plan for the work of the BSG has been submitted to and approved by the Secretary of State. Such plan must include:

- (a) terms of reference of the BSG;
- (b) the membership of the BSG;
- (c) details of the schedule of meetings, timetable for preparation of the BIMP and reporting and review periods, or details of the schedule of meetings to agree contribution to the Strategic Compensation Fund; and
- (d) the dispute resolution mechanism.

4. The undertaker must agree a ratio/value of contribution with the strategic compensation owner, in consultation with the Statutory Nature Conservation Body [and the BSG]. Unless agree otherwise with the Strategic compensation Owner the ratio/value must include consideration of the provision of;

- a. The required contribution to compensate for the worst-case scenario of impact on the [site ref] SAC/MCZ;
- b. The required contribution to monitoring of the compensation undertaken under the Strategic Compensation Fund;
- c. The required contribution to provide for any adaptive management measures for the compensation undertaken under the Strategic Compensation Fund;
- d. The timing of any required contribution to ensure compensation is either provided ahead of construction or to a sufficiently high ratio to allow for construction prior to implementation of the compensation;
- e. The required contribution for the ongoing maintenance and/or monitoring of the compensation undertaken under the Strategic Compensation Fund; and
- f. The required contribution for any decommissioning of the compensation undertaken under the Strategic Compensation Fund.

5. Prior to the commencement of any works the undertaker must provide details on the contribution to the Strategic Compensation Fund agreed under paragraph 4 to the Secretary of State for approval.

6. The undertaker must provide the contribution to the Strategic Compensation Fund as per the agreement approved by the Secretary of State under paragraph 5.

7. The BSG must be consulted on the proposed BIMP prior to the submission to the Secretary of State and must be consulted further as required during the approval process.

8. The undertaker will meet with and report to the BSG at least annually throughout the establishment and implementation phases of the BIMP and document the conclusions of the meetings.

9. The BIMP must be submitted to and approved by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation bodies.

10. The BIMP must accord with the relevant principles contained in the [site ref] SAC/MCZ compensation plan and must include in particular provide:

- (a) details of any further survey work required to inform the compensation requirements as per the requirements of the secretary of state agreed through consultation with the BSG;
- (b) details of the location, nature and works to be undertaken to compensate for the predicted effects of the project;
- (c) a method statement for the compensatory works, to include the vessel type, tools used and mitigation for how impacts on the [site ref] SAC and any other relevant habitats or features
- (d) a programme of works for the compensatory works;
- (e) proposals for monitoring in accordance with the principles set out in the [site ref] SAC compensation plan as well as proposals for reporting of monitoring; and

In relation to the proposed paragraph 9, the Applicant notes that the drafting is substantially the same as paragraph 3, Part 4 and paragraph 3, Part 5 of Schedule 22 of the draft DCO.

In relation to the proposed paragraph 10, the Applicant has proposed specific drafting in relation to each of the compensation measures under consideration. Whilst there is significant overlap between the general provisions proposed by Natural England and the Applicant’s drafting, the Applicant considers that the precise details to be included in the CIMP should vary depending on the particular measure being progressed. The Applicant has therefore set out, in each part of paragraph 4, Part 4 and paragraph 4, Part 5 of Schedule 22 of the draft DCO, the relevant requirements tailored to each compensation measure.

In relation to proposed paragraph 11, paragraph 5, Part 4 and paragraph 5, Part 5 of Schedule 22 of the draft DCO require the measures set out in the approved CIMP to be implemented. The second part of the proposed paragraph 11, requiring confirmation that the compensation requirements have been discharged, would be unduly restrictive if imposed. Firstly, it is not clear what is meant by “compensation requirements” and whether this would require the implementation of the compensation measure or a particular level of efficacy to be demonstrated. Secondly, this provision could restrict the ability for a developer-led measure to provide compensation during or after construction, subject to an appropriate compensation ratio being proposed. The Applicant notes that, in principle, such an approach could otherwise be acceptable in ecological terms, given Natural England’s proposed drafting of the wording at paragraph 4.d. in relation to the Strategic Compensation Fund.

In relation to proposed paragraph 12, the Applicant outlines its estimate of the costs of delivering the suite of compensation measures and how the Applicant and its ultimate parent companies would fund compensation measures should they be required in the Compensation Funding Statement [APP-264]. The Secretary of State can be satisfied that the compensatory measures can be financed through the existing financial arrangements in place to develop, construct and operate the Project. The provision of a guarantee or other form of security is not necessary.

In relation to proposed paragraph 13, the Applicant refers to its comments in response to point A1 and A3 above.

In relation to proposed paragraph 14, paragraph 6 of Part 4 and paragraph 6 of Part 5 of Schedule 22 of the draft DCO require the undertaker to notify the Secretary of State of the completion of the relevant compensation measure(s). The drafting proposed by the Applicant is tailored to each of the compensation measures proposed.

In relation to proposed paragraph 15, paragraph 7 of Part 4 and paragraph 7 of Part 5 of Schedule 22 of the draft DCO provide for amendments to each CIMP. Given the role of Natural England and the MMO on the CSG, it may not be necessary for Natural England and the MMO to be consulted on every update to the relevant CIMP, irrespective of materiality. The Applicant considers it more appropriate for this to remain a matter for the Secretary of State’s discretion, taking account of the nature of the update to the CIMP at the relevant time.

NE Ref	Annex 1: Suggested Benthic compensation wording provided to regulators	Applicant Response
	<p>(f) success criteria, adaptive management measures, and details of how all impacts to protected habitats and features within designated sites will be avoided.</p> <p>11. The BIMP must be carried out as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body. In particular, no installation works in the [site ref] SAC/MCZ may be commenced until the Secretary of State has confirmed that compensation requirements have been discharged, excluding monitoring and/or adaptive management measures.</p> <p>12. Unless otherwise agreed in writing with the Secretary of State, prior to the commencement of any cable installation works in the [site ref] SAC/MCZ, the undertaker must—</p> <ul style="list-style-type: none"> <li>(a) provide a reasonable estimate of the cost of delivery of the compensation measures; and</li> <li>(b) put in place either— <ul style="list-style-type: none"> <li>(i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or</li> <li>(ii) an alternative form of security for that purpose, that has been approved by the Secretary of State.</li> </ul> </li> </ul> <p>13. Results from the monitoring scheme must be submitted at least annually to the Secretary of State, the MMO and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an improvement in the condition of the [site ref] SAC and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body.</p> <p>14. A report which demonstrates completion of the activities required by the BIMP must be submitted to the Secretary of State within 12 months of completion of such activities and following approval of the report by the Secretary of State, in consultation with the MMO and the statutory nature conservation body, the undertaker will be discharged from any further obligations under this Part.</p> <p>15. The approved BIMP includes any amendments that may subsequently be agreed in writing by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation body. Any amendments to or variations of the BIMP must be in accordance with the principles set out in the [site ref] SAC compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the [site ref] SAC compensation plan.</p>	

### 1.45.3 Appendix B Marine Physical Processes

#### 1.45.3.1 Marine Physical Processes Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
B1	<p><b>Impact Pathways</b></p> <p>Natural England is concerned that impact pathways to key receptors due to construction-related suspended sediment concentration (SSC) and seabed level changes have not been thoroughly considered by the Applicant.</p>	<p>Natural England advises that there are a number of marine physical process receptors which may be sensitive to this impact pathway and the Applicant should include these in their impact assessment and revisit assessment conclusions.</p>	<p>All the marine physical processes receptors (as identified in Section 7.10 of Chapter 6.1.7 Marine Physical Processes (APP-062) are insensitive to increases in Suspended Sediment Concentration (SSC) resulting in elevated turbidity and consequential changes to seabed levels. This is outlined in Section 7.12.1 of APP-062 and is in line with industry best practice for marine physical processes. The potential for these changes to impact other Environmental Impact Assessment (EIA) receptor groups is considered elsewhere within the Environmental Statement (ES). The Applicant therefore does not consider it necessary to revisit the assessment conclusions provided in APP-062 with regard to this impact pathway.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
B2	<p>Disruption to hydrodynamics</p> <p>Natural England queries the Applicant's realistic Worst Case Scenario (WCS) for wave and hydrodynamic blockage effects.</p>	<p>Natural England advises that the Applicant should clarify, and provide rationale for, the realistic WCS presented for changes to the wave and tidal regimes due to the presence of the array, taking into account the engineering assessment in the Seabed Mobility Report [Confidential: APP-152].</p>	<p>The potential windfarm layout as represented in the numerical modelling, and assessed in Chapter 7 Marine Physical Processes 6.1.7 (APP-062), represents the most realistic worst-case scenario based on currently available information. The layout was predicated on the basis of full use of the array area, with the WCS for wave and hydrodynamic blockage effects corresponding to an array comprising 100 Wind Turbine Generator (WTG) foundations, 50% of which are slab-based Gravity Base Structure (GBS) foundations, and 50% of which are jackets with suction bucket foundations, in addition to five GBS Offshore Platform (OP) foundations. WTG foundations to the west of the site, closest to shore, were modelled as GBS foundations (rather than suction buckets), in order to assess the greatest potential blockage for coastal receptors. Final layout details will be informed by detailed engineering design work developed post-consent in consultation with the MMO and relevant stakeholders.</p> <p>The seabed mobility report [APP-152] is based on preliminary site information and the ground models developed for the site to inform final engineering works will continue to be updated as further site data, including deep geotechnical data, is collected prior to construction. The Applicant has applied the Rochdale envelope approach and, as such, the evolution of the Project's design will not give rise to any greater effects than the WCS assessed in Chapter 7 Marine Physical Processes [APP-062].</p>
B3	<p>Impacts from the Offshore Reactive Convertor Platforms</p> <p>Natural England queries the adequacy of information provided regarding pressures exerted on Inner Dowsing Sandbank, and Inner Dowsing Race Bank North Ridge Special Area of Conservation (IDRBNR SAC) due to the presence of the Offshore Reactive Convertor Platforms (ORCPs).</p>	<p>Natural England advises that the Applicant should provide further evidence to support the impact assessment conclusions for changes to seabed morphology and modifications to the wave, tide, and sediment transport regimes due to the presence of the ORCPs.</p>	<p>The Maximum Design Scenario (MDS) considered for each of the impact pathways relevant to the Marine Physical Processes assessment included two ORCPs to be located within either the northern or the southern ORCP area (see Table 7.3, Chapter 7 Marine Physical Processes [APP-062]). Following the proposed removal of the northern ORCP area, updated numerical modelling has been undertaken for this change, in addition to other revisions to the proposed WTG layout with the introduction of the Offshore Restricted Build Area (ORBA). The results and conclusions of this assessment are presented in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC [Document reference 15.9], which has been submitted to the Examining Authority (ExA) alongside these responses to Relevant Representations. Modification to the wave and tidal regime and associated potential impacts to seabed morphology resulting from the presence of the ORCPs was assessed as of minor adverse significance (at worst), which is not significant in EIA terms. This assessment was made with due consideration of the proximity of the proposed ORCP area to the Inner Dowsing sandbank. The proposed changes to the offshore ECC and the introduction of the ORBA are considered within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC [Document reference 15.9] and it has been concluded that there is no change to the conclusions of the ES or the RIAA [AS1-095].</p> <p>Inner Dowsing sandbank is understood to be a relict features with a veneer of sand bedforms maintained by tidal currents (JNCC, 2010). Evidence provided in Centrica (2007) suggests that although the Inner Dowsing bank has experienced some changes in crest level, as indicated by changing contour lines between successive historic charts, it remains broadly in the same position and alignment. The migration of the Inner Dowsing sandbank outwith the SAC boundaries is therefore highly unlikely, and sandbank migration at the ORCP location is therefore not considered an aspect of concern. Evidence from geomorphological analysis presented in the Seabed Mobility Report [APP-152] suggests that bedform migration on the western flank of the Inner Dowsing is directed towards the north and northwest, and is therefore unlikely to interact with the ORCP area.</p> <p>The Applicant can confirm that scour protection will be installed where required for engineering purposes. As outlined in Section 7.12.2 of Chapter 6.1.7 [APP-062], as a result of the installation of scour protection, in addition to the underlying geology of the area, scour is likely to be limited to secondary scour around protection, to a depth limited to that of the underlying stiff till. It is assumed that where scour protection is not required for engineering purposes, the resulting scour will be small-scale and localised. Numerical methods for the estimate of secondary scour are lacking, however the available evidence indicates that this is smaller in scale than initial scour. The potential for secondary scour impacts between the two ORCPs to interact will be mitigated by separation distance as well as the prevailing current direction, which is oriented north to south, therefore removing the potential for any interaction in scour effects to impact on the Inner Dowsing sandbank.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
B4	<p>Project lifetime impacts</p> <p>Natural England has concerns regarding pressures exerted by Operations &amp; Maintenance (O&amp;M) activities through the lifetime of the Project.</p>	<p>Natural England advises that the Applicant needs to include proposed O&amp;M activities from Chapter 3 Project Description [APP-060] in the Marine Physical Process Environmental Impact Assessment (EIA) [APP-062].</p>	<p>The Applicant defined the O&amp;M activities which had a potential pathway of effect to be of three types: 1) the repair/replacement of cables, which involves de-burial, replacement/repair, and re-burial; 2) reburial of cables, which involve the use of Mass Flow Excavator (MFE); and 3) Maintenance of external cable protection [APP-058, Section 9.1, Paragraph 300]. From previous environmental statements (Hornsea 3), in the case of repair and reburial events the length of cable is unlikely to exceed 200 m per intervention, which represents a total of 16.4km for the Project or approximately 1.7% of the total cable length (based on 42 events from [APP-058, Section 9.1, Table 9.2]). Consequently, the spatial impact generated during operation and maintenance will be lower than the MDS defined for construction activities (Impact 1; Impact 2) in [APP-062, Section 7.8, Table 7.3] and highly localised. Logically, cable repair or reburial will occur during a shorter period (order of days to months), which mean that the temporal disturbance will also be smaller than MDS. The activities from O&amp;M therefore will not result in significant effect and do not require to be assessed.</p> <p>Kraus and Carter (2018) published results showing that seabed, and associated infauna and epifauna, recovered from burial of subsea cable after a maximum of 2 years for depth between 0 to 30 m, which correspond to the bathymetry of the Project. Furthermore, the Applicant would like to highlight that for Sheringham Shoal and Dudgeon OWFs, located in the same region as the Project, and so subject to the same oceanographic features (tide, waves and surficial seabed sediment), no reburial or repair operations have been undertaken since the OWFs have been in operation (10 years and 5 years for Sheringham Shoal and Dudgeon respectively) (Equinor, 2023). Consequently, burial and repair activities are not expected to occur regularly during the operational life of the Project, suggesting that the infauna and epifauna associated with the disturbed seabed will have time to recover.</p> <p>Based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&amp;M activities will not be of greater scale than the MDS assessed and are not considered likely to compound existing pressures (outwith that already assessed). The Applicant therefore considers the assessment presented in APP-062 to be appropriate.</p>
B5	<p>Placement of external cable protection within designated site</p> <p>Natural England has concerns regarding the placement of external cable protection within IDRBNR SAC.</p>	<p>Natural England advises that the Applicant should revisit the assumptions and assessment conclusions made. The Applicant should also make all efforts to avoid, reduce and mitigate impacts to the features of IDRBNR SAC.</p>	<p>The Applicant acknowledges the concerns raised by Natural England with regard to potential harm resulting from the removal of cable protection. The commitment to the use of removable cable protection over Annex I sandbank features in the SAC has been made in response to the conservation advice provided by Natural England on the IDRBNR SAC. Assessment of the potential impacts of cable protection within the wider IDRBNR SAC (outside the sandbank features) with regard to habitat suitability, including designated feature/subfeatures, is provided in Chapter 9 Benthic and Intertidal Ecology (6.1.9) [APP-064] and Chapter 10 Fish and Shellfish Ecology 6.1.10 [APP-065]. The assessments concluded that there were no likely significant effects predicted on benthic ecology and shellfish receptors.</p> <p>As outlined in Peritus International Ltd. (2022), removable protection methods such as rock bags and concrete mattresses are able to be removed with only short-term disturbance to the seabed. Winnowing around scour protection measures may occur in areas of high sediment mobility, however due to the dynamic nature of the sedimentary system this is likely to be subject to a feed/removal cycle over the lifetime of the Project, with bedforms recovering to a new equilibrium state over time. The Applicant does not consider that this process, which would take place within the context of the larger scale hydrodynamic and sedimentary conditions acting on the site, would negatively affect the conservation objectives of the SAC.</p>
B6	<p>Placement of external cable protection outside of benthic designated sites</p> <p>Natural England has concerns regarding potential changes to wave energy transmission, nearshore sediment pathways, and coastal morphology, due to the presence of cable protection within the shallow nearshore zone perpendicular to longshore sediment transport.</p>	<p>Natural England advises that the Applicant should clarify the Maximum Design Scenario (MDS) for cable protection within shallow nearshore water and revisit their impact assessment conclusions.</p>	<p>As outlined in Section 7.12.1 of Chapter 7 Marine Physical Processes (6.1.7) [APP-062], the form of cable protection within the nearshore zone will be selected in order to ensure impacts to sediment transport and beach morphology are minimised. In line with Maritime and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654, a reduction in water depth of greater than 5% would require consultation with the MCA on appropriate mitigations. This is secured in condition 13, Part 2 of the deemed marine licences at Schedules 10 and 11 of the dDCO (3.1). Given this, as well as the generally shallow nature of the nearshore environment reducing the likelihood of anchor strikes and, therefore, the requirement for substantial cable protection, cable protection measures within the nearshore</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>Disruption of these processes would have a likely significant effect to coastal SAC and SPAs, but specifically The Wash and North Norfolk Coast SAC, The Wash SPA, Ramsar and SSSI.</p>		<p>environment will not take the form of 1.5m high rock berms. Cable protection measures within the inner depth of closure, corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (with the exception of cable crossings). Full details of the cable protection measures required are not currently available, and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders.</p> <p>The Applicant can confirm that liaison has taken place with the Environment Agency and is currently ongoing. Information is not currently available on the future beach management strategy proposed along this area of coastline. The assessment provided within Section 7.12 of Chapter 7 Marine Physical Processes (6.1.7) [APP-062] is based on the best information available at the time of writing, in line with best practice. The Applicant will liaise with the Environment Agency where appropriate throughout the continued project refinement post-application and prior to construction.</p> <p>As outlined in their Relevant Representation, the Environment Agency notes that <i>"With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land"</i>.</p> <p>Given this, the Applicant do not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the project would be unobservable.</p> <p>Given the above, the Applicant consider that the assessment conclusions presented in APP-062 remain valid. The Applicant do not consider the inclusion of The Wash and North Norfolk Coast SAC, or The Wash SPA, Ramsar, and SSSI, as receptors is appropriate as the disruption of sediment transport processes would not result in a likely significant effect on these sites. The Marine Physical Processes study area is based on the Zone of Influence (ZoI), derived from the numerical modelling of sediment plumes and tidal flows. The Wash and North Norfolk Coast SAC is located 13.4km from the Offshore ECC, outside the ZoI at landfall which has been identified as 10km.</p>

### 1.45.3.2 Marine Physical Processes, Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
<b>Project Description</b>			
B7	<p><b>Project Description</b> The Project Parameters are well defined with the exception of O&amp;M activity in relation to project cable repair and reburial.</p>	<p>Natural England advise that details of O&amp;M activity are further considered within [APP-058] 6.1.3 Chapter 3 Project Description.</p>	<p>The Applicant has presented information on the expected O&amp;M activities within Chapter 3 Project Description (APP-058) and provided further details within the Outline Operations and Maintenance Plan (APP-275). The Applicant has presented sufficient information for the purposes of the EIA, with the information provided equivalent to other recent projects (such as Hornsea Four and Awel y Mor) which have all been granted consent, including for O&amp;M works.</p>
<b>Natural England's Position on Worst Case Scenario.</b>			
B8	<p>Tables 7.9 &amp; 7.10 show the estimated scour depth, radius, and volume for an array of 100 Wind Turbine Generators (WTGs) with monopile and jacket foundations, respectively. However, the estimated scour depth, radius, and volume are only provided for 65% of locations. It is unclear whether this is because the remaining 35%</p>	<p>Natural England advises the Applicant clarifies the results of the scour assessment presented for the WTG foundations. The Worst-Case Scenario (WCS) should also be revisited.</p>	<p>The scour assessment presented for the WTG foundations is based on site-specific survey data collected to date, which has been used to inform a realistic scenario of scour development for assessment purposes. At approximately 35% of locations, no notable near-surface Holocene sand has been identified in the survey data, therefore no scour is expected to develop. The Applicant would note that scour protection is to be installed</p>

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	of locations are not expected to experience scour. We are, therefore, uncertain about the Maximum Design Scenario (MDS) scour volumes presented.		where required for engineering purposes, with the MDS based on the requirement of scour protection at all WTG locations. There is therefore no requirement for the WCS to be revisited. The MDS will be refined following further site investigations and final engineering design to take place post-consent.
B9	Annex B (and Annex C) presents the Preliminary Environmental Information Report (PEIR) assessment of spoil mounds for sandwave clearance and seabed levelling. However, the MDS parameters used have since been revised and differ from those presented in the Environmental Statement (ES). It is not clear how the results of the PEIR assessment relate to those presented in the ES, or the implications for the WCS.	Natural England advises that further clarification is required from the Applicant on the WCS parameters for spoil mounds due to sandwave clearance and seabed levelling and where appropriate update the impact assessment.	The Applicant can confirm that an updated assessment of spoil mounds was carried out based on the revised MDS parameters, and informed the assessment presented in Section 7.12 of Chapter 7 Marine Physical Processes (6.1.7) (APP-062). The revised Annex B and Annex C were submitted in response to the S51 advice on 30 <sup>th</sup> May 2024, appended to AS-003, noting that as these results informed the assessment within APP-062, the conclusions remain unchanged.
B10	The MDS for increases in Suspended Sediment Concentration (SSC) and consequential changes to seabed level does not consider boulder clearance, pre-lay grapnel run or Unexploded Ordnance (UXO) clearance. However, Natural England advises that these (pre-construction) related activities could alter seabed elevation and lead to increased SSCs.	Natural England advises that the Applicant should consider and assess the MDS for all construction-related activities that may alter SSCs and seabed level.	The impacts associated with boulder clearance, UXO clearance and/or pre-lay grapnel run activities are all implicitly considered within the envelope of cable installation activities presented within Section 7.12.1 of Chapter 7 Marine Physical Processes (6.1.7) (APP-062), as none of these activities have the potential to cause greater impacts than those activities already assessed (such as sandwave clearance and cable trenching). Boulder clearance, pre-lay grapnel run activities and/or UXO clearance activities would by their nature be undertaken in advance of sandwave clearance and cable trenching, it is reasonable to assume that the total duration of time within the construction period over which elevated levels of SSC may be experienced will be slightly longer than for an individual activity. However, impacts will remain limited to the near-field and of short-term duration, with an impact magnitude of low. Furthermore, as elevated SSC is expected to reduce to background levels within several tidal cycles, this process would not be additive given the likelihood that different construction operations will not commence immediately after one another. Finally, the Applicant would note that there are no marine physical processes receptors that are sensitive to elevated levels of SSC, or subsequent deposition.
B11	Currently, the likely length (and thus area and volume) of cable protection measures required from 500m seawards (in shallow nearshore waters) is not known. Therefore, the MDS for cable protection within nearshore shallow waters is not clearly defined.	Natural England advises that the MDS parameters for cable protection measures within shallow nearshore waters should be more clearly defined and assessed accordingly.	Full details of the cable protection measures required are not currently available, and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders. As outlined in Section 7.12 of APP-062, the form of cable protection within the nearshore zone will be selected in order to ensure impacts to sediment transport and beach morphology are minimised. In line with Maritime and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654, a reduction in water depth of greater than 5% would require consultation with the MCA on appropriate mitigations. This is secured in condition 13, Part 2 of the deemed marine licences at Schedules 10 and 11 of the dDCO (3.1). Given this, as well as the generally shallow nature of the nearshore environment reducing the likelihood of anchor strikes and, therefore, the lesser requirement for substantial cable protection, cable protection measures within the nearshore environment will not take the form of 1.5m high rock berms. Cable protection measures within the inner depth of closure, corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (with the exception of cable crossings). The assessment provided in Section 7.12 of APP-062 has taken these considerations into account when considering the worst-case scenario for the assessment.
B12	The MDS for cable protection with Inner Dowsing North Ridge and Race Bank Special Area of Conservation (IDRBNR SAC) is unclear. For	Natural England advises that the Applicant needs to clarify within the OSCMP [APP- 295] the MDS as fully detailed in Table 6.18 of	The MDS for cable protection has been informed by engineering work including a consideration of site-specific geophysical and geotechnical data in order to identify the

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	<p>example, within the Outline Scour and Cable Protection Management Plan (OSCPM) (APP-295), it states that cable protection may cover up to 5% of the [export] cable length for a total area of 5760m<sup>2</sup> over Inner Dowsing and North Ridge, and outside of the sandbank features within the SAC, up to 20% of the cable length. In Table 7.3 (6.1.7), 5% of the export cable length within the two sandbank areas covers 5760m<sup>2</sup>, and the 20% of export cable length within the SAC (excluding the sandbank areas) covers a total area of 227,558m<sup>2</sup>. Moreover, Table 3.1 in the OSCP, states that 21.4% of the export cable route will require cable protection.</p>	<p>the Chapter 3 Project Description [APP-058] for cable protection within the IDRBNR SAC in terms of specific locations, length, seabed footprint, and volume both during construction and over the lifetime of the project.</p> <p>Natural England further advise that the WCS final value should consider the difficulties that other projects have encountered with the amount of cable protection that has been required in similar environments. For example, the amount of cable protection along the export cable corridor for the Triton Knoll Offshore Windfarm. Whilst the Triton Knoll ECC was located outside of a designated site, it was within similar substrate and environmental conditions and therefore would make a suitable comparison. The Applicant should include reference to other projects within their WCS justification.</p>	<p>likely success of cable burial and potential required volumes of cable protection. Full details of the cable protection measures required are not currently available and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders.</p> <p>Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO (3.1) requires details of scour protection and cable protection management in accordance with the outline Scour Protection and Cable Protection Management Plan (APP-295) to be submitted as part of the construction method statement for the approval of the MMO. As Natural England has identified the WCS areas and volumes of cable protection are set out in the outline Scour Protection and Cable Protection Management Plan, with specific reference to the limits set out for the Annex I sandbanks detailed in section 3.6 of that document. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured.</p>
<b>Survey Data Acquisition</b>			
B13	<p>The bathymetric survey data used to inform the seabed mobility study, has a number of limitations including data coverage, timing, and number of epochs. There is also some uncertainty regarding absolute measure of bed elevation change, which was not undertaken, owing to insufficient data overlap, and the identification of erosional areas, which could be associated with scour processes.</p>	<p>Natural England advises that the Applicant should collect further full seabed coverage bathymetric survey data prior to construction to inform the assessment of bedform migration directions and the scour potential assessment (and thus detailed engineering and design), to ensure that the ES predictions remain fit for purpose and where they are not adopt the mitigation hierarchy to reduce impacts.</p>	<p>The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, nor as an assessment of the environmental effects. The baseline understanding of the marine physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources including Chapter 7 Appendix 3 Seabed Mobility Report (APP-152), as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150). Condition 17, Part 2 of the dMLs Schedules 10 and 11 of the dDCO require a swath bathymetric survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes to be carried out of the area within which it is proposed to carry out construction works.</p> <p>Paragraph 70 of Chapter 7 Marine Physical Processes (APP-062) confirms that the availability of robust data relevant for the characterisation and assessment of Marine Physical Processes is such that, despite some data limitations, the available evidence base is sufficiently robust to underpin the assessment presented and a high confidence level is placed on its results. Additional conditions requiring adaptive management are therefore unnecessary.</p>
<b>Data Gaps</b>			
B14	<p>While the baseline characterisation is largely sufficient; Natural England notes that in the Seabed Mobility Assessment, currently Holocene sediment thickness data are not sufficiently detailed to inform the seabed mobility study. Further bathymetric data will also be required in order to allow more accurate assessment/corroboration of bedform migration rates. This evidence is important for informing the assessment of seabed mobility and recovery of bedforms.</p>	<p>Natural England advises the Applicant provides more detailed information regarding the thickness of Holocene/mobile beds across the study area. In addition, further bathymetric survey data should be acquired to refine modelling results and assessment of bedform migration directions and rates.</p>	<p>The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, or as an assessment of the environmental effects. The baseline understanding of the marine physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources including Chapter 7 Appendix 3 Seabed Mobility Report (APP-152), as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150).</p> <p>Condition 17, Part 2 of the dMLs Schedules 10 and 11 of the dDCO require a swath bathymetric survey to IHO Order 1a standard that meets the requirements of MGN654</p>



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			<p>and its annexes to be carried out of the area within which it is proposed to carry out construction works.</p> <p>Paragraph 70 of Chapter 7 Marine Physical Processes (APP-062) confirms that the availability of robust data relevant for the characterisation and assessment of Marine Physical Processes is such that, despite some data limitations, the available evidence base is sufficiently robust to underpin the assessment presented and a high confidence level is placed on its results. Additional information regarding the Holocene/mobile beds across the study area and further bathymetric survey data prior to determination of the Application are therefore unnecessary.</p>
<b>Analysis, Modelling and Reporting</b>			
B15	<p><b>Impact 4:</b> Modifications to the Wave and Tidal Regime and Associated Potential Impacts to Morphological Features, including Coastal Processes and Geomorphology above Mean High Water Springs (MHWS).</p> <p>It is stated in 6.1.7, Section 7.12.2, that given <i>'the small percentages of wave reduction predicted to result from the presence of the foundations, there is unlikely to be a meaningful change to the banks' crest height, and these features are therefore considered to have a high capacity to accommodate change to the wave regime'</i>. In turn, the sensitivity of offshore sandbank receptors has been assessed as low. However, evidence presented in the Seabed Mobility Report suggests that residual sediment transport rate direction is dependent upon wave height. Yet, it is unclear how the predicted changes to wave height over the lifetime of the Project may affect this relationship and, in turn, the sandbank morphology within and around the array. Therefore, we are unable to agree with the assessment conclusion</p>	<p>Natural England advises that information is required to demonstrate how potential changes to the wave regime (due to the presence of the array) have been considered in the assessment of changes to sediment transport processes and bedform migration within the array, over the lifetime of the Project. Further information should be provided to demonstrate this, and the impact assessment updated, if required.</p>	<p>The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, or as an assessment of the environmental effects. The baseline understanding of the marine physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources including Chapter 7 Appendix 3 Seabed Mobility Report (APP-152), as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150).</p> <p>The effect of modifications to the wave regime (due to the presence of the array) on sediment transport processes and bedform migration has been assessed at section 7.12.2 of Chapter 7 Marine Physical Processes (6.1.7) (APP-062). This assessment was supported by a combination of analytical methods including project-specific numerical modelling and evidence from other OWF developments. As outlined in Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150), tidal currents have been identified as the dominant mechanism of bedload sediment transport across the wider area (van der Molen, 2002; Kenyon and Cooper, 2005), with some areas showing evidence of surge current dominant, which also have the ability to temporarily reverse or reinforce tidally-driven sediment transport pathways (TKOWFL, 2011). The Applicant consider the points raised in Natural England's Representation to have been taken into account within the impact assessment, and therefore do not affect their conclusion.</p>
<b>Identified Impacts</b>			
B16	<p>Inner Silver Pit glacial tunnel valley is located on the northern boundary of the offshore export cable corridor (ECC). Inner Silver Pit is an important seabed morphological feature that supports a range of benthic communities and ross worm reef. Yet, it has not been included as a receptor in the impact assessment.</p>	<p>Natural England advises that further consideration of the potential impacts of the Project on Inner Silver Pit is required.</p>	<p>Although the Inner Silver Pit is located within the Zone of Influence for Marine Physical Processes, this relates primarily to the potential impact of increased SSC and subsequent deposition. Marine Physical Processes receptors are considered insensitive to these impacts, and therefore the Inner Silver Pit has not been considered as a specific receptor. Due to the distance of the Inner Silver Pit to proposed infrastructure or direct interaction from construction processes, there has not been a pathway of effect identified for this feature. This is supported by the numerical modelling results provided in Chapter 7 Marine Physical Processes (6.1.7) (APP-062) and the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC (Document Reference 15.9). Changes in depth averaged current speed resulting from the installation of Project infrastructure are restricted in both spatial and temporal extent, and will not interact with the Inner Silver Pit feature. A minor reduction in extreme (1 in 100 year return period) significant wave height for waves originating from the northeast is predicted to occur in the vicinity of the Inner Silver Pit feature, however, the</p>

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			<p>magnitude of this reduction is small, in the order of between 0.05m and 0.025m. As the Inner Silver Pit is a relict (glacial) feature, rather than a result of contemporary seabed processes (TKOWFL, 2010; 2012) it is considered that there will be a negligible impact on its morphology from small scale changes in wave regime. Where appropriate, impacts to the benthic communities of the Inner Silver Pit have been assessed within APP-065.</p>
B17	<p><b>Wave Blockage Modelling</b> The modelled windfarm scenario is defined in Annex A to Document 6.3.7.2 Chapter 7 Appendix 2 Physical Processes Modelling Report. We are concerned that the windfarm layout used to model wave and hydrodynamic blockage effects, may not be the most realistic WCS. The windfarm scenario used for wave blockage modelling is defined in Annex A. However, Annex A appears to be missing, so we cannot assess the exact windfarm scenario modelled. Nevertheless, Figures 7.24- 7.26, present results from the hydrodynamic and wave blockage modelling, which shows a grid-like pattern of regularly spaced foundations in the array. However, the initial engineering assessment in the Seabed Mobility Report advises that whilst mitigation by design is likely to be effective against the effects of smaller sandwave migration within the array, avoidance of the larger sandwaves and sandbanks is likely to be the most practical solution (owing to engineering challenges). Therefore, Natural England questions, whether the scheme layout modelled is actually the realistic WCS, or whether, based on this engineering assessment, the realistic WCS is more likely to be a scheme layout where foundations are located away from mobile sandbanks and the larger sandwaves.</p>	<p>Natural England seeks clarification from the Applicant on whether the modelled scheme layout is the realistic WCS, and also whether the hydrodynamic and wave modelling should be revised in line with the recommendations in the Seabed Mobility Report.</p>	<p>The windfarm layout as represented in the numerical modelling, and assessed in Chapter 6.1.7 (APP-062), represents the most realistic worst-case. A figure showing the assessed layout has been provided as part of the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC (Document Reference 15.9). Final layout details will be informed by detailed engineering design work developed post-consent in consultation with the MMO and relevant stakeholders.</p>
B18	<p><b>Potential Impact of the Offshore Reactive Converter Platforms (ORCPs) on Inner Dowsing Sandbank and IDRBNR SAC</b> Two ORCPs are planned to be located within the ECC near Inner Dowsing Sandbank a feature of the IDRBNR SAC. The southern ORCP location, in particular, appears close to/overlaps Inner Dowsing Sandbank, in an area of high sediment mobility, seabed elevation change, and bedform migration rates. Currently, there is insufficient information to inform the assessment of impacts to Inner Dowsing Sandbank and the SAC due to construction- and operational-related changes to waves, hydrodynamics, and sediment transport regime, and in turn seabed morphology from both the structure and any scour prevention.</p> <p>We are also concerned that currently there is insufficient evidence to successfully mitigate for the effects of sandwave/sandbank migration or scour through the Project's lifetime at the ORCP locations. Natural England is, therefore, unable to agree with the impact conclusions.</p>	<p>Natural England advises that the Applicant should provide further evidence to support the impact assessment conclusions for changes to seabed morphology and modifications to the wave, tide, and sediment transport regime due to the presence of the ORCPs. We advise that further consideration is given to moving the platform further to the North away from Inner Dowsing Sandbank and the SAC. However, a balance will need to be sought between SAC impacts and those of the Greater Wash SPA.</p>	<p>The offshore ECC for the purposes of the ES included optionality on the routing of the inshore area of the cable route. This was to provide an alternative route to the north of the Inner Dowsing sandbank, passing through Aggregate Licence Area 1805 (held by Hanson Aggregates Marine Ltd). At the time of Application, this site was licensed as an Exploration and Option Area set to expire in 2024. The developer has now confirmed to the Applicant that the option on the site has been extended to 2025, and as such, the Order Limits have been amended to exclude this section of the offshore ECC from the draft DCO. This also consequently excludes the northern ORCP area which was positioned along this section of the offshore ECC.</p> <p>The Maximum Design Scenario (MDS) considered for Marine Physical Processes now includes two ORCPs to be located within the southern ORCP area. The southern ORCP location abuts but does not overlap with the IDRBNR SAC (see Figure 7.9, ES (APP-093). Updated numerical modelling has been undertaken for this change, in addition to other revisions to the proposed WTG layout. The results and conclusions of this assessment are presented in the Environmental Report for the Obstacle Free Zone and Revision to the Offshore ECC (document reference 15.9). The effects arising from modification to the wave and tidal regime and associated potential impacts to seabed morphology resulting from the presence of the ORCPs have been assessed as of minor adverse significance (at worst), which is not significant in EIA terms. This assessment has been</p>

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			<p>made with due consideration of the proximity of the proposed ORCP area to the Inner Dowsing sandbank.</p> <p>Inner Dowsing sandbank is understood to be a relict feature with a veneer of sand bedforms maintained by tidal currents (JNCC, 2010). Evidence provided in Centrica (2007) suggests that although the Inner Dowsing bank has experienced some changes in crest level, as indicated by changing contour lines between successive historic charts, it remains broadly in the same position and alignment. The migration of the Inner Dowsing sandbank outwith the SAC boundaries is therefore highly unlikely, and sandbank migration at the ORCP location is therefore not considered an aspect of concern. Evidence from geomorphological analysis presented in the Seabed Mobility Report (APP-152) suggests that bedform migration on the western flank of the Inner Dowsing is directed towards the north and northwest, and is therefore unlikely to interact with the ORCP area.</p> <p>The Applicant can confirm that scour protection will be installed where required for engineering purposes. As outlined in Chapter 7 Marine Physical Processes (6.1.7) (APP-062), as a result of the installation of scour protection, in addition to the underlying geology of the area, scour is likely to be limited to secondary scour around protection, to a depth limited to that of the underlying stiff till. It is assumed that where scour protection is not required for engineering purposes, the resulting scour will be small-scale and localised. Numerical methods for the estimate of secondary scour are lacking, however the available evidence indicates that this is smaller in scale than initial scour. The potential for secondary scour impacts between the two ORCPs to interact will be mitigated by separation distance as well as the prevailing current direction, which is oriented north to south, therefore removing the potential for any interaction in scour wakes to impact the Inner Dowsing sandbank.</p>
B19	<p>Operation &amp; Maintenance (O&amp;M) Activities Within Table 7.2, it is stated that remedial and maintenance activities...are short-lived in both duration and extent when compared to construction activities, and as such are not considered to represent the worst-case scenario...Therefore, in line with best practice, they have not been assessed as a separate impact within this chapter... We advise that, in line with Natural England's best practice guidance, pressures during the O&amp;M phase are likely to compound existing pressures to features and therefore have the potential to slow the ability of the feature to recover.</p>	<p>Natural England advises that proposed O&amp;M activities detailed in Chapter 3 Project Description [APP-058] need to be taken account of in relevant environmental assessments. As per other stages of the development, O&amp;M- related environmental impacts should be reduced through the avoid, reduce, mitigate hierarchy.</p> <p>Therefore, Natural England advises the Applicant provides sufficient information on remedial and maintenance activities that may cause additional impacts to the marine physical environment and processes, through the operational lifetime of the Project, to inform both Project alone and in-combination/cumulative assessments.</p>	<p>The Applicant defined the O&amp;M activities of three types: 1) the repair/replacement of cables, which involves de-burial, replacement/repair, and re-burial; 2) reburial of cables, which involve the use of Mass Flow Excavator (MFE); and 3) Maintenance of external cable protection (APP-058, Section 9.1, Paragraph 300). From previous environmental statements (Hornsea 3), in the case of repair and reburial events the length of cable is unlikely to exceed 200 m per intervention, which represent a total of 16.4 km for the Project or approximately 1.7 % of the total cable length (based on 42 events from (APP-058, Section 9.1, Table 9.2)). Consequently, the spatial impact generated during operation and maintenance will be lower than the MDS defined for construction activities (Impact 1; Impact 2) in (APP-062, Section 7.8, Table 7.3) and highly localised. Logically, cable repair or reburial will occur during a shorter period (order of days to months), which mean that the temporal disturbance will also be smaller than MDS. The activities from O&amp;M will not result in significant effect and do not require to be assessed. Placement of new cable protection during the operational phase of the Project would not exceed the total permitted for the construction phase and as such any deployment of new cable protection up to the permitted maximum during the operational phase rather than the construction phase is captured within the impact assessment set out for the construction phase and consideration of impacts to marine processes pathways from the total allowances.</p>

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			<p>Kraus and Carter (2018) published results showing that seabed, and associated infauna and epifauna, recovered from burial of subsea cable after a maximum of 2 years for depth between 0 to 30 m, which correspond to the bathymetry of the Project. Furthermore, the Applicant would like to highlight that for Sheringham Shoal and Dudgeon OWFs, located in the same area as the Project, and so subject to the same oceanographic features (tide, waves and surficial seabed sediment), no reburial or repair operations have been undertaken since the OWFs have been in operation (10 years and 5 years for Sheringham Shoal and Dudgeon respectively) (Equinor, 2023). Consequently, burial and repair activities are not expected to occur regularly during the operational life of the Project, suggesting that the infauna and epifauna associated with the disturbed seabed will have time to recover.</p> <p>Based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&amp;M activities will not be of greater scale than the MDS assessed and are not considered likely to compound existing pressures (outwith that already assessed). The Applicant therefore consider the assessment presented in APP-062 to be appropriate.</p>
<b>Methodology</b>			
B20	<p><b>Cumulative Assessment</b> It has been noted within the three-tier system used for describing projects in the Cumulative Effects Assessment (CEA), that it does not follow best practice. For example, Tier 1 does not include built and operational projects where they have not been included in the environmental characterisation. Natural England also note that Figure 7.27 showing the location of cumulative projects relative to the Physical Processes Study Area, does not include the location of designated site boundaries or other important areas or features for protected species and habitats.</p>	<p>Natural England advises that the Applicant should follow Natural England and Joint Nature Conservation Committee (JNCC) best practice for determining which projects should be included in cumulative assessments and the level of data that is available at each stage. Phase III Best Practice for Data Analysis and Presentation at Examination, Version 1.2, August 2022.pdf</p> <p>Natural England advise that the CEA should be updated in line with best practice. Furthermore, Figure 7.27 should be updated to identify designated site boundaries, other important areas for protected habitats and species, and marine processes receptors.</p>	<p>As outlined in the Response to the Rule 17 Letter dated 3 July 2024, 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 overcomplicates the assessment. The Applicant would also note that, as shown in Table 7.12 and 7.13 (APP-062), built and operational Projects have been considered as appropriate within Tier 1 for Marine Physical Processes. The Applicant notes that the purpose of Figure 7.27 is to provide a location of those projects considered within the CEA. The Applicant does not consider that this requires the addition of receptors as this is all considered within the impact assessment and would not alter any of the conclusions drawn.</p>
B21	<p><b>Seabed Mobility Report</b> The seabed mobility assessment for the initial operational period of the Offshore Wind Farm (OWF) based on a 25-year life of development. However, the OWF is expected to operate for at least 35 years.</p>	<p>Natural England advises that the seabed mobility assessment for the initial operational period of the wind farm should be revisited to reflect the predicted OWF lifespan of 35 years. And any necessary changes made to the impacts assessments.</p>	<p>The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, or as an assessment of the environmental effects. The baseline understanding of the marine physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources including Chapter 7 Appendix 3 Seabed Mobility Report (APP-152), as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Chapter 7 Appendix 1 Physical Processes Technical Baseline (APP-150). The assessment of environmental effects, drawing on the suite of information used to characterise the baseline has been carried out on the basis of a 35 year operational period. Further evidence will be provided as part of a separate Project-specific Sandwave Levelling Assessment that is currently being undertaken and will be submitted into the Examination.</p>
<b>Have the impacts been avoided/reduced by the use of appropriate mitigation?</b>			
B22	<p>It is stated that there will not be any above-ground infrastructure located within the intertidal area and that this will limit the likelihood of significant effects</p>	<p>Natural England advises that owing to the scarcity of these features, irreplaceable nature, and importance for sea level rise</p>	<p>The Lincolnshire Coast Submerged Forest Local Geological Site (LGS) has been considered within Chapter Chapter 23 Geology and Ground Conditions (6.1.23) (APP-078). The use of Horizontal Directional Drilling (HDD) for landfall installation will avoid</p>

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	on geological receptors in this area, we are concerned that there may be impacts to the Lincolnshire Coast Submerged Forest Local Geological Site (LGS), which is present within the ECC1 study area.	and climate change studies, we advise that impacts to the Lincolnshire Coast Submerged Forest LGS should be avoided through careful selection of cable routing or installation techniques, unless it can be clearly demonstrated that the potential impacts will not affect their extent or distribution.	interaction with surface features located between the entry and exit points of the drill, therefore avoiding interaction with exposures or near-surface layers of submerged forest within the intertidal and within 500m of Mean Low Water Springs (MLWS). Detailed targeted site investigation will be carried out to inform the final detailed design, prior to construction.
B23	The beach management strategy at landfall is due to change this year (2024), with structures due to be implemented between 2025 and 2030. Currently, it is uncertain how these changes may affect the Project's buried infrastructure through the lifetime of the development.	Natural England advises liaison with the Environment Agency to gain a better understanding of the proposed changes to beach nourishment and implementation of coastal defence measures at landfall. Potential impacts to asset integrity should be assessed for the lifetime of the project, taking into account vertical changes to beach elevation, coastal retreat, and sea level rise. Consideration should also be given to potential sink holes appearing due to unconsolidated sediment layers, as this occurred during installation of the neighbouring Triton Knoll OWF cable.	The Applicant can confirm that liaison has taken place with the Environment Agency and is currently ongoing. Information is not currently available on the proposed beach management strategy along this area of coastline, including the location or form of the hard structures proposed. The assessment provided within Chapter 6.1.7 (APP-062) is based on the best information available at the time of writing, in line with best practice. The Applicant will liaise with the Environment Agency where appropriate throughout the continued project refinement post-application and prior to construction. The Project has already committed to a subtidal HDD exit pit, which will inherently reduce the likelihood for any interaction with hard structures established at the landfall for shoreline management purposes.  As outlined in their Relevant Representation, the Environment Agency notes that "With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land". Given this, the Applicant do not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the project would be unobservable.
B24	Schedule of Mitigation The use of (Horizontal Directional Drilling) HDD at landfall has not been explicitly stated in the Schedule of Mitigation. However, in Table 7.4 Embedded Mitigation Relating to Marine Physical Processes, it is stated that the installation of the offshore export cables at landfall will be undertaken by HDD, thus minimising disturbance to the existing coastline and its infrastructure.	Natural England advises that the Applicant should include HDD at landfall in the Schedule of Mitigation.	The use of HDD at landfall is an inherent part of the project design, with no other landfall installation methodologies considered. The description of the authorised development at Part 1 of Schedule 1 of the dDCO (3.1) and the associated Offshore Works Plans (2.2) and Onshore Works Plans (2.1) confirm that trenchless techniques will be employed at landfall and is therefore secured in the dDCO. There is therefore no requirement for HDD at landfall to be included in the Schedule of Mitigation.
B25	<u>7.12.1 Impact 1: Increase in SSC resulting in elevated turbidity and consequential changes to seabed levels.</u> Natural England is unable to agree with the assessment conclusion. The conservation advice for IDRBNR SAC identifies features/sub-features sensitive to heavy deposition. Moreover, the offshore sandbanks located within the array area provide important fish (e.g. herring) nursery and spawning grounds and supporting habitat for prey relied upon by The Greater Wash SPA interest features, which could be affected by smothering due to heavy sediment deposition. The sandbanks and sandwave fields may also be affected by changes to bed level. Therefore, we do not agree with the conclusion that the magnitude of impact is low, or that all marine process receptors are	Natural England advises that there are marine physical process receptors which may be sensitive to the impact pathway (construction-related increases in SSC, elevated turbidity, and changes to seabed levels), and the Applicant should review the EIA assessment conclusions for this impact and the conservation objectives for the IDRBNR SAC and the Greater Wash SPA.	Offshore sandbanks are assessed within Section 7.12 of Chapter 7 Marine and Physical Processes (6.1.7) (APP-062) with respect to their form and function and their influence on the physical environment, with consideration of habitat suitability, including designated feature/subfeatures, provided in Chapter 9 Benthic and Intertidal Ecology (6.1.9) (APP-064) and Chapter 10 Fish and Shellfish Ecology 6.1.10 (APP-065). Consideration of spawning habitat suitability for commercially important fish species is therefore provided in APP-065, informed by the assessment provided in APP-062. The reasoning for the definition of the magnitude and sensitivity of the sandbanks for the purposes of the marine physical processes assessment is outlined within Section 7.12 of APP-062, focusing on the physical attribute of the features.

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	insensitive to this impact.		Sandbanks and sandwave fields will not be affected by changes to bed level. Sandwave fields are dynamic systems characterised by high rates of sediment mobility and transport, with rates of sandwave migration averaging 12m/year across the array area (East Point Geo Ltd., 2023). Changes in bed level resulting from sediment deposition associated with plumes will be small-scale in comparison to the scale of bedforms present within these areas. As a result of the high rates of mobility, deposited sediments will be rapidly incorporated into the seabed and local accumulations will be subject to redistribution under the prevailing hydrodynamic conditions. The sediment transport system will disperse sediments where the particle size composition of deposited sediments is different to that of the local seabed, recovering towards a new equilibrium state over time. The inherent physical attributes of sandbanks and sandwave fields will not be affected by deposition, therefore these features are not considered sensitive to increases in SSC and consequential changes to seabed levels.
<b>Assessment Conclusions</b>			
B26	<p><u>7.12.1 Impact 1: Increases in SSC resulting in elevated turbidity and consequential changes to seabed levels.</u></p> <p>It is stated that there are no marine physical processes receptors sensitive to the impact pathway, therefore, the significance of effect has not been assessed. However, there a number of seabed morphological features present within the Zone of Interest (Zoi), such as offshore sandbanks, sandwaves, SAC supporting habitat, and the IDRBNR SAC. These marine physical processes receptors may be affected by changes in bed level (and possibly increased SSCs) and should be included in the impact assessment. (Although we note that impacts to seabed morphology are assessed separately in Impact 2).</p>	Natural England advises that there are marine physical process receptors which may be sensitive to the impact pathway and the Applicant should include these in the EIA and revisit the assessment conclusions for both EIA and Habitat Regulations.	<p>Offshore sandbanks are assessed within Chapter 7 Marine and Physical Processes (6.1.7) (APP-062) with respect to their form and function and their influence on the physical environment, with consideration of habitat suitability, including designated feature/subfeatures, provided in Chapter 6.9.1 (APP-064) and Chapter 6.10.1 (APP-065). Consideration of spawning habitat suitability for commercially important fish species is therefore provided in APP-065, informed by the assessment provided in APP-062. The reasoning for the definition of the magnitude and sensitivity of the sandbanks for the purposes of the marine physical processes assessment is outlined within APP-062, focusing on the physical attribute of the features.</p> <p>Sandbanks and sandwave fields will not be affected by changes to bed level. Sandwave fields are dynamic systems characterised by high rates of sediment mobility and transport, with rates of sandwave migration averaging 12m/year across the array area (East Point Geo Ltd., 2023). Changes in bed level resulting from sediment deposition associated with plumes will be small-scale in comparison to the scale of bedforms present within these areas. As a result of the high rates of mobility, deposited sediments will be rapidly incorporated into the seabed and local accumulations will be subject to redistribution under the prevailing hydrodynamic conditions. The sediment transport system will disperse sediments where the particle size composition of deposited sediments is different to that of the local seabed, recovering towards a new equilibrium state over time. The inherent physical attributes of sandbanks and sandwave fields will not be affected by deposition, therefore these features are not considered sensitive to increases in SSC and consequential changes to seabed levels. As noted, impacts to seabed morphology have been assessed separately in Impact 2 in Section 7.12.1 of (APP-062).</p>
B27	<p><u>6.1.7 Section 7.12.1.2, Paras 136 &amp; 138</u> <u>7.12.1.2 Impact 2: Potential Impacts to Seabed Morphology (Sandbanks, Sandwave Areas and Notable Bathymetric Depressions).</u></p> <p>We advise that features of the IDRBNR SAC and other Annex I sandbanks within the array and ECC may be impacted by</p>	Natural England advises that the conclusions drawn by the Applicant should be revisited. Furthermore, we also advise that the Applicant needs to consider and assess impacts to the different marine physical process receptors separately within the assessment. We refer the Examining Authority to our updated conservation advice (May 2023) for Inner Dowsing Race Bank and North Ridge and the supplementary advice on	<p>The Applicant welcomes the direction to the Annex 1: Sandwave Recovery of Appendix C to the Relevant and Written Representations of Natural England - Benthic and Intertidal Ecology.</p> <p>Within Appendix C Annex 1, it states that "[Natural England] consider that the Larsen et al. 2019 paper provides useful evidence from the Race Bank OWF to indicate that complete natural regeneration of different types of dynamic sandbanks may be achieved within 3 years of levelling". Larsen et al. (2019) has been used to support the assessment</p>

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	<p>modifications to seabed morphology due to construction-related activities within the offshore ECC and array area.</p> <p>Evidence for sandwave recovery within IDRBNR SAC is based on evidence from the Race Bank OWF. Please see Appendix C Annex 1. We advise against using this evidence as an analogue for the Outer Dowsing OWF. We expressed uncertainty in our Relevant Representations to Norfolk Boreas (2019) as to whether full recovery of Annex I sandbanks was achievable from Race Bank OWF sandwave sweeping. Whilst early indications of recovery suggested that this is possible, without further data we continue to have reasonable scientific doubt. The IDRBNR SAC sandbank features currently have a 'restore' target for their extent and distribution and maintain target for topography and volume attributes. Similarly, we are concerned that construction-related activities could lead to significant changes to the extent, volume, and structure of important sandwave-sandbank systems within the array area and offshore ECC. Therefore, we are unable to agree with the assessment conclusion that the magnitude of impact on the seabed morphology is low.</p> <p>Furthermore, it is stated that all marine physical processes receptors will be insensitive to this impact pathway. The SNCBs consider site integrity to have been hindered by impacts due to Race Bank OWF infrastructure. This has also compromised the ability of the site to meet its conservation objectives. The SAC Annex I Sandbank features currently have a restore target for their extent and distribution and maintain target for topography and volume attributes. Consequently, we are unable to agree that all receptors are insensitive to this impact pathway</p>	<p>Conservation Objectives where the impacts from existing infrastructure is published.</p> <p>Natural England advises that the Applicant should revisit the assumptions and assessment conclusions made. The Applicant should make all efforts to avoid, reduce and mitigate impacts to IDRBNR SAC. We also refer the Applicant to Natural England's and JNCCs (2022) advice on conservation considerations and environmental best practice for subsea cables (<a href="#">Nature conservation considerations and environmental best practice for subsea cables for English Inshore and UK offshore waters, Sept 22.pdf</a>).</p>	<p>provided within Chapter 7 Marine and Physical Processes 6.7.1 (APP-062) (and consequently the RIAA (AS1-095) on the recommendation of Natural England during the Evidence Plan Process. The Applicant would note that the suggested Larsen et al. (2019) publication is based on data collected at the Race Bank OWF, which Natural England "advise against using [...] as an analogue for the Outer Dowsing OWF". It is not clear why evidence from Race Bank OWF is considered unsuitable given the recommendation of Larsen et al. (2019) by Natural England and the publication's subsequent reference in Natural England's Appendix C Annex 1.</p> <p>Appendix C Annex 1 also states that "Natural England's experience suggests that complete regeneration is likely to occur on dynamic sandbanks systems, [but] there is a lack of evidence to suggest that this would be the case in more static sandbank systems". The sandbanks located within the Inner Dowsing, Race Bank, and North Ridge (IDRBNR) SAC are not static features. The material provided in Chapter 7 Marine and Physical Processes APP-062 (which includes Larsen et al. (2019)) is therefore considered to appropriately evidence the expected recovery of sandbank and sandwave features. This is also supported by analysis of bathymetric survey data from the Greater Changhua 1&amp;2a OWF, which demonstrates the ability of sandwaves to regenerate to the former magnitude following dredging activities (Roulund et al., 2023). Although individual sandwaves may undergo cross sectional and plan form changes, the sandwave field will maintain its characteristics as a whole, with sandwave sections removed by dredging observed to regenerate as the pit slopes encroached into the dredge pit to form sandwaves with the same magnitudes as before engineering works.</p> <p>Further evidence will be provided as part of a separate Project-specific Sandwave Levelling Assessment that is currently being undertaken and will be submitted into the Examination.</p> <p>Finally, the Applicant notes that no receptors were identified as insensitive to this impact pathway.</p> <p>Given the above, the Applicant consider that the assumptions and assessment conclusions presented in Section 12.7 of Chapter 7 Marine and Physical Processes (APP-062) remain valid. As outlined in Paragraph 133 (Section 12.7.1, APP-062), three receptors were considered as part of the assessment, with sensitivities identified individually. The magnitude of impact for a range of construction activities was assessed, with a resulting significance of effect identified for each receptor. As presented in Paragraph 138 (APP-062), the assessment concluded that the effect significance would be of minor adverse significant, at worst. The conservation advice package published in May 2023 was taken into account within the assessment, specifically within Paragraph 123 and Paragraph 131 (APP-062).</p> <p>The Applicant can confirm that refinement to the Project Design has taken place in accordance with the mitigation hierarchy. The mitigation options considered by the Project, and any reasoning regarding the implementation of the measures are discussed in Chapter 9 Benthic and Intertidal Ecology (6.1.9) (APP-064).</p>
B28	<p><u>7.12.1.2 Impact 2: Potential Impacts to Seabed Morphology (Sandbanks, Sandwave Areas and Notable Bathymetric Depressions) – Use of Cable Protection Measures.</u></p>	<p>Natural England advises that the Applicant should revisit the assumptions and assessment conclusions made. The Applicant should make all efforts to avoid, reduce and mitigate impacts to IDRBNR SAC. We also refer the Applicant to Natural England's</p>	<p>The Applicant acknowledges the concerns raised by Natural England with regard to potential harm resulting from the removal of cable protection. The commitment to the use of removable cable protection over Annex I sandbank features in the SAC has been made in response to the conservation advice provided by Natural England on the</p>

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	<p>The placement of external cable protection measures within IDRBNR SAC during the operational period of the Project represents a long-lasting change and/or loss of the Annex I sandbank features, in addition to a change in sediment composition. Whilst it is welcomed that the Applicant is committed to using removable cable protection over the Annex I sandbank features, there is no guarantee that it will be successfully removed, and its removal may lead to further harm to the site. Furthermore, the addition of, for example rock bags or concrete mattresses could lead to winnowing in areas of high sediment mobility, which may further impact the site and hinder the meeting of its conservation objectives.</p> <p>We are, therefore, unable to agree with the assessment of magnitude impact as low for cable protection, receptor sensitivity as medium, and effect significance as minor adverse.</p> <p>In relation to mitigation measures, Natural England advise that a cable protection option which has the most likelihood of being successfully removed at decommissioning should be the type permitted within the SAC. This would exclude the use of rock protection. We advise that an approach like this would show evidence that the project is following the mitigation hierarchy. However, this mitigation measure is not committed to within several of the cable installation documents which still reference rock protection.</p>	<p>and JNCCs (2022) advice on conservation considerations and environmental best practice for subsea cables (<a href="#">Nature conservation considerations and environmental best practice for subsea cables for English Inshore and UK offshore waters, Sept 22.pdf</a>).</p>	<p>IDRBNR SAC. As outlined in Peritus International Ltd. (2022), removable protection methods such as rock bags and concrete mattresses are able to be removed with only short-term disturbance to the seabed. Winnowing around scour protection measures may occur in areas of high sediment mobility, however due to the dynamic nature of the sedimentary system this is likely to be subject to a feed/removal cycle over the lifetime of the Project, with bedforms recovering to a new equilibrium state over time. The Applicant does not consider that this process, which would take place within the context of the larger scale hydrodynamic and sedimentary conditions acting on the site, would negatively affect the conservation objectives of the SAC. The potential impact with regard to the conservation objectives has been assessed in full in 7.1 Report to Inform Appropriate Assessment (APP-235).</p> <p>To clarify, the commitment to removable cable protection is for sandbanks within the IDRBNR SAC (as defined by the Annex I designated sandbanks), not the SAC as a whole. This is consistent throughout the application. The Applicant can confirm that refinement to the Project Design has taken place in accordance with the mitigation hierarchy. The mitigation options considered by the Project, and any reasoning regarding the implementation of the measures are discussed in Chapter 9 Benthic and Intertidal Ecology (6.1.9) (APP-064).</p>
B29	<p><u>7.12.1.3 Impact 3: Modifications to Littoral Transport and Coastal Behaviour (Erosion), Including at Landfall, including Coastal Processes and Geomorphology above MHWS.</u></p> <p>Use of Cable Protection Measures within the Nearshore Zone.</p> <p>We are concerned that the placement of cable protection within the shallow nearshore could interfere with wave energy transmission, affect nearshore sediment pathways and coastal morphology, including receptors to the south and along the adjacent coastline at landfall. Changes to the beach management strategy are planned for 2024, therefore, there is uncertainty at present regarding future beach profile change and coastal retreat rates. The placement of 1.5m high rock berms for a currently unknown length in shallow nearshore waters could interrupt seabed sediment transport and result in morphological change.</p> <p>Therefore, whilst we agree with the assessment of magnitude of impact on littoral transport and coastal behaviour from [the use of HDD, the construction of HDD exit pits, and] the use of cable protections is medium, we do not agree that the significance of effect on the coast at the Project landfall will be minor adverse. Especially as disruption of these processes would have a likely significant effect to coastal SACs and SPAs, but specifically The Wash and North Norfolk Coast SAC, The Wash SPA, Ramsar and SSSI.</p>	<p>Owing to the uncertainty regarding the MDS for cable protection within shallow nearshore waters, and beach management plans currently, Natural England advises that the Applicant should revisit the impact assessment conclusions.</p>	<p>As outlined in Chapter 7 Marine and Physical Processes (APP-062), the form of cable protection within the nearshore zone will be selected in order to ensure impacts to sediment transport and beach morphology are minimised. In line with Marine and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654, a reduction in water depth of greater than 5% would require consultation with the MCA on appropriate mitigations. This is secured in condition 13, Part 2 of the deemed marine licences at Schedules 10 and 11 of the dDCO (3.1). Given this, as well as the generally shallow nature of the nearshore environment reducing the likelihood of anchor strikes and, therefore, the requirement for substantial cable protection, cable protection measures within the nearshore environment will not take the form of 1.5m high rock berms. Cable protection measures within the inner depth of closure, corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (with the exception of cable crossings). Full details of the cable protection measures required are not currently available, and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders.</p> <p>The Applicant can confirm that liaison has taken place with the Environment Agency and is currently ongoing. Information is not currently available on the future beach management strategy proposed along this area of coastline. The assessment provided within Section 7.12 of Chapter 7 Marine and Physical Processes 6.1.7 (APP-062) is based on the best information available at the time of writing, in line with best practice. The Applicant will liaise with the Environment Agency where appropriate throughout the</p>



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			<p>continued project refinement post-application and prior to construction. As outlined in their Relevant Representation, the Environment Agency notes that "With sand naturally disappearing every year, it is predicted without nourishment the beaches would be gone in 5-7 years. [Beach nourishment] reduces the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land". Given this, the Applicant do not consider that coastal change rates in the complete absence of beach nourishment provide a realistic worst-case scenario for the purposes of assessment. Furthermore, if beach management were to be stopped in the area, the scale of potential changes in the shoreline are such that any effects attributable to the project would be unobservable.</p> <p>Given the above, the Applicant consider that the assessment conclusions presented in Section 7.12 of Chapter 7 Marine and Physical Processes (APP-062) and the RIAA (AS1-095) remain valid.</p>
B30	<p><u>7.12.2.1 Impact 4: Modifications to the Wave and Tidal Regime and Associated Potential Impacts to Morphological Features, including Coastal Processes and Geomorphology above MHWS (Operation &amp; Maintenance).</u></p> <p>It appears that only array-related wave and tidal blockage effects have been considered for coastal receptors. However, as discussed in our comment above, the presence of cable protection measures within shallow nearshore waters has the potential to modify sediment transport pathways and change coastal behaviour. We would, therefore, advise that there is a pathway of effect on coastal receptors.</p>	<p>Natural England advises that the Applicant should revisit their assessment of receptor sensitivity for coastal receptors. Please also refer to our advice above.</p>	<p>As outlined in Section 7.12 of Chapter 7 Marine and Physical Processes (APP-062), the form of cable protection within the nearshore zone will be selected in order to ensure impacts to sediment transport and beach morphology are minimised. In line with Marine and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654, a reduction in water depth of greater than 5% would require consultation with the MCA on appropriate mitigations. This is secured in condition 13, Part 2 of the deemed marine licences at Schedules 10 and 11 of the dDCO (3.1). Given this, as well as the generally shallow nature of the nearshore environment reducing the likelihood of anchor strikes and, therefore, the requirement for substantial cable protection, cable protection measures within the nearshore environment will not take the form of 1.5m high rock berms. Cable protection measures within the inner depth of closure, corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (with the exception of cable crossings). Full details of the cable protection measures required are not currently available, and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders.</p> <p>The use of cable protection measures in the nearshore zone has been assessed within Impact 2 as a pathway of effect on coastal receptors (Paragraph 152 – 154, and 156; Section 7.12.1; (APP-062). This explicitly includes the potential impact on littoral sediment transport and beach morphology. Given the above, the Applicant consider that the assessment conclusions presented in Section 12.7 of Chapter 7 Marine and Physical Processes (APP-062) remain valid.</p>
B31	<p><u>7.12.2.2 Impact 5: Seabed Scouring</u></p> <p>Given the highly dynamic physical environment and mobile seabed across many parts of the array and ECC, there is the potential for scour (or secondary scour) and removal of seabed sediments due to the presence of cable/scour protection measures and/or cable exposures. Furthermore, evidence has been presented from Hornsea One OWF, but it is not clear if this provides a suitable analogue upon which to base estimates of secondary scour impacts at ODOW.</p>	<p>Natural England advises that the Applicant should consider and assess the potential for secondary scour impacts to marine processes receptors (e.g. IDRBNR SAC, Annex I sandbanks etc).</p>	<p>As outlined in (APP-062, Section 7.12.2.2., Paragraphs 187 and 189), there is limited numerical basis for the prediction of secondary scour. However, the available evidence (for example from Whitehouse et al. (2011) indicates that secondary scour is expected to be on a smaller scale than scour observed without protection. Consequently, the Applicant assessed the scour for the worst case scenario, i.e., scour formation without protection measures.</p> <p>The Applicant would like to highlight the relative lack of evidence (numerical, empirical and post monitoring studies) concerning secondary scour formation, including for cable protection within environmental regimes similar to the Project. One study conducted by</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
			<p>Whitehouse et al. (2011) looked at the development of scour and secondary scour at ten OWF located in the North Sea and Irish Sea. All of the OWFs studied show dissimilarity with the Project concerning surficial seabed sediment, hydrodynamic regime and seabed morphology (i.e., depth). However, the study concludes that secondary scour is smaller, on average, than initial scour (3.2 m for secondary scour instead of 5 m) for one site with similar surficial seabed sediment but different depth and oceanographic features.</p> <p>The Applicant compared the Project to Hornsea One as several similarities on factors influencing scour formation were observed: 1) in the Array Area, both projects show the same tidal range (variation from 1.7 m to more than 4 m) and tidal excursion (northwest to southeast); 2) the average significant wave height is similar (1.3 m for the Project and 1.5 m for Hornsea One within the Array Area); 3) surficial seabed sediments are similar in the Array Areas of both projects (sand and gravelly sand); 4) Bathymetry is in the same order (10 to 30 m for the Project and 20 m on average at Hornsea One). Consequently, the Applicant believes that the comparison between the Project and Hornsea One is relevant and valid for assessing the scour formation/ impact. No updates to the assessments are therefore required.</p>
Screening			
B32	All relevant sites have been screened.	N/A	The comment is noted by the Applicant.
Assessment Conclusions			
B33	For the reasons set out in our advice to the EIA above regarding impacts to physical features of the IDRBNR SAC (Annex I Sandbanks and sandwaves) from construction related activities within the ECC including the ORCP, and should cable protection be required in the O&M phase, we are unable to agree to the Applicant's conclusion of no potential for an AEoI to the conservation objectives of the Annex I Sandbank feature of the IDRBNR SAC. This is in relation to 'changes to physical processes' impact.	<p>Natural England advises that the Applicant should provide further evidence to support the impact assessment conclusions for changes to seabed morphology and modifications to the wave, tide, and sediment transport regimes due to the presence of the ORCPs.</p> <p>Natural England advises that the Applicant should revisit the assumptions and assessment conclusions made, and particularly with respect to cable protection, the Applicant should also make all efforts to avoid, reduce and mitigate impacts to IDRBNR SAC.</p>	The Applicant consider the responses above (specifically B3, B5, B18, B27, and B28) to appropriately address Natural England's concern with regard to potential impacts to the physical features of the IDRBNR SAC (Annex I Sandbanks and sandwaves).

#### 1.45.4 Appendix C Benthic & Intertidal Ecology

##### 1.45.4.1 Benthic & Intertidal Ecology, Summary position

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
C1	<p><u>Sabellaria spinulosa</u> reef baseline assessment</p> <p>Natural England has concerns with the robustness of the baseline data analysis in relation to the extent and distribution of Annex I <i>Sabellaria spinulosa</i> reef and, therefore, at this stage is unable to agree with the results and conclusions as presented in the Export</p>	<p>Natural England advises the Applicant re-examines the existing data, analytical approach and methods which have been used to provide a baseline of the extent and distribution of Annex I <i>S. spinulosa</i> reef.</p> <p>Evidence is required to provide the necessary confidence that pre-construction surveys, project</p>	<p>The Applicant has provided further clarification and feedback on the baseline characterisation, specifically relating to of <i>S. spinulosa</i> extent and distribution and details in Appendix 5: Envision Data Analysis of ES Chapter 9: Benthic and Intertidal Ecology [APP-158] in the Applicant's Responses to Relevant Representations [REPC16-C27], below.</p> <p>Additionally, the Applicant contracted Envision to undertake an independent reanalysis of the DDV data, which has confirmed the absence of any Annex I qualifying reef within the Offshore ECC, supporting the conclusions drawn by the Applicant.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>Cable Corridor (ECC) Technical Baseline Report [APP-155].</p> <p>Natural England does not consider the additional analysis presented in 6.3.9.5 Envision Data Analysis document [APP-158] addresses previously held concerns expressed during the pre-application engagement with the Applicant in relation to the methods and analytical techniques used to determine the extent and distribution of Annex I <i>S. spinulosa</i> reef throughout the (ECC).</p>	<p>mitigation and, where necessary, compensation requirements will be effectively targeted and implemented at the appropriate scale.</p>	<p>Due to the ephemeral nature of <i>S. spinulosa</i>, a pre-construction survey campaign will be conducted to identify the extent and distribution of this feature, as detailed at Table 3.2 of the ES Offshore In-Principle Monitoring Plan [APP-276]. The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposing to carry out construction works) geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan [APP-276]. Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities, in consultation with the SNCB. in consultation with the SNCB.</p>
C2	<p><u>Environmental Impact Assessment (EIA) –<i>Sabellaria spinulosa</i> Reef</u> Natural England has concerns that the assumptions made by the Applicant to draw the conclusion of ‘no significant impacts in EIA terms’ on Annex I Reef are not scientifically robust.</p>	<p>Natural England advises the Applicant reviews the assessment and conclusions for <i>S. spinulosa</i> reef following reconsideration of the baseline data as per comment C1. The EIA methods also require revisiting.</p>	<p>The Applicant refers the ExA to the above comment and reconfirmation of the survey results, which underpin the ES assessments. The Applicant notes that Natural England disagree with the conclusions drawn by the Applicant due to a perceived uncertainty in the validity of the baseline. As noted above, the study undertaken by the Applicant has reconfirmed that there is no <i>S. spinulosa</i> reef currently present within the Order Limits. This clearly supports the Applicant’s position that even were any Annex I reef to form within the Order Limits prior to the construction of the Project, it is reasonable to conclude that this would be small patches, around which the cables could be routed so that there is no impact to any biogenic reef. This logical conclusion is supported by the study undertaken by Envision (APP-158) which demonstrated the lack of biogenic reef within the regional area based on historical datasets. Consequently, in the absence of any data to support the formation of large scale, established, Annex I qualifying biogenic reef within the Order Limits (or local area), it would be unreasonable to expect this to occur prior to construction of the Project. In relation to the EIA methods please also refer to the Applicant’s Responses to Relevant Representations [REPC16-REPC27], below.</p>
C3	<p><u>EIA – Sandbanks</u> The assessment of impacts on Sandbanks is lacking transparency. Consequently, Natural England is concerned the assumptions made by the Applicant to draw the conclusion of ‘no significant impacts in EIA terms’ on Sandbank are not scientifically robust.</p>	<p>Natural England advises the Applicant reviews the EIA assessment methods and conclusions relating to the significance of impacts (in EIA terms) upon Sandbanks especially where sandbanks are protected within Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC).</p>	<p>The Applicant refers the ExA to its responses to the detailed comments below.</p>
C4	<p><u>Mitigation</u> Until concerns as set out above regarding the sufficiency of the baseline characterisation data are addressed, there is no guarantee the proposed mitigation measures will be fit for purpose. The outline Biogenic Reef Mitigation Plan [APP-296] is significantly lacking in substance. There are also numerous contradictions within the mitigation commitments across the application documents including within the Report to inform Appropriate Assessment RIAA [App-235]. Mitigation fails to</p>	<p>Natural England advises a robust pre-construction survey strategy is incorporated within the biogenic reef mitigation plan. However, until our concerns are addressed, any confidence in such a mitigation plan is low and there is less certainty this will be agreed prior to project consent.</p> <p>Natural England advise contradictions in the mitigation commitments across the application documents need to be resolved and more robust commitments to mitigation should be made, including consideration of <i>S. spinulosa</i> Reef as a Priority Habitat</p>	<p>The Applicant has provided further feedback on the baseline characterisation, specifically relating to <i>S. spinulosa</i> extent and distribution in the Applicant’s Responses to Relevant Representations [REPC16-C27].</p> <p>Additionally, the Applicant contracted Envision to undertake an independent reanalysis of the DDV data, which has confirmed the absence of any Annex I qualifying reef within the Offshore ECC, supporting the conclusions drawn by the Applicant.</p> <p>Due to the ephemeral nature of <i>S. spinulosa</i> reef, a pre-construction survey campaign will be conducted to identify the extent and distribution of this feature, as detailed within the Offshore In-Principle Monitoring Plan [APP-276]. The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposed to carry out construction works) geophysical data and designed with detailed enough resolution to</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	mention the MMO fisheries byelaw area which should be managed as biogenic reef.	listed under Section 41 of the Natural Environmental and Rural Communities (NERC) Act, 2006.	<p>give confidence in the data, as detailed within the Offshore In-Principle Monitoring Plan [APP-276]. Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1) require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities in consultation with the SNCB. The results of the pre-construction survey will be the foundation of the Biogenic Reef Mitigation Plan, to be prepared in accordance with the outline Biogenic Reef Mitigation Plan [APP-296] and required to be submitted to the MMO for written approval under condition 13(1)(j) of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1).</p> <p>Natural England's reference to contradictions in mitigation is unclear as to what this refers to. However, based on the context of the comments received, the Applicant understands this comment to refer to whether the Applicant is mitigating for <i>S. spinulosa</i> reef outside of the Inner Dowsing, Race Bank and North Ridge SAC. The Applicant confirms that the proposed mitigation will include mitigation measures for impacts on <i>S. spinulosa</i> Reef as listed under Section 41 of the NERC Act 2006, as set out in sections 3 and 4 of the outline Biogenic Reef Mitigation Plan [APP-296], in addition to that which is identified as Annex I qualifying reef within the Inner Dowsing, Race Bank and North Ridge SAC. The Applicant notes that the RIAA makes no reference to Section 41 protected features as these are not a HRA consideration; thus the omission of the reference therein is not a contradiction with the ES mitigation, rather it is focusing on the mitigation relevant to the assessment being undertaken.</p> <p>The Applicant has made a commitment to avoid cable installation within the MMO fisheries byelaw area (document 8.22). Ancillary works may be undertaken in this area if no <i>S. spinulosa</i> reef is identified in that area during the pre-construction survey (as detailed within the Offshore In-Principle Monitoring Plan [APP-276]).</p>
C5	<p><u>IDRBNR SAC – Physical habitat loss/change</u></p> <p>The significance of 'physical habitat loss/change' of both Annex I Sandbanks and <i>S. spinulosa</i> Reef from the placement of cable protection has been under-represented within the RIAA due to the assessment method grouping this with 'habitat disturbance'. In addition, the evidence underpinning the worst-case scenario (WCS) /maximum design scenario (MDS) for cable protection is also not transparent. Therefore, Natural England considers it is not possible to rule out an AEol on IDRBNR SAC Annex I Sandbank or Reef features.</p>	<p>Natural England advises the methods applied within the RIAA, and the subsequent assessment conclusions require correcting.</p> <p>Natural England also advise that the WCS of cable protection required within IDRBNR SAC (and specifically within Annex I Sandbank feature) thoroughly assessed and further evidence for their justification provided.</p> <p>Further evidence is also required to provide the necessary level of assurance that any mitigation (i.e. scour protection removal) will be successful.</p>	<p>The reasonable worst case for cable protection has been considered and assessed as part of the assessments and is presented in detail at Table 9.1, section 9.1.4.2 and section 9.1.5.1 of the RIAA. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m<sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m<sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058]. This impact is considered in detail within the Report to Inform Appropriate Assessment Redacted [AS1-095], where based on this value, there was no AEol concluded given the nature of the receptors with respect to sensitivity and recoverability.</p> <p>With respect to the physical habitat loss and disturbance impacts within the Report to Inform Appropriate Assessment Redacted [AS1-095], the Applicant considers that both physical habitat loss and disturbance have both been assessed appropriately, with consideration of the distinct sensitivities and magnitudes of each impact. For example, paragraph 124 states that <i>S. spinulosa</i> reef has a 'medium' sensitivity to disturbance, and paragraph 126 states that <i>S. spinulosa</i> has a sensitivity of 'high' from habitat loss. It is therefore considered that</p>

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			<p>the assessment provided does provide an adequate level of detail on the sensitivity of features to both disturbance and habitat loss separately and therefore each is fully assessed with respect to the appropriate sensitivity. The assessments conclude that no AEol is anticipated.</p> <p>The Applicant remains confident that materials advertised as “removable” will be able to be successfully removed at the end of the lifetime of the Project. As outlined in Peritus International Ltd. (2022), removable protection methods such as rock bags and concrete mattresses are able to be removed with only short-term disturbance to the seabed.</p>
C6	<p><u>IDRBNR SAC In-combination assessment - small-scale habitat loss</u> The Applicant has incorrectly disregarded small-scale habitat loss within the in-combination assessment. If avoidance is not possible, further small-scale losses are likely to result in an AEol which would require compensation.</p>	<p>Natural England advises that all relevant pressures, including small-scale losses, should be fully considered in the in-combination impacts assessment.</p>	<p>The Applicant has considered the impact of other projects (including existing pressures) on the IDRBNR SAC within the in-combination assessment in the Report to Inform Appropriate Assessment Redacted [AS1-095]. However, given the implementation of various project commitments, including avoidance of <i>S. spinulosa</i> reef and removable cable protection on the sandbank features, the Applicant considers that as the Project has no residual impacts which would represent small-scale losses on the designated site, there cannot be any pathway for effect in-combination.</p>
C7	<p><u>IDRBNR SAC – Annex I <i>Sabellaria spinulosa</i> Reef Conclusion</u> Natural England is unable to advise that an AEol for Annex I <i>S. spinulosa</i> reef interest feature can be excluded from habitat loss/change from the placement of cable protection and disturbance during installation. This is due to inconsistencies and contradictions between the baseline evidence, consideration of supporting reef habitat with the SAC and conclusions drawn by the Applicant as detailed in NE Ref C1. Consequently, there is an insufficient level of confidence in the baseline data and assessments to inform our advice.</p>	<p>Natural England advises that the assumptions made by the Applicant to draw the conclusion of no AEol on Annex I <i>S. spinulosa</i> reef features within IDRBNR are not scientifically robust and require revisiting in order that inconsistencies and contradictions between the evidence and conclusions presented are resolved.</p>	<p>The Applicant has provided further feedback to the characterisation of <i>S. spinulosa</i> extent and distribution in the Applicant’s Responses to Relevant Representations [REPC16-C27]. Additionally, the Applicant contracted Envision to undertake an independent reanalysis of the DDV data, which has confirmed the absence of any Annex I qualifying reef within the Offshore ECC, supporting the conclusions drawn by the Applicant, submitted as part of this procedural deadline (document reference 15.13).</p> <p>The evidence to date from the survey data and the re-analysis confirms that there is no <i>S. spinulosa</i> reef habitat where the offshore ECC crosses the IDRBNR SAC and therefore the conclusion of no AEol on Annex I <i>S. spinulosa</i> reef features within IDRBNR remains valid.</p> <p>There are no contradictions or inconsistencies within the assessment results, or the underpinning data, with all data supporting the conclusions drawn of no potential for an AEol to Annex I <i>S. spinulosa</i> reef features within the IDRBNR SAC. Based on the evidence provided within the Application and additional submissions, the Applicant is confident that the conclusions of the RIAA are scientifically robust and have used the best-available evidence to inform the assessment. The Applicant is confident that the threshold of “beyond reasonable scientific doubt” has been met, especially considering the reanalysis (document 15.16) confirming the conclusions of the original analysis of none of the areas of <i>S. spinulosa</i> meeting the criteria to qualify as Annex I biogenic reef.</p>
C8	<p><u>IDRBNR SAC – Annex I Sandbank Conclusion</u> The Applicant has not considered habitat loss or mitigation of Annex I Sandbank feature appropriately. Lasting habitat loss/change from the placement of cable protection is likely to have an AEol both Alone and in- combination. Unless robust justification can be provided to the contrary, Natural England is unable to advise that an AEol for the Annex I Sandbank feature of the IDRBNR SAC can be excluded alone or in-combination.</p>	<p>Natural England advises that the assumptions made by the Applicant to draw the conclusion of no AEol on the Annex I Sandbank feature within IDRBNR are not scientifically robust and require revisiting.</p>	<p>A realistic worst case for cable installation and the use of cable protection has been considered and assessed as part of the EIA assessments and within the RIAA. Full details of the proposed works, including works through the SAC are detailed within Table 9.1 of the RIAA [AS1-095]. The Applicant’s RIAA has considered that the objective for the Annex I Sandbank feature and the Annex I Biogenic Reef feature are “restore” and given due weighting to this within the assessments set out in [AS1-095].</p> <p>The purpose of the “restore” objective is that the feature will recover, without setting out the timeframe over which this must occur. To this end, the Applicant has committed to the use of solely recoverable cable protection on the Annex I Sandbanks. As set out in sections 9.1.4.2 and 9.1.5.1 of the RIAA [AS1-095], there will be no impact to the form and function</p>

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	<p>Given the restore conservation objective for Annex I Sandbank and Reef features of IDRBNR SAC (and as reflected in the updated draft conservation advice package, May 2023; <a href="https://naturalengland.org.uk">Marine site detail (naturalengland.org.uk)</a>) Natural England is concerned about the lasting impacts of any future cable protection and the potential AEoI.</p>		<p>of the Annex I Sandbanks from the use of the cable protection. This consequently enables the rapid recolonisation of the characterising species from the immediate surrounding area; thereby, there is no prevention of the recovery and maintenance of the feature in the long term. Additionally, based on the size of the proposed impact to the Annex I sandbank feature, the Applicant does not consider that there would be any short-term effects on the recovery of the wider sandbank features.</p> <p>In cognisance of the “restore” objective for the Annex I Reef feature, the Applicant has committed to avoiding any recorded areas of <i>S. spinulosa</i> reef within the SAC, as informed by the pre-construction survey, as well avoiding infrastructure installation within the defined MMO Byelaw areas [document 8.22] whether or not Annex I reef is recorded within that area prior to construction, with these areas having been set aside to support the recovery of the feature within the SAC.</p> <p>The conclusions drawn by the Applicant for the effects of the cable protection on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.</p> <p>The physical sandbank feature and associated benthic ecology is expected to recover quickly following the removal of cable protection as presented within ES Chapter 7: Marine Physical Processes [APP-062] and ES Chapter 9: Benthic and Intertidal Ecology [APP-064], therefore the conclusion of no AEoI on the Annex I Sandbank feature within IDRBNR remains valid.</p>
C9	<p><u>NERC, 2006 Priority Habit - Annex I Sabellaria spinulosa Reef</u> Mitigation measures (embedded or otherwise) for Priority Habitats as listed under Section 41 of the NERC Act 2006 have not been considered by the Applicant.</p>	<p>Please be advised that, <i>S. spinulosa</i> reef of all quality is protected under Section 41 of the (NERC) Act 2006. Natural England advises that mitigation measures should be adopted in order that impacts to Annex I <i>S. spinulosa</i> reef outside of designated sites are avoided where possible</p>	<p>A Biogenic Reef Mitigation Plan, to be prepared in accordance with the outline Biogenic Reef Mitigation Plan [document 8.22], is required to be submitted to the MMO for written approval under condition 13(1)(j) of Part 2 of the dMLs sets out at Schedules 10 and 11 of the dDCO (3.1). The Applicant proposed mitigation will include <i>S. spinulosa</i> and other Priority Habitats as listed under Section 41 of the NERC Act 2006, as set out in sections 3 and 4 of the outline Biogenic Reef Mitigation Plan [document 8.22].</p>
C10	<p><u>Outline Plans</u> Natural England have reviewed several outline documents, including 8.4 Project Environmental Monitoring Plan [APP-277], 8.5 Cable Specification and Installation Plan [APP-278], 8.22 Biogenic Reef Mitigation Plan[APP-296] and others, which present an outline of what the final version of the document will include. We note that outline plan documents submitted for other offshore windfarm examinations presented a draft version of the plans for comment at this stage.</p>	<p>Natural England are unable to comment further on the acceptability of these docs and what they will and won't secure until we can review a draft version of each of the outline plans. Natural England advises that draft outline documents provide sufficient detail to ensure that risks and issues will be addressed.</p>	<p>The Applicant confirms that the approach to the plans is as follows:</p> <ul style="list-style-type: none"> <li>• Update the outline plans during the Examination as appropriate - to incorporate particular additions/amendments if further detail is made available during this time; and</li> <li>• Preparation of the detailed plans to be undertaken post-consent once further information is available.</li> </ul> <p>For example, pre-construction geotechnical information will be required to finalise the ES Outline Cable Specification and Installation Plan [APP-278]. Geotechnical information will be collected after the DCO is made.</p> <p>The final plans (and supporting information) will be submitted to the MMO for approval ahead of construction, as per conditions of the dMLs. For example, Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1) require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities in consultation with the SNCB. The results of the pre-construction survey will be the foundation of the Biogenic Reef Mitigation Plan, to be prepared in accordance with the outline Biogenic Reef Mitigation Plan [document</p>

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			8.22] and required to be submitted to the MMO for written approval under condition 13(1)(j) of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1).

#### 1.45.4.2 Benthic & Intertidal Ecology, Detailed Advice and Recommendations LE

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendation to Resolve Issues	Applicant Response
Project Parameters - Document(s) Used: Document Names: [APP-295] 8.21 Scour and Cable Protection Management Plan [APP-058] 6.1.3 Chapter 3 Project Description [APP-142] 6.3.3.1 Cable Burial Risk Assessment			
Natural England's Position on Worst Case Scenario(s)			
C11	<p>8.21 – Sections 3.2 and 3.6</p> <p>It is not clear what information has been used to confidently determine the maximum length of cable protection required within the Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC), or whether the potential for the addition of further cable protection due to further exposures and/or secondary scour has been considered and included within the calculations for Maximum Design Scenario (MDS)/Worst Case Scenario (WCS) for scour protection within the SAC.</p>	<p>In order that a meaningful assessment can be made, Natural England also requires the Applicant to provide a transparent justification for the WCS quantification of benthic impacts within IDRBNR SAC, drawing upon previous experience and available information about the ground type along the ECC route. The WCS is also required to include the replenishment of cable protection over the lifetime of the project noting that areas of additional cable protection will require a separate marine licence.</p> <p>Natural England would welcome additional information within the Scour and Cable Protection Management Plan relating to the WCS length and volume of cable protection (within the SAC as fully detailed within [APP-058] Chapter 3 Project Description) so that it is clear to all parties what the permitted parameters would be.</p> <p>Natural England queries how the regulator will be certain that the WCS within the SAC hasn't been exceeded during construction? If the Secretary of State is minded consenting the project and advise further DCO/DML restrictions may be appropriate.</p>	<p>The effect of installing cable and scour protection has been assessed as a long-term or permanent habitat loss or alteration at section 9.8.2.9 of Chapter 9 Benthic and Intertidal Ecology [APP-064]. Paragraph 245 confirms that the effect is assessed as an impact of the operational phase of the Project and therefore encompasses the addition of further cable and scour protection due to exposures and/or secondary scour within the maximum quantities stated. The effect of installing cable protection on the IDRBNR has also been assessed as a long-term or permanent habitat loss or alteration at Section 9.1.5.1 of the RIAA [AS1-095]. Paragraph 148 confirms that the effect is assessed as an impact of the operational phase of the Project and therefore encompasses the addition of further cable protection due to exposures and/or secondary scour within the maximum quantities stated. The maximum quantity of cable protection which may be deposited across the ECC is secured in condition 3, Part 2 of the dML at Schedule 11 of the dDCO (3.1). Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO (3.1) requires details of scour protection and cable protection management in accordance with the outline scour protection and cable protection management plan [APP-295] to be submitted as part of the construction method statement for the approval of the MMO. The Applicant considers that the information is presented as clearly and fully as possible at this stage. The final SPCPMP produced prior to construction would set out the final proposed volumes and areas of protection required, which will be validated against the permitted amounts under the DCO. The WCS areas and volumes of cable protection are set out in the outline SPCPMP [APP-295]. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured.</p>
C12	<p>6.1.3</p> <p>Natural England have not seen an Outline Decommissioning Plan.</p> <p>We advise that without an outline decommissioning plan a realistic worst case scenario can't be determined</p>	<p>Natural England advises that an outline decommissioning plan in provided</p>	<p>The Energy Act (2004) requires that a decommissioning plan must be submitted to and approved by the relevant Secretary of State, a draft of which will be submitted prior to the construction of the Proposed Development. The decommissioning plan and programme will be updated during the Proposed Development's lifespan. To take account of changing good practice and new technologies, the approach and methodologies employed at decommissioning will be compliant with the legislation and policy requirements at the time of decommissioning. In accordance with the requirement 7 of the draft DCO (3.1), a written decommissioning programme will be provided prior to commencement of Work nos. 1-7.</p> <p>The details of the proposed decommissioning process will be included within the Decommissioning Programme which will be developed and updated throughout the lifetime of the Proposed Development to account for changing good practice. It is noted that this will be subject to good practice at the time of decommissioning and surveys conducted to assess the quality of the communities established and a decision on their removal made in conjunction with the statutory authorities.</p>

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			<p>Table 9.10 of Chapter 9 Benthic and Intertidal Ecology [APP-064] sets out the MDS for effects during the decommissioning phase and these effects are assessed at section 9.8.3. Given the inherent uncertainties in assessing effects that would not occur for a significant time period, the Applicant has taken a precautionary approach to the assessment. For some impacts, leaving infrastructure <i>in situ</i> will give rise to greater effects than removal and <i>vice versa</i>. The Applicant has assessed the relevant worst case for each effect. An outline decommissioning plan is unnecessary in order to assess environmental effects and could have the unintended consequence of restricting the Applicant's approach to decommissioning to one which, at the time of decommissioning could give rise to greater effects.</p>
C13	<p>6.1.3 Para. 143 Natural England are unclear what the process will be for boulder clearance and repositioning within the IDRBNR SAC and how the project will seek to minimise the impacts of this activity on sensitive features within the site.</p>	<p>We advise that mitigation measures could be adopted to minimise the impacts of this activity to Annex I feature within IDRBNR SAC. The project should present a plan for review.</p>	<p>The Applicant will undertake pre-construction surveys to determine the exact amount of boulder clearance required prior to construction within the array area and the offshore export cable corridor and micrositing around boulders will be considered where appropriate. The Applicant has included the option for the use of a plough or a grab for boulder clearance; the commitment to microsite around any identified Annex I reef within the SAC applies to all construction activities, (as set out in documents 8.5 and 8.22) not just cable installation and as such, locations for depositing grabbed boulders would avoid areas identified as reef and if a plough were used, the routes would be planned to ensure no overlap of the displaced boulders into any defined exclusion areas for the purposes of micrositing. Additionally, for all areas along the cable routes, where a grab is used for boulder clearance, the boulders will be placed nearby, in a similar habitat type.</p>
C14	<p>6.1.3, Table 6.18 and Section 9 and 8.2 More detail is required on permitted Operations and Maintenance (O&amp;M) activities over the lifetime of the project within the ECC, especially within IDRBNR SAC. For example, the number of repairs and remedial activities have been listed but not the lengths and whether or not cable protection replenishment will occur. We also seek that the project provides an estimate for new cable protection deployed in the O&amp;M phase. Natural England are also seeking to understand the differences between O&amp;M activity on transmission assets inside and outside of IDRBNR SAC. This should be clearly set out in the O&amp;M plan.</p>	<p>Natural England advise that more detail is required to support the impact assessment and worst case scenarios presented. We advise that impacts require separation between activity inside and outside of the designated site and assessment accordingly. Natural England will seek that a commitment to acquire a new marine licence for any further cable protection within the SAC over the lifetime of the project.</p>	<p>The Applicant notes that Natural England are requesting significant more detailed information than would be expected to be available at the current stage of the development of the Project; specifically, the final design of the Project is not confirmed and therefore it is not possible to define details any further the envelope which is set out as currently defined in the Outline O&amp;M Plan [APP-275]. In relation to the request for an estimate for new cable protection deployed in the O&amp;M phase, the effect of installing cable protection has been assessed as a long-term or permanent habitat loss or alteration at section 9.8.2.9 of Chapter 9 Benthic and Intertidal Ecology [APP-064]. Paragraph 245 confirms that the effect is assessed as an impact of the operational phase of the Project. The MDS at Table 9.10 confirms the total area of cable protection which may be deposited, the area of cable protection which may be deposited outside sandbank features in the IDRBNR SAC and the amount of removable cable protection which may be deposited on sandbank features within the SAC. Section 9.8.2.9 of Chapter 9 Benthic and Intertidal Ecology [APP-064] concludes that, applying the mitigation set out at Table 9.12, there are no likely significant effects arising from this impact. The effect of installing cable protection on the IDRBNR has also been assessed as a long-term or permanent habitat loss or alteration at Section 9.1.5.1 of the RIAA [AS1-095]. Paragraph 148 confirms that the effect is assessed as an impact of the operational phase of the Project. The MDS at Table 9.1 confirms the total area of cable protection which may be deposited. Paragraphs 151 and 152 of the RIAA [AS1-095] conclude that, applying mitigation, there is no AEoI on the IDRBNR SAC from the Project alone during O&amp;M with respect to the biogenic reef and sandbank features and therefore, subject to natural change, the designated feature will be maintained in the long-term. The maximum quantity of cable protection which may be deposited across the ECC is secured in condition 3, Part 2 of the dML at Schedule 11 of the dDCO (3.1). Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO (3.1) requires details of scour protection and cable protection management in accordance with the outline scour protection and cable protection management plan [APP-295] to be</p>



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			submitted as part of the construction method statement for the approval of the MMO. The WCS areas and volumes of cable protection are set out in the outline scour protection and cable protection management plan. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured. The proposed additional commitment is therefore unnecessary.
C15	<p>6.3.3.1</p> <p>With the limitation of the CBRA listed on p3 we are unable to ascertain from an ecological perspective that cables can be optimally buried. Given the challenges of neighbouring projects namely Triton Knoll and Race Bank we do not believe that the worst case scenario has been presented.</p>	<p>As with Hornsea Protect Three, Norfolk Boreas and Norfolk Vanguard we advise that the CBRA is updated from an ecological perspective using geophysical and geotechnical data and this should be cross referenced with the CSIP [APP- 278]</p>	<p>The Applicant notes that a Cable Burial Risk Assessment is a study undertaken specifically to inform engineering appraisals of the potential for achieving cable burial, considering the soil types and tools which may be used. It can also consider the vessel types, specifically the anchors of such vessels, which transit over the cable route to inform a recommended target burial depth to reduce the risk of damage to assets. A CBRA is not intended to specifically map out environmental factors and consider how this may affect burial as it does not consider specific cable routes, rather considers the risk profile of the corridor. The Applicant considers that Natural England's desire to "ascertain from an ecological perspective that cables can be optimally buried" is unclear. The CBRA uses the sediment types as informed by the geophysical and geotechnical data collected to date to inform the potential for achieving target burial depth, it is not clear how ecological factors can affect burial in this instance.</p> <p>The Applicant has collected geophysical data and geotechnical data across the cable corridor as part of the characterisation surveys for the Project, with the geotechnical data at a much higher resolution than would be considered "standard" for recent OWFs. Therefore, the Applicant remains confident in the engineering analyses undertaken to inform the MDS as set out within the Project Description APP-058 that this represents the worst-case scenario for installation.</p> <p>The Outline Biogenic Reef Mitigation Plan [document 8.22] and the Outline Cable Specification and Installation Plan [document 8.5] will be developed and refined on the basis of the additional pre-construction data. A full CBRA will be undertaken prior to the construction of the Project, based on further geotechnical and geophysical information gathered during the pre-construction surveys. Relevant information from these plans will be shared with Natural England, with the final Plans to be submitted to and approved in writing by the MMO, including the CSIP (as set out within the Outline CSIP (document 8.5).</p>
Baseline Characterisation - Document(s) Used: Document Name:			
[APP-154] 6.3.9.1 Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array) [APP-155] 6.3.9.2 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) [APP-158] 6.3.9.5 Chapter 9 Appendix 5 Envision Data Analysis			
Survey Data Acquisition, Data Gaps, Analysis, Monitoring and Reporting			
C16	<p>6.3.9.2 - Section 4.8.1</p> <p>Section 4.8.1 states "The sharp increase in species at sample two (ECC_02) was due to sampling an area of Sabellaria, where a large number of individuals were counted." However, Section 4.9.1 (and Figure 51) fails to identify Sabellaria spinulosa biotope at that station.</p>	<p>Please clarify whether this is an error in the text or an error within the data and maps and update all documents accordingly as part of clarifications regarding supporting evidence S. spinulosa reef at this location</p>	<p>The Applicant can confirm that there was an error in the text and species accumulation curve. There were high abundances of S. spinulosa found at ECC_03. However, this error does not change the assessment conclusions, and it should be noted that ECC_03 is in area delineated as S. spinulosa biotope and therefore the characterisation remains correct.</p>
C17	<p>6.3.9.2 - Section 4.9</p> <p>Para 2</p> <p>The areas represented by the 'blocks' describing results are not clear and on occasion the interpretation and thread does not follow through the report. For example, it is stated "SSS data showed areas of mottled reflectivity sediment across the majority of the survey, with an increased presence in Block 7, 9 15 and 17, indicating areas</p>	<p>Natural England advises the block numbers and their locations along the ECC are presented on the maps accordingly to assist with our understanding of the location and presence of S. spinulosa. Please also confirm whether S. spinulosa was present in Blocks 8 and 17 or not, where these are located and update maps and text in all documents accordingly.</p> <p>This information is needed for Natural England to draw conclusions on impacts to this feature.</p>	<p>References to S. spinulosa occurring within specific blocks has been reviewed throughout ES Chapter 9, Appendix 2: Benthic Ecology Technical Report (ECC) [APP-155] and all such references are copied below. While there are differences in the blocks referenced, this is for good reason as the sections and sentences refer to different aspects of the data and interpretation, which are not inconsistent with one another.</p> <ul style="list-style-type: none"> <li>• In the Executive Summary, Section 4.9 Paragraph 3 and the Conclusion Paragraph 8, the text refers to Blocks (7, 8, 9 and 15) where the SS.SBR.PoR.SspiMx 'S. spinulosa on stable circalittoral mixed sediment' biotope has been delineated.</li> </ul>

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	<p>dominated by mixed sediments with patches of <i>S. spinulosa</i>." However, Section 4.9.1 States that "<i>S. spinulosa</i> crusts as well as small clumps of live reef were most observed in Blocks 7, 9 and 15 of the ECC route". Block 8 is also mentioned in the Executive Summary.</p>		<ul style="list-style-type: none"> <li>• In Section 4.9.2 Paragraph 2, the text refers to the presence of particular SSS signatures in Block 7, 9 15 and 17, indicating areas dominated by mixed sediments with patches of <i>S. spinulosa</i>.</li> <li>• In Section 4.9.1 Habitat Classification; e - '<i>S. spinulosa</i> on stable mixed sediment, and Section 4.9.2 Potential Sensitive Habitats; b - Biogenic Reef Formed by <i>S. spinulosa</i>, the text refers to small clumps of live reef being mostly observed in Blocks 7, 9 and 15.</li> </ul>
C18	<p>6.3.9.2, Section 3.4, Section 4.9.2b and Appendix C, O and P.</p> <p>As a minimum, 3 parameters should be considered in determining the presence, or absence, of Annex I <i>S. spinulosa</i> reef, these are: extent, elevation and percentage cover (Gubbay 2007). True patchiness along transects can also be derived from drop-down camera imagery as outlined in Jenkins <i>et al.</i>, (2018). 2cm tube height elevation is a critical threshold for determining the presence of Annex I reef, yet both the main body of the technical report and the appendices (i.e. Appendix C – Field Operations and Survey Methods) fail to describe how <i>S. spinulosa</i> tube height has been confidently determined (text simply states that "A conservative approach" was used).</p> <p>Natural England notes that the Seabed Photopages (Appendix P) do not display laser scaling pointers and/or lines projected from the camera frame onto the seabed (as per Hitchin <i>et al.</i>, 2015; Jenkins <i>et al.</i>, 2018 in accordance with NE Best Practice Guidance: <a href="#">Environmental considerations for offshore wind and cable projects</a>) which would support accurate determination of tube height. Given that Appendix O provides average height figures which appear to suggest that elevation has been determined with an accuracy of &lt;1cm (e.g. 1.9, 1.5 cm etc.), it is not clear what methods have been used to determine these values and therefore the determination of reefiness, at stations where <i>S. spinulosa</i> has been recorded, appears to be ambiguous.</p> <p>Of particular concern is that several images within the report appear to show tube elevations consistently in excess of 2cm (e.g. ECC_64, 66, 29b in Figure 47) which is in contradiction with the data presented in Table 60 and the overall report conclusions.</p>	<p>Natural England advises the Applicant provides detail on how they have confidently arrived at the average <i>S. spinulosa</i> tube height calculations presented within Table 60 and Appendix O.</p> <p>Natural England is unable to agree with the environmental baseline results and conclusions until appropriate evidence has been provided to demonstrate that the extent and distribution of <i>S. spinulosa</i> reef, particularly within the IDRBNR SAC has been robustly determined and that the precautionary principal has been appropriately applied to the available data.</p>	<p>The Applicant can confirm that the majority of stills have visible laser scales however, where topography of the seabed hid/distorted these lasers, expert judgement has been used to determine tube elevation, noting the height and angle of the photograph, making reference to neighbouring photographs with visible laser scales and known sizes of marine fauna, including <i>S. spinulosa</i>.</p> <p>Tube elevation for specific screen shots at 1cm intervals was determined by expert judgment, with reference to the laser scales. When average tube heights are calculated from a range of screen shots, these were calculated to 1 decimal place.</p> <p>The photos mentioned by NE above (ECC_64, 66, 29b in Figure 47) were not analysed during the reefiness assessment. A '10 second stills' methodology has been used here, with screen shot stills taken across the entire transect at regular 10 second intervals from the video footage, resulting in an image approximately every 1-2m (as much as possible to produce high enough quality stills to assess <i>S. spinulosa</i> with). This therefore implies the areas of greater <i>S. spinulosa</i> presence seen in Figure 47 were small in area and would not be classed as Annex I reef. It should be further noted that this 'reefiness' method is utilised to avoid potential bias to interpretation from too much reliance being placed on seemingly highly 'reefy' non-random still photographs, such as those highlighted in the NE comment.</p>
C19	<p>6.3.9.2 - Table 25 and Section 4.8.1</p> <p>The report states that due to the degree of <i>S. spinulosa</i> 'reefiness' at Station 29 a sample was not taken. However, the Applicant has not considered or mapped this area as Annex I reef. Furthermore, grabs at adjacent Stations ECC_28 and ECC_30 failed.</p>	<p>Natural England advises the Applicant expands their interpretation to explain why the <i>S. spinulosa</i> at Station ECC_29 was considered sufficiently representative of Annex I reef to determine that sampling should be excluded from the area to prevent impacts to the habitat, yet the report results fail to consider the area as reef. The explanation also needs to consider the potential reasons for failed grabs at adjacent Stations ECC_28 and ECC_30 and likelihood of reef at these locations.</p>	<p>The lack of sample at the aforementioned stations does not indicate presence of <i>S. spinulosa</i> reef. The decision to cut station ECC_29 from the scope was made in the field based on observations of photographic data that was obtained at the site ahead of grabbing to prevent damaging potential Annex I reef, following best practice survey methods. However, when photographic data from station ECC_29 underwent detailed onshore assessment, which included defining elevation and patchiness for <i>S. spinulosa</i> 'reefiness' as described by Gubbay (2007), after completion of the field survey, the result was 'Not a Reef'. No <i>S. spinulosa</i> was observed on the video footage from ECC_28 and</p>

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	<p>Natural England is concerned that this data has been disregarded as evidence for Annex I <i>S. spinulosa</i> reef, particularly as the failure of grabs at adjacent stations could indicate the presence of reef structure, preventing the grabs from closing.</p>		<p>ECC_30. Whilst grab data can be useful in informing the potential for reef forming aggregations of <i>S. spinulosa</i> (as per Limpenny <i>et al.</i> (2010)), best practise methods for formal analysis on the presence or absence of Annex I qualifying <i>S. spinulosa</i> reef is to be undertaken using video/photographic data, as per Gubbay (2007); as such, the use of grabs is a secondary, complementary, but not obligatory data gathering tool to aid in identifying locations of potential biogenic reef.</p> <p>In relation to the comment 'However, the Applicant has not considered or mapped this area as Annex I reef' ECC_28 and 29 are within an area mapped as '<i>S. spinulosa</i> on Stable Circalittoral Mixed Sediment' (SS.SBR.PoR.SspiMx/MC2211) in Figure 50, ECC_30 was not delineated the same as this area showed a different SSS signature to ECC_28 and EC_29.</p>
C20	<p>6.3.9.2 - Figure 54, Table 60, Appendix M, O and P</p> <p>Natural England is concerned that Figure 54, Appendix P and Appendix M present evidence of <i>S. spinulosa</i> reef which are in stark contradiction to the evidence and 'reefiness' values presented in Appendix O, and importantly, the subsequent assessment and conclusions of 'reefiness' presented in Table 60.</p> <p>For example, ECC_VID_66_012.jpg (Appendix P) shows <i>S. spinulosa</i> tube structures consistently well in excess of the 0.5 cm tube height reported within Appendix O for that precise image/location. Furthermore, Appendix M reports a <i>S. spinulosa</i> SACFOR abundance of 'A- Abundant' which is consistent with the evidence in Appendix P, but not Appendix O and the overall reefiness conclusion in Table 60.</p> <p>Similarly, ECC_VID_66_031.jpg (Appendix P) and Appendix M show/report a 'Common' abundance of <i>S. spinulosa</i> tubes of height which appears in excess of 2cm, yet Appendix O reports no cover or elevation at this location.</p> <p>Further similar inconsistencies also exist for other stations, of most concern to Natural England, are those within the ECC.</p>	<p>Natural England considers that all evidence and data relating to <i>S. spinulosa</i> reefiness requires thorough review and revisiting. Given the inconsistencies and contradictions between the evidence and conclusions presented, currently Natural England does not have sufficient confidence in the baseline data to inform our advice.</p>	<p>ECC_VID_66_012.jpg in Appendix P is different to the image ECC_VID_66_00012.jpg assessed for <i>S. spinulosa</i> reefiness. The former still photograph is a non-random still photograph taken by the operator in the field, whereas the latter is a screen shot taken at 10 second intervals from the entire transect taken, to avoid bias (as explained in the Applicant's Response to Relevant Representations REPC18). Note that the 10 second screen shots are differentiated by the additional zeros prior to the jpg number. Therefore, the results for the 12th still in the assessment does not represent the still ECC_VID_66_012.jpg taken in the field, presented in Appendix P. This is the same throughout the assessment and applies to the other 'inconsistencies' noted by Natural England. Therefore, these images and the analyses are not an inconsistency nor do they present a contradiction in the evidence.</p> <p>Furthermore, the Applicant commissioned an independent reanalysis of the DDV data along the ECC by an external third party (Envision) who, following review of the survey data, have confirmed that there is no reef present within the ECC (document 15.16). As such, the Applicant remains confident in the assessments and conclusions drawn on the basis of the original survey analysis.</p>
C21	<p>6.3.9.2</p> <p>General Section 9.4</p> <p>Figure 54</p> <p>As advised at the pre-application stage, Natural England is concerned with the method of assessing <i>S. spinulosa</i> reef by averaging height and percentage cover scores recorded at every data point along each transect. Survey design for ground truthing reef with seabed imagery should target the full extent of identified potential reef including a run-in area where no reef would be observed. Natural England notes that in contradiction to our previous advice,</p>	<p>Natural England does not consider that the Applicants response to our pre-application advice in relation to the methods and analytical techniques used to determine the extent and distribution of Annex I <i>S. spinulosa</i> reef is satisfactory, and we note numerous ongoing contradictions between the evidence presented and the baseline conclusions.</p> <p>Natural England is unable to agree with the environmental baseline results and conclusions until sufficient evidence has been provided that the extent and distribution of <i>S. spinulosa</i> reef, particularly within the DRBNR SAC has been robustly determined.</p> <p>Where there is subjectivity in the process that cannot be sufficiently minimised, Natural England strongly advise the application of a precautionary approach when reviewing the available data and evidence</p>	<p>The areas of medium and low reef mentioned by Natural England have been further investigated. In ECC_66, medium reef was not consistent for 150 m, the closest 2 stills assessed for <i>S. spinulosa</i> were 5 m apart (5 m – 110.5 m between 'medium reef' stills) and the same was evident for low reef stills. It should be noted that medium reef and low reef points are overlaid on top of the no reef/not a reef data points in Figure 54 to highlight their presence and avoid higher reefiness data points being obscured by no reef/not a reef.</p> <p>Averaging height and percentage cover scores recorded at every data point is the standard approach taken by BSL for assessment of potential <i>S. spinulosa</i> reef. This approach relies on it being possible to identify <i>S. spinulosa</i> aggregations signatures from the geophysical data (typically using SSS and MBES), which is something that BSL specialise in, with senior personnel having experience of doing this for &gt;20 years. While delineation of <i>S. spinulosa</i> reef can be achieved in mobile sandy substrates, this is more difficult to achieve in mixed</p>

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	<p>percentage cover and elevation values have been averaged across the length of the transect rather than the subsections of the transect where reef has been delineated. This has resulted in bias with areas of potential Annex I reef being incorrectly identified as 'not reef'.</p> <p>The Applicants response to Natural England's pre-application comment (provided in Section 9.4 of the Benthic and Intertidal ES Chapter 9 [APP- 064]) relies upon lack of spatial extent as justification for disregarding areas of reef.</p> <p>However, this is in contradiction to the spatial presentation of data within Figure 54 of the ECC technical report which shows consistent medium reef for &gt;150 m lengths of transect, and low reef over the full transect lengths &gt;300m in some cases. All of which would be protected as Annex I reef</p>	<p>to determine the potential for the presence of 'reef' as defined by Gubbay (2007) and/or potentially supporting habitat.</p>	<p>sediment habitats and often not possible to distinguish <i>S. spinulosa</i> aggregations from the surrounding ambient mixed sediment. As noted in Jenkins et al. (2018) "Delineating <i>S. spinulosa</i> reef extent was achievable for some areas within the study site, but not for all. The lack of a consistent, and replicable, acoustic signatures synonymous with reef presence across the study site made mapping reef extent at the site scale difficult.", this was also the case for the current survey.</p> <p>The consideration of single data points showing Low/Medium/High reef structure would not be appropriate as they do not cover sufficient area (25 m<sup>2</sup>) to be considered Annex I reef. Excluding these single reef structure data points, there were three transects where two or more adjacent data points showed Low/Medium/High reef structure. To assess what difference would be seen if each of the segments of Low/Medium reef structure were assessed as potential separate reefs. For this assessment, the same reefiness assessment method used in the technical report has been used here, so this is not repeated here. The difference is that this assessment calculates average (mean) reefiness levels and the corresponding reef 'structure' for each segment, which is then assessed against the estimated area of the patch. As noted previously, it is not possible to accurately assess the areas of the reef from the available geophysical data, so the patch has been assumed to be circular with the diameter of the circle taken, on a precautionary basis, to be the straight-line distance between adjacent non-reef data points either side of the potential reef segment. This 'circular' patch assessment method has been used by BSL for a number of <i>S. spinulosa</i> and stony reef assessment over the past decade with no negative feedback from clients, regulators or SNCBs. The results of this analysis show that the patches across all three transects would achieve overall 'reefiness' levels (incorporating patchiness, elevation and area measures) of 'Not a Reef' or 'Low Reef', for which strong justification would be needed for these areas to be considered Annex I reef.</p> <p>One image within ECC_66 was found to contain 'High Reef', due to high patchiness and elevation scoring however, the average result for this patch was still 'Low Reef, with the overall conclusion for ECC_66 being that this site was "Not a Reef" in line with the guidance for determining 'reefiness'.</p> <p>The contradictions mentioned by NE between the evidence presented and baseline conclusions (assuming they are the ones mentioned in previous comments) have been addressed in responses to other NE comments above.</p>
C22	<p>6.3.9.5</p> <p>General</p> <p>[APP-158] 6.3.9.5 Envision Data Analysis does not address Natural England's pre-application comments relating to the adequacy of methods for determining the presence of Annex I <i>S. spinulosa</i> reef. As a result, Natural England has significant outstanding concerns relating to the survey methods, processing methods, sampling resolution, and the suitability and transparency of the resulting data for confidently informing the extent and distribution of Annex I reef feature within the ECC order limits. Section 2.7 of the [APP-158] 6.3.9.5 Envision Data Analysis report points to limitations and ambiguities within the data which has been used to inform its results, and these reflect Natural England's overarching concerns.</p> <p>Natural England notes the [APP-158] 6.3.9.5 Envision Data Analysis report has not reconsidered the approach taken</p>	<p>Natural England does not consider that [APP- 158] addresses the concerns raised in our pre-application advice in relation to the methods and analytical techniques used to determine the extent and distribution of Annex I <i>S. spinulosa</i> reef.</p> <p>Natural England is unable to agree with the environmental baseline results and conclusions until sufficient evidence has been provided that the extent and distribution of <i>S. spinulosa</i> reef, particularly within the DRBNR SAC has been robustly determined and that the precautionary principle has been appropriately applied using the available data available at this stage.</p>	<p>ENVISION have undertaken a reassessment of <i>S. spinulosa</i> 'reefiness' of video stations within the Offshore ECC (document 15.16). Videos from 33 stations were initially screened for presence or absence of <i>S. spinulosa</i>, with 12 stations identified for further assessment and reviewed for Annex 1 biogenic reef following the appropriate JNCC guidance notes (Gubbay, 2007). Numbers of individual <i>S. spinulosa</i> identified in the benthic grab samples from 59 stations were also assessed in line with the density thresholds detailed in Limpenny <i>et al.</i>, (2010). ENVISION assessed all 12 stations identified for full assessment as 'NOT a REEF', using underwater imagery, grab sample counts and side scan sonar data to examine extent.</p> <p>The previous analysis [APP-158] considered both the conclusions of the EBS data, as well as historic data; however any presence of <i>S. spinulosa</i> was treated consistently and vintage was not weighted meaning the probability of <i>S. spinulosa</i> occurring within that study was increased considerably. Two interpretations were produced, one using project specific data, the other with all available data to allow a consideration of the age of the data to be made by the reader.</p> <p>The conclusion of the reanalysis of the survey data (document 15.16) negates the need to update the previous analysis, as it confirms the lack of any Annex I qualifying reef within</p>

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	<p>to determining 'reefiness' using the Environmental Baseline Survey (EBS) data (as per our pre-application advice). The Applicants original 'reefiness' assessment, and the associated ambiguities and low resolution approach, have simply been embedded in further broadscale data (much of which is physical data only and/or in excess of 20 years old), which has then been used to inform the [APP-158] 6.3.9.5 Envision Data Analysis report results, further undermining the confidence that can be applied to conclusions.</p>		<p>the offshore ECC, which would therefore not alter the conclusions of APP-158, which are in fact, reinforced by this new data.</p>
C23	<p>6.3.9.5 Section 2.2 Section 2.2 states that "<i>numbers of S. spinulosa individuals present in infauna grabs</i>" were "<i>used to inform the study</i>", however, there is no further information on this approach, or the thresholds used to consider the potential for the presence of biogenic reef. Consequently, the suitability of this aspect of the additional analysis presented in [APP-158] cannot be determined, nor can it be determined whether the precautionary approach has been adequately applied. Confidence in this aspect of the methods is further undermined in Section 2.2 which states that where elevated numbers of <i>S. spinulosa</i> have been recorded "<i>supporting evidence is not available to allow a full reefiness assessment to be made</i>"; this suggests that the approach taken to using individual <i>S. spinulosa</i> count data within [APP-158] 6.3.9.5 Envision Data Analysis is inadequate for determining the likely presence of Annex I reef.</p>	<p>Natural England refers the Applicant to our pre- application advice and current comments pertaining to the benthic technical and [APP-158] 6.3.9.5 Envision Data Analysis report, and request these be considered in a review of the currently available data.  In the absence of such a review, Natural England is unable to agree with the environmental baseline results and conclusions. Further information and evidence are required to demonstrate that the extent and distribution of Annex I <i>S. spinulosa</i> reef, particularly within the IDRBNR SAC, has been robustly determined and that the precautionary principle has been appropriately applied.</p>	<p>ENVISION have undertaken a reassessment of <i>S. spinulosa</i> 'reefiness' of video stations within the Offshore ECC. Videos from 33 stations were initially screened for presence or absence of <i>S. spinulosa</i>, with 12 stations identified for further assessment and reviewed for Annex 1 biogenic reef following the appropriate JNCC guidance notes (Gubbay, 2007). Numbers of individuals <i>S. spinulosa</i> identified in the benthic grab samples from 59 stations were also assessed in line with the density thresholds detailed in Limpenny et al (2010). ENVISION assessed all 12 stations identified for full assessment as 'NOT a REEF', using underwater imagery, grab sample counts and side scan sonar data to examine extent. Previous analysis did consider elevated numbers (&gt;375 per m<sup>2</sup>) but BSL imagery, 'reefiness' assessment and community analysis evidence was contrary to these numbers (e.g. Station ECC_57 had 755 individuals from infaunal analysis, but was given Spi.Mix but was assessed as not a reef from video). The Applicant refers the ExA to the response to comment C19 for how the grab data is considered in the determination of Annex I qualifying reef.</p>
C24	<p>6.3.9.5 Section 2.2 Natural England notes that [APP-158] 6.3.9.5 Envision Data Analysis used "<i>Regional and other datasets were sourced from the Regional Seabed Monitoring Plan (RSMP) baseline assessment dataset (Cooper &amp; Barry, 2017ii)</i>" in an attempt to augment the existing baseline. This '2017' data does not appear to have been fully and appropriately referenced, Natural England notes that the 'RSMP baseline data' for the study area is in excess of 20 years old. The age of this data set substantially undermines the confidence that can be applied to it, particularly given the high existing levels of anthropogenic activity within, and adjacent to, the study area which have may acted to alter the benthic communities present over time.  Natural England is concerned that the RSMP baseline data, which is in excess of 20 years old, is not sufficiently representative of the existing baseline. We note the validity of this concern is supported by recent aggregates casework on the East Coast which has demonstrated</p>	<p>Natural England requires the age and nature (e.g. physical, biological) of the data used to inform the [APP-158] 6.3.9.5 Envision Data Analysis report to be more transparently presented. Analytical methods should also be applied to justify why the Applicant considers data &gt;20 years old to be representative of the current baseline, and fit for purpose for determining the extent and distribution of Annex I <i>S. spinulosa</i> reef specifically, especially noting that current advice states that biogenic reef data older than 24 months can't be relied upon  Please refer to Natural England's Best Practice Guidance (<a href="#">Environmental considerations for offshore wind and cable projects</a>) where it is set out that a habitats or features which are ephemeral or dynamic (e.g. <i>S. spinulosa</i> reef) would require recent data to corroborate site- specific surveys.</p>	<p>The age of each dataset was not incorporated within the analysis [APP-158] on a precautionary basis, as this provides additional accounts of <i>S. spinulosa</i>. Any historic presence of <i>S. spinulosa</i> was considered on an equal basis between datasets. The removal, or negative weighting of historic data would result in a lower likelihood of identifying reef as being present as it would have favoured the conclusions from the site-specific data which concluded no reef across the whole dataset.  The reanalysis of the DDV dataset (document 15.16) undertaken by ENVISION confirms no <i>S. spinulosa</i> reef identified within the Offshore ECC; therefore, previous habitat maps remain the same.</p>

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	<p>statistically significant temporal differences in the infaunal communities between Marine Aggregates Regional Environmental Assessment (MAREA) data (also known as the 'RSMP baseline data') and more recent site specific baseline data.</p> <p>Presentation of this data collectively has resulted in a baseline which appears spatially variable; however, the spatial variability is likely to be an effect of temporal variability introduced by the presentation of different data sets collectively (without further distinction of age of data) rather than representation of real community heterogeneity. A similar approach to using a broad range of temporal data has been applied by the Applicant within [APP-158] 6.3.9.5 Envision Data Analysis report, and as such, the confidence in the results of this assessment have been substantially undermined.</p>		
C25	<p>6.3.9.5 Figures 16 to 22</p> <p>There are numerous aspects of the [APP-158] 6.3.9.5 Envision Data Analysis report which lack transparency. It is difficult to decipher from Figures 16 to 22 whether more representative data has been potentially diluted by data of lower confidence such as that which is old, lacks relevant parameters, or is limited to broadscale or physical parameters.</p> <p>This significantly undermines the confidence that can be applied to the report results and conclusions, notwithstanding the ambiguities relating to the methods used to determine 'reefiness' as addressed by Natural England's accompanying comments.</p>	<p>The methods applied within the [APP-158] 6.3.9.5 Envision Data Analysis lack transparency. Natural England advises the Applicant provides further explanation as to how confidence in different data sets has been applied and how this informs the final baseline map and provides a Worst-Case Scenario for extent and distribution of Annex I <i>S. spinulosa</i> reef within the ECC.</p>	<p>As set out above, the Applicant has given equal weighting to all survey data considered within [APP-158] as this gives the greatest potential to identify reef as potentially being present. A negative weighting to older datasets would consequently rely more heavily on the Project site- specific data which concluded no reef.</p> <p>The results of the analysis within APP-158 confirmed the conclusions of the ES characterisation, that there was no reef present within the Offshore ECC; as such, it did not alter the worst-case scenario for Annex I <i>S. spinulosa</i> reef within the ECC (i.e. that there was no reef present).</p>
C26	<p>6.3.9.5 Figure 21</p> <p>Natural England considers that the confidence map as presented in Figure 21 is of limited relevance and is based on invalid analysis.</p> <p>This confidence map relates to, in the most part, the concurrence of broadscale habitats NOT the presence or absence of Annex I reef, and as such its relevance to confidently determining the presence/absence of Annex I reef is limited.</p> <p>Furthermore, the figure appears to present the concurrence of amalgamations of the same data presented in different ways/at different classification levels (i.e. MNCR level 3 and 4), therefore a significant degree of bias towards higher confidence has been introduced by the invalid analysis and incorporation of the same data multiple times. In addition, no confidence appears to have been applied to data based on key aspects such as data age, methods, parameters measured etc. As a result, Natural England disagrees that this</p>	<p>In the absence of appropriate survey effort and a robust approach to determining the presence, extent, and distribution of Annex I <i>S. spinulosa</i> reef within IDRBNR SAC using existing data, Natural England advises that the data and analytical methods applied to the available data should be revisited and a suitably precautionary and transparent approach implemented.</p> <p>Where there is subjectivity in the process that cannot be sufficiently minimised, Natural England would welcome the application of a precautionary approach, and subsequent reconsideration of the data and evidence to determine the potential for the presence of 'reef' as defined by Gubbay (2007).</p>	<p>The analysis is not invalid.</p> <p>Further detail has been issued to include a map to show the confidence of <i>S. spinulosa</i> habitats only (including SS.SBR.PoR (not reef) and SS.SBR.PoR.SspiMx (not reef)) from project specific data L4/5 MNCR habitat map. Confidence of the project specific data L3 and L4/5 MNCR habitat maps has been determined using the MESH confidence assessment scoresheet and a JNCC confidence assessment method (Lillis, 2016).</p> <p>The Applicant notes that the survey scope for the site characterisation surveys were shared with Natural England for consultation in 2021, with no concerns raised by Natural England on the survey effort proposed, with the survey parameters exceeding those set out within the Natural England guidance "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". The Applicant further notes that the survey effort (i.e. number of data points) for the Project is substantially higher than that on other recent DCO projects (e.g. Five Estuaries and Hornsea Four), thereby giving higher confidence in the conclusions drawn from the data. Notwithstanding the higher data availability for the Project, and the robust nature of the analysis to inform the baseline (see responses to comments above), the Applicant contracted an independent review of the raw DDV data (document 15.16), which confirmed that the conclusions of the original survey were valid in concluding no Annex I qualifying reef is present in the Order Limits</p>

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	<p>confidence map is of use for informing any decision-making processes in relation to Annex I reef features within the ECC.</p> <p>Section 2.5 of the [APP-158] 6.3.9.5 Envision Data Analysis report states that "This map incorporates appropriate levels of precaution in terms of how the sample data are assessed and used within the mapping processes". However, the precautionary approaches have not been explicitly stated and are not clear from the report.</p> <p>Given the information presented by the Applicant to date, the precautionary approach currently appears to be absent from the survey and analytical methods which have been used to determine the extent and distribution of Annex I reef within the ECC order limits.</p>		<p>and specifically within the section of the IDRBNR SAC which overlaps with the offshore ECC.</p>
C27	<p>6.3.9.5 And 6.3.9.2 Appendix I</p> <p>A study by Envision in The Wash (Foster-Smith and Sotheran, 1999 in Limpenny <i>et al.</i>, 2010) reported that reefs were associated with samples of densities of <i>S. spinulosa</i> individuals greater than 375 per 0.1m<sup>2</sup>. Natural England notes that the Applicant has not described how individual <i>S. spinulosa</i> count data has been considered or what thresholds have been used to determine the potential for reef.</p> <p>Notably, the [APP-158] 6.3.9.5 Envision Data Analysis report fails to fully consider the Joint Nature Conservation Council (JNCC) count data it presents, which in some cases shows counts of 500-1000 individuals (no units provided), almost 3 times the threshold which Foster-Smith and Sotheran, (1999) suggest could represent reef. Furthermore, the infauna matrix in Appendix I shows counts in excess of 375 at Stations ECC_36, ECC_37, ECC_49, ECC_57, yet stations ECC_37 and ECC_49 have not even been considered in Table 60 for 'reefiness' assessment.</p> <p>Although Natural England acknowledges that there is no strong evidence of bimodal distribution of <i>S. spinulosa</i> individuals between areas categorised and 'reef' and 'not reef', considering the number of individuals is a highly useful approach to determining risk of impacts to Annex I reef and targeting pre-construction surveys accordingly, particularly given the low sampling resolution within the baseline surveys, and limitations in the ability of the geophysical surveys to differentiate areas of potential reef.</p>	<p>A precautionary approach to data interpretation is required to inform a worst-case scenario of Annex I <i>S. spinulosa</i> reef extent and distribution within the ECC order limits. This is required to provide a robust basis from which preconstruction surveys can be targeted.</p> <p>Natural England therefore advises that Individual count data from the baseline studies, JNCC (2022), and any other recent data should be reviewed in light of the Limpenny <i>et al.</i>, (2010) findings, and spatially presented to inform pre-construction biogenic reef monitoring and mitigation, and any subsequent compensation.</p>	<p>The original ENVISION report did not reassess identification of <i>S. spinulosa</i> 'reefiness' from the original report, but used original BSL findings.</p> <p>ENVISION have recently undertaken a reassessment of <i>S. spinulosa</i> 'reefiness' of video stations within the Offshore ECC. Videos from 33 stations were initially screened for presence or absence of <i>S. spinulosa</i>, with 12 stations identified for further assessment and reviewed for Annex 1 biogenic reef following the appropriate JNCC guidance notes (Gubbay, 2007). Numbers of individuals <i>S. spinulosa</i> identified in the benthic grab samples from 59 stations were also assessed in line with the density thresholds detailed in Limpenny <i>et al</i> (2010). ENVISION assessed all 12 stations identified for full assessment as 'NOT a REEF', using underwater imagery, grab sample counts and side scan sonar data to examine extent.</p>

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<p>Environmental Impact Assessment - Documents Used: [APP-064] 6.1.9 Chapter 9 Benthic and Intertidal Ecology [APP-287] 8.13 Schedule of Mitigation [APP-295] 8.21 Scour and Cable Protection Management Plan [APP-296] 8.22 Outline Biogenic Reef Mitigation Plan</p>		
<p>Identified impacts.</p>		
<p>C28</p>	<p>6.1.9 - Table 9.2 In response to Natural England S42 comments, the Applicant states that <i>S. spinulosa</i> was only found 'intermittently along a single camera transect'.</p>	<p>This statement is incorrect and requires removal. <i>Sabellaria spinulosa</i> was observed along multiple video transects as per the ECC report 6.3.9.2.</p>
<p>The Applicant confirms that this is a mistake in Table 9.2. As detailed in Appendix 2: Benthic Ecology Technical Report (ECC) of ES Chapter 9: Benthic and Intertidal Ecology [APP-155] it is noted that <i>S. spinulosa</i> was recorded in six transects (29, 35, 57, 64, 65 and 66). There are no updates required to the EIA documentation, as the assessment has been carried out on the basis of the presence of <i>S. spinulosa</i> recorded at the six transects noted in the offshore ECC Benthic Ecology Technical Report [APP-155]</p>		
<p>Methodology</p>		
<p>C29</p>	<p>6.1.9 – Section 9.5, Paras 115 to 118 and 127 to 129. Natural England reiterates our concerns with the available baseline data used to assess the presence and extent of <i>S. spinulosa</i> reef. We do not consider the Applicants response to these concerns (which were raised at the pre-application stage) to provide a satisfactory explanation for the approach taken.</p>	<p>Natural England advises that the assumptions made by the Applicant to draw the conclusion of 'no significant impacts in EIA terms' on <i>S. spinulosa</i> reef are not scientifically robust and require revisiting following a more appropriate review of the data available as per our accompanying comments. We further advise the Applicant must demonstrate due regard to <i>S. spinulosa</i> reef within 12nm under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.</p>
<p>As detailed above, the site-specific data, which should be considered to be the best available evidence, has confirmed the absence of any Annex I qualifying (and consequently the absence of any qualifying NERC reef) in the offshore ECC. Therefore, the Applicant remains confident that the conclusions of no significant effects remain robust and valid.</p>		
<p>C30</p>	<p>6.1.9 – Table 9.9 The ES has failed to identify any biotopes within Annex I Sandbank habitats (Table 9.9), yet Kleine (2006) has identified extensive sandbank features particularly throughout the eastern half of IDRBNR SAC which are intersected by the proposed ECC route. It is therefore not clear how impacts to the Sandbank features have been assessed given that the sandbank communities have not been attributed EUNIS/Biotope classifications and therefore it is not possible to determine the significance of impacts on Sandbank receptors and thus the conservation objectives for the site according to the Applicants own methods as outlined in Section 9.7. Natural England considers the assessment process is significantly lacking transparency in this respect and requires updating.</p>	<p>Natural England advises that the assumptions made by the Applicant to draw the conclusion of 'no significant impacts in EIA terms' on Sandbank habitat are not scientifically robust and require revisiting. And this should then inform an updated Report to Information Appropriate Assessment (RIAA)</p>
<p>The Applicant attributed biotopes across the offshore ECC in response to detailed characterisation of the sediments and fauna associated with the stations surveyed, these biotopes were then taken through the EIA assessment process in line with methodologies detailed within Section 9.7 of ES Chapter 9: Benthic and Intertidal Ecology (APP-064). The biotope 'Infralittoral muddy sand' (MB5) habitat was dominated by homogeneous fine sands and associated with the presence of sandbank features. Whilst the ecology did not distinguish these features or raise significances in relation to sensitivity the physical form of the sandbank features was given due consideration in both ES Chapter 9: Benthic and Intertidal Ecology (APP-064) and ES Chapter 7: Marine Physical Processes (APP-062), the results of which informed the RIAA (AS1-095). The assessments presented are considered robust and accurate and will not be updated.</p>		
<p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>		
<p>C31</p>	<p>8.13, Tab.1,1 Point2 Scour Protection: Natural England notes that the mitigation listed is from an engineering perspective rather than an ecological one.</p>	<p>Natural England advise that this is amended and it reflect commitments made to avoid rock protection in the IDRBNR SAC</p>
<p>It is not necessary for mitigation to be solely related to ecological drivers; it is the ecological effect of the measure that determines whether or not it is mitigation. It is not clear why mitigation which has a dual ecological and engineering function requires to be supplemented in the manner proposed. The ecological benefit of additional mitigation measures is set out in the assessment in Section 9.8, Chapter 9, Benthic and Intertidal Ecology (APP-096). There is no requirement to update this table to sign post the ecological benefit in greater detail.</p>		
<p>C32</p>	<p>8.13 Tab.1,1 Point (3) Natural England advises that all cable protection should be removed from IDRBNR SAC at the time of decommission. The use of Rock protection should be excluded within the SAC</p>	<p>Natural England advises that the document is updated to include environmental mitigation measures</p>
<p>The Applicant has committed to removable cable protection across the protected Annex I sandbank feature of the SAC. The Applicant has also committed to avoid any areas of known Annex I <i>S. spinulosa</i> reef during installation activities, including deployment of cable protection, as such, there is no need to use removeable cable protection to mitigate impacts to this feature as there will be no impact to it. As noted above, the Applicant is confident in the conclusion of no AEoI to the features of the IDRBNR SAC, and as such, no further mitigation measures, including commitments</p>		



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			<p>around decommissioning, are required. As set out in response to comment C12, the Applicant considers that it would be inappropriate to commit to total removal at decommissioning without an analysis of the relevant environmental baseline at the time, as total removal may give rise to greater environmental effects compared to leaving the material <i>in situ</i>.</p> <p>Please also refer to the responses above.</p>
C33	<p>8.13 Tab. 1.1 Point 4</p> <p>8.21 Section. 3.4</p> <p>Natural England wishes to draw the ExA attention to our advice in relation to avoiding near shore cable protection and avoiding disruption to sediment transportation which is presented in Appendix B or our relevant representations.</p> <p>As set out, cable protection at HDD exit pits is likely to be a concern and haven't been fully qualified within the O&amp;M plan, RIAA etc. Even if the least impactful method of cable protection, i.e. mattressing, is used, the Applicant has presented no evidence that this would enable the continuation of sediment transport</p>	<p>Natural England advises that our advice, provided in Annex B, is addressed and this document is updated accordingly.</p>	<p>The Applicant refers the ExA to the responses provided to the comments received from Natural England in Annex B of RR-046.</p>
C34	<p>8.13 Tab. 1.1</p> <p>Point 5</p> <p>Natural England reiterates that the production of a PEMP in itself cannot be considered mitigation.</p> <p>We have concerns with level of detail of measures included in the Outline documents and their effectiveness. Please see comment C10 for further information.</p>	<p>Natural England requests that further details are provided on specific mitigation measures within Outline PEMP.</p>	<p>The Applicant highlights that it is the measures contained within the Project Environmental Management Plan (PEMP) which are mitigation for the effects identified. Condition 13(1)(e), Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1) requires the submission of a PEMP, in accordance with the outline PEMP (APP-277) to be submitted to the MMO for approval prior to the commencement of licensed activities. Items (i) to (vii) in Condition 13(1)(e) and the outline PEMP provide a high-level explanation of the content of the PEMP and this content is therefore secured in the DCO. The final PEMP will be prepared post-consent, taking into consideration latest guidance, the detailed design of the Project and latest technologies on specific mitigation measures. Relevant information from these plans will be shared with Natural England.</p>
C35	<p>8.13, Tab. 1.1 Point 6 &amp; 7</p> <p>Natural England advises that disposals sites for dredged material should be agreed as part of the consenting process. Disposal sites within the IDRBNR SAC should be upstream of the sandbank to help facilitate recovery.</p>	<p>Natural England advises that further commitments to disposal locations should be made prior to consent being granted.</p>	<p>The Applicant has proposed and assessed that the whole of the order limits be used for disposal activities, to ensure that material can be deposited close to the area from which it was taken. Section 5.2 of the outline Cable Specification and Installation Plan (APP-278) confirms that any material dredged from within the Inner Dowsing, Race Bank and North Ridge Special Area of Conservation (SAC) will be deposited back within the Inner Dowsing, Race Bank and North Ridge SAC. Section 7 of the outline PEMP (APP-277) confirms that, in the event that disposal of dredged sediment (associated with seabed preparation works or cable installation) is required, material will be deposited within an area of similar sediment characteristics, in close proximity to the dredge location in order to retain sediment within the sediment transport system. No material will be deposited outside the agreed disposal sites. The Applicant has submitted a Disposal Site Characterisation Report to the MMO alongside a request for the designation of the proposed disposal sites. The Disposal Site Characterisation Report has been submitted as part of the suite of documents accompanying these responses (document referene 15.15)</p>
C36	<p>8.21 Section 3.2 and</p>	<p>Natural England queries if further reductions in cable protection within IDRBNR SAC can be made</p>	<p>The Applicant notes that the proposed length of cable which may require protection within the SAC (excluding the sandbanks) is 20%, which compares to an estimated worst-case coverage of 25% for the cables outside the SAC. The Applicant will look to explore</p>

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	<p>3.6</p> <p>Natural England notes, within Section 3.2 and 3.6, that there is no distinction between the amount of cable protection deployed inside and outside of the IDRBNR SAC and that the focus is on reducing cable protection to 5% within sandbank features only</p>		<p>options to reduce the use of cable protection where practicable as the engineering processes for the Project continue.</p> <p>The conclusions drawn by the Applicant for the effects of the cable protection on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency. The assessment within the RIAA (AS1-095) conclude that no AEol is anticipated. No further mitigation is therefore required.</p>
C37	<p>8.22 - Section 2</p> <p>The Outline Biogenic Reef Mitigation Plan Document 8.22, Section 2 'Consultation' appears to be incomplete.</p>	<p>Natural England has provided numerous pieces of advice within the pre-application stages, specifically in relation to mitigating impacts to Annex I reef feature, which are relevant to the mitigation plan. Each piece of advice should be included and discussed by the Applicant within this section of the mitigation plan.</p>	<p>The Outline Biogenic Reef Mitigation Plan (document 8.22), Section 2 'Consultation' has been updated to include additional consultation relevant to discussions on biogenic reef, with all the consultation comments and responses from the Applicant contained within the updated document set out within APP-065 and AS1-095.</p>
C38	<p>8.22</p> <p>Sections 3 and 5</p> <p>Natural England notes in Section 3 that "<i>Pre-construction surveys will be undertaken to further the understanding of the potential for S. spinulosa reef within the Project array and ECC</i>".</p> <p>Natural England reiterates our concerns that the survey and analytical methods that have been applied within both the Benthic Ecology Technical Reports (APP-154 and APP-155) and (APP-158) fail to confidently characterise the extent and distribution of Annex I features/ Section 41 NERC habitats. As a result, there is a significant risk that the extent and distribution of protected <i>S. spinulosa</i> reef has been under-represented within the projects order limits, preventing the Applicant from developing a robust pre-construction survey strategy (Section 5) and the required application of the precautionary approach.</p>	<p>Natural England requires the Applicant to detail how and when they intend to gain "<i>further understanding of the potential for S. spinulosa reef within the Project array and ECC</i>" which is fundamental to the robust development of the benthic mitigation plan.</p> <p>As stated above, we strongly advise the Applicant considers Natural England's accompanying comments in developing their further understanding of the potential for <i>S. spinulosa</i> reef within the project Order Limits at the earliest opportunity.</p> <p>Natural England advises the Applicant provides a robust and well-informed pre-construction survey strategy which will confidently and accurately identify the presence and extent of <i>S. spinulosa</i> reef within the ECC, or areas with suitable conditions for reef formation, and appropriately facilitate and inform mitigation.</p>	<p>In relation to the survey and analytical methods to confidently characterise the extent and distribution of Annex I features/ Section 41 NERC habitats please refer the response to C16 - C25, provided above.</p> <p>The Applicant has committed to undertaking detailed pre-construction surveys as referenced in the Offshore In-Principle Monitoring Plan (APP-276).</p> <p>The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposed to carry out construction works) geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276). Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities, in consultation with the SNCB.</p> <p>Proposals for micrositing around Annex I <i>S. spinulosa</i> reef, based on the results of the pre-construction surveys, are presented within the Biogenic Reef Mitigation Plan, to be prepared in accordance with the outline Biogenic Reef Mitigation Plan (document 8.22) and required to be submitted to the MMO for written approval under condition 13(1)(j) of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1).</p>
C39	<p>8.22 - Section 4 and 8.13</p> <p>Table 1.1</p> <p>Section 4 of the Outline Benthic Mitigation Plan does not provide any level of detail. The Applicant is required to present a robust and well considered approach to benthic mitigation that demonstrates that mitigation is feasible, particularly in relation to Annex I <i>S. spinulosa</i> reef.</p> <p>Currently, the mitigation plan is lacking any substance and fails to provide any level of confidence that the pre-construction surveys will be sufficiently designed and targeted to provide the data confidence necessary to effectively implement mitigation.</p>	<p>As stated in previous comments, Natural England requires that the Applicant considers Natural England's accompanying comments in developing their further understanding of the potential for <i>S. spinulosa</i> reef within the project Order Limits.</p> <p>This is required to provide the necessary level of confidence that the pre-construction surveys will be sufficiently designed and targeted to effectively facilitate mitigation and inform compensation requirements where relevant</p>	<p>The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposed to carry out construction works) geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276). Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in-principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities, in consultation with the SNCB. As such, the final pre-construction survey scope will be subject to consultation with Natural England, and it would not be appropriate to pre-empt those discussions when good-practice methodologies may have changed prior to the production of the relevant final plans.</p> <p>Proposals for micrositing around Annex I <i>S. spinulosa</i> reef, based on the results of the pre-construction surveys, are presented within the Biogenic Reef Mitigation Plan, to be prepared in accordance with the Outline Biogenic Reef Mitigation Plan (document 8.22) and required to be submitted to the MMO for written approval under condition 13(1)(j) of Part 2 of the dMLs set out at Schedules 10 and 11 of the dDCO (3.1). The additional detail of the plan will be completed post-consent taking into consideration latest survey results on the ephemeral species, the detailed design of the Project and latest</p>

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			technologies on specific mitigation measures. Relevant information from these plans will be shared with Natural England.
C40	8.21  Section 1.2, Para 8. Considering Natural England's comments relating to concerns and low confidence in the Applicants approach to determining the presence of Annex I <i>S. spinulosa</i> reef within the order limits, Natural England wishes to understand how the Applicant plans to define 'known' reef as per the micro-siting mitigation proposed.	Natural England advises the Applicant to provide information on how they plan to define 'known' reef as per the micro-siting mitigation proposed. Noting the importance of potentially supporting habitat, and areas of potential reef' in maintaining the total feature extent, Natural England advises that micrositing as mitigation, particularly within the SAC, should be extended to include areas where evidence (such as individual count data >345 per 0.1m <sup>2</sup> ) suggests there is a risk of potentially supporting reef habitat being impacted in the longer term.	'Known' reef will be defined, following the Gubbay (2007) criteria, through the pre-construction surveys, which will be designed with sufficient detailed ground-truthing resolution to give confidence in the data, and informed by full coverage geophysical data (of the areas within which construction activities will occur), as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276). The analysis of the of the potential for Annex I reef to be present will be primarily informed by Gubbay (2007), however consideration also will be given to grab data as appropriate where evidence (such as individual count data >375 per 0.1m <sup>2</sup> following Limpenny <i>et al.</i> (2010)) suggests there is a risk of potentially supporting reef habitat being impacted in the longer term.
C41	6.1.9, 8.13 and 8.22 In contradiction to the Applicants response to Natural England's previous advice relating to MMO fisheries byelaw closure areas, Natural England notes that the Benthic and Intertidal Ecology Chapter (APP-064), Outline Biogenic Reef Mitigation Plan (APP-296) and Schedule of Mitigation (APP-287) fails to consider or include the MMO fisheries byelaw area within mitigation measures. Lasting pressures in the byelaw area, including cable protection, should be avoided so that reef recovery is not hindered.	The Applicants response to our previous advice relating to MMO fisheries byelaw closure areas is incorrect and requires revision. All documents outlining mitigation measures should be updated to include measures to avoid lasting/permanent pressures within MMO fisheries byelaw areas so that reef recovery is not hindered.	The Applicant has secured the previously made commitment to avoid cable installation within the MMO fisheries byelaw area in the updated Outline Biogenic Reef Mitigation Plan (document 8.22). Ancillary works may be undertaken in this area if no <i>S. spinulosa</i> reef is identified in that area during the pre-construction survey (as detailed within the Offshore In-Principle Monitoring Plan (APP-276)).
Assessment Conclusions			
C42	6.1.9 Sections 9.8 and 9,12 Natural England considers that given the current disagreements in the approach used by the Applicant to the determine the extent and distribution of Annex I <i>S. spinulosa</i> reef within the order limits, the significance of impacts upon this receptor cannot be currently assessed with a sufficient level of confidence.	In order that a meaningful assessment can be made, Natural England requires the Applicant considers our pre-application advice and current comments in order that an adequate level of understanding of the potential for <i>S. spinulosa</i> reef within the project Order Limits is achieved.	The Applicant refers the ExA to the previous responses and confidence in the survey data and assessments. The Applicant is committed to engaging with Natural England on these matters with a view to reaching a common understanding on the potential for <i>S. spinulosa</i> reef within the Order Limits.
C43	6.1.9 Sections 9.8 and 9.12 Natural England does not agree with the 'minor adverse impact' conclusions relating to lasting habitat loss/change of sandbank habitat within the IDRBNR SAC. Notwithstanding concerns Natural England have with the matrix methodology for EIA assessment (see comment on EIA approach in cover letter) if the methods in Section 9.7 are appropriately followed and the Applicant acknowledges sensitivity for this habitat is 'high', impacts to these receptors should be changed to 'moderately adverse' and considered significant in EIA terms in alignment with Table 9.15 of the ES Chapter.	Natural England advises the Applicant reconsiders impacts relating to lasting loss/change of habitats within the IDRBNR SAC in EIA terms, and updates these in accordance with the methods outlined within Section 9.7 of the ES. We further advise that as presented within the EIA should support the conclusions made within the RIAA.	The Applicant maintains that the EIA assessment on the IDRBNR SAC in relation to long-term loss/change of habitats, is robust. The Applicant would highlight the mitigation commitments identified within Table 9.12 and Annex A within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), mitigation presented within the ES Outline Biogenic Reef Mitigation Plan (document 8.22) and the ES Schedule of Mitigation (APP-287) to reduce impacts to features of the IDRBNR SAC as far as practicable. The Applicant also maintains that adoption of mitigation commitments would downgrade the magnitude of impact relating to lasting habitat loss/change of sandbank habitat within the IDRBNR SAC to 'negligible' which defines the magnitude as 'Discernible, temporary (for part of the Proposed Development duration) change, or barely discernible change for any length of time, over a small area of the receptor, and/or slight alteration to key characteristics or features of the particular receptors character or distinctiveness'. The key description here being barely discernible change, over a small area of the receptor which is temporary. The conclusions drawn by the Applicant for the effects of the cable protection on the form and function of the physical structure of the Sandbanks, as well as

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	<p>Natural England does not agree that the proposed mitigation in the form of removable cable protection would be enough to downgrade the magnitude of impact from 'low' to 'negligible' in the definition of magnitude set out in Table 9.13.</p> <p>We note that the Applicant has proposed mitigation measures but has not drawn a conclusion on impacts to reef within IDRBNR SAC in EIA terms.</p> <p>Furthermore, the two designated features of the site which are being discussed in this section of the EIA are 'reef' and 'sandbanks slightly covered by seawater all of the time' both of which are designated habitats under Annex I of the Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively known as Habitats Regulations). It is important that EIA assessments assess impacts to all ecological receptors and support conclusions of the RIAA for habitats designated under the Habitats Regulations. The most appropriate way to assess the impacts of the project is in the context of the feature condition of the site for which they are designated within the RIAA. Natural England would like to draw the ExA attention that it is more appropriate to assess conclusions of project impacts to designated features within a site in the context of whether that impact would have an adverse effect on site integrity for that feature or not. This is assessed within the RIAA.</p>		<p>the recovery of the biological community post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency. The physical sandbank feature and associated benthic ecology is expected to recover quickly following the removal of cable protection as presented within ES Chapter 7: Marine Physical Processes (APP-062) and ES Chapter 9: Benthic and Intertidal Ecology (APP-064), therefore the conclusion of no significant effect in EIA terms on the Annex I Sandbank feature within IDRBNR remains valid.</p> <p>The Applicant has not drawn a conclusion on impacts to reef within the IDRBNR SAC in EIA terms because the Applicant concluded within the baseline characterisation that all <i>S. spinulosa</i> located across the offshore ECC was 'not a reef' in line with the 'reefiness' criteria (Gubbay (2007)), as detailed within section 9.5.2.15 of ES Chapter 9: Benthic and Intertidal Ecology (APP-064). Further detail on the additional work the Applicant has undertaken in relation to defining <i>S. spinulosa</i> extent and quality is provided in the Applicant's response to comments C16-REPC27 above, that confirms the conclusions of the baseline characterisation as set out within the DCO Application.</p> <p>The Applicant has considered the feature condition within the RIAA as part of the assessments presented therein (AS1-095). Consideration of feature condition is not a requirement of an EIA; however the Applicant confirms that this was considered within the determination of the sensitivity of the receptor in (APP-065). The Applicant considers that Natural England's request "We further advise that as presented within the EIA should support the conclusions made within the RIAA" is unclear. However, the Applicant understands this to be that Natural England expect the conclusions of the EIA to support those drawn within the RIAA. The Applicant notes that the assessments within an EIA and a RIAA are fundamentally different, with separate purposes and assessment criteria; however, the Applicant confirms that the conclusions of the EIA that there will be no significant effects to the Annex I features of the IDRBNR SAC (in EIA terms), support the separately drawn conclusions that there is no potential for an AEol to the features of the SAC.</p>
<p>HRA - Document Used:            (APP-235) 7.1 Report to Inform Appropriate Assessment            (APP-240) 7.3 Report to Inform Appropriate Assessment Screening Matrices (APP-241) 7.47.4 Report to Inform Appropriate Assessment Integrity Matrices</p>			
<p>Screening</p>			
C44	<p>7.1, 7.3 All relevant sites have been screened in.</p>	N/A	The Applicant notes this comment.
C45	<p>7.1 Natural England notes that there is no mention of the conclusions of the Round 4 Plan Level HRA and in particular the Export Cable Regional Assessment.</p> <p>Natural England understands that, as part of the Applicant signing their Agreement for Lease (AfL), they have provided information to The Crown Estate that their development will be compliant with the conclusions of the Plan Level HRA.</p> <p>The Round 4 plan level HRA produced a conclusion No AEol on the Annex I reef and sandbank features of the IDRBNR SAC on the basis that developers demonstrate compliance that irreparable damage to features have</p>	<p>Whilst acknowledging that the plan level HRA is conducted without the level of detail a project level HRA is able to. Natural England understands that the conclusions of the Plan level HRA remain applicable to this application as part of its commitments when it signed the AfL.</p> <p>As the project refines its MDS, Natural England requests further information on how the Applicant is committing to meeting the conclusions of the Plan Level HRA and the Export Cable Region Assessment</p> <p>Natural England would welcome input from the Crown Estate to better understand how the proposals meet any seabed lease conditions.</p>	<p>The Applicant notes that paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (TCE, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions.</p> <p><i>"The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."</i></p> <p>The Applicant has undertaken a detailed and robust site selection process to select the Export Cable Corridor for the Project, as set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059).</p>

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	<p>been avoided. In the context of this site that means avoiding known areas of reef, committing to ensuring that cable burial occurs below the depth of the mobile layer where a cable crosses a sand bank feature, and it demonstrates a high level of confidence that no cable protection will be required within the site subject to the outcomes of a Cable Burial Risk assessment.</p> <p>Natural England are currently unsure how the evidence presented to form conclusions for IDRBNR SAC at the project level HRA scale would align with the Project's commitments to conclusions of the Plan level HRA for which it is committed to via the AfL</p>		<p>As set out within the assessments in ES Chapter 7: Marine Physical Processes (APP-062) and within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), the effects from construction, operation and decommissioning will be temporary in nature, with full recovery of the sandbanks predicted.</p>
C46	<p>7.1 It is not clear whether the potential for the addition of further cable protection due to secondary scour has been considered and included within the calculations for the Maximum Design/Worst Case Scenario for scour protection within the IDRBNR SAC.</p>	<p>Where there is any potential for the requirement of additional scour protection, and such requirements have not been included worst case/maximum designs, the relevant parts of all benthic EIA/RIAA assessment conclusions will require review.</p>	<p>The Applicant refers the ExA to the response at C11 above.</p>
C47	<p>7.1 Table 9.1 The RIAA is confusing for Benthic and Intertidal Ecology because there is limited focus on ECC and IDRBNR SAC with array only impacts also being included.</p>	<p>Natural England advises that the benthic and intertidal ecology sections are updated to focus on IDRBNR SAC and potential hinderance of the conservation objectives to provide a true representation of the Habitat Regulation concerns</p>	<p>The assessment for Benthic and Intertidal Ecology presents discussion around all potential impacts associated with both the array area and offshore ECC, for all designated sites. Due to the distance between the array area and the boundary of the IDRBNR SAC being within the predicted extent of suspended sediment movement from project activities, there is potential for the construction works within the array area to also impact the features of the IDRBNR SAC and as such it would not be appropriate to exclude these from consideration of the total effects from the Project on the features of this site. Therefore, the impacts are considered for all aspects of the Project with respect to the IDRBNR SAC as a whole. Noting Natural England's concerns regarding the focus of the assessment of the ECC impacts on the IDRBNR SAC, the Applicant points towards paragraphs 114, 119, and 127 of AS1-095 where the potential impacts from just the ECC are set out for clarity.</p>
C48	<p>7.1 Table 9.1 Natural England notes that cable protection is only listed for Annex I sandbanks with IDRBNR SAC to a total of 5,760m<sup>2</sup>/0.576ha. However, we note that a further 22ha of cable protection is proposed within the SAC. We highlight that even if the Applicant is able to fully microsite the cable to avoid known Annex I reef features there will still be a loss of Annex I reef supporting habitat which we consider would be adverse effect and would require compensation. Please see Annexes 2-5 of this Appendix where our detailed comments are provided on impacts to Annex I reef features. Until this is resolved we do not agree with the conclusions of the RIAA in regard to impacts to Annex I reef from the placement of cable protection. This will have implication for compensation requirements.</p>	<p>Natural England advises that impacts to supporting habitat are considered within the RIAA</p>	<p>The Applicant maintains that the conclusions drawn within the Benthic and Intertidal Ecology chapter (APP-065) and with the RIAA (AS1-095) are robust and accurate. The Applicant has considered the impacts of lasting habitat change from the use of cable protection, however, does not consider that this would hinder the conservation objectives for the site, which, as set out within the Advice on Operations for the IDRBNR SAC, identifies a national target for recovery of <i>S. spinulosa</i> reef rather than a site specific target. Considering the relatively small impact from the Project and the availability of other habitat for reef formation, alongside the lack of evidence from the site specific surveys of the presence of <i>S. spinulosa</i> aggregations which would qualify as Annex I reef, the Applicant is confident that the potential for an AEoI to this feature can be ruled out. This impact is considered in detail within the RIAA (AS1-095) where there was no AEoI concluded given the nature of the receptors with respect to sensitivity and recoverability.</p>

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C49	<p>7.1 Para. 126</p> <p>Natural England advises that no evidence has been presented to support the recovery of Annex I reef from cable installation. To date, OWF projects have avoided impacting Annex I <i>S. spinulosa</i> reef. Therefore, there remains a degree of uncertainty in regard to reef recovery from anthropogenic activities and highlight the loss of Annex I <i>S. spinulosa</i> reef in the Waddenzee from abrasion cause by fishing. Therefore, we disagree with the Applicant on statements made on recovery and advise that compensation measures do not take account of this impact.</p>	<p>Natural England refers the ExA to the Norfolk Vanguard and Boreas Secretary of State Decisions where compensation was required due to the potential to disturb Annex I <i>S. spinulosa</i> Reef during cable installation</p>	<p>The Project will avoid any potential <i>S. spinulosa</i> features that are detected within the order limits at the time of construction (following a detailed pre-construction survey). The Project will develop a Biogenic Reef Mitigation Plan (following the outline Biogenic Reef Mitigation Plan (document 8.22) for approval by the MMO (with consultation from Natural England) so that appropriate measures are taken to reduce the risk of potential impact to <i>S. spinulosa</i> features.</p> <p>As set out above, all the available evidence confirms the absence of any Annex I qualifying reef formations within the offshore ECC and the Applicant therefore maintains that there is no risk of an AEoI to this feature from any activities associated with the Project.</p> <p>Additionally, there is evidence to support the rapid rate of recolonisation of disturbed substrates e.g. areas where <i>S. spinulosa</i> had been lost due to winter storms appeared to recolonize up to a maximum thickness of 2.4cm during the following summer (R. Holt, pers. Comm. In Jones et al., 2000). Furthermore, research from the marine aggregate industry revealed that the recovery time for <i>S. spinulosa</i> community structure can range from two to seven years, depending on the intensity of dredging (Cooper et al., 2007). Samples revealed marked increase in abundance, species count, and total biomass less than a year after dredging operations had concluded (Cooper et al., 2007). Additionally, a year after the dredging, there was an abundance of juvenile <i>S. spinulosa</i> which may have survived to form a reef, according to SSS data (Cooper et al., 2007). Additionally, in a study of the Wash, the more established <i>S. spinulosa</i> reef were found in areas of the ground that had been clearly damaged by dredging action and it was hypothesised that the exposed sediments are more suitable for colonisation (Foster-Smith and White, 2001).</p> <p>Therefore, not only will any identified <i>S. spinulosa</i> be avoided and any residual impacts mitigated to ensure minimal impact occurs to the designated features, <i>S. spinulosa</i> is considered to have a high recoverability, resulting in no AEoI for the Project.</p>
C50	<p>7.1 Para. 127</p> <p>Natural England highlights that it is a condition of all Aggregates Dredging licences that impacts to Annex I reef are avoided. In addition, the references used by the Application data to 2007 and 2001 before the development of the Gubbay 2007 <i>S. spinulosa</i> criteria and there it is not clear that reef has or hasn't been impacted by Aggregates dredging. It is more likely that reef might have established on the disturbed seabed rather than existing reef was impacted. Therefore, conclusions in regard to <i>S. spinulosa</i> reef recovery can't be relied upon</p>	<p>Natural England's advice on likely recoverability of Annex I reef is consistent with that provided for the Hornsea Project Three, Norfolk Boreas and Norfolk Vanguard examinations. Therefore, Natural England believes that there is a likelihood of there being an impasse between the professional judgement of the Applicant's consultants and Natural England specialists on this matter.</p>	<p>The Applicant acknowledges Natural England's statement regarding a likely impasse between the Applicant and Natural England, however notes that the assessment is based on total avoidance of impacts to Annex I reef, as per the condition of all Aggregates Dredging licences (as secured within the outline Biogenic Reef Mitigation Plan (document 8.22)). Therefore the evidence presented by aggregate industries does help to demonstrate that indirect impacts from increases in suspended sediment concentrations and associated deposition (which is the anticipated impact to any established reef, as the Applicant will apply mitigation to prevent direct impacts to reef) can result in reef establishing or surviving after a disturbance event, aiding the argument surrounding recoverability as per the assessment presented within section 9.8.1.10 of ES Chapter 9: Benthic and Intertidal Ecology (APP-065).</p>
C51	<p>7.1 Para 130</p> <p>Natural England disagrees with the Applicant's conclusion that Annex I <i>S. spinulosa</i> reef will recover from cable installation activities and due to uncertainties with the impact assessment we do not believe that mitigation measures in the for micro-siting has the necessary assurances in relation to avoiding impacts within the red line boundary.</p>	<p>Natural England's believes that there is likelihood of there being an impasse between the Applicant and Natural England on this matter.</p>	<p>The Applicant acknowledges Natural England's statement regarding a likely impasse between the Applicant and Natural England. However, the Applicant remains confident that, based on all data submitted at Application, and confirmed through additional studies (document 15.16), the absence of any qualifying Annex I reef features within the offshore ECC, plus additional mitigation to avoid any reef which may consequently form, the potential for an AEoI on this feature of the IDRBNR SAC can be excluded beyond reasonable scientific doubt.</p>
C52	<p>7.1 Para. 145</p>	<p>Natural England advises that monitoring sandbank recovery post construction should be incorporated within the In Principle Monitoring Plan</p>	<p>The Applicant notes Natural England's advice. The Applicant remains confident in the conclusions of the recovery of sandbanks and as such does not consider any monitoring is necessary.</p>

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	Sandwave Recovery following levelling: Please see Annex 1 to this Appendix. Where we have highlighted limitations with the evidence to support sandbank recovery		
C53	<p>7.1</p> <p>Table 7.1</p> <p>The pressures with differing receptor sensitivities should be assessed separately i.e. physical habitat loss and disturbance.</p>	<p>Natural England advises the assessment of physical habitat loss needs to be considered separately from physical disturbance in considering LSE/AEol as the receptors have different levels of sensitivity to each of these pressures. Alternatively, the worst case sensitivity should be used and considered when determining LSE and or AEol.</p>	<p>The Applicant notes Natural England's position regarding the splitting of impacts. The Applicant considers that both physical habitat loss and disturbance have both been assessed appropriately within the RIAA (AS1-095), with consideration of the distinct sensitivities of each impact. Paragraph 124 notes that <i>S. spinulosa</i> reef has a 'medium' sensitivity to disturbance (based on the MarESA sensitivity assessments), and paragraph 126 notes that <i>S. spinulosa</i> has a sensitivity of 'high' from habitat loss. Assessments of the potential for an AEol do not classify the sensitivity of a feature in the same way as for an EIA, however, the relative sensitivity of a feature is considered when determining the potential for an AEol, is as far as it affects the conservation objectives of a site. It is therefore considered that the assessment provided does provide an adequate level of detail on the sensitivity of features to both disturbance and habitat loss separately and therefore each is fully assessed with respect to the appropriate sensitivity. The assessments conclude that no LSE and no AEol are anticipated in all instances.</p> <p>The Applicant has separated these pressures within the detailed impact assessment presented within Section 9.8 of ES Chapter 9: Benthic and Intertidal Ecology (APP-158), which informs the basis of the RIAA.</p>
In-combination			
C54	<p>7.1 para. 87</p> <p>Natural England notes that several different TIER approaches for the in-combination assessment have been proposed and therefore the ongoing impacts from constructed windfarms have not been taken into account. As written, we are unable to agree with the conclusions drawn within this report.</p>	<p>Please refer to Natural England's Best Practice Guidance <a href="#">Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and data analysis offshore wind applications</a>. for the SNCBs advice on using Tiers for scoping project into in-combination assessments</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 overcomplicates 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, 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</p>

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			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. 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.
C55	<p>7.1</p> <p>Section 10.1</p> <p>Table 9.1</p> <p>Natural England notes the Worst Case Scenario is that "5,760m<sup>2</sup>, approximately 1.59% of the designated sandbank features" within IDRBNR SAC could require cable protection.</p> <p>It is unclear how the WCS has been determined and this should be included with the RIAA.</p> <p>We advise that the existing pressures on the interest features of IDRBNR SAC are likely to be hindering the conservation objectives for the site resulting in an AEol. Please see our updated Conservation Advice Package and Supplementary Advice on Conservation Objectives (<a href="https://naturalengland.org.uk">Marine site detail (naturalengland.org.uk)</a>; June 2024). Annex 2 of this appendix also presents a summary of the changes that were made in the most recent update to our conservation package.</p> <p>Therefore, every effort must be made to mitigate the project impacts to not only reduce the Project's alone effects but also ensure that it doesn't materially contribute to existing pressures/cumulatively and in-combination impacts. Otherwise, the site is likely to be taken further away from meeting those conservation objectives, and compensation measures are likely to be required to address the adverse effects.</p>	Natural England advises these pressures, including small-scale losses, should be fully considered in the in-combination impact assessment.	<p>The reasonable worst case for cable protection has been considered and assessed as part of the assessments and is presented in detail at Table 9.1, section 9.1.4.2 and section 9.1.5.1 of the RIAA. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m<sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m<sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description (APP-058). This impact is considered in detail within the RIAA (AS1-095), where based on this value, there was no AEol concluded given the nature of the receptors with respect to sensitivity and recoverability.</p> <p>The Applicant has considered the impact of other projects (including existing pressures) on the IDRBNR SAC within the in-combination assessment in the RIAA. However, given the implementation of various project commitments, including avoidance of <i>S. spinulosa</i> reef and removable cable protection on the sandbank features, the Applicant considers that the Project's residual impact on the designated site is negligible and there cannot be any pathway for effect in-combination. Furthermore, the Applicant submitted the ODOW Application in March, with acceptance received in April. The Applicant is aware of the updated Conservation Advice Package and Supplementary Advice on Conservation Objectives (<a href="https://naturalengland.org.uk">Marine site detail (naturalengland.org.uk)</a>; June 2024) and this will be taken into account should there be future updates of the RIAA.</p>
Further Receptor Points			
C56	<p>7.1</p> <p>Natural England has no further comments to make that would make a material difference to the application.</p>	N/A	This is noted by the Applicant.
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
C57	<p>7.1 -</p> <p>Section 6, Table</p> <p>6.1</p> <p>Natural England reiterates our concerns that the survey and analytical methods that have been applied within the benthic ecology technical reports (APP-154, APP-155 and APP-158) which inform the RIAA fail to confidently</p>	<p>To provide adequate confidence in and inform any mitigation put forward by the Applicant, a robust and well-informed pre-construction survey strategy which will confidently and accurately identify the presence and extent of <i>S. spinulosa</i> reef within IDRBNR SAC, and/or areas with suitable conditions for reef formation.</p> <p>Natural England reiterates that any reduction in the extent of <i>S. spinulosa</i> reef, or loss of areas with suitable conditions for reef formation within</p>	<p>The Applicant refers the ExA to the Applicant's Responses to Relevant Representations (REPC16-C27).</p> <p>Due to the ephemeral nature of <i>S. spinulosa</i>, a pre-construction survey campaign will be conducted to identify the extent and distribution of this feature, as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276). The pre-construction survey will be informed by full coverage geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276). Proposals for micrositing around Annex I <i>Sabellaria spinulosa</i> reef, based</p>



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	<p>characterise the extent and distribution of Annex I Reef/Priority Habitat.</p> <p>As a result, there is a significant risk the extent and distribution of protected <i>S. spinulosa</i> reef has been under-represented within the projects order limits, preventing the Applicant from developing a robust pre-construction survey strategy and mitigation plan which appropriately consider the precautionary approach.</p>	<p>the site, is likely to compromise the achievement of Favourable Conservation Status (FCS) for this feature (Johnston and Mousley, 2021) and require compensation.</p>	<p>on the results of the pre-construction surveys, are presented within the Outline Biogenic Reef Mitigation Plan (APP-296). Both plans will be consulted on and approved by the MMO and their advisors during the post-consent phase.</p>
C58	<p>7.1 - Tables 4.1 and 6.1</p> <p>The Applicants consultation comment in Table 4.1 states that "The project has committed to solely using removable cable protection over the Annex I Sandbank features of the IDRBNR SAC, therefore as detailed in Section 9.1, the Applicant is confident that there will be no AEoI on the SAC". However, this commitment is missing from Table 6.1 'Mitigation of Relevance to the RIAA'.</p> <p>In addition, Natural England considers that the impacts from cable protection are likely to result in <u>lasting</u> change and/or loss of Annex I Sandbank feature with no guarantee that the protection can be successfully removed. If it can be removed, there is no guarantee that it can be done without causing wider damage to the site, and/or that the habitat will ever return to its original state.</p>	<p>Natural England strongly advises that all mitigation of relevance to the assessment of impacts on IDRBNR SAC features is made consistent both within, and across, the application documents.</p> <p>In addition, further evidence is required to provide the necessary level of assurance that any mitigation (i.e. scour protection removal) will be fully successful.</p>	<p>The Applicant confirm that mitigation to solely using removable cable protection over the Annex I Sandbank features of the IDRBNR SAC is included in the RIAA by reference to the Outline Scour and Cable Protection Management Plan (APP-295) within in the first line in Table 6.1 of the RIAA (APP-235). As detailed within APP-295 paragraph 8 'Any cable protection required over the sandbanks within the Inner Dowsing, Race Bank and North Ridge SAC will be removable (i.e. mattresses or rock bags or other demonstrably removable protection)'.</p>
C59	<p>7.1 Table 6.1</p> <p>Notably, Table 6.1 'Mitigation of Relevance to the RIAA' fails to mention the MMO fisheries byelaw areas which should be managed as reef.</p>	<p>Natural England strongly advises that avoidance of MMO byelaw areas be included within proposed mitigation for Annex I reef within the IDRBNR SAC.</p>	<p>The Applicant has made a commitment to avoid cable installation within the MMO fisheries byelaw area in the updated Outline Biogenic Reef Mitigation Plan (document 8.22). . Ancillary works may be undertaken in this area if no <i>S. spinulosa</i> reef is identified in that area during the pre-construction survey (as detailed within the Offshore In-Principle Monitoring Plan (APP-276)).</p>
Assessment Methods and Conclusions			
C60	<p>7.1.</p> <p>Natural England disagrees with both the approach that has been taken within the RIAA (APP-235) to determine the potential for an AEoI to the IDRBNR SAC, and the conclusions.</p> <p>Both habitat 'disturbance' and 'loss' have been grouped together, and lower sensitivity categories from disturbance pressures used in place of the more significant pressures from loss, to which Annex I 'Sandbanks' and Annex I 'Reef' have 'no resistance' resulting in 'high' sensitivity.</p> <p>Natural England is unable to rule out AEoI for Annex I <i>S. spinulosa</i> reef due to inconsistencies and contradictions between the baseline evidence and conclusions presented as detailed above.</p>	<p>Please see our recommendations with regards to the <i>S. spinulosa</i> baseline assessment above.</p> <p>Within the RIAA, the Applicant is required to reassess the potential for an AEoI on Annex I benthic receptors ensuring that pressures, and the sensitivity of receptors, and small scale losses are appropriately considered.</p> <p>In the absence of proposed avoidance of MMO byelaw areas within mitigation documents, impacts within these areas within the IDRBNR SAC also require inclusion within the RIAA assessment and conclusions.</p>	<p>The Applicant refers the ExA to the Applicant's Responses to Relevant Representations (REPC44-C59) in relation to the approach that has been taken within the RIAA (APP-235) to determine the potential for an AEoI to the IDRBNR SAC, and the conclusions which confirms no potential for an AEoI for the Project either alone or in-combination.</p> <p>The Applicant has provided further feedback to the assessment of physical habitat loss and disturbance in the Applicant's Responses to Relevant Representations (REPC5).</p> <p>The Applicant has provided further feedback to the conclusion of no AEoI on <i>S. spinulosa</i> reef in the Applicant's Responses to Relevant Representations (REPC8 and REPC49).</p> <p>The Applicant has provided further clarification and feedback on the baseline characterisation, specifically relating to of <i>S. spinulosa</i> extent and distribution in the Applicant's Responses to Relevant Representations (REPC16-C27).</p> <p>There are no contradictions or inconsistencies within the assessment results, or the underpinning data, with all data supporting the conclusions drawn of no potential for an AEoI to Annex I <i>S. spinulosa</i> reef features within the IDRBNR SAC. Based on the evidence provided within the Application and additional submissions, the Applicant is confident that the conclusions of the RIAA are scientifically robust and have used the best-available evidence to inform the assessment. The Applicant is confident that the threshold of "beyond reasonable scientific doubt" has been met, especially considering the reanalysis</p>

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	<p>Natural England considers that any placement of scour prevention/cable protection is likely to constitute a <u>lasting</u> impact over the lifetime of the project which is potentially irreversible. Unless it can be demonstrated otherwise, the scale of impacts is likely to hinder the 'restore' habitat feature conservation objectives of the site whilst the protection is in situ, and potentially beyond, due to low confidence in the ability to remove the infrastructure.</p> <p>Presently, the post installation evidence is not sufficient to remove all reasonable scientific doubt as to the absence of AEol on the Annex I Sandbank feature because of the installation of cable protection over the lifetime of the project.</p> <p>Natural England therefore considers that if assessed appropriately, these impacts would result in lasting change which will undermine the conservation objectives of the site and therefore result in an AEol to the IDRBNR SAC.</p> <p>We refer you to Annex 3 and 4 of this response.</p>		<p>(document 15.16) confirming the conclusions of the original analysis of none of the areas of <i>S. spinulosa</i> meeting the criteria to qualify as Annex I biogenic reef.</p> <p>The Applicant has provided further feedback to the impacts of scour prevention/cable protection and further feedback to the available evidence around the recovery of Annex I Sandbank from cable protection in the Applicant's Responses to Relevant Representations above (REPC5, REPC8 and REPC11).</p>
Compensatory measures C61	Please refer to Appendix D for Natural England's advice on the compensatory measures.		The Applicant refers the ExA to the Applicant's Responses to Relevant Representation within Appendix D.
MCZ Assessment - Document Used: (APP-157) 6.3.9.4 – Chapter 9 Appendix 4 Marine Conservation Zone Assessment			
All			
C62	General	Natural England has no comments to make in relation to the MCZ Assessment that would make a material difference to the application.	
Potential impact pathways where further info/assessment required.			
C63	<p>Chapter 9 Benthic and Intertidal Ecology</p> <p>Natural England's comments relating to the Applicants approach and methods used to identify Annex I reef, also apply to <i>Sabellaria</i> reef Priority Habitat as listed under Section 41 of the NERC Act.</p>	<p>In the absence of appropriate survey effort and a robust approach to determining the presence, extent and distribution of <i>Sabellaria</i> reef Priority Habitat, Natural England advises that the data and analytical methods applied to the available data should be revisited and a precautionary approach transparently implemented.</p> <p>Where there is subjectivity in the process that cannot be sufficiently minimised, we would welcome the application of a precautionary approach, and subsequent reconsideration of the data and evidence to determine the potential for the presence of 'reef' as defined by Gubbay (2007).</p> <p>Please be advised that, <i>S. spinulosa</i> reef of all quality is protected under Section 40 and 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Therefore, due regard must be given to the conservation of this habitat.</p>	<p>The Applicant refers the ExA to the Applicant's Responses to Relevant Representations above (REPC16-REPC27), regarding appropriate survey effort and a robust approach to determining the presence, extent and distribution of any <i>S. spinulosa</i> reef within the Offshore ECC, including NERC qualifying reef.</p>
C64	6.1.9, 8.13, 8.2.2, 8.3	Natural England advises that the adoption of mitigation measures via the Applicants Schedule of Mitigation and Environmental Statement, in order that impacts (particularly permanent loss), on all Section 41 Habitats be	The mitigation measures as set out by the Application within APP-065 and secured within APP-296 included consideration of "biogenic reef", which comprises any qualifying reef, whether protected under Annex I of the Habitats Regulations or Section 41 of the NERC

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	Mitigation measures (embedded or otherwise) for Priority Habitats as listed under Section 41 of the NERC Act 2006 have not been considered at all by the Applicant. Natural England advises such mitigation would be expected in the following documents: (APP-287) 8.13 Schedule of Mitigation (APP-154) 6.1.9 Chapter 9 Benthic and Intertidal Ecology (Section 9.4.5/6) (APP-296) 8.2.2 Outline Biogenic Reef Monitoring Plan (APP-276) 8.3 Offshore In Principle Monitoring Plan.	avoided and/or reduced wherever feasible through mitigation measures such as micro-siting.  In addition, Section 41 Habitats should be appropriately considered within both the Biogenic Reef Monitoring Plan and Offshore In- Principle Monitoring Plan (IPMP).	Act 2006. The same term is also used in APP-276 and App-287. The characterisation that this Priority Habitat has not been considered by the Applicant is demonstrably incorrect.
Cumulative Impacts Assessment			
C65		Natural England has no comments which would make a material difference to the application.	

## 1.45.5 Appendix D Benthic Compensation

### 1.45.5.1 Summary position of Strategic Compensation New site designation or Extension for Annex I Sandbanks and Reef

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef			
D1 Theoretical merit to deliver compensation.	Natural England refers the ExA to the published ' <a href="#">Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan</a> ' (April 2024). In Section 7.1.1 it is stated that ' <i>It is agreed by the Steering Group that new site designation or site extension (new areas or features added to existing sites) is the recommended compensation measure of in this DBSCP and this follows advice received from Defra that this is an available strategic compensation measure that can be used to compensate for habitat loss and damage caused by the Round 4 Plan. It states that any new site/ site extensions will be determined by Defra and be designated as a strategic compensation measure which will benefit multiple projects. This DBSCP recognises that a team in Defra will work to identify potential areas for designating new sites, or extending existing sites, working closely with Natural England and JNCC. The information presented in this report is included as supporting evidence that the measure is appropriate for the specific purposes of the DBSCP, but without prejudice to the future outcome of the Defra-led process.</i> ' Subsequently, delivery discussions have commenced between DEFRA, JNCC and NE. It has been agreed that the scope of the strategic compensation should include all OWF projects in English waters within the pipeline contributing to the Government 2030 target, where benthic compensation is deemed necessary. Due to multiple projects, designated sites and interest features, it will not be limited to provision of Annex I sandbank compensation.  This measure is therefore also the recommended compensation measure for the Outer Dowsing Offshore Windfarm project for both Annex I Sandbank and Reef feature. It is the SNCB's view that this measure has the greatest likelihood from an ecological perspective, of maintaining the coherence of the National Site Network.	If and when further information becomes available during examination, NE will update accordingly. However, any assurances in the security of this measure should be sought directly from DEFRA.	The Applicant agrees with Natural England, that should compensation be required for the IDRBNR SAC, that strategic compensation is the preferred option and is the most likely to be successful. The Applicant is continuing to have active discussions with Defra prior to, and during the examination to further progress this option, but notes that the implementation of this measure is expected to be controlled mostly by DEFRA, JNCC and NE. The Applicant understands that Defra and DESNZ are intending to release a ministerial statement regarding this matter and await this to provide further confidence in the reliance on this measure. Once further information is available the Applicant will update the ExA accordingly.
D2 Technical feasibility	It is Natural England's view that with the Secretary of States support for the compensation measure, it is now technically feasible. The evidence included within the Applicant's documentation and within the Dogger Bank Strategic Compensation Plan supports the SNCBs position that there are areas of seabed not currently protected which if protected	No further comment	This is welcomed by the Applicant.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef			
	and appropriately managed could provide similar ecological function to those Annex I features which are likely to be subject to lasting loss/change and/or disturbance.		
D3 Agreed compensation level.	<p>Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC and habitat disturbance of Annex I <i>Sabellaria spinulosa</i> reef from cable installation within IDRBNR SAC</p> <p>In addition, due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure, further discussions are required in relation to individual project contributions and compensatory ratios which may be required.</p>	<p>Natural England advises that the points raised in Appendix B and C of our Relevant Representations/Written Representations (RR/WR) are addressed.</p> <p>Further feedback on the development of this measure should be sought from DEFRA.</p>	<p>The Applicant believes a reasonable worse case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of ES Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m<sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m<sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058].</p> <p>The Applicant notes Natural England's stance regarding the conclusion of AEoI on the IDRBNR SAC.</p> <p>Responses have been provided for Natural England's relevant representations in Appendix B and C, and are summarised below:</p> <p>A realistic worst case for cable installation and the use of cable protection has been considered and assessed as part of the EIA assessments and within the RIAA. Full details of the proposed works, including works through the SAC are detailed within Table 9.1 of the RIAA [AS1-095]. The Applicant's RIAA has considered that the objective for the Annex I Sandbank feature and the Annex I Biogenic Reef feature are "restore" and given due weighting to this within the assessments set out in [AS1-095]. The purpose of the "restore" objective is that the feature will recover over the long term. To this end, the Applicant has committed to the use of solely recoverable cable protection on the Annex I Sandbanks. As set out in sections 9.1.4.2 and 9.1.5.1 of the RIAA [AS1-095], there will be no impact to the form and function of the Annex I Sandbanks from the use of the cable protection. This consequently enables the rapid recolonisation of the characterising species from the immediate surrounding area; thereby, there is no prevention of the recovery and maintenance of the feature in the long term.</p> <p>In cognisance of the "restore" objective for the Annex I Reef feature, the Applicant has committed to avoiding any recorded areas of <i>S. spinulosa</i> reef within the SAC, as informed by the pre-construction survey, as well avoiding infrastructure installation within the defined MMO Byelaw areas [document 8.22] whether or not Annex I reef is recorded within that area prior to construction, with these areas having been set aside to support the recovery of the feature within the SAC.</p> <p>The conclusions drawn by the Applicant for the effects of the cable protection on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.</p> <p>The physical sandbank feature and associated benthic ecology is expected to recover quickly following the removal of cable protection as presented within ES Chapter 7: Marine Physical Processes [APP-062] and ES Chapter 9: Benthic and Intertidal Ecology [APP-064], therefore the conclusion of no AEoI on the Annex I Sandbank feature within IDRBNR remains valid.</p>

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Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef			
			<p>With respect to the physical habitat loss and disturbance impacts within the Report to Inform Appropriate Assessment Redacted [AS1-095], the Applicant considers that both physical habitat loss and disturbance have both been assessed appropriately, with consideration of the distinct sensitivities and magnitudes of each impact. For example, paragraph 124 states that <i>S. spinulosa</i> reef has a 'medium' sensitivity to disturbance, and paragraph 126 states that <i>S. spinulosa</i> has a sensitivity of 'high' from habitat loss. It is therefore considered that the assessment provided does provide an adequate level of detail on the sensitivity of features to both disturbance and habitat loss separately and therefore each is fully assessed with respect to the appropriate sensitivity. The assessments conclude that no AEoI is anticipated.</p> <p>The Applicant notes that extension areas are ambitious when considering the scale of the features for compensation and would only be deliverable strategically and proportionate to the Project's requirements as detailed within section 3.3.1. of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. The scale of impact is small relative to the ambitious extension areas which would provide ecosystem functionality and network benefits. The Applicant, therefore, remains confident that this measure can provide the quantum of compensation required due to Defra's intention that this will cover all eventualities for all Round 4 OWF projects requiring benthic compensation. The Applicant would welcome further feedback on this measure from NE and DEFRA, in order to facilitate agreement on the quantum of compensation required, on a without prejudice basis, to provide certainty on this matter. ,</p>
D4 Scale/ extent of measure.	<p>Natural England has significant concerns in relation to the outcomes of the Impact Assessment and evidence used to support conclusions on scale and significance of potential impacts from cable installation activities and the placement of cable protection from ODOW. Until these issues are resolved we do not agree with the Applicant on the scale and extent of the compensation measures required.</p> <p>As set out in the R4 plan level compensation document, the designation of a new site or existing site extension will be led on by a team in DEFRA in collaboration with interested parties therefore delivery mechanisms, costs and timeframes presented by the Applicant cannot and should not be relied upon.</p>	<p>Natural England advises that the points raised in Appendix B and C of our RR/WR are addressed.</p>	<p>The Applicant has provided further clarification and feedback on the outcomes of the Impact Assessment and evidence used to support conclusions on scale and significance of potential impacts from cable installation activities and the placement of cable protection within the Applicant's Responses to Relevant Representations in Appendix B and C.</p> <p>The Applicant has described the quantification of effect on the IDRBNR SAC in relation to sandbanks within section 4.3 of the Without Prejudice Sandbank Compensation Plan [APP-244] and in relation to <i>S. spinulosa</i> reef within section 4.3 of the Without Prejudice Biogenic Reef Compensation Plan [APP-246]. As discussed with NE, the extent of the area to be designated must provide ecosystem functionality and network benefits and therefore the area for extension would need to encompass a whole sandbank system and the supporting habitats (including those available for biogenic reef). Extension areas are ambitious when considering the scale of the features for compensation and would only be deliverable strategically and proportionate to the Project's requirements as detailed within section 3.3.1. of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248].</p> <p>The Applicant would welcome further feedback on this measure from NE and DEFRA, in order to facilitate agreement on the quantum of compensation required, on a without prejudice basis. . The Applicant remains confident that this measure can provide the quantum of compensation required due to Defra's intention that this will cover all eventualities for all Round 4 OWF projects requiring benthic compensation. The Applicant notes that , the Applicant has sent details of the worst-case scenario to Defra as part of their request for information for an SAC extension.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<b>Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef</b>			
D5 Timing: Deliverable before impact	Please see above points, where Natural England recognises that there are likely to be time lags between impact occurring and compensation achieving the desired outcomes. In this scenario, Natural England would wish to see the project contribution to the measure to be such that it ensures an overall environmental net positive outcome for the impacted feature over the lifetime of the project.	If and when further information becomes available during examination NE will update accordingly. However, any assurances in the security of this measure should be sought directly from DEFRA.	The Applicant is looking to agree the quantum of compensation to ensure an overall environmental positive outcome. As detailed in the response above, the scale of impact is small relative to the ambitious extension areas which would provide ecosystem functionality and network benefits. The Applicant, therefore, remains confident that this measure can provide the quantum of compensation required due to Defra's intention that this will cover all eventualities for all Round 4 OWF projects requiring benthic compensation. Ambitious extension areas also add additional compensation for uncertainty around delivering this proposal and any possible time lag between the impact occurring and the implementation of compensation. This will also ensure that the Project would provide an overall ecological benefit over the lifetime of the development.
D6 Location of measure	This is still under consideration by DEFRA, NE and JNCC and as yet nothing has been agreed and/or secured.	If and when further information becomes available during examination NE will update accordingly. However, any assurances in the security of this measure should be sought directly from DEFRA.	The Applicant is continuing to have active discussions with Defra prior to, and during the examination to further progress this option, but notes that the implementation of this measure is expected to be controlled mostly by DEFRA, JNCC and NE. The Applicant understands that Defra and DESNZ are intending to release a ministerial statement regarding this matter and await this to provide further confidence in the reliance on this measure. Once further information is available the Applicant will update the ExA accordingly.
D7 Long term implementation	This is still under consideration by DEFRA, NE and JNCC and as yet nothing has been agreed and/or secured.	If and when further information becomes available during examination NE will update accordingly. However, any assurances in the security of this measure should be sought directly from DEFRA.	The Applicant is continuing to have active discussions with Defra prior to, and during the examination to further progress this option, but notes that the implementation of this measure is expected to be controlled mostly by DEFRA, JNCC and NE. The Applicant understands that Defra and DESNZ are intending to release a ministerial statement regarding this matter and await this to provide further confidence in the reliance on this measure. Once further information is available the Applicant will update the ExA accordingly.
D8 Success criteria/ Ability to prove additionality	This is still under consideration by DEFRA, NE and JNCC and as yet nothing has been agreed and/or secured.	If and when further information becomes available during examination NE will update accordingly. However, any assurances in the security of this measure should be sought directly from DEFRA.	This measure will ensure that any sandbank or biogenic reef habitat loss is offset, or compensated for, by increasing the area of designated features and supporting habitats within the region, which will in turn ensure that legal protection is afforded to the newly designated area, thereby maintaining the ecological coherence of the MPA network in the region, providing additionality. The Applicant is continuing to have active discussions with Defra prior to, and during the examination to further progress this option, but notes that the implementation of this measure is expected to be controlled mostly by DEFRA, JNCC and NE. The Applicant understands that Defra and DESNZ are intending to release a ministerial statement regarding this matter and await this to provide further confidence in the reliance on this measure. Once further information is available the Applicant will update the ExA accordingly.
D9 Suitable as sole measure for target species	It is the SNCB's view that this measure has the greatest likelihood from an ecological perspective of maintaining the coherence of the National Site Network and even with uncertainties surrounding the project impacts, we believe that sufficient capacity can be built into the design of the measure to compensate for the impacts of this project as a sole measure.	Natural England advises that the points raised in Appendix B and C of our RR/WR are addressed so that the realistic WCS can be included within the compensation measure.	The Applicant agrees with Natural England, that should compensation be required for the IDRBNR SAC, that strategic compensation is the preferred option and is the most likely to be successful. The Applicant is continuing to have active discussions with Defra prior to, and during the examination to further progress this option but notes that the implementation of this measure is expected to be controlled mostly by DEFRA, JNCC and NE. The Applicant understands that Defra and DESNZ are intending to release a ministerial statement regarding this matter and await this to provide

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef			
Key uncertainties in addition to those raised above			
D9 Impacts to supporting habitats	Natural England is concerned that the Applicant hasn't assessed the lasting loss/change of supporting habitat for Annex I <i>Sabellaria</i> reef from the placement of cable protection and that this will further hinder the restore conservation objective for this feature. This is because where cable protection is placed on the seabed that area is no longer available for Annex I <i>Sabellaria spinulosa</i> reef restoration. Therefore, the scale and significance of the impact and required compensation for this feature is likely to be considerably greater than what is presented by the Applicant.	Please see comments included in Appendix B and C of our RR/WR	The Applicant maintains that the conclusions drawn within the Benthic and Intertidal Ecology chapter (APP-065) and with the RIAA [AS1-095] are robust and accurate. The Applicant has considered the impacts of lasting habitat change from the use of cable protection, however, does not consider that this would hinder the conservation objectives for the site, which, as set out within the Advice on Operations for the IDRBNR SAC, identifies a national target for recovery of <i>S. spinulosa</i> reef rather than a site-specific target. Considering the relatively small impact from the Project and the availability of other habitat for reef formation, alongside the lack of evidence from the site-specific surveys of the presence of <i>S. spinulosa</i> aggregations which would qualify as Annex I reef, the Applicant is confident that the potential for an AEoI to this feature can be ruled out (as detailed in section 9.1.4.2 of AS1-095).
D10 Evidence gaps	Natural England has concerns in relation to the evidence provided to support conclusions drawn on the potential scale of the impacts to Annex I reef and therefore the ability of mitigation measures to avoid Annex I reef. If impacts prove to be unavoidable then there is a high likelihood of an Adverse Effect on Integrity and the need for compensation.		The Applicant has provided further clarification and feedback on the baseline characterisation, specifically relating to of <i>S. spinulosa</i> extent and distribution in the Applicant's responses to Annex C of Natural England's Relevant Representations [comments C16-C27]. Additionally, the Applicant contracted Envision to undertake an independent reanalysis of the DDV data, which has confirmed the absence of any Annex I qualifying reef within the Offshore ECC, supporting the conclusions drawn by the Applicant.  Due to the ephemeral nature of <i>S. spinulosa</i> , a pre-construction survey campaign will be conducted to identify the extent and distribution of this feature, as detailed at Table 3.2 of the ES Offshore In-Principle Monitoring Plan [APP-276]. The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposing to carry out construction works) geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan [APP-276]. Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 require details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities, in consultation with the SNCB. in consultation with the SNCB.
D11 Ability to bury cables	Natural England notes that limited geotechnical and geophysical survey data has been presented with the Cable Burial Risk Assessment [APP-142] and the Cable Specification and Installation plan [APP- 278] to have confidence that the cables can be buried to optimum cable burial depth. In addition, there is limited consideration of the highly dynamic sediment transport/marine processes within IDRBNR SAC which may have implications for cable burial over the lifetime of the project. Therefore, we are concerned that the WCS presented for cable protection within IDRBNR SAC may not be realistic.		The Applicant has undertaken extensive baseline characterisation survey effort, beyond those typically undertaken for this early stage of an OWF. The Applicant collected a high sampling strategy for geotechnical data along the offshore ECC which has been used to inform Appendix 1: Cable Burial Risk Assessment of ES Chapter 3: Project Description [APP-142] undertaken to date and the project design, including confidence in the MDS for cable burial.  Appendix 1: Cable Burial Risk Assessment of ES Chapter 3: Project Description [APP-142] and the ES Outline Cable Specification and Installation Plan [APP-278] will be developed and refined on the basis of the additional pre-construction data. Geotechnical and geophysical information gathered during the pre-construction surveys will inform Appendix 1: Cable Burial Risk Assessment of ES Chapter 3: Project Description [APP-142].

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef			
			<p>The maximum quantity of cable protection which may be deposited across the ECC is secured in condition 3, Part 2 of the dML at Schedule 11 of the dDCO (3.1). Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO (3.1) requires details of scour protection and cable protection management in accordance with the outline scour protection and cable protection management plan [APP-295] to be submitted as part of the construction method statement for the approval of the MMO.</p> <p>The WCS areas and volumes of cable protection are set out in the outline scour protection and cable protection management plan. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured.</p> <p>Contractors will be obligated to adhere to the requirements of the DCO, the conditions of the DMLs, the stated mitigation measures and defined allowances for cable protection, with confidence in the contractor's ability to meet the requirements a key consideration during the tendering process.</p>

#### 1.45.5.2 Alternative Measures for Annex I Sandbanks and Reef, Summary position of Compensation

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Alternative measures for Annex I Sandbanks and Reef			
D12 Theoretical merit to deliver compensation.	<p>Given the legislative changes that would be required, Natural England does not consider this option is viable within the Project's timeframe. If the Applicant wishes to pursue this there will need to be agreement from The Crown Estate for a seabed lease and management measures put into place. Note that this measure was not taken forward in the Round 4 Plan Level Compensation Plan. In addition, it currently remains unclear how this measure will ensure the coherence of the National Site Network.</p>	<p>This is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location)</p>	<p>The Applicant will continue to progress this option through discussions with relevant parties.</p> <p>The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.</p>
D13 Technical feasibility	<p>The evidence is similar to that for strategic compensation for site designation/extension and therefore we advise that Strategic Compensation would be the preferred mechanism</p>	<p>No comment</p>	<p>This is noted by the Applicant. As previously stated, strategic delivery of a new site designation or extension is also the Applicants preferred mechanism at this stage.</p>
D14 Agreed compensation level	<p>Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC and habitat disturbance of Annex I <i>Sabellaria spinulosa</i> reef from cable installation within IDRBNR SAC. In addition, due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure, further discussions are required in relation to compensatory ratios which may be required.</p>	<p>Natural England advises that the points raised in Appendix B and C of our RR/WR are addressed.</p>	<p>The Applicant believes a reasonable worse case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of ES Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m<sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m<sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058].</p> <p>The Applicant notes Natural England's stance regarding the conclusion of AEoI on the IDRBNR SAC. The Applicant's Responses to Relevant Representations raised in Appendix B and C are provided in these appendices. Please refer specifically to the Applicant's Responses to Relevant Representations C7, C8, and C11 in relation to the WCS of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR. SAC and habitat disturbance of</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			Annex I <i>S. spinulosa</i> reef from cable installation within IDRBNR SAC. The conclusions drawn by the Applicant for the effects of the cable protection and habitat disturbance on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-installation and post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.
D15 Scale/extent of measure	The scale/extent of the measure has not been presented in detail and/or agreed with Natural England, JNCC or DEFRA.	No comment.	The Applicant refers to paragraph 97 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-249] which confirms that the justification for the site selection, scale, and ecological and site network benefits are as outlined for the SAC extension. The extent of the SAC extension measure is set out at 3.3.1 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-249].
D16 Timing: Deliverable before impact	We do not believe that this measure will be available in the project timeframes.	This is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location).	The Applicant acknowledges Natural England's position and also notes that the implementation of necessary byelaw (or byelaws) would require a formal consultation process prior to being submitted to the SoS for subsequent confirmation. To this extent the implementation of such a measure is beyond the control of the Applicant. Given the expected availability of SAC extensions as a strategic compensation measure it is considered unlikely that this measure will be progressed in a similar timeframe. However, the Project has included the measure in the event that an SAC extension does not materialise, as set out in section 4 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248].
D17 Location of measure	The location of the measure has not been presented in detail and/or agreed with TCE, Natural England, JNCC or DEFRA.	This is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location).	The primary method of protection for a sandbank outside an SAC, is expected to be through the designation of a byelaw to manage fishing activities, similar to those enacted by the MMO and the Eastern Inshore Fisheries and Conservation Authority (EIFCA) within the IDRBNR SAC. However, there will be a need to ensure that the area could not be developed by other industries in the future, which would not necessarily be precluded by a byelaw. This is most likely to be managed through a lease with The Crown Estate (TCE) to give the Applicant exclusive seabed rights to that area, which would then preclude the installation of cables or aggregate extraction over that area. The location of this measure is yet to be determined given the expected availability of SAC extensions as the preferred strategic compensation measure. However, the Project has included the measure in the event that an SAC extension does not materialise, as set out in section 4 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248].
D18 Long term implementation	There is a requirement for changes in legislation for the delivery of this measure and therefore until that is secured, further long-term implementation remains unknown.	This is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location).	The Applicant will continue to progress this option through discussions with relevant parties. The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.
D19 Success criteria/Ability to prove additionality	As per the above comment in relation to long-term implementation.	No comment.	The Applicant acknowledges Natural England's position and also notes that the implementation of necessary byelaw (or byelaws) would require a formal consultation process prior to being submitted to the SoS for subsequent confirmation (MMO, 2014). To this extent the implementation of such a measure is beyond the control of the Applicant. Given the expected availability of SAC extensions as a strategic compensation measure, it is considered unlikely that this measure will be progressed in a similar timeframe. However, the Project has included the measure in the event that an SAC extension does not materialise, as set out in section 4 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. The strategic delivery of a new site designation or extension is

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			the Applicant's preferred mechanism at this stage. The Applicant will continue to progress this option through discussions with relevant parties. This measure will ensure that any sandbank or biogenic reef habitat loss is offset, or compensated for, by increasing the area of designated features and supporting habitats within the region, which will in turn ensure that legal protection is afforded to the newly designated area, thereby maintaining the ecological coherence of the MPA network in the region, providing additionality.
D20 Suitable as sole measure for target species	We do not believe that is currently suitable as a sole or part measure at this time.	This is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location).	See responses provided by the Applicant above.
<b>Key uncertainties in addition to those raised above</b>			
Please see those included in Table 1			

### 1.45.5.3 Anthropogenic Pressure Removal – Redundant Infrastructure for Annex I Sandbanks, Summary position of Compensation measure

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<b>Compensation measure: Anthropogenic Pressure Removal – Redundant Infrastructure for Annex I Sandbanks</b>			
D21 Theoretical merit to deliver compensation	Whilst Natural England is supportive of the removal of redundant surface laid/exposed infrastructure being progressed as a benthic compensation measure for Annex I sandbanks; we note ODOW focus is on the removal of disused telecommunications 'telecom' cables. Natural England advises that currently there is no evidence that redundant telecoms cables are causing a significant impact on the Annex I Sandbank feature of the IDRBNR SAC or other benthic designated sites. Unless further supportive detailed evidence is provided, Natural England does not consider their removal to constitute suitable compensation as a primary measure.	Natural England advises that the applicant provide more detail to address Natural England concerns.	The Applicant will continue to progress this option. It is anticipated that sandbank habitat loss within the IDRBNR SAC is compensated for by 'reinstating' or 'cleaning' an area (freeing up a previously lost area) of sandbanks within the region. Whilst the measure is outside the boundary of the IDRBNR SAC, it would maintain the ecological coherence of the sandbank network in the region. The reinstated habitat would also be considered to be of high environmental value to other species of conservation importance. As set out at paragraph 225 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], initial investigations indicate that there appears to be enough redundant infrastructure intersecting with sandbank features potentially available for removal at both the 1:1 and 2:1 ratio. Surveys for infrastructure would be undertaken to confirm extent of effect from specific cables post-consent to inform this measure (if required and selected). The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.
D22 Technical feasibility	The Applicant has shown that there are redundant telecom cables within the National Site Network, but currently there is limited evidence to demonstrate that the cables are sufficiently present on the surface of Annex I sandbanks at both a spatial and temporal scale to be hindering the conservation objectives of the designated sites and the attributes of Annex I sandbanks. Once this can be demonstrated then commitments with the cable owners will need to be secured.	Natural England advises that the applicant provide more detail to address Natural England concerns.	As set out at paragraph 225 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], initial investigations indicate that there appears to be enough redundant infrastructure intersecting with sandbank features potentially available for removal at both the 1:1 and 2:1 ratio. Surveys for infrastructure would be undertaken to confirm extent of effect from specific cables post-consent to inform this measure (if required and selected).
D23 Agreed compensation	Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks from the	Please see our comments in Appendix B and C.	The Applicant believes a reasonable worst case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of ES Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
ation level	placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC.		IDRBNR SAC would be 2,880m <sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m <sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058]. The Applicant notes Natural England's stance regarding the conclusion of AEoI on the IDRBNR SAC . The Applicant's responses to Natural England's Relevant Representations comments raised in Natural England's Appendix B and C are provided above in sections 1.45.3 and 1.45.4. Please refer specifically to the Applicant's responses to Natural England's Relevant Representations comments C7, C8, and C11 in relation to the worst case scenario of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR SAC and habitat disturbance of Annex I <i>S. spinulosa</i> reef from cable installation within IDRBNR SAC. The conclusions drawn by the Applicant for the effects of the cable protection and habitat disturbance on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-installation and post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.
D24 Scale/extent of measure	Natural England has significant concerns in relation the outcomes of the Impact Assessment and evidence used to support conclusions on scale and significance of potential impacts from cable installation activities and the placement of cable protection from ODOW. Until these issues are resolved we do not agree with the Applicant on the scale and extent of the compensation measures required.	Please see out comments in Appendix B and C.	See the Applicant's response to Natural England's comments in Appendix B and C, specifically the Applicant's responses to Natural England's Relevant Representations comments C42 and C43.
D25 Timing: Deliverable before impact	Unlike other proposed measures the delivery of this measure is less reliant on other parties, therefore Natural England believes that the compensation could and should be delivered before the impact occurs.	No Comment.	This is noted by the Applicant. However, it should be noted that this measure still requires agreement with third party asset owners and therefore is to some degree beyond the control of the Applicant. However, the Applicant will continue discussions with assets owners and will provide letters of comfort from the relevant asset owners if these can be obtained.
D26 Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs.	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant believes that sufficient information has been provided to indicate the availability of infrastructure for removal at this stage. The final locations would be agreed post-consent. Surveys for surface exposed infrastructure would be undertaken to confirm extent of effect from specific cables post-consent, if granted, to inform this measure (if required and selected). The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.
D27 Long term implementation	Natural England notes in 7.6.1.1 Sandbank Compensation Implementation and Monitoring Plan that there is an intention for monitoring and adaptive management to be progressed if this mechanism is taken forward. Ideally, in order to provide the Secretary of State with the necessary comfort that this measure is sufficiently progressed during the consenting phase, this should be set out in more detail. However, we acknowledge that the Applicant has indicated that this is not ODOWs preferred benthic compensation measure and we would	Natural England advises that the applicant provide more detail to address Natural England concerns.	The Applicant has provided some high-level information regarding monitoring and adaptive management measures which could be implemented if required within section 6.3.3 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. Further details of the measure, including letters of comfort from asset owners if these can be obtained, will be provided as appropriate during the Examination as discussions with assets owners continue. The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	therefore anticipate as the examination progresses that this measure is either more thoroughly progress or removed as an option if not.		
D28 Success criteria/ Ability to prove additionality	Please see comments regarding the technical feasibility of this proposed measure. Until this is resolved, success criteria and additionality would be hard to determine.	Natural England advises that the applicant provide more detail to address Natural England concerns.	The Applicant has provided some high-level information regarding evidence for potential success and ability to provide additionality within section 6.2 and 6.3 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. Monitoring and adaptive management measures which could be implemented if required are presented in high level within section 6.3.3 of APP-248. Further details of the measure, including letters of comfort from asset owners if these can be obtained, will be provided as appropriate during the Examination as discussions with assets owners continue.
D29 Suitable as sole measure for target species	While Natural England considers that the removal of redundant infrastructure could be progressed as a sole measure it remains unclear if there are sufficient surface laid/exposed telecom cables on Annex I sandbanks to fully mitigated the potential project impacts. We would be supportive of this proposal being progressed as part of package if not.	Natural England advises that the applicant provide more detail to address Natural England concerns.	Surveys for surface exposed infrastructure would be undertaken to confirm extent of effect from specific cables post-consent, if granted, to inform this measure (if required and selected). There is the potential that if sufficient security can be achieved in the strategic compensation option, this option may be removed.
Key uncertainties in addition to those raised above			
D30 Impacts of telecoms within the National Site Network	Information on amount and location of surface laid/exposed cables and the spatial and temporal extent of those are required.		Refer to responses presented above.
Please also see those included in Table 1			

#### 1.45.5.4 Anthropogenic Pressure Removal of Aggregates industry Pressures for Annex I Sandbanks, Summary position of compensation measure

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Anthropogenic Pressure Removal of Aggregates industry Pressures for Annex I Sandbanks			
D31 Theoretical merit to deliver compensation	Natural England is supportive of the option for a percentage buyout of aggregate licence(s) as a compensation measure for Annex I sandbank as reduction of existing pressure on Annex I sandbanks would help restore Annex I sandbanks, prior to any licence renewal. We therefore encourage further detail to be included within the Application of any agreements with Aggregates industry that this measure has potential.	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant will continue to progress this option. The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.
D32 Technical feasibility	Natural England believes this is technically feasible as there are active Aggregate licences within the National Site Network which interact with Annex I sandbanks. However, there is currently no certainty that this measure can be secured.	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant will continue to progress this option and update the ExA as appropriate. Provision is made at paragraph 4(e) of Part 4 of Schedule 22 of the DCO (3.1) for the removal of aggregate industry pressures measure to be taken forward as a compensation option. If progressed, this measure would be detailed in the Sandbank Compensation Implementation and Monitoring Plan, developed with the Sandbank Compensation Steering Group and submitted to the Secretary of State for approval under paragraphs 3 and 4 of Part 4 of Schedule 22 of the DCO. The Sandbank Compensation Implementation and Monitoring Plan must then be implemented under paragraph 5 of Part 4 of Schedule 22 of the DCO.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
D34 Agreed compensation level	Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC.	Please see our comments on Appendix B and C.	The Applicant believes a reasonable worst case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of ES Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m <sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m <sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058].  The Applicant notes Natural England's stance regarding the conclusion of AEoI on the IDRBNR SAC. The Applicant's responses to Natural England's comments raised in their Appendix B and C of their Relevant Representation are provided in the above tables. Please refer specifically to the Applicant's responses to comments C7, C8, and C11 in relation to the WCS of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR SAC and habitat disturbance of Annex I <i>S. spinulosa</i> reef from cable installation within IDRBNR SAC. The conclusions drawn by the Applicant for the effects of the cable protection and habitat disturbance on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-installation and post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.
D35 Scale/extent of measure	The scale/extent of the measure has not been presented in detail and/or agreed with the SNCBs.	Please see our comments on Appendix B and C.	The Applicant anticipates that a reduction in aggregate removal within an SAC designated for sandbank could potentially benefit supporting features and processes of the IDRBNR SAC. As detailed in Section 7.2 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], the Applicant is liaising with aggregate licence holders to explore commercial appetite for a percentage buy out of total licenced aggregate removal quantities. It is assumed that this would have to represent an area as well as volumes to facilitate a benefit to the SAC and a compensation to the area impacted by cable protection.
D36 Timing: Deliverable before impact	It is unclear if this measure can be delivered prior to the impacts occurring.	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant will continue to progress this compensation option. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination.  In relation to the timing for delivery of benthic compensation, it is the Applicant's position that, were the Secretary of State to determine the potential for an AEoI on the IDRBNR SAC could not be excluded, then the timing of delivery of compensation should be deferred. This is because the final need for and quantity of that compensation (including the relevant impact: compensation ratio) cannot be determined until it is established that cable protection is required over the sandbank features or that <i>S. spinulosa</i> reef is identified within the offshore ECC, which would take place at the pre-construction survey stage. Further detail is set out at section 5.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap [APP-248]. Nevertheless, the proposed indicative timescale for removal of aggregate industry pressure is set out at section 7.2.1 and table 7.1 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap [APP-248]. The indicative timetable anticipates that agreement would be reached with the relevant licence holder for buy out of licenced aggregate removal quantities by the end of 2027, before the anticipated start of cable installation works in Q4 2028.
D37 Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs	Natural England advises that the Applicant provides more detail to address our concerns.	Figure 7.1 within the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248] demonstrates the current aggregate licence areas within the IDNRRB SAC. Figure 7.2 and Figure 7.3 present aggregate licence areas within the HHW SAC and the M&LS SAC (both of which Natural England favoured for pressure removal on sandbanks).
D38 Long term implementation	Natural England notes in 7.6.1.1 Sandbank Compensation Implementation and Monitoring Plan that there is an intention for monitoring and adaptive management to be progressed if this mechanism is taken forward. Ideally, in order to provide the Secretary of State with the necessary comfort that this measure is sufficiently progressed during the consenting phase this should be set out in more detail. However, we acknowledge that the Applicant has	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant has provided some high-level information regarding monitoring and adaptive management measures which could be implemented if required within the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. Further details of the measure will be provided during the Examination if discussions with assets owners are undertaken.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	indicated that this is not ODOWs preferred benthic compensation measure and we would therefore anticipate as the examination progresses that this measure is either more thoroughly progress or removed as an option if not.		
D39 Success criteria/ Ability to prove additionality	As per long term implementation for this measure, this is yet to be considered in detail and agreed with the SNCBs.	Natural England advises that the Applicant provides more detail to address our concerns.	The Applicant has provided some high-level information regarding success of this measure, which has also been advocated by NE, as detailed within the consultation Table 1.1 of the Without Prejudice Sandbank Compensation Plan [APP-244]. However, this measure is still being investigated with the key aggregate licence holders. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination.
D40 Suitable as sole measure for target species	While Natural England considers that the buyout of Aggregate licences could be progressed, it remains unclear if there are any options open to the Applicant to deliver this measure either as a sole measure or as part of a package.	Natural England advises that the Applicant provides more detail to address our concerns.	This measure is still being investigated with the key aggregate licence holders. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination.
Key uncertainties in addition to those raised above			
D41 Active licence areas willing to be bought out	Information on amount and location of available active licence locations open to being bought is required.	Natural England advises that the Applicant provides more detail to address our concerns.	This measure is still being investigated with the key aggregate licence holders. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination.
Please also see those included in 1.45.5.1			

#### 1.45.5.5 Anthropogenic Pressure Removal Marine Debris and Awareness campaign for Annex I Sandbanks and Reef

E Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation measure: Anthropogenic Pressure Removal Marine Debris and Awareness campaign for Annex I Sandbanks and Reef			
D42	The SNCBs are not supportive of this measure for the following reasons. On 21 January 2022 Natural England and JNCC submitted statutory advice to the Secretary of State (as the relevant competent authority) on Ørsted's Hornsea Project Three (HOW03) Sandbank Implementation Plan (SBIP) and associated documents. We advised DESNZ that the proposed Marine Debris Removal Campaign and Marine Debris Awareness Campaign would not provide sufficient compensation for the long-lasting loss of designated sandbank habitat resulting from the placement of external cable protection within both North Norfolk Sandbanks and Saturn Reef Special Area of Conservation (NNSR SAC) and The Wash and North Norfolk Coast (WNNC SAC). Having reviewed the Hornsea Project Three Debris Removal Campaign Field and Summary reports (2023), Natural England advises that the HOW03 findings confirm that the debris removal	We advise that this measure is removed from the list of proposed compensation measures.	The Applicant remains of the position that, if designed correctly, this measure has value and therefore will retain this compensation measure at this time. The Applicant notes the recent success and grant of approval of this measure as a compensation for benthic features by the SoS for the Norfolk Boreas and Norfolk Vanguard Projects and the Hornsea Three OWF Project. The Applicant notes that strategic delivery of a new site designation or extension is the Applicant's preferred mechanism for the delivery of compensation at this stage.

	<p>and awareness campaign measures are ineffective as a compensation measure in offsetting adverse effects on sandbank features.</p> <p>The HOW03 findings also supports the SNCB paper regarding the ineffectiveness of marine debris removal as a compensation measure in offsetting AEol from the placement of cable protection. As such, COWSC (Collaboration on Offshore Wind Strategic Compensation) and The Round 4 Plan Level Compensation Steering Group including the SNCBs, DEFRA and DESNZ, has also agreed this position, with Marine Debris Removal not being included in DEFRA's Strategic Compensation Library of Measures nor the R4 Plan Level Strategic compensation measure.</p>		
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#### 1.45.5.6 Creation of Biogenic Reef

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
Compensation measure: Creation of Biogenic Reef				
D43 Theoretical merit to deliver compensation	<p>Natural England refers the ExA to the published '<a href="#">Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan</a>' (April 2024).</p> <p>It was considered by the Round 4 Plan Level Benthic Compensation Steering Group including SNCBs, DEFRA and DESNZ, that Reef creation/enhancement is not considered to provide comparable ecological function to Annex I sandbank and is therefore not an appropriate measure for sandbank compensation.</p> <p>We therefore consider the same to be true for sandbank systems within IDRBNR SAC and provide no further comment on this as a potential measure.</p>	<p>There is a restore conservation objective for Annex I <i>Sabellaria spinulosa</i> reef feature of IDRBNR SAC and therefore there is a preference for management measures to be put in place to support its recovery. <a href="#">Please see Site Conservation Objectives</a>.</p> <p>As set out in <a href="#">Spatial assessment of benthic compensatory habitats for offshore wind farm impacts - NECR443 (naturalengland.org.uk)</a> bivalve reefs such as Oysters and Blue Mussel are ecologically distinct from Annelid reefs such as <i>Sabellaria spinulosa</i> reefs.</p> <p>Therefore, the creation/restoration of other reef features should not be at the detriment of existing Annex I habitats within IDRBNR SAC and/or hinder Annex I <i>Sabellaria spinulosa</i> reef restoration. In addition, we highlight that both Oyster and Blue Mussel reef may not provide the same ecological function, even if legally it</p>	<p>Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.</p>	<p>Annex I Sandbanks: Defra is currently consulting on draft policies to update compensation guidance. The new proposals prioritise 'Ecological Effectiveness' when considering compensation, i.e. the ecological outcome and the confidence that the measures will be effective. As outlined within the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], the Applicant considers that this proposed measure will provide benefits to ecological function of the overall MPA if delivered for either biogenic reef or sandbank feature. Whilst this would comprise a non-like-for-like measure for Annex I sandbanks, within the IDRBNR SAC, sandbanks and biogenic reef features are often co-located and provide complementary ecosystem services. As such, this measure would support the integrity of the wider National Site Network through supporting the key component communities associated with a</p>

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
		<p>would be considered to be the same i.e. Annex I biogenic reef.</p> <p>Natural England is of the view that within The Wash and North Norfolk Coast SAC there is a five- year <i>Sabellaria spinulosa</i> reef life cycle which is associated with <i>Lanice conchilega</i> and <i>Mytilus edulis</i>. Natural England has sponsored a PhD. on ecological functioning which produced a Journal of the Marine Biological Association, peer reviewed paper (Hendricks V. &amp; Foster-Smith, R. 2006). It is therefore likely that similar could be true for the wider Wash area including the Wash Approaches and IDRBNR SAC. Consequently, if reef creation was to be progressed as a compensation measure we would be more inclined towards Blue Mussel (<i>Mytilus edulis</i>) reef than Oyster reef which is not proven to have been historically found within the site.</p>		<p>combination of sandbank and reef habitats.</p> <p>Annex I Reef: The Applicant will continue to progress this option. The Applicant welcomes this advice and will include consideration of this within the further development of this measure. The site selection work for the proposed reef locations within the Order Limits included avoidance of areas identified as being of high importance for <i>S. spinulosa</i> reef.</p> <p>The Applicant notes that strategic delivery of a new site designation or extension is the Applicant's preferred mechanism for the delivery of compensation at this stage.</p>
Technical feasibility			Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure	The Applicant has provided information on technical feasibility within section 5 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], where the results of the habitat suitability assessment are also presented and based on a subset of key environmental variables and presented within section 5.3.3 and 5.4.3.
		<p>There is limited evidence to suggest why Oyster and Blue Mussel reef are not/no longer present with IDRBNR SAC and there are no guarantees of success. In particular, the recreation of Oyster beds is proving to be challenging. We refer the Applicant and the ExA to <a href="#">Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Appendix 1 - In-Principle Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Measures of Equivalent Environmental Benefit (MEEB) Plan</a> and the Annexes therein which consider the creation of Native Oyster Beds and the limitations thereof.</p>		<p>Sections 5.3.3, 5.3.4, 5.4.3 and 5.4.4, of APP-248 detail the creation process, project logistics, ecological risks and challenges will be. This would be developed further if this project was taken forward with a Biogenic Reef Compensation Steering Group, which would include key stakeholders, regulators and restoration practitioners and details (including limitations and risks) presented within the final Biogenic</p>



NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
				<p>Reef Compensation Implementation and Monitoring Plan.</p> <p>The Applicant notes that the SoS was satisfied that this measure could be successful for delivering MEEB for another project (Sheringham Shoal and Dudgeon Extension Projects) and as such the ExA can have confidence that this measure can, in principle, be relied on as a viable compensation measure (if required).</p>
Agreed compensation level			The Applicants' assessments should be undertaken in line with SNCB advice to aid in informing compensation measures.	The Applicant believes a reasonable worse case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m <sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m <sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058].
		<p>Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Reef features from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC and habitat disturbance of Annex I <i>Sabellaria spinulosa</i> reef from cable installation with IDRBNR SAC.</p> <p>In addition, due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure, further discussions are required in relation to compensatory ratios which may be required.</p>		<p>Please refer specifically to the Applicant's Responses to comments C7, C8, and C11 in relation to the WCS of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR. SAC and habitat disturbance of Annex I <i>S. spinulosa</i> reef from cable installation within IDRBNR SAC. The conclusions drawn by the</p>

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
				Applicant for the effects of the cable protection and habitat disturbance on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-installation and post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.
Scale/extent of measure			Please see our comments in Appendix B and C.	
		The scale/extent of the measure has not been presented in detail and/or agreed with Natural England, JNCC or DEFRA.		The Applicant has presented details on site selection and scale within section 5.3.3 and section 5.4.3 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]. Here the results of the habitat suitability assessment are based on a subset of key environmental variables and presented. The target size of the biogenic reef bed(s) to be created would be determined based on the predicted magnitude of long-term habitat loss from cable installation or protection measures, acceptable habitat compensation ratios, and the size required to establish healthy and viable beds.
Timing: Deliverable before impact		We do not believe that this measure will be available in the project timeframes.	Natural England advises that this proposal for compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure	The Applicant is confident that this measure is deliverable in the project timeframes. Details of which are presented in Table 5.3 and Table 5.6 of ES Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248].

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
Location of measure		<p>The location of the measure has not been presented in detail and/or agreed with Natural England, JNCC or DEFRA.</p> <p>We note that Schedule 16 of the DML enables the recreation of Annex I Reef as a compensation measure within IDRBNR SAC and that this will be considered as part of the HRA for the DCO/dML rather than a separate post consent marine licence. However, until further evidence is provided to refine down the 17 areas of search to 1 or maybe 2 locations the potential impacts on Annex I features within the SAC and/or the conservation objectives for the site, can't be assessed. Therefore, at this time we are unable to support the inclusion of Schedule 16 and/or the 17 locations proposed.</p> <p>We also note that some of the 17 potential compensation areas of search are located where The Crown Estate has recently issued seabed lease areas to the Aggregates Industry. Whilst they do not have a Marine Licence for aggregates dredging it remains unclear how these overlapping seabed uses are managed from a legal perspective and how this aligns with designated site management and the revision of the East Marine Plan. We acknowledge that this is a wider seabed issue than for just this project, and we will continue to work with relevant interested parties to address this and update the Examination accordingly.</p> <p>Natural England also highlights that MaRePo has identified locations for Oyster restoration in consultation with NE.</p>	<p>Natural England advises that this proposal for compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.</p>	<p>The Applicant has set out the initial site selection process that it has undertaken to identify potentially suitable locations to support self-sustaining oyster and blue mussel populations, including a habitat suitability assessment, at sections 5.3.3 and 5.4.3 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap [APP-248].</p> <p>The Applicant is proposing to consent the development of a biogenic reef through the DCO. In the event that an AEoI cannot be excluded for sandbank or biogenic reef and this measure is progressed, the grant of the deemed marine licence at Schedule 16 to the DCO would remove the need for further process were the DCO to be granted without Schedule 16 and therefore allowing the delivery of the compensation at an earlier stage and providing greater confidence in the measure's delivery. Further details are set out at sections 5.3.5.2 and 5.4.5.2 of the Without Prejudice Benthic Compensation Evidence Base and Roadmap [APP-248]. The effects of this measure have been fully assessed under HRA and EIA in the Application (3.1) and [APP-055 to APP-108]. The Applicant would welcome views from Natural England on the output of the initial site selection process and assessment prior to undertaking any refinement.</p> <p>As set out in ES Chapter 4 Site Selection and Consideration of Alternatives [APP-059], the Applicant refined the areas for biogenic reef from the wider area presented at PEIR. This included the removal of any areas that overlap with aggregate areas that have a secured a marine licence under the Marine and</p>

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
				<p>Coastal Access Act 2009 and have obtained a Production Agreement from The Crown Estate. The Applicant understands that in relation to the aggregate areas noted by the Natural England, The Crown Estate has set out its intention to award an Exploration and Option Agreement for the area concerned but that neither entry into the Exploration and Option Agreement, nor the final spatial extent of the area has been confirmed by The Crown Estate. The Applicant also notes that the award of such an Exploration and Option Agreement would not provide exclusivity for that area of seabed. It is only once a Production Agreement is entered into and a marine licence granted would the spatial extent of such aggregate areas be known. As such, at this stage the Applicant considers it to be entirely appropriate to include these areas identified for the creation and re-creation of biogenic reef. The Applicant will continue to liaise with The Crown Estate in relation to this matter and will update the ExA as and when more information becomes available.</p> <p>The results of the habitat suitability assessment for the recreation of Annex I reef, based on a subset of key environmental variables are presented in Figure 5.2 to Figure 5.4 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248]; the methodology adopted is detailed in Appendix 2. Considering concerns from Natural England regarding avoidance of areas that would impact habitat availability for <i>S. spinulosa</i>, the area for the delivery of a biogenic reef has been drawn to exclude any known areas of <i>S. spinulosa</i></p>

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
				<p>reef, or the “areas to be managed as reef” within the SAC.</p> <p>The Applicant notes NE’s work on MaRePo, this work was considered and reviewed within APP-248</p>
Long term implementation		<p style="background-color: yellow;">[Redacted]</p> <p>Natural England notes in 7.6.1.1 Sandbank Compensation Implementation and Monitoring Plan that there is an intention for monitoring and adaptive management to be progressed if this mechanism is taken forward. Ideally, in order to provide the Secretary of State with the necessary comfort that this measure is sufficiently progressed during the consenting phase this should be set out in more detail.</p> <p>However, we acknowledge that the Applicant has indicated that this is not ODOWs preferred benthic compensation measure and we would therefore anticipate as the examination progresses that this measure is either more thoroughly progressed or removed as an option if not.</p>	<p>Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.</p>	<p>The Applicant has provided some high-level information regarding monitoring and adaptive management measures which could be implemented if required within section 5.3.7 (native oyster beds) and 5.47 (blue mussel beds) within the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248].</p>
Success criteria/Ability to prove additionality.		<p style="background-color: yellow;">[Redacted]</p> <p>Please see comments regarding the technical feasibility of this proposed measure. Until this is resolved, success criteria and additionality would be hard to determine.</p>	<p>Further work is required in determining the feasibility of this measure.</p>	<p>As detailed within section 5.46 (native oyster) 5.4.6 (blue mussel) of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248], work on the feasibility/success analysis will commence post-consent, if required, to determine which areas within the IDRBNR SAC would be most suitable for the creation of mussel beds based on habitat requirements, the footprint of human pressures and the feasibility of implementing reef protection measures</p>

NE Reference	Natural England Comment - Annex I Sandbanks	Natural England Comment - Annex I Reef	Recommendation for Annex I reef only	Applicant Response
				(e.g. through byelaws). This work will involve an extension to the current habitat suitability mapping to include further variables known to affect blue mussel distribution. The need for modelling to assess larval dispersal pathways and retention rates will be investigated, and the review of past restoration projects will be continued to identify optimal reef creation methods and to develop restoration targets and monitoring parameters. The results of the feasibility study will also inform the scope of any further survey work that would be required to finalise site selection and deployment decisions.
Suitable as sole measure for target species		Natural England considers that theoretically, in the right location, and with the right delivery mechanisms in place this measure is suitable for Annex I reef compensation.	Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.	The Applicant welcomes this feedback.
Key uncertainties in addition to those raised above Please see those included in Table 1				

#### 1.45.5.7 Seagrass Habitat Creation/Restoration for Annex 1 sandbanks

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Compensation Measure Seagrass Habitat Creation/Restoration for Annex 1 sandbanks			
Theoretical merit to deliver compensation.	Natural England refers the ExA to the published ' <a href="#">Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan</a> ' (April 2024). In section 3.4.2 it is stated that ' <i>Although lower on the compensation hierarchy than the other measures, seagrass meadows do occur on some sandbanks within coastal subtidal and intertidal zones and seagrass is a sub-feature of other designated Annex I sandbanks, such</i>	Natural England has no further recommendation currently.	The Applicant will continue to progress this option. The Applicant welcomes this advice. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination The Applicant notes that the strategic delivery of a new site designation or extension is the Applicant's preferred mechanism for the delivery of compensation at this stage.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>as those within Fal and Helford SAC and Plymouth Sound and Estuaries SAC (Natural England, 2023a; Natural England, 2023b). Suitability as compensation for sandbank is supported by the listing of seagrass as a flora associated with sandbank in Natura 2000 (now National Sites Network) guidance habitat guidance (European Commission, 2013). Nonetheless, seagrass restoration is a lower preference measure compared to those supporting the same ecological function of the habitat being compensated for.</p> <p>We advise the same is true for compensation for impacts to Annex I Sandbank Features of IDRBNR SAC where subtidal seagrass has not been found within the site.</p>		
Technical feasibility	<p>Natural England refers the ExA to the published '<a href="#">Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan</a>' (April 2024).</p> <p>In section 3.4.3 it is stated that '<i>The Steering Group had significant concerns about the deliverability of seagrass restoration, even on a small scale as there have been no long term successes with seagrass restoration in the UK. Seagrass restoration is included as a potential measure only where it would be a minor part of a wider package in terms of the required compensation.</i></p> <p><i>Given the intention to compensate for Annex I sandbank habitat, which is, by definition, a subtidal habitat, seagrass restoration for the purpose of compensation for DBSW and DBSE projects shall be limited to subtidal seagrass. The measure is retained in the DBSCP as an additional option which could potentially be employed if the Steering Group considered that it was necessary to supplement other measures, or potentially as an adaptive management response.'</i></p> <p>This is also applicable to ODOW compensation. NE is in the process of drafting a paper on the current seagrass restoration projects.</p>	<p>Natural England will provide further comment on the technical feasibility on this measure at Deadline 1.</p>	<p>The Applicant awaits further comment from Natural England on this measure. However, the Applicant notes that there are multiple ongoing programmes for support seagrass restoration which can provide learnings on the methodology to give the greatest chance of a long-term successful restoration of this habitat.</p> <p>The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.</p>
Agreed compensation level.	<p>Natural England is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC.</p>	<p>Please see our comments on Appendix B and C.</p>	<p>The Applicant believes a reasonable worst case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of the Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m<sup>2</sup> (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m<sup>2</sup> (0.576 hectares), which equates to 1.84% of the sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description [APP-058].</p> <p>Please refer specifically to the Applicant's responses to comments C7, C8, and C11 in relation to the WCS of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR. SAC and habitat disturbance of Annex I S.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p><i>spinulosa</i> reef from cable installation within IDRBNR SAC. The conclusions drawn by the Applicant for the effects of the cable protection and habitat disturbance on the form and function of the physical structure of the Sandbanks, as well as the recovery of the biological community post-installation and post-cable protection removal are robust conclusions, supported by the best-available scientific evidence, referencing both peer reviewed and grey literature as required within the assessment documents for full transparency.</p>
Scale/extent of measure.	The scale/extent of the measure has not been presented in detail and/or agreed with the SNCBs.	Please see our comments on Appendix B and C.	<p>The Applicant states within Section 10.3.1 of the Without Prejudice Benthic Compensation Evidence Base and Road Map [APP-248] that the primary objective in relation to the Project would be to undertake off-site creation or restoration of a seagrass, which provides a similar ecological feature to the sandbank feature that is potentially lost.</p> <p>Part of the delivery including scale and extent of the measure would be developed through the Sandbank Compensation Steering Group (SCSG) at the post-consent phase and secured through the Sandbank Compensation Implementation and Monitoring Plan [APP-245], if this was a measure that the Project wanted to take further. This would include key strategies and activities, expected outcomes, and risks and challenges in relation to both ecological and societal goals.</p> <p>Responses have been provided for Natural England's relevant representations in Appendix B and C.</p>
Timing: Deliverable before impact	It is unclear if this measure can be delivered prior to the impacts occurring.	Natural England advises that the Applicant would need to provide more detail to address our concerns.	<p>The Applicant will continue to progress this compensation option. The Applicant will update the Examining Authority on the progress of this compensation option as appropriate throughout the Examination.</p> <p>In relation to Natural England's comment regards timing of compensation measure delivery, the Applicant would refer the Examining Authority to Defra's guidance on compensation ('Best practice guidance for developing compensatory measures in relation to Marine Protected Areas, July 2021') on compensation where it is stated that:</p> <p>"Defra recognises that in some cases and for certain habitats and species this could take several years and therefore it may not be feasible for the compensatory measures to be complete before the impact takes place."</p> <p>On this basis, the Applicant considers delivery of compensation prior to the impacts occurring should not be a key determinant in considering the suitability and deliverability of this measure.</p>
Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs.	Natural England advises that the Applicant would need to provide more detail to address our concerns.	This is noted by the Applicant. Further information will be entered into Examination where appropriate as this measure is progressed.
Long term implementation	Natural England notes in 7.6.1.1 Sandbank Compensation Implementation and Monitoring Plan that there is an intention for monitoring and adaptive management to be progressed if this mechanism is taken forward. Ideally, in order to provide the Secretary	Natural England advises that the Applicant would need to provide more	This is noted by the Applicant. Further information will be entered into Examination where appropriate as this measure is progressed.



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response	
	<p>of State with the necessary comfort that this measure is sufficiently progressed during the consenting phase this should be set out in more detail. However, we acknowledge that the Applicant has indicated that this is not ODOWs preferred benthic compensation measure and we would therefore anticipate as the examination progresses that this measure is either more thoroughly progressed or removed as an option if not.</p>		<p>detail to address our concerns.</p>	
<p>Success criteria/Ability to prove additionality</p>	<p>As per long term implementation for this measure, this is yet to be considered in detail and agreed with the SNCBs.</p>		<p>Natural England advises that the Applicant would need to provide more detail to address our concerns.</p>	<p>This is noted by the Applicant. Further information will be entered into Examination where appropriate as this measure is progressed.</p>
<p>Suitable as sole measure for target species</p>	<p>Natural England advises that this measure could only be considered as part of a package providing &lt;10% of the required compensation and/or potential adaptive management for part delivered compensation. There would also be a requirement for the provision of subtidal seagrass, not intertidal. Therefore, we advise that other measures are progressed first. If other projects are being progressed then there is an expectation this compensation will not be taken forward.</p>			<p>This is noted by the Applicant. Further information will be entered into Examination where appropriate as this measure is progressed.</p>
<p>Key uncertainties in addition to those raised above</p>				
<p>Uncertainty</p>	<p>Description</p>			
<p>Details on project to be progressed</p>	<p>Further details on following should be provided: the particular project/s to be supported by ODOW, how this will be secured in the DCO, the location, and in what format the Applicant will provide the compensation; and how it will be demonstrated to be additional to what the seagrass project already has entrained. It is also unclear how success will be demonstrated.</p>		<p>Further details to be provided into examination should this option be progressed.</p>	<p>See responses provided by the Applicant above. The Applicant expects that the precise location and project to be supported would be confirmed through consultation post-consent, were this measure required to be delivered, considering the merits of projects active at that time.</p> <p>Paragraphs 3 and 4 of Part 4 of Schedule 22 of the dDCO (3.1) requires the submission of Sandbank CIMP, based on the strategy for sandbank compensation set out in the sandbank compensation plan, to be submitted to the Secretary of State for approval in consultation with the MMO and the SNCB. Paragraph 4(g), Part 4 of Schedule 22 of the dDCO (3.1) sets out the required content of the Sandbank CIMP where the seagrass bed habitat creation/restoration measure is proposed to be taken forward. Paragraph 5, Part 4 of Schedule 22 of the dDCO (3.1) requires the undertaker to implement the measures set out in the approved Sandbank CIMP unless otherwise agreed in writing by the Secretary of State in consultation with the MMO and the SNCB.</p>
<p>Please see those included in Table 1</p>				

1.45.5.8 Natural England's Detailed Advice (not incorporated above) on specific compensation documents/plans which have been submitted.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Applicant Response Resolve Issues
APP-242 7.5 Derogations	Reviewed - no specific comments.	This is noted by the Applicant.
APP-243 7.6 Benthic compensation	Reviewed – no specific comments other than this document should be updated in light of comments provided in this Appendix.	This is noted by the Applicant.
APP-244 7.6.1 Sandbank Compensation Plan	<p>Natural England refer the ExA to Appendix C and in particular on the RIAA which are also relevant to this document.</p> <p>Section 2 Mitigation strategy - Natural England notes that avoidance of placing infrastructure within IDRBNR SAC as set out in the Offshore Transmission Review hasn't been possible. Nor has the avoidance of an AEol. The predicted impacts are therefore outside of the parameters of the Crown Estate (TCE) plan-level HRA, which concluded that there will be no AEol from the installation of ODOW cables through IDRBNR SAC. Equally there is confusion between the various chapters about what cable protection will and won't be used within IDRBNR SAC to ensure best likelihood of removal.</p> <p>Para (51 + 54) Natural England advises that we do not agree with the Applicant's assessment and consideration should be given to the impacts of the Race Bank offshore windfarm cabling within IDRBNR SAC and the ongoing cable exposures occurring for that project.</p>	<p>The Applicant refers the ExA to the responses to Natural England's Appendix C comments, which confirm that the Applicant remains confident in the conclusion that there is no potential for an AEol to any feature of the Inner Dowsing, Race Bank and North Ridge SAC, including the sandbank feature. Specifically, the Applicant is confident that the use of only removeable types of cable protection (e.g. concrete mattresses and/or rock bags) will not hinder the maintenance/recovery of the sandbank features in the long-term and as such, there is no hindrance to the Conservation Objectives of the site.</p> <p>The Applicant has set out the parameters for cable protection requirements within and outside the Inner Dowsing, Race Bank and North Ridge SAC with Table 6.18 of APP-058, which includes a breakdown of the area and volume which may be covered by cable protection over the Inner Dowsing and North Ridge sandbanks, the remainder of the SAC (excluding the sandbanks) and the remainder of the offshore ECC (excluding the SAC). The commitment to only removeable cable protection within APP-287 is specific in that it only applies to where the cable route crosses the sandbanks as these are the relevant sensitive receptor.</p> <p>The point being made by Natural England in relation to the Offshore Transmission Network Review (OTNR) is not clear. The OTNR and its Holistic Network Design (HND) provide electricity network recommendations and does not include, nor did it have the ability to include, any form of offshore cable route mitigation for the Project. Indeed, the Holistic Network Design, Pathway to 30 (NGESO, 2022) included high level environmental constraint mapping which acknowledged future offshore cable routes that may impact the IDRBNR SAC may need to be taken forward.</p> <p>It is not correct to state that the plan-level HRA of Round 4</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Applicant Response Resolve Issues
		<p>concluded no AEoI from the installation of ODOW cables through IDRBNR SAC, nor is it correct to state that predicted impacts are outside the parameters of The Crown Estate's plan-level HRA. This is because the plan-level HRA undertaken by TCE was based on broad cable regions as the location of export cable infrastructure was not known at that point in time.</p> <p>Paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (TCE, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions.</p> <p><i>"The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."</i></p> <p>The Applicant is unable to comment on cable exposures on a different project, when no information is available from the developer as to any remedial works which may be necessary. Were that developer to bring forward proposals for remedial works (if required), it would be for that project to consider the in-combination effects of those works with the Project.</p>
<p>APP-245 7.6.1.1. Sandbank Compensation Implementation and Monitoring Plan</p>	<p>Natural England notes that this document is a skeleton document of what will be included post consent. Therefore, we are unable to provide comment at this time on its content. It is not clear if this is the most appropriate approach if Strategic Compensation is taken forward.</p>	<p>This is noted by the Applicant. Should the Secretary of State conclude an adverse effect on integrity for this feature, the Applicant would be required to submit a Sandbank Compensation Implementation and Monitoring Plan (SCIMP) irrespective of whether any compensation which may be required is delivered by the Project alone or strategically. This is secured by Part 4 of Schedule 22 of the DCO (3.1) However the Applicant notes that the content may vary subject to the progress and agreed contribution of relevant projects of such a strategic measure. The Outline SCIMP is intended to provide the potential information which may be contained in the final SCIMP for the benefit of the ExA and SoS.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
APP-246 7.6.2 Annex I reef Compensation	Reviewed – no specific comments other than this document should be updated in like of comments provided in this Appendix.		This is noted by the Applicant.
APP-247 7.6.2.1. Annex I Reef Compensation Implementation and monitoring Plan	Natural England notes that this document is a skeleton document of what will be included post consent. Therefore, we are unable to provide comment at this time on its content.		This is noted by the Applicant.
APP-248 7.6.3 Benthic compensation evidence and route map	Natural England highlights that Section 2 is superfluous because of changes in approach since the time those projects were consented. All other comments are incorporated within the table above.		The Applicant notes that the information contained within section of APP-248 was accurate at the point of Application, in so far as information was available in the public domain. The information remains valid in relation to the basis of the compensation measures for those projects at the point they were consented. The Applicant maintains that the compensation measures proposed for the Project are appropriate.

## 1.45.6 Appendix E Marine Mammals

### 1.45.6.1 Marine Mammals Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
E1	The baseline characterisation has demonstrated clear evidence that the project area is important for harbour porpoise in the summer months. As such, Natural England does not agree to using the average annual density for harbour porpoise.	Natural England strongly advises the average summer density for harbour porpoise (2.63 individuals / km) is used in the impact assessment to reflect the importance of the project area during the summer	<p>At the time of drafting the impact assessment, there was a 2 year window assumed for pile driving of foundations. There was no preference for piling in the summer, and therefore it was assumed that piling could occur in any season. As such, it was considered most representative to use the average density estimate across all site-specific survey months in the impact assessment. This was the approach presented in the PEIR.</p> <p>The ODOW iPCoD report [CROSS REF REPORT] (produced as per Natural England's recommendation at E2 below), provides an assessment of disturbance from piling using both the SCANS density estimate (as per the ES chapter) and the average site-specific summer density estimate for harbour porpoise (2.63 individuals /km2) as requested by Natural England. The number of animals disturbed is higher using the average site-specific summer density estimate for harbour porpoise (2.63 individuals /km2), however, the magnitude conclusion remains Low irrespective of the density estimate used. The impact of disturbance is expected to result in short-term and/or intermittent and temporary behavioural effects in a small proportion of the population. As detailed in the ES chapter [APP-066] (paragraph 338), survival and reproductive rates are very unlikely to be impacted to the extent that the population trajectory would be altered. Given the number of porpoise predicted to be impacted and the proportion of the population this represents, this is considered to be a Low magnitude.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response																									
			<p>This magnitude conclusion is further justified with the results of the iPCoD modelling (document reference 15.12) which shows that irrespective of the density estimate used, disturbance from piling at ODOW will not result in a population level effect.</p> <table border="1" data-bbox="1546 472 2786 655"> <thead> <tr> <th></th> <th colspan="4"># porpoise disturbed per piling day</th> </tr> <tr> <th>Density source</th> <th>WTG monopile</th> <th>ANS monopile</th> <th>WTG Jacket</th> <th>ANS jacket</th> </tr> </thead> <tbody> <tr> <td>SCANS III density surface (ES)</td> <td>2,012</td> <td>2,758</td> <td>1,799</td> <td>2,720</td> </tr> <tr> <td>2.63 average summer site-specific</td> <td>3,989</td> <td>5,263</td> <td>3,567</td> <td>5,190</td> </tr> <tr> <td>Population modelling (iPCoD)</td> <td colspan="4">No population level effect – Low magnitude</td> </tr> </tbody> </table> <p>While the Applicant has provided results using the average summer density for harbour porpoise (2.63 individuals /km<sup>2</sup>) as requested by Natural England, it is important to re-iterate that there is no evidence that the density estimate within the Outer Dowsing survey area is applicable beyond the boundary of the survey area, and thus there is no evidence that it is applicable for use for much wider ranging impacts such as TTS and disturbance from piling that extend considerable distances beyond the survey area.</p>		# porpoise disturbed per piling day				Density source	WTG monopile	ANS monopile	WTG Jacket	ANS jacket	SCANS III density surface (ES)	2,012	2,758	1,799	2,720	2.63 average summer site-specific	3,989	5,263	3,567	5,190	Population modelling (iPCoD)	No population level effect – Low magnitude			
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E2	<p>Natural England does not agree with several conclusions in the EIA and HRA because they lack robust evidence supporting the conclusion</p>	<p>Natural England advises the Applicant uses population modelling, for example interim Population Consequences of Disturbance (iPCoD), to understand the impacts of the project alone and in combination with other plans and projects at a population level to inform the conclusions of the EIA and HRA.</p>	<p>To date, Natural England has not supported the use of iPCoD to justify magnitude conclusions. It is noted that Natural England did not raise the use of iPCoD during stakeholder consultation on assessment methods, nor did they raise it in s42 comments on the PEIR.</p> <p>The Applicant is of the position that iPCoD is a very useful tool to help quantify population level effects and thus magnitude scores, and thus are pleased to see that Natural England are now advising its use.</p> <p>As requested by Natural England, the Applicant has conducted iPCoD modelling for the project alone (document 15.17). This report concludes that for harbour porpoise, bottlenose dolphins, minke whales, harbour seals and grey seals, disturbance from piling at ODOW (monopiles or jackets) will not result in a population level effect. As such, the magnitude score for disturbance from piling remains as Low for all species, and thus there are no significant effects in EIA terms. Furthermore, the conclusions of the modelling confirm the conclusions drawn within the RIAA of no potential for an AEoI from the Project alone.</p> <p>As for the cumulative assessment, the Applicant has raised with Natural England the need to discuss and agree the parameters of any cumulative iPCoD assessment, given the potential number of projects in the cumulative assessment for porpoise, if including all projects within the Management Unit for that species (which includes all projects being planned within the North Sea). It is necessary to agree the scale of the cumulative modelling in advance as were the Applicant to simply include all current known projects, the assessment would, due to the lack of information available on other projects (particularly those in other jurisdictions), include vast assumptions and unrealism within the assessment which would limit the validity of such an assessment. As such, the Applicant intends to agree how to mitigate these potential uncertainties with Natural England prior to undertaking the analysis. Options under consideration by the Applicant currently include:</p> <ul style="list-style-type: none"> <li>Only considering projects with a PEIR/ES available (i.e. clear quantification of impacts);</li> <li>Only considering projects in English waters in the North Sea (spatially limiting the extent of the study); or</li> <li>Only considering projects which are due to pile at the same time as the Project (temporally limited).</li> </ul> <p>The Applicant will provide the ExA with further details following agreement with Natural England on the scope of the assessment.</p>																									

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
E3	The Applicant has not committed to using Noise Abatement Systems (NAS) at this stage.	Natural England strongly advises the Applicant to commit to using noise abatement as mitigation, should driven or part-driven piles be used during construction. The effect of noise abatement systems in reducing noise impacts should be included in the assessment.	The Applicant does not consider that there is a need to commit to NAS based on the conclusion of no significant effects within the EIA (see the Summary of Effects at Table 11.77 of Chapter 11 Marine Mammals [APP-066]) and no AEoI within the HRA (see the Conclusions of the Assessment at Table 12.1 of the RIAA [APP-095]).
E4	Natural England is concerned that the current approach to implementing Site Integrity Plans (SIPs) for piling impacts to the Southern North Sea SAC from offshore wind development does not allow sufficient time for mitigation methods, such as Noise Abatement Systems (NAS), to be procured by the Applicant prior to construction, should they be required, therefore increasing the risk that an Adverse Effect on Site Integrity cannot be avoided.	Natural England strongly advises that the Applicant commits to the use of specific mitigation measures at this stage, which may be removed at a later date if the revised SIP demonstrates they are not required.	<p>The Applicant does not consider that there is a need to commit to NAS based on the conclusion of no AEoI within the HRA (see the Conclusions of the Assessment at Table 12.1 of the RIAA [APP-095]).</p> <p>Currently, the primary measure outlined in the In Principle Southern North Sea Special Area of Conservation Site Integrity Plan [APP-281], is the co-ordination of timings so that the Statutory Nature Conservation Bodies' (SNCBs) daily and seasonal thresholds are not exceeded for harbour porpoise. However, Section 4.3 of the Outline SNS SAC SIP [APP-281], outlines measures that will be considered during the development of the final SIP submitted at the post-consent stages.</p> <p>The Outline SNS SAC SIP [APP-281], follows current guidance and thresholds (Joint Nature and Conservation Committee (JNCC) et al., 2020). The aim of finalising the SIP in the post-consent phase (prior to construction) is to take into account appropriate guidance and requirements at that time, as well as the final design of the Projects.</p> <p>Developing the final SIP prior to construction, rather than finalising now, allows the consideration and assessment of other relevant technologies or methodologies that may have emerged and have been proven to be effective by the time of offshore construction. Also, by providing a final SIP closer to the time of construction this allows for greater knowledge on the projects to be considered in the in-combination assessment. Additionally, it is not possible to confirm any measures that will be employed until project design parameters are finalised and the real impact (i.e. projects constructing at the same time) can be established with confidence.</p> <p>Further assessment will be conducted prior to construction, based on the foundation type and installation method. If significant risk of disturbance to marine mammals are identified this assessment will then be used to determine if further mitigation measures which reduce sound propagation and disturbance are required. If they are required, then a review will be conducted to determine what is the most appropriate and effective method based on the latest and available methods prior to construction. This will include a review of all suitable noise abatement measures at that time.</p> <p>This will be done in consultation with Natural England during the preconstruction phase. The Applicant considers the pre-construction phase to be suitable for the final definition and procurement of relevant mitigation methods as set out in the Outline Marine Mammal Mitigation Protocol (piling) (document reference 8.6.1) and In-Principle Southern North Sea Special Area of Conservation Site Integrity Plan (document reference 8.7).</p> <p>Additionally, the Applicant has been accepted to join the membership of the Southern North Sea Offshore Wind Forum (SNSOWF), alongside the developers of other offshore wind farms in the southern North Sea, which actively coordinate on matters of underwater noise.</p>

#### 1.45.6.2 Marine Mammals Detail Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
Project Description, Natural England's Position on Worst Case Scenario or Scenarios, Survey Data Acquisition, Data Gaps			
E5	Natural England has no significant concerns with these parts of the application with respect to marine mammals that have not been addressed in other comments.		This is noted by the Applicant.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	At this stage, Natural England has not identified any significant issues with marine mammal data acquisition, or any baseline data gaps that may materially affect the marine mammal part of the application.		
Analysis, Modelling and Reporting.			
E6	<p>6.1.11 Section 11.4.3</p> <p>The baseline characterisation has demonstrated clear evidence that the project area is important for harbour porpoise in the summer months. The site-specific surveys found very high densities of harbour porpoise in the summer (average summer density is 2.63 individuals / km), 41 mother and juvenile pairs were sighted during the site-specific surveys within the project area from May-August and a large part of the development is situated within the summer area of the Southern North Sea SAC.</p>	<p>Since most noisy activities occur during the summer, Natural England strongly advises the average summer density for harbour porpoise (2.63 individuals / km) is used in the impact assessment. The assessment should be updated.</p>	<p>At the time of drafting the impact assessment, there was a 2 year window assumed for pile driving of foundations. There was no preference for piling in the summer, and therefore it was assumed that piling could occur in any season. As such, it was considered most representative to use the average density estimate across the site-specific surveys in the impact assessment. This was the approach presented in the PEIR.</p> <p>The Applicant wishes to note that there is no evidence that the density estimate within the Outer Dowsing survey area is applicable beyond the boundary of the survey area, and thus there is no evidence that it is applicable for use for much wider ranging impacts such as disturbance from piling that extend considerable distances beyond the survey area.</p> <p>The iPCoD Modelling Report (Marine Mammals) (document 15.12) (produced as per Natural England's recommendation at E2), provides an assessment of disturbance from piling using both the SCANS density estimate (as per the ES chapter) and the average site-specific summer density estimate for harbour porpoise (2.63 individuals /km<sup>2</sup>) as requested by Natural England. The results of the iPCoD modelling shows that irrespective of the density estimate used, disturbance from piling at the Project will not result in a population level effect.</p>
<p>Environmental Impact Assessment - Documents Used:</p> <p>Chapter 11 Marine Mammals</p> <p>6.1.11.1 Chapter 11 Appendix 1 Marine Mammals Technical Baseline</p> <p>6.1.11.2 Chapter 11 Appendix 2 Underwater Noise Assessment</p>			
Identified Impacts			
E7	<p>6.1.11 Table 11.11</p> <p>Natural England does not agree with the conclusion of <i>not significant</i> in the matrix for scenarios with medium sensitivity and medium magnitude (UXO PTS for harbour porpoise, piling PTS for harbour porpoise and minke whale, and cumulative impact from piling and UXO disturbance on harbour seal). The Applicant should provide robust evidence to justify the conclusion of <i>not significant</i> for scenarios which have medium sensitivity and medium magnitude, or these scenarios should be reclassified to <i>significant</i>.</p>	<p>To justify the conclusion of <i>not significant</i> for scenarios which have medium sensitivity and medium magnitude, Natural England advises the Applicant should use population modelling, such as Interim Population Consequences of Disturbance (iPCoD), to quantitatively assess if these scenarios will have a significant impact at a population level in the long term.</p>	<p>The Applicant notes that as per the significance matrix set out in Table 11.11 of ES Chapter 11 Marine Mammals (APP-066), a magnitude of medium and sensitivity of medium is a minor significance of effect, which is not significant in EIA terms. The Applicant refers the ExA to Table 11.2 of ES Chapter 11 Marine Mammals (APP-066) which sets out why the classifications for the magnitude and sensitivity are different for the Marine Mammals aspect chapter compared to others, which was in response to a request made by Natural England in advice in response to the Section 42 consultation on the PEIR (row 1 of the section entitled "Phase 2 Consultation (Section 42 consultation on the PEIR) Comments").</p> <p>Natural England have advised that iPCoD modelling is used to understand the population consequences of impacts to justify the magnitude scores in the assessment.</p> <p>The Applicant was surprised to receive this advice since to date Natural England has not supported the use of iPCoD to justify magnitude conclusions. It is noted that Natural England did not raise the use of iPCoD during stakeholder consultation on assessment methods, nor did they raise it in s42 comments on the PEIR.</p> <p>The Applicant is of the position that iPCoD is a very useful tool to help quantify population level effects and thus magnitude scores, and thus are pleased to see that Natural England are now advising its use. As such, the Applicant has undertaken iPCoD modelling for the Project alone as detailed in the above responses. This report concludes that for all marine mammal assessed, disturbance from piling at ODOW will not result in a population level effect. As such, the magnitude score for disturbance from piling remains as Low for all species, and thus there are no significant effects in EIA terms. Furthermore, the results of the iPCoD modelling confirm that the potential for an AEoI can be ruled out from the Project alone to the relevant features of the SACs which may be affected by the Project.</p> <p>As for the cumulative assessment, the Applicant is looking to agree the parameters of a cumulative iPCoD assessment with Natural England prior to running any scenarios, given the number of projects in the cumulative assessment for porpoise and the vast assumptions and unrealism within the assessment.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
E8	<p>6.1.11 Table 11.37</p> <p>Natural England does not agree that the mitigated impacts of Permanent Threshold Shift (PTS) and Temporary Threshold Shift (TTS) from piling and UXO clearance is negligible for all marine mammals. These conclusions are hinged on mitigation outlined in the MMMP.</p> <p>Although the mitigation procedures outlined in the Marine Mammal Mitigation protocol (MMMP) will help reduce the chance of marine mammals being injured by underwater noise from piling and Unexploded Ordnance (UXO) clearance, marine mammals spend most of their time underwater and therefore it is not always possible to ensure all animals are outside of injury zone. Therefore, Natural England consider the conclusion should be at least of a low magnitude.</p>	<p>Appropriate mitigation and the use of Noise Abatement Systems (NAS) must be assessed and secured as a condition of the DCO.</p>	<p>The Applicant is not committing to NAS at this stage of the development process for piling based on the conclusion of no significant effects.</p> <p>The Applicant is confident that the measures outlined in paragraphs 4.2 to 4.3 of the Outline Marine Mammal Mitigation Protocol for Piling (document reference 8.6.1] and the Outline Marine Mammal Mitigation Protocol for Unexploded Ordnance Clearance (document reference 8.6.2) are sufficient to achieve a non-significant effect, and therefore maintains the conclusion of negligible for all marine mammals.</p>
E9	<p>6.1.11, Para 430</p> <p>As a result of the decline in numbers of the Wash harbour seal colony, Natural England has recently updated the conservation advice package for the Wash and North Norfolk Coast (WNNC) SAC. The conservation objective for the harbour seal feature is currently set to 'restore'.</p>	<p>Disturbance impacts to harbour seal from piling which could further hinder the 'restore' objective of the WNNC SAC should be avoided, reduced or mitigated. Natural England advises that if impactful noise from the project reaches the SAC, additional mitigation measures, for example NAS, should be implemented.</p> <p>To avoid disturbance during sensitive times, activities generating impactful noise which may reach the SAC should also be avoided during pupping (June, July and August).</p>	<p>The Applicant notes that the reasons for the decline of the Wash harbour seal colony are currently unknown therefore there is the potential that reducing disturbance during sensitive times could have no impact on the population decline. The Applicant has undertaken iPCoD modelling as per NE request (see reference E2 above), which has confirmed that no population effects are predicted from the construction of the Project (document 15.17).</p> <p>The Applicant is not committing to NAS based on the conclusion of no significant effects and no adverse effect on integrity of the WNNC SAC (including the "restore" conservation objective). The Applicant also highlights that the noise contours for harbour seals for monopiles worst case locations in Figure 11.4 of Chapter 11: Marine Mammals [APP-066] do not overlap with the Wash SAC. Therefore no commitment to avoid noise generating activities during June, July and August is necessary.</p>
E10	<p>6.1.11, Figure 11.4</p> <p>Natural England is concerned that noise from piling of the Offshore Reactive Compensation Platform (ORCP) will cause a barrier for harbour seals entering and leaving the Wash and North Norfolk Coast SAC.</p>	<p>Natural England advises the Applicant provides a barrier effects assessment on harbour seal disturbance from piling at the ORCP.</p>	<p>The Applicant notes that the assessment of barrier effects during the construction phase has not previously been raised through consultation with Natural England.</p> <p>The Applicant considers that barrier effects have been included within the assessment of underwater noise in construction in the assessment of Impact 5 in paragraph 414 of Section 11.6 of Chapter 11: Marine Mammals (APP-066) which demonstrates that intermittent piling will not cause barrier effects.</p> <p>Natural England previously agreed barrier effects for operational phase could be scoped out at the EIA Scoping stage. The Planning Inspectorate were also content that barrier effects to marine mammals during operation will be small scale and short lived therefore unlikely to result in significant effects therefore agreed that this could be scoped out.</p>
Methodology			
E11	<p>6.3.11.2</p>	<p>Natural England defers to CEFAS as underwater noise specialists.</p>	<p>This is noted by the Applicant.</p>
<p>Mitigation Document Used:</p> <p>8.6.1: Outline Marine Mammal Mitigation Protocol for Piling Activities</p> <p>8.6.2: Outline Marine Mammal Mitigation Protocol for UXO</p> <p>8.20: Outline Vessel Management Plan</p>			
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
E12	<p>Natural England strongly advises the Applicant to commit to using noise abatement as mitigation, should driven or part-driven piles be used during construction.</p> <p>NAS are proven to reduce the level of noise generated by piling and its propagation through the marine environment.</p>	<p>Natural England expects noise abatement to be committed to in the Outline/Draft Marine Mammal Mitigation Plan and Site Integrity Plan submitted at the DCO Application stage.</p>	<p>The Applicant is not committing to NAS based on the conclusion of no significant effects in EIA terms (see the Summary of Effects at Table 11.77 of Chapter 11 Marine Mammals [APP-066]) and no AEoI within the RIAA (see the Conclusions of the Assessment at Table 12.1 of the RIAA [APP-095]).</p> <p>The mitigation currently proposed in the MMMPs is sufficient to support these conclusions.</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>As the noise levels are reduced at or close to the source, the range and area over which noise-related impacts occur will be reduced significantly.</p> <p>Natural England are aware that Defra will be publishing a marine noise policy paper soon (announced at MMO workshop, 13th March 2024) which will include the expectation from the MMO that all offshore wind pile driving activity in English waters should demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise mitigation methods in the first instance from January 2025.</p> <p>Natural England expects that the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place, for the following reasons:</p> <p>The overall level of noise in the Southern North Sea SAC is increasing due to the current and forecasted levels of offshore wind construction and other noisy marine activities taking place.</p> <p>Therefore, it will be increasingly difficult to determine no Adverse Effect on Site Integrity (AEoI) from cumulative noise disturbance. Projects that do not use NAS risk contributing to cumulative noise disturbance that could exceed the daily and seasonal thresholds for significant disturbance leading to AEoI, and therefore may not be able to construct as planned.</p> <p>The large-scale piling campaigns for offshore wind projects risk causing injury and disturbance offences to marine mammals of European Protected Species (EPS), therefore developers typically apply for a wildlife licence to exempt them from an offence under the regulations. A licence can only be granted where the regulator is satisfied that the required legislative tests are met, such as that there is no other satisfactory alternative. Natural England expects it to be increasingly difficult for projects to demonstrate that noise abatement is not a satisfactory alternative. Projects that do not use noise abatement therefore risk not meeting the legislative test needed in order to be granted a wildlife licence.</p>	<p>Natural England advises the assessment includes the effect of noise abatement systems in reducing noise impacts.</p>	<p>The Applicant would like to highlight that it does not consider it appropriate in line with the mitigation hierarchy to conclude no significant effects and no AEoI but then commit to NAS.</p> <p>The Applicant is aware of the developments in the management of underwater noise within UK waters, particularly in relation to impacts in marine mammals and are engaging with Defra on the strategic measures including the marine policy paper noted by Natural England. Discussion of NAS measures is included within the Outline MMMP for Piling [APP-279] and In-principle SNS SAC SIP [APP-281], for the project. However, due to the current uncertainties around what the final Government policy position will be, and in the absence of any significant effects from the Project, the Applicant does not consider it necessary to make a commitment to the use of NAS at this stage of the development. Consequently, piling without NAS remains the MDS for the purposes of the assessment of effects. Furthermore, whilst the Applicant appreciates Natural England's advice around the risk for the award of an EPS licence, it is noted that the application for an EPS licence is not part of the DCO Application process and would be applied for post-consent, prior to construction once final project parameters are known (including foundation type and installation options), if required. The Applicant will follow the best-practise at the point of applying for an EPS licence, with due consideration given to the tests which must be met for the award of such a licence, including consideration of satisfactory alternatives, with the evidence presented to support the position put forward at that time.</p>
E13	<p>8.6.1</p> <p>As stated in point E3, Natural England does not agree that the mitigated impacts of PTS and TTS from piling and UXO clearance is negligible for all marine mammals. These conclusions are hinged on mitigation outlined in the MMMP. Although the mitigation procedures outlined in the MMMP will help reduce the chance of marine mammals being injured by underwater noise from piling and UXO clearance, marine mammals spend most of their time underwater and therefore it is not always possible to ensure all animals are outside of injury zone. Therefore, Natural England</p>	<p>Mitigation and the use of Noise Abatement Systems must be assessed and secured as a condition of the DCO.</p>	<p>The Applicant is not committing to NAS based on the conclusion of negligible magnitude for all marine mammals and therefore maintains the conclusion of no significant effect..</p> <p>Currently, the primary measures outlined in the Outline Marine Mammal Mitigation Protocol for Piling Activities [APP-279] include Marine Mammal Observers (MMOb), Passive Acoustic Monitoring (PAM) and Acoustic Deterrent Devices (ADD) as to date these measures have been deemed acceptable to sufficient mitigate the risk of injury. However, Section 4.4 of the Outline MMMP for Piling Activities [APP-279], outlines noise abatement and the approximate level of noise reduction that can be achieved based on a review of NAS and their limitations provided by Verfuss et al., (2019) and Koschinki and Lüdemann, (2020).</p> <p>Developing the final MMMP for piling prior to construction, rather than finalising now, allows the consideration and assessment of other relevant technologies or methodologies that may have emerged and have been proven</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	consider the conclusion should be at least of a low magnitude.		to be equally effective by the time of offshore construction. Confirmation of any measures that will be employed cannot be confirmed until project design parameters are finalised. Further analysis will be conducted prior to construction, based on the foundation type and installation method. If significant risk of disturbance to marine mammals is identified prior to mitigation measures being implemented, this analysis will then be used to determine if further measures, which reduce sound propagation and disturbance, are required. If they are required, then a review of the mitigation measures outlined in the Outline MMMP for Piling [APP-279] will be conducted to determine what is the most appropriate and effective method based on the latest and available methods prior to construction. This will include a review of all suitable noise abatement measures at that time. This will be done in consultation with Natural England as part of the development of the final MMMP for piling at the post-consent stage.
E14	8.6.1 Section 4.2; 8.6.2 Section 4.2 Natural England supports the Applicant's decision to define the mitigation zone as the maximum potential PTS-onset impact range.	It is important for the final MMMP to consider how this zone can be effectively monitored to ensure all marine mammals can be detected. This may require using more marine mammal observers (MMOb) and implementing stricter limits on workable weather conditions.	The Applicant welcomes Natural England's agreement on this matter. The final MMMP for both piling and UXO clearance will be developed in the post-consent stage. The Applicant will refer to the latest guidance for MMOb at the time of final MMMP drafting and consider the advice of stakeholders.
E15	8.6.1, Section 4.3, Para 20-21 Natural England recommends that, if a marine mammal is not observed leaving the mitigation zone, a delay of 20 minutes from the last sighting should be implemented before commencement of soft-start.	Natural England advises this is committed to within the final MMMP.	The Outline MMMP for Piling has been updated submitted alongside this response (document 8.6.1). The Applicant notes that this is detailed in Section 2.3 of the JNCC (2010) protocol for minimising the risk of injury to marine mammals from piling noise. The Applicant will follow the latest guidance at the time of construction.
E16	8.6.1, Section 4.3 Para 23; 8.6.2 Para 18 The PAM guidance was updated in December 2023 (JNCC 2023). This updated version should be used to inform the final MMMP.	Updated PAM guidance should be used to inform the final MMMP: <a href="#">JNCC guidance for the use of Passive Acoustic Monitoring in UK waters for minimising the risk of injury to marine mammals from offshore activities   JNCC Resource Hub.</a>	The Applicant has updated the reference to the PAM guidance in the Outline MMMP for Piling (document reference 8.6.1) and the Outline MMMP for UXO Clearance (document 8.6.2). The final MMMP will be drafted in accordance with the latest guidance in effect at the time of construction.
E17	8.6.1 Section 4.3 Para 31 Natural England recommends that, for a maximum hammer energy of 6,600 kJ, the soft-start should commence at 10% of maximum hammer energy, not 15% as stated here.	Natural England advises this 10% maximum hammer energy is committed to in the final MMMP.	The JNCC (2010) guidance defines soft start as the gradual ramping up of piling power, incrementally over a set time period, until full operational power is achieved and that this should be for a minimum of 20 minutes. It does not specify the maximum hammer energy that defines soft start. The Applicant would like to highlight that there are several recent post-consent projects which have used greater than 10% hammer energies for soft-start, these include Sofia Offshore Wind Farm and Hornsea Project Two. Notwithstanding, the difference in received sound energy between 660kJ (10%) and 990kJ (15%) would not be expected to lead to a different risk profile for marine mammals. In the case of the Project, a commitment for soft-start to commence at 10% of the maximum hammer energy is not necessary to avoid likely significant effects on the environment in EIA terms or an AEoI in HRA terms. This commitment is therefore unnecessary.
E18	8.6.1, Section 4.6 Para 40 If the commencement of piling is delayed for a sufficient time to warrant the Acoustic Deterrent Device (ADD) being turned off, Natural England recommends the break in ADD use is more than 20 minutes to ensure a startle and flee response once reactivated.	Natural England advises any break in ADD use being more than 20 minutes should be committed to in the final MMMP.	The Outline MMMP for Piling (document reference 8.6.1) has been updated. The final MMMP will be drafted in accordance with the latest guidance in effect at the time of construction.
E19	8.6.1; 8.6.2 Visual marine mammal watches should commence at least 30 minutes before ADD activation. This might require the visual	Natural England advises a commitment for visual marine mammal watches for a duration of at least 30 minutes before ADD activation should be included in the final MMMP.	The Outline MMMP for Piling (document reference 8.6.1) and Outline MMMP for UXO Clearance (document reference 8.6.2) have been updated. The final MMMP will be drafted in accordance with the latest guidance in effect at the time of construction.

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	watch to be longer than 1 hour when the ADD activation time is longer than 30 minutes.		
E20	8.6.2 Para 31 If UXO detonation is delayed for a sufficient time to warrant the ADD being turned off, Natural England recommends the break in ADD use is more than 20 minutes to ensure a startle and flee response once reactivated.	Natural England advises any break in ADD use being more than 20 minutes should be committed to in the final MMMP.	The Outline MMMP for UXO Clearance (document reference 8.6.2) has been updated. The final MMMP will be drafted in accordance with the latest guidance in effect at the time of construction.
E21	8.20, Sections , 6.1.2 &,7.1.2.2 The mitigation and marine mammal sections do not include measures to avoid collisions with marine mammals. These measures should involve following a code of conduct to ensure vessels operate appropriately around marine mammals and be finalised in accordance with best practice at the time. This may include the Scottish Marine Wildlife Watching Code.	Natural England advises measures are included in the vessel management plan to ensure vessels operate appropriately around marine mammals, these should be finalised in accordance with best practice at the time. This may include the Scottish Marine Wildlife Watching Code.	The applicant has updated sections 6.1.2 and 7.1.2.2 in line with the advice, the Outline Vessel Management Plan (document 8.20) has been resubmitted alongside the responses to the Relevant Representations.
<b>Assessment Conclusions</b>			
E22	With reference to points E1 and E2 and E3, Natural England does not agree to several conclusions of the EIA because they lack robust supporting evidence.	Refer to recommendations in points E1, E2 and E3 and update the conclusions as required.	E1: see response to NE reference E1 above. E2: see multiple responses on EIA and HRA conclusions at references E7, E9, E27 and E28. E3: The Applicant is not committing to additional NAS based on the conclusion of no significant effects within the EIA (see the Summary of Effects at Table 11.77 of Chapter 11 Marine Mammals (APP-066)) and no AEoI within the HRA (see the Conclusions of the Assessment at Table 12.1 of the RIAA (APP-095).
<b>HRA - Documents Used:</b> 7.2: HRA Screening Report 7.1: Report to Inform Appropriate Assessment 8.7: In-Principle Southern North Sea Special Area of Conservation Site Integrity Plan 8.3: Offshore In-Principle Monitoring Plan			
<b>Screening</b>			
E23	7.2, Table 5.4 Harbour porpoise have been screened out from sites that are more than 26 km from the project. As wide-ranging animals, any designated site with harbour porpoise as a named feature within the North Sea Management Unit should be screened in.	To note.	European sites within the North Sea Management Unit were considered within the screening report, which was consulted on in 2022. It is considered that the range to these sites was significantly beyond the 26km Effective Deterrent Range of relevance to habitat loss associated with underwater noise generated through piling activities (considered to be the most wide reaching effect), and therefore it was determined that the potential impact to the distant sites did not pass the significance test when considering LSE, and the sites were screened out at that time. The Applicant highlights that this approach was taken within the Screening Report issued alongside the Scoping Report, for which no comments on this approach were received, with the same approach also followed at PEIR and during S42 consultation or throughout the ETGs no issues were raised with the methodology. The transboundary sites were screened out based on the conclusion for no potential for likely significant effect in the Habitats Regulations Assessment Screening Report (2024), with the transboundary consultation having raised no concerns on this matter. This conclusion was reached based on the lack of evidence of connectivity and distances of the sites to the Project. For UK sites, the only Harbour Porpoise SAC is the Southern North Sea SAC, which was screened in, and is fully assessed within section 9.2 of the Report to Inform Appropriate Assessment (AS1-095).
<b>Assessment</b>			
E24	No comment required. Natural England does not have any significant issues with this part of the application.		This is noted by the Applicant.
<b>In- combination</b>			

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E25	<p>7.1, Para 1444</p> <p>It is unclear if seismic surveys have been included in the in-combination assessment.</p>	<p>Natural England advises the number of seismic surveys included in the in-combination assessment is clearly stated. Natural England recommends two seismic surveys per year are included in the in-combination assessment. The Assessment should be updated to reflect this.</p>	<p>Seismic surveys have been considered within the in-combination assessment, as stated within Table 7.6 of the Report to Inform Appropriate Assessment (AS1-095), paragraphs 1452, 1454, and 1481. Four seismic surveys have been considered as stated in Table 7.6 of the Report to Inform Appropriate Assessment (AS1-095. Given the lack of clarity at the time of writing, a high level provisional assessment was completed (paragraph 1481) determining that there would be no significant effect generated by seismic or geophysical surveys in-combination, and that the Site Integrity Plan ensures that there will be no in-combination impact on the SNS SAC. Seismic surveys will be considered further within the post-consent information around the SIP. There is currently no publicly available information on potential seismic surveys which may overlap with the construction phase of the Project, as the consenting timescales for such surveys are much shorter than those for offshore wind. As seismic surveys have been included in the in-combination assessment, no update is required.</p>
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
E26	<p>8.7 -</p> <p>The submission of an In-Principle Site Integrity Plan (SIP) offers the opportunity for the Applicants to demonstrate to the ExA/Competent Authority that avoiding AEoI will be possible through appropriate management and mitigation, whilst deferring the ultimate determination to the MMO in the pre-construction phase of the project. It is then anticipated that the SIP will be updated and finalised close to the time (within 1 year) of construction when the extent of noisy activities impacting the designated site in any given season is better known and therefore able to be assessed. This enables the MMO to review the impact of a much-refined, more realistic worst case scenario and confirm that the applied for works will not result in an AEoI on the Harbour porpoise feature of the SNS SAC in-combination with other plans and projects.</p> <p>Whilst this approach carries risk and uncertainty for all parties, it has been accepted as the most pragmatic way forward at this time.</p> <p>Whilst recognising the potential utility of SIPs to manage in-combination noise impacts, Natural England is not confident that the current approach to SIP implementation will prevent impact thresholds for significant disturbance from being exceeded in the Southern North Sea SAC. Our concerns are detailed in annex A of this document.</p>	<p>Natural England strongly advises that the Applicant commits to specific mitigation measures at this stage, particularly the implementation of NAS, rather than relying on the SIP identifying the requirement for them. Taking this approach would minimise the risk of an AEoI for the SNS SAC as far as possible, with the outcome of the revised SIP determining pre-construction if the mitigation measures are still necessary or can be removed. Natural England considers that relevant mitigation options are available to the Applicant and would be happy to engage further with them on the merits of this approach.</p>	<p>The Applicant acknowledges NE's position regarding the uncertainties of the SIP, but also welcomes the confirmation that it is "the most pragmatic way forward at this time". The Applicant further notes that the SIP process has been relied on for all recent consented offshore wind farms, including Dudgeon and Sheringham Shoal Extensions, Hornsea Four, East Anglia 1 North, East Anglia 2, Norfolk Vanguard and Norfolk Boreas, as well as being the process imposed on previously consented projects through the Review of Consents undertaken by BEIS in 2020 following designation of the SAC.</p> <p>Consequently, the Applicant has concluded no AEoI in-combination through the commitment to develop a SIP. The assessment process undertaken by the Applicant has not identified any significant effects with the inclusion of the mitigation identified to date. Therefore, the Applicant does not consider that there is a need to commit to NAS at this stage.</p>
Assessment Conclusions			
E27	<p>7.1 Para 99</p> <p>There is insufficient justification provided of how the Applicant reached the conclusion of no AEoI for each impact on sites with marine mammal features.</p> <p>Consequently, Natural England cannot agree to the conclusions in the Appropriate Assessment. Population modelling, such as iPCoD, needs to be undertaken.</p>	<p>To provide a robust justification for conclusions of no AEoI, Natural England advises the use of population modelling, such as iPCoD to demonstrate the significance of impacts from the project and the project in-combination with other activities on each site. To be comprehensive, this would be undertaken for all scenarios, but most importantly this should be undertaken for the harbour seal feature of the Wash and North Norfolk Coast SAC and</p>	<p>The Applicant has undertaken iPCoD modelling for the project alone which confirms that no population effects are expected from the construction of the Project.</p> <p>As noted above, the Applicant wishes to discuss and agree with Natural England the parameters for any cumulative iPCoD in advance of commencing the modelling due to the complexities of, and time requirements to undertake, cumulative iPCoD modelling</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
		the Grey Seal feature of the Humber SAC and Berwickshire and North Northumberland Coast SAC.	
E28	7.1 Para 201 Owing to the decrease in the Wash harbour seal population, the conservation objectives of this site have been changed to 'restore'. Natural England is not confident that the levels of disturbance from underwater noise caused by piling and UXO clearance from the project alone and in-combination with other activities can be concluded as no AEoI on the Wash and North Norfolk Coast SAC.	Natural England strongly suggests population modelling (such as iPCoD) is undertaken to assess the impacts of the project alone and in-combination with other activities on the population of harbour seal in the Wash and North Norfolk coast SAC	The Applicant has undertaken iPCoD modelling for the project alone which confirms that no population effects are expected from the construction of the Project. As noted above, the Applicant wishes to discuss and agree with Natural England the parameters for any cumulative iPCoD in advance of commencing the modelling due to the complexities of, and time requirements to undertake, cumulative iPCoD modelling
E29	7.1, Para 295 Natural England is concerned by the high proportion of harbour seals from the Wash and North Norfolk Coast SAC disturbed from UXO clearance (7.8%).	In the UXO clearance licence application, the Applicant should commit to using mitigation which reduces the sound at source, for example Low Order detonation or, as a last resort, high order with NAS	The assessment in the RIAA (AS1-095) considers a highly precautionary 26km EDR for high-order detonations despite low-order detonations being the primary method for UXO clearance as set out within the UXO-specific MMMP, in the event that a low-order clearance were not possible. However, it is worth noting that the Applicant is not seeking to licence UXO activities within this DCO application, presenting a precautionary, high-level assessment within the RIAA, and a full assessment, including details around mitigation commitments for either low-order detonations or high-order detonations with NAS, will be included within the UXO licence application (if required) following pre-construction surveys.
E30	7.1, Table 10.4; Para 1480 Natural England is concerned by the high proportion of harbour seals from the Wash and North Norfolk Coast SAC disturbed from UXO clearance (7.8%). Natural England is concerned by the high proportion of the Southern North Sea SAC estimated to be disturbed by the project in-combination with other activities. This percentage is 68.36% at the highest and is far greater than the 20% daily noise threshold for the SAC. Consequently, Natural England does not agree to the conclusion of no AEoI for in-combination impacts of the project for disturbance of harbour porpoise in the SNS SAC. The mitigation committed to in the MMMP (following the JNCC guidelines for MMObs, PAM and ADD use) is designed to reduce the likelihood of injury caused by underwater noise. It is not reducing disturbance caused by the underwater noise. To reduce disturbance to harbour porpoise, the Applicant needs to commit to NAS to significantly reduce the sound at source.	Natural England advises the conclusions of the assessment are revised and the Applicant commits to mitigation measures which will reduce the sound at source, for example, NAS.	The Applicant has committed to the development and implementation of a SIP to manage the in-combination risk, previously confirmed as the most pragmatic approach by Natural England. The In In Principle Southern North Sea SAC SIP (document reference 8.7) sets out a range of potential mitigation which may be used by the Project to ensure that the thresholds are not exceeded. In line with consent decisions on recent projects and the conclusions of the SNS Review of Consents, the requirement for a SIP to be developed and implemented is considered sufficient to conclude no AEoI.
E31	8.3 For detailed requirements for In-Principal monitoring, refer to: Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase. This document outlines Natural England's recommendations for an effective IPMP and should be considered when planning monitoring post-consent.	Natural England advises the Applicant incorporates advice from Natural England's Best Practice Advice documents when planning In-Principal monitoring. Phase IV Best Practice Advice for Post-Consent Monitoring, Version 1.0, July 2022.pdf (sharepoint.com)	The Applicant notes Natural England's request to refer to the "Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase" document, which the Applicant will refer to when designing the monitoring post consent.

1.45.6.3 Marine Mammals Annex A SIPs current approach to preventing impact thresholds for significant disturbance from being exceeded in the Southern North Sea SAC.

Summary of Key Concerns or Comments	Applicant Response
<p>Natural England’s concerns regarding the SIPs current approach to preventing impact thresholds for significant disturbance from being exceeded in the Southern North Sea SAC.</p> <p>The SIP approach inevitably defers detailed HRA questions to the post consent phase. To be a robust approach going forward, it is essential that a comprehensive review be conducted by MMO once the revised piling SIP is submitted to ensure any potential AEol of the SAC can be confidently ruled out. There have been instances recently where SIPs have been signed off contrary to Natural England’s advice regarding uncertainty in the assessment conclusions.</p> <p>The final SIP may identify necessary mitigation measures at a time that final project design and financial investment decisions have already been made. As a result, certain mitigation options may no longer be feasible on financial or design grounds e.g. use of alternatives to impact piling; use of pin piles instead of monopiles; use of noise abatement systems; seasonal or other timing restrictions. In particular, feedback from developers is that by the time that revised SIPs are submitted to MMO for consideration, it is too late to procure NAS should they be required.</p> <p>The consequence of this is that piling for offshore wind developments can account for substantial parts of the daily and/or seasonal thresholds which SIPs operate to, which in turn may constrain the ability of subsequent projects to not exceed the thresholds. Other industries and activities typically have shorter lead-in times for their licences, meaning their applications are submitted closer to or during the SNS SAC season (summer/winter) they will impact. This means that offshore wind piling SIPs may therefore be signed off in advance of up-to-date information on other projects that may act in-combination being available. An inaccurate revised in-combination assessment may lead to the need for mitigation not being identified at the time of the offshore wind piling SIP and a risk of AEol being identified too late for appropriate mitigation to then be put in place.</p> <p>The management measures implemented through SIPs thus far have been limited to co-ordination measures to ensure that activities on a given day do not exceed the daily thresholds. This measure does not reduce the risk of exceeding the seasonal thresholds. Indeed, the seasonal threshold in the Southern North Sea SAC was almost exceeded in summer 2022 and 2023, and there is considerable concern around 2024. The most robust measure to reduce the contribution to the seasonal disturbance is to reduce the impact to the SAC from the project; however, such measures have not yet been implemented through SIPs. Accordingly Natural England has low confidence in appropriate measures being secured to ensure the seasonal threshold is not exceeded.</p> <p>In any event, the number of offshore wind projects due to undertake piling in the SNS SAC from now to 2030 means that the disturbance impact thresholds are likely to be exceeded by offshore wind piling alone without further mitigation and management. Other industries or activities will only increase this risk, particularly given the aspirations for a range of developments in the southern North Sea (oil and gas, carbon capture and storage etc).</p>	<p>The Applicant has committed to the development and implementation of a SIP to manage the in-combination risk, previously confirmed as the most pragmatic approach by Natural England.</p> <p>The Applicant has been accepted to join the membership of the Southern North Sea Offshore Wind Forum (SNSOWF), the SNSOWF developer group that involves offshore wind farm developers working together and sharing information so the post-consent documentation for SNS SAC that the MMO receives contains all the same information across the projects. Additionally, the Applicant notes that the SNSOWF group actively work together to share live information to avoid exceedance of spatial or temporal thresholds, with this coordination of activities being sufficient to manage activities in recent years. This group has demonstrated the effectiveness of the coordination measures as how sharing of information sufficiently in advance between developers can ensure the thresholds are not exceeded, without the need for additional mitigation.</p> <p>The Applicant understands that the concerns raised by developers to date regarding timing of procurement of NAS have been related to the EPS licencing process, rather than the SIP process, as set out by the recent industry position paper submitted by RUK to the MMO.</p> <p>Notwithstanding, the Applicant understands the concern regarding the timeframe for NAS procurement. Discussion of NAS measures are included within the Outline MMMP for Piling (document reference 8.6) and In-principle SNS SAC SIP (document reference 8.7, for the project. However, in the absence of any significant effects from the Project, the Applicant does not consider it necessary to make a commitment to the use of NAS at this stage of the development.</p> <p>The Applicant will develop the final SIP at the post-consent stage. This will include information in the in-combination assessment from the SNSOWF developer group and discussion around potential headroom for activities will be included for additional activities.</p> <p>The Applicant disagrees that co-ordination measures will not reduce the risk of exceeding thresholds as the SNSOWF group has been successful to date in coordination of activities.</p>

1.45.7 Appendix F Offshore and Intertidal Ornithology

1.45.7.1 Offshore & Intertidal Ornithology Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
F1	<p><b>Errors:</b> There are multiple errors across the submitted documents. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>Errors in the tables within the Technical Baseline Report</li> <li>Incorrect/inconsistency in reference populations for HRA</li> <li>Errors in calculations of % increase to baseline mortality</li> <li>Errors in the displacement matrices</li> <li>Missing data from the NatureScot apportioning tables</li> <li>Insufficient description of tables and figures within the legends/titles and missing table column headings</li> </ul> <p>See detailed comments for specific examples, which are unlikely to be exhaustive.</p> <p>Please note that due to the number of errors identified, Natural England is unable to make any conclusive judgements based on this submission. Accordingly, our comments focus on the methodologies employed, and in broad terms the relevance and feasibility of any compensatory measures. This extends to judgements concerning cumulative and in-combination impacts.</p> <p>Natural England advises the ExA of the potential for additional concerns to emerge during the Examination once an updated, error free assessment is provided and we can give it full scrutiny.</p>	<p>Natural England advises the Applicant to provide updated/corrected documents at the earliest opportunity so that we can provide the ExA with SNCB advice on the scale and significance of impact and the appropriateness of compensatory measures. This statement extends to the necessary cumulative and in-combination assessments.</p>	<p>The Applicant welcomes Natural England's detailed comments. The relevant reports were updated following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024.</p>
F2	<p><b>Use of stable age structure (Furness 2015) to calculate proportions of adults.</b></p> <p>The Applicant has used a theoretical generalised stable age structure to apportion impacts to adults from Special Protection Area (SPA) colonies for Habitats Regulations Assessment (HRA). This is unlikely to be representative of the actual proportions of adults present within specific areas at different times of year and could lead to over, or more importantly, underestimation of impacts.</p>	<p>Where good quality site-specific ageing data is not available, Natural England advises that the precautionary approach is used, that is to assume that all 'adult type' birds recorded on surveys (i.e. birds that cannot be distinguished from adults, and hence might be adults) are apportioned as adults.</p>	<p>The Applicant has used site specific DAS data where applicable (in spite of the limitations of this approach). The Applicant position is that the stable age ranges provided in Furness (2015) and the demographic rates provided in Horswill and Robinson (2015) provide the best available evidence to inform population structures offshore. This is especially true given that the distance of the array area from SPAs is beyond the mean maximum foraging range of most species (including auks from FFC SPA), and beyond the mean foraging range for all species assessed, apart from gannet for which site specific ages are applied. This suggests that assuming a higher proportion of adults within the array area in the breeding season compared to the wider population is not warranted. Where the approaches differ, the Applicant has presented Natural England's and their own preferred approaches. The use of stable age ranges is limited to the breeding season, with all birds (apart from those which can be aged from DAS data) assumed to be adults at other times of year. Further details are provided in Appendix 1 of the Report to Inform Appropriate Assessment (APP-237).</p>
F3	<p><b>Approaches to apportioning:</b> For guillemot and razorbill, the Applicant has presented some displacement outputs for both the Applicant's and Natural England's preferred apportioning approach to SPA colonies of concern but has only present full displacement matrices for the Applicant's preferred apportioning approach. Additionally, for puffin, Sandwich tern and lesser black-backed gull, assessment outputs have only been presented for the Applicant's approach to apportioning of adults using the stable-age structure</p>	<p>In order for Natural England to provide advice into the Examination, the Report to Inform Appropriate Assessment (RIAA) needs to present assessment outputs based on our advised apportioning approach. We advise the Applicant presents the complete outputs, including full displacement matrices, for Natural England's apportioning approach to individual SPAs and also adults (as set out in recommendation for point F2 above).</p>	<p>The Applicant has presented the complete outputs as requested by Natural England within the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10).</p>

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
	(see point F2 above). This does not allow us to consider the potential range of impacts.	Please see table 5.1 within Natural England's cover letter for sites and features are affected. These include but are not limited to the Flamborough and Filey Coast SPA, Greater Wash SPA and Farne Islands SPA.	
F4	The Applicant has stated within Ch12 and Ch4 that the array area reduction from the 500km2 AfL area to the 436km2 ES array area considered the density of bird species across the array, in particular areas of high density for auks, and that this has been done using both design- and model- based estimates. However, it is not clear from the Applicant's documents how this process has been carried out.	Natural England requests that the Applicant clearly sets out the process by which both design- and model-based estimates have been used to show areas of high usage by auks, and how the Applicant has used this data to inform the refinement of the array area. Natural England advise that an evidence-based approach to refinement of the array area using model-based approach to identify high risk areas has the potential to substantially reduce displacement impacts to auks. This should be pursued further in light of the high predicted impacts to auks, particularly guillemot, and the likely connectivity to Flamborough and Filey Coast SPA (FFC SPA).	The Applicant has presented the requested information within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).
F5	Displacement matrices have only been presented for the mean abundance values for all species.	Natural England advises the Applicant presents displacement assessment outputs, including displacement matrices, based on the lower and upper confidence limits of abundance values in addition to the mean, as per Tables 14.15 - 14.17 in Annex II of NE's Best Practice Advice (Parker et al. 2022) available at: <a href="#">Environmental considerations for offshore wind and cable projects</a> .	The Applicant has presented the complete outputs as requested by Natural England within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).
F6	The presence of the Offshore Reactive Compensation Platforms (ORCPs) is not adequately considered and assessed throughout the lifetime of the project. The continued presence of the ORCP within the Export Cable Corridor (ECC) has the potential to impact red-throated diver and common scoter through disturbance and displacement. These species are features of the Greater Wash Special Protection Area and the ORCP falls within the SPA.	Natural England advises the ORCP should be considered at every stage of the project life-cycle and therefore assessed for potential impacts to red-throated diver and common scoter in both the Environmental Impact Assessment (EIA) and HRA (for the Greater Wash SPA). Alternative locations for the ORCP outside the SPA should be considered.	The Applicant assessed the effects from the ORCP at all stages of the development within the ES and RIAA, with the assessment undertaken considered to be proportional to the expected scale of impact. Notwithstanding the above, the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10) have incorporated further detail which clarifies and contextualises the conclusions presented in the Report to Inform Appropriate Assessment (APP-237) of the likely significant effects of the ORCP on red throated diver and common scoter in EIA terms and of the ORCP on the red throated diver and common scoter qualifying features of the Greater Wash SPA in HRA terms.
F7	Though the Applicant has undertaken an assessment, as agreed with Natural England, considering whether their baseline characterisation data requires any adjustment in light of HPAI, including a comparative assessment using data from nearby projects, there is limited consideration of HPAI within the HRA process.	Natural England agrees with the Applicant that no adjustment is needed to their baseline characterisation data to account for the impacts from HPAI, as losses will likely be proportional prior to and following the outbreak. However, some consideration should be given within the HRA process as to the potential for long-term implications of HPAI to reduce the resiliency of populations, and how this may impact on the need for conditions to allow a population to recover to, rather than be maintained at, a target level, as outlined in our guidance on HPAI and impact assessments. (Guidance appended to this annex).	It is highly likely that the population will recover quickly from the impacts because seabird populations exhibit density dependence when responding to population perturbations, such as HPAI. For example, recovery of the gannet population has already been evidenced at several large colonies and impacts are not as high as feared for several other species. In spite of the presence of HPAI in kittiwake at the Isle of May, populations have grown in recent years, with AONs in 2024 being higher than in 2023. As such, the Applicant maintains that consideration of HPAI in the assessments would not alter the conclusions.



### 1.45.7.2 Offshore & Intertidal Ornithology Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
<b>Relevant and Written Representations: Project Description</b>			
F8	6.3.12.2, Appendix 12.2 Collision risk modelling parameters presented throughout are not clearly defined.	Please ensure parameters are clearly presented under appropriate table headings and table/figure legends/titles in an updated assessment.	The Appendices supporting the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) have been updated to follow the advice received from Natural England.
<b>Natural England's Position on Worst Case Scenario or Scenarios</b>			
F9	6.1.12, Table 12.10 The maximum design scenario (MDS) does not account for the presence of the Offshore Reactive Compensation Platforms (ORCPs) throughout the lifetime of the project. The ORCPs are included in the MDS for the construction and decommissioning phases but not the operation & maintenance (O&M) phase. The presence of the ORCP within the offshore Export Cable Corridor (ECC) has the potential to impact red-throated diver and common scoter (Greater Wash SPA features) through disturbance and displacement.	The ORCP should be included in the Maximum Design Scenario and therefore assessed for potential impacts to red-throated diver and common scoter in both the EIA and HRA (Greater Wash SPA) during the O&M phase.	The Applicant assessed the effects from the ORCP at all stages of the development within its application, with the assessment undertaken considered to be proportional to the expected scale of impact. Notwithstanding the above, the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10) have incorporated further detail which clarifies and contextualises the conclusions presented in the Report to Inform Appropriate Assessment (APP-237) regarding likely significant effects of the ORCP on red throated diver and common scoter in EIA terms and of the ORCP on the red throated diver and common scoter qualifying features of the Greater Wash SPA in HRA terms.
<b>Baseline Characterisation - Document Used:</b> 6.3.12.1 Appendix 12.1 Offshore and Intertidal Ornithology Baseline Characterisation Report			
<b>Survey Data Acquisition</b>			
F10	Appendix 12.1, Para 9 Baseline characterisation data includes digital aerial surveys for March 2021 to August 2023, including two monthly surveys between March and August 2022.	Natural England welcomes the inclusion of 30 months of digital aerial survey data across three breeding seasons, with two surveys per month between March and August 2022, which is above the minimum requirement of 24 consecutive months of survey data.	The Applicant welcomes Natural England's agreement that the baseline characterisation data are suitable
<b>Data Gaps</b>			
F11	Appendix 12.1, Annex D Chapter 12.1 Appendix 1 Baseline Characterisation Report Annex D, which presents the results of the census of offshore platforms, is not included. This is relevant to the apportioning of kittiwake to Flamborough & Filey Coast SPA (FFC SPA) and therefore is a key HRA issue, and we are unable to provide advice on the merits of the Applicant's apportioning approach until this is provided.	Natural England requests the Applicant provides the Annex D Ornithological Census and Capture Trial document.	The Applicant confirms that the redacted report was initially shared with Natural England through the Evidence Plan process prior to Application, and has now been made available to Natural England (and the ExA), and was submitted on the 31st July in response to the Section 51 advice from the ExA.
<b>Analysis, Modelling and Reporting</b>			
F12	Appendix 12.1 Presentation of baseline characterisation data.	Tables of abundance and density estimates should be presented separately for birds in flight, birds on the water, and all birds. This should include accounting for availability bias where relevant and 'unidentified' groups for example, unidentified gull, large gull or auks not identified to species level. Without this material Natural England is unable to	The Appendices supporting the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) have been updated to follow the advice received from Natural England.

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
		confirm whether the impact assessment has been correctly conducted.	
F13	Appendix 12.1, Annex B There are errors in the tables presenting the survey data within Annex B. For example, Table 12.66 suggests that the population estimate for little auk in March 2021 is 2427, whilst Para 208 states "A single little auk was recorded in March 2021 in the Project array area, corresponding to an abundance estimate of two and a density estimate of 0 individuals per km <sup>2</sup> . No further individuals were recorded across the wider survey area."	Please check and correct any errors in the baseline characterisation data tables and ensure any errors have not been carried through to the impact assessment.	The Applicant confirms that the relevant reports were updated following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024, and also shared directly with Natural England.
F14	Ch12, 6.1.12 & Appendix 12.1 The Applicant appears to have only presented design-based estimates of abundance and density for all species, though this is not clearly stated within Appendix 12.1, and other documents including Ch4 and Ch12 refer to modelled population estimates.	As advised at PEIR, Natural England advises the use of model-based (e.g. MRSea) estimates are presented alongside the design-based outputs. We advise that model-based estimates are likely to be particularly useful in identifying high risk areas when considering the refinement of the array area.	The Applicant utilised both design-based and model-based density estimates for guillemot to inform the site refinement work, as advised by Natural England, however the Applicant retained the use of design-based density estimates for the primary assessments. The Applicant has presented the requested information within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) to show the outputs of the model-based density estimates.
Identified Impacts			
F15	Ch12 6.1.12, Para 48 and Paras 183-186 Natural England does not agree with the scoping out of disturbance and displacement effects because of the presence of the ORCP within the ECC during the O&M phase. As stated in Point F7 above, the ORCP will be located within the offshore ECC throughout the operational lifetime of the project. It therefore has the potential to cause disturbance and displacement to relevant- species.	Natural England advises that the ORCP should be considered when assessing impacts to red-throated diver and common scoter within the ECC during the O&M phase, and that these impacts should be considered within the project-alone and in- combination assessments.	The Applicant assessed the effects from the ORCP at all stages of the development within the ES and RIAA, with the assessment undertaken considered to be proportional to the expected scale of impact. Notwithstanding the above, the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10) have incorporated further detail which clarifies and contextualises the conclusions presented in the RIAA regarding the likely significant effects of the ORCP on red throated diver and common scoter in EIA terms and of the ORCP on the red throated diver and common scoter qualifying features of the Greater Wash SPA in HRA terms.
Methodology			
F16	Ch12 6.1.12, Para 42 & Table 12.7 The Applicant states that they have used the full breeding season for all species. Nonetheless, it appears that for gannet the migration-free breeding season has been used throughout the assessment. In addition, the Applicant has used a different breeding season for Sandwich tern than is recommended by Natural England and as outlined in Furness (2015).	Please note that Natural England recommends the use of the full breeding season not the migration-free breeding season. The full breeding seasons as outlined in Furness (2015) are as follows: Gannet: March to September Sandwich tern: April to August. The assessments, including the cumulative and in-combination assessments, should be updated accordingly.	The Applicant confirms that the full breeding season was used for Gannet within the assessments. The Applicant has ensured that the assessments presented in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) provide clarity on this issue. For Sandwich Tern, the Applicant has presented assessments utilising the full breeding season.
F17	Ch 12, 6.1.12, Paras 250-1 The Applicant has used two studies of collisions at Thanet and Aberdeen Offshore Windfarm to argue that the CRM parameters advised by SNCBs are precautionary. The SNCBs are aware of the recent studies at Aberdeen Bay and Thanet Offshore wind farms that have shown low to zero collisions between seabirds and turbine blades during operation of the arrays. Whilst these results add to the		The Applicant welcomes Natural England's view that these studies add to the evidence base around the frequency and magnitude of collision risk. The Applicant considers that these studies endorse the notion that CRM parameters are precautionary. Avoidance of collisions from small scale arrays or a subset of turbines within a larger array is still avoidance of turbines. The Aberdeen study tracked flights through the windfarm space, indicating that birds actively avoid individual turbines.

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
	evidence base around the frequency and magnitude of collision risk, for a number of reasons Natural England does not consider them to provide sufficient or robust evidence to alter our current advice, which we highlight already incorporates findings of the Thanet study among other datasets. The studies themselves are of small-scale arrays (or of a small number of turbines in larger arrays), in areas of relatively low bird density where relatively few collisions would have been expected in any case and/or in areas where species composition and behaviours are atypical of more offshore sites. They do not therefore, provide sufficient evidence to draw wider conclusions on collision risk for other projects.		
F18	Ch12 6.1.12, Para 252, Table 12.34 Natural England notes that there has been a nocturnal activity factor of zero applied to little gull, sandwich tern and common tern for the CRM assessment, and that this is not in line with Natural England guidance.	Natural England advises the Applicant to refer to and apply the nocturnal activity factor set out in Garthe and Hüppop (2004) to little gull, sandwich tern, and common tern or present empirical evidence to inform an alternative rate.	The nocturnal activity factors set out in Garthe and Hüppop (2004) have been used within the CRM that has informed the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9)..
F19	Ch12 6.1.12, Table 12.9 Natural England notes that the productivity and average mortality rates presented in this table for some species (particularly great black-backed gull, common tern, razorbill and puffin) are different than the updated rates provided by NE to all the Round 4 developers. .	We recognise that this updated guidance was shared with the Applicant in March 2024 and therefore too late to inform their submission, but request that the Applicant updates their assessment with these updated figures moving forward.	The Applicant welcomes the recognition from Natural England that the change in rates was not provided in time to enable the Applicant to include the new parameters within the Application. The updated rates have been used to inform the assessments within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).
F20	Appendix 12.2, Section 12.2.3, Table 12.1 & Ch3 6.1.3, Table 6.1 Natural England notes that the rotor radius used for CRM is based on the minimum rotor diameter of 236m. Chapter 3 Table 6.1 states the indicative maximum number of WTGs assuming maximum rotor diameter of 340m is 50. It would appear that this results in a greater total swept area than the maximum number of turbines of 100 and minimum rotor diameter of 236m.	Natural England advises that the Applicant clarifies how they have arrived at the MDS for collision risk, specifically how the greatest total swept area has been calculated from these parameters.	Both high and low CRM scenarios were modelled and compared. This modelling showed that rotor-swept area alone is not proportional to collisions, and that in spite of the rotor-swept area being smaller, the worst case scenario for collisions is that of 100 turbines with a minimum rotor diameter of 236 m. Whilst a detailed exploration of the parameters has not been undertaken to explicitly investigate this, the Applicant believes that the cause of this is likely to be the relative proportions of the total swept area for each scenario being within the airspace of greatest importance for collision risk (i.e. for the largest turbine size scenario, most of the swept area is above the area within which seabirds tend to fly and so results in a lower collision risk overall).
F21	Appendix 12.2, Section 12.2.7, Para 21 Natural England notes that the nocturnal activity factor percentages presented in this section are not in line with Natural England guidance. Natural England advises that a nocturnal activity factor rank of 1, as set out in Garthe and Huppopp (2004), is representative of a nocturnal activity factor percentage of 12.5%, not 0%.	Natural England advises the Applicant revises the nocturnal activity factors for sandwich tern, common tern and little gull to reflect Natural England's advised nocturnal activity factor.	The nocturnal activity factors set out in Garthe and Hüppop (2004) have been used within the CRM that has informed the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).
F22	Appendix 12.3, Section 1.3, Table 1.12 Natural England notes that there is an error in the displacement matrix presented for guillemot breeding season in the higher mortality and displacement ranges.	Natural England advises the Applicant reviews all matrices to ensure that they do not contain any errors.	The Applicant confirms that the relevant reports were updated following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024. The relevant Appendices have further been updated as part of the assessments to inform the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
F23	Appendix 12.3, Section 1.3 Tables 1.3-1.24 Natural England notes that the displacement matrices presented in this section are only for the mean peak abundance. Natural England considers it best practice that matrices are also presented of the upper and lower confidence intervals for each species, so that the full range of impact scenarios can be understood.	Please present displacement matrices using upper and lower confidence limits, as well as the mean, for each species considered in the displacement appendix, as per our Best Practice Guidelines: <a href="#">Environmental considerations for offshore wind and cable projects</a> .	The Displacement matrices for the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) have been presented for the lower and upper confidence intervals as well as the mean value as requested by Natural England.
F24	Appendix 12.3, Section 1.3, Tables 1.3-1.24 Natural England notes that it is not clear whether each displacement matrix is displaying the lower confidence limits, mean or upper confidence limits of the abundance estimates.	An updated assessment should clearly state what figures are being presented within these tables/displacement matrices.	The Displacement matrices for the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) have been presented for the lower and upper confidence intervals as well as the mean value as requested by Natural England.
F25	Appendix 12.4, Para 15 For the Population Viability Analysis, the Applicant has stated that the recommended number of years for burn-in has been included for all species except lesser black-backed gull, for which no burn in is included. However, no explanation/justification has been provided.	Natural England advises the Applicant provides justification for the inclusion of no burn in for lesser black-backed gull. Please note that Natural England advise burn-in of five years <u>for all species</u> .	Preliminary PVA was carried out prior to the assessment with and without burn in. Results for lesser black-backed gull showed no material difference between the two scenarios. The Applicant does not consider it necessary to update the PVA analysis.
F26	Appendix 12.4 A full log of input and outputs of the Population Viability Analysis (Annex A) was not provided within the relevant Appendix.	Annex A has been requested from the Applicant. Upon review of this Annex, Natural England will be able to advise on the Applicant's PVA with the expectation that our advice will be provided into Examination in due course.	The Applicant confirms that the relevant report was provided following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024.
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
F27	Ch12 6.1.12, Table 12.11 The Applicant has outlined embedded mitigation related to offshore ornithology including a Minimum Tip Height of 40m..	Natural England welcomes the inclusion of this mitigation measure.	The Applicant welcomes Natural England's position.
F28	Ch12 6.1.12, Table 12.11 Embedded mitigation related to the following of the Best Practice Protocol for minimising disturbance from vessel traffic to sensitive species including red-throated diver and common scoter	We welcome the Applicant adopting the Natural England best practice protocol. However, see our comment in the HRA section below: depending on the predicted impacts to Greater Wash SPA red- throated diver and common scoter during the construction phase, it may be necessary to condition a formal seasonal restriction on construction of the ECC and/or ORCPs during the sensitive over-wintering period.	The Applicant welcomes Natural England's support of the proposed mitigation measures. The Applicant's position remains that further mitigation measures, specifically a seasonal restriction on construction works within the Greater Wash SPA, are not required to conclude no AEoI.
F29	Ch12 6.1.12, Table 12.11 Array Area Refinements. Reduction of the array area to allow for Guillemot densities. Whilst Natural England welcome the consideration of the ornithological survey data in the refinement of the boundary, there remains a risk for significant displacement of Auk species as a result of the array.	Please see comments F4 and F14 above. It is unclear whether the array boundary refinements have gone as far as is practically and reasonably possible to reduce the interaction with Auk species in the array area. If not, further consideration should be given to reducing this overlap.	As set out in the Site Selection and Consideration of Alternatives Chapter within the Application (APP-059), the array area has been refined between PEIR and Application to reduce impacts to auk species, with reductions made as far as possible at the point of fixing the project design for the Application. Following continued engineering work post-Application and stakeholder engagement, the Applicant has been able to commit to the introduction of an Offshore Restricted Build Area (ORBA) covering the northern section of the array area, specifically to mitigate impacts to auk species. Further detail is set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
<b>Assessment Conclusions</b>			
F30	Please note that at this stage, Natural England is unable to make any conclusive judgements based on this submission for the reasons outlined in our summary Table 1 above.	Natural England advises the Applicant to provide updated/corrected documents at the earliest opportunity so that we can provide advice on the scale and significance of impact.	The Applicant confirms that the relevant revised documents were provided following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024. Additionally, the assessments have been updated to inform the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9), taking Natural England's previous comments into consideration.
<b>HRA - Documents Used:</b> Report to Inform the Appropriate Assessment Habitat Regulations Assessment Screening Report RIAA Annex 1 Offshore and Intertidal Ornithology Apportioning			
<b>Screening</b>			
F31	RIAA 7.1, Table 7.1 Likely Significant Effect (LSE) has been identified for red-throated diver in the Greater Wash SPA during the operation and maintenance phase through direct disturbance and displacement in the array area plus 4km buffer due to the presence of turbines. However, LSE has not been identified for direct disturbance and displacement within the ECC either as a result of vessel movements or the presence of the Offshore Reactive Compensation Platforms (ORCPs), the proposed locations of which are within the Greater Wash SPA (Figure 9.3).	Natural England advises full consideration should be given to the potential for displacement and disturbance to red-throated diver within the Greater Wash SPA during the O&M phase as a result of vessel movements and the permanent presence of the ORCPs within the SPA. Alternative locations for the ORCP outside the SPA should be considered.	The Applicant assessed the effects from the ORCP at all stages of the development within the application, with the assessment undertaken considered to be proportional to the expected scale of impact. Notwithstanding the above, the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10) ORBA Report have incorporated further detail which clarifies and contextualises the conclusions presented in the Report to Inform Appropriate Assessment (APP-237) regarding the likely significant effects of the ORCP on red throated diver and common scoter in EIA terms and of the ORCP on the red throated diver and common scoter qualifying features of the Greater Wash SPA in HRA terms. The Applicant does not consider that a static offshore structure will cause displacement to divers and seaducks. The Applicant is not aware of any literature that evidences or quantifies diver and seaduck displacement from static offshore (non-wind farm) structures. However, extensive studies have been carried out on diver densities in areas where offshore structures can be found (for example, the Red Sands Forts in the Outer Thames Estuary SPA). No evidence of displacement has been presented and maps of diver distribution suggest that potential displacement from these structures, if any, is too small in scale to be evident in any available datasets. Ongoing vessel traffic associated with the maintenance of the Project may cause disturbance, however activity will be limited during O&M and the ORCP has been placed in an area of low diver density where local abundance is already influenced by existing offshore windfarms. As such the Applicant's position is that there will be no AEoI.
<b>Assessment</b>			
F32	Natural England would like to reiterate comment F1. Whilst we have made every effort to provide comprehensive comments. Further issues may arise as a result of reviewing revised assessment documents.	To note	This is noted by the Applicant.
F33	RIAA 7.1, Para 487-492 It is not clear what reference population has been used for guillemot at Flamborough & Filey Coast SPA. <i>Para 487</i> states the most recent count is 149,980 individuals from 2022 (whilst <i>Para 492</i> states the latest population count is 121,754 individuals from 2023. The count of 121,754 is in fact the 2017 count (guillemot were not surveyed in 2023).	Natural England advises the Applicant presents a table with the reference populations used for each species at each SPA, noting that these should be counts from year(s) closest to the years of baseline data collection. Please revise any calculations of impacts using the correct reference populations.	A table with reference populations and calculations utilising the correct reference populations for each species has been provided within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9). The specific issue regarding guillemot numbers was resolved through the provision of the update RIAA in response to the Section 51 advice from the ExA on the 31st July.

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
F34	<p>RIAA 7.1, Paras 471, 519, 586, 635</p> <p>The reference populations (most recent count) for guillemot at Farne Islands SPA and puffin at Flamborough &amp; Filey SPA are different in the construction and O&amp;M phases.</p>	<p>As noted in F33 above, Natural England advises the Applicant presents a table with the reference populations used for each species-SPA combination in the HRA.</p>	<p>A table with reference populations and calculations utilising the correct reference populations has been provided within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).</p>
F35	<p>RIAA 7.1, Para 617</p> <p>The calculations of baseline mortality for guillemot at FFC SPA appear incorrect. <i>Para 617</i> states a mortality of 237.7 breeding adults represents an increase in baseline mortality of 0.793% when considering the recent count. As stated by the Applicant in <i>para 610</i>, the annual background mortality is 9,148.8 (based on the recent count of 149,980). A mortality of 237.7 therefore represents an increase in baseline mortality of 2.598%.</p>	<p>Natural England advises the Applicant corrects the errors in these calculations of % increase in baseline mortality for guillemot, and checks calculations for all species-SPA combinations.</p>	<p>Corrections have been provided within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9). The specific issue regarding guillemot numbers has been resolved through the provision of the updated RIAA in response to the Section 51 advice from the ExA on the 31st July.</p>
F36	<p>RIAA 7.1, Tables 9.25 &amp; 9.27</p> <p>Displacement matrices for guillemot and razorbill have only been provided for the Applicant's approach to apportioning to FFC SPA and not for Natural England's recommended apportioning approach.</p>	<p>Natural England advises the Applicant provides displacement matrices for guillemot and razorbill based on Natural England's preferred apportioning approach in order to allow us to assess the predicted impacts using a range-based approach. Natural England's advised approach to apportioning during the breeding season for guillemot and razorbill is to assume 100% adult-type birds are breeding adults, and to apportion 100% of these individuals to FFC SPA. Natural England also advises that a separate season with bespoke apportioning for each species in August and September should be assessed, and has provided guidance on this separately in Appendix 2.</p>	<p>Although the Applicant considers the apportioning used to be appropriately precautionary, the full displacement ranges using Natural England's preferred apportioning have been presented alongside those preferred by the Applicant in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).</p>
F37	<p>RIAA, Annex 1, Section 7.1.1, Table 11</p> <p>The Applicant helpfully provides a summary of apportioning approaches in Table 11. However, the method used to calculate the site-specific adult proportions for kittiwake and gannet using the digital aerial survey (DAS) images is not outlined.</p>	<p>Natural England advises the Applicant provides further detail on how site-specific adult proportions for kittiwake and gannet have been calculated from the DAS data, including what months have been included and how the proportions are calculated.</p>	<p>Site specific adult proportions for kittiwake and gannet were calculated using the proportion of adults from birds aged within DAS datasets (i.e. all unaged birds were not considered when calculating the adult proportion). This approach has been agreed with Natural England.</p>
F38	<p>RIAA 7.1, Annex A/Table 12</p> <p>The breeding season apportioning table in Annex A (Table 12) are missing the values in the 'resulting weight for SPA' and 'proportional weight of SPA' columns. It is therefore not possible to determine how the Applicant has calculated their apportioning values using the NatureScot apportioning tool.</p>	<p>Natural England advises the Applicant corrects Table 12.</p>	<p>The relevant Annex has been updated to support the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10) and has included the additional values as requested by Natural England.</p>
F39	<p>RIAA 7.1, Annex 1, Para 41</p> <p>Natural England notes that this paragraph is misleading. The Wakefield et al. (2017) results, and the Cleasby et al. (2018) results (which are based on the same original dataset) are based on tracking data from guillemots during the late incubation and early chick rearing period of the breeding season. This data does not include any information on the distributions of birds in April, when the highest abundances of guillemot are recorded for this site, nor in August/September, when densities are also elevated. Furthermore, no data from guillemots tracked at FFC SPA were included in these analyses</p>	<p>Natural England advises removing this paragraph, or amending this paragraph to better reflect the data limitations.</p>	<p>The Applicant welcomes Natural England's clarification that the maps are model predictions and do not include data from birds tracked from FFC SPA, and has updated this sentence within the updated Appendix to support the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9). Natural England's comments suggest that April is not part of the guillemot breeding season, a point with which the Applicant agrees. However, if April is to be included in the breeding season, the Applicant argues that if data from later in the season isn't suitable to inform behaviour in April, it must be because conditions in April are different. Otherwise, the model predictions would be valid. If conditions in April are indeed different (likely less restrictive) compared to the incubation and chick-rearing periods, from which mean maximum foraging ranges are derived, then these foraging ranges shouldn't be used to determine connectivity in April (also see Wakefield, E. D., Phillips, R. A., &amp; Matthiopoulos, J. (2009). Quantifying habitat use and preferences of pelagic seabirds using individual movement data: a review. <i>Marine Ecology Progress Series</i>, 391, 165-</p>

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>– the distribution maps around FFC are based on modelled predictions only.</p> <p>The results from Wakefield et al (2017) and Cleasby et al. (2018) cannot, therefore, be used to draw inference about the potential importance of areas of the North Sea to guillemot outside of the breeding season.</p>		<p>182). This supports the Applicant's stance that apportioning should be reduced during April, which is when the highest abundances for the Project were observed.</p>
F40	<p>RIAA, Annex 1, Section 7.1.1, Section 2.3.4, Para 7</p> <p>The Applicant has not included sabbatical rates in their approach to apportioning.</p>	<p>As advised during the ETG process and at PEIR, Natural England currently advise that the evidence base is insufficient to support the consideration of sabbaticals within assessments; Natural England are therefore in agreement with this approach.</p>	<p>The Applicant welcomes Natural England's agreement. Although the Applicant considers it is likely that sabbaticals do occur every year, the inclusion of which would reduce impacts, these have not been included in apportioning due to a lack of evidence regarding specific rates.</p>
In-combination			
F41	<p>RIAA, 7.1, Para 1681, Table 10.38</p> <p>Several features at several sites have been screened out of the in-combination assessment due to the assessment 'alone' concluding a <i>'trivial and inconsequential level of effect'</i>, including lesser black-backed gull at Alde-Ore Estuary SPA. Sandwich tern at NNC SPA is said to have been screened in as per Table 10.38, however there is no section presenting this assessment.</p> <p>Given our concerns over the accuracy of the alone assessment, we do not agree at this stage that these species can be screened out of the in-combination assessment. Furthermore, it is Natural England's position that where there is a prospect of a contribution to an in-combination adverse effects, small impacts need to be carried through to an in-combination assessment.</p>	<p>The first priority for the Applicant is to update their assessment of the 'alone' impacts of the proposal. However, the SPA features identified (and others in a similar situation) should be subject to in-combination assessment once the issues with the submitted impact assessment are rectified.</p>	<p>Following an update of the alone assessments to inform the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9), the Applicant does not consider it necessary to update any of the in-combination assessments as it remains confident in the conclusions stated within the Report to Inform Appropriate Assessment (APP-237). Sandwich tern has not been assessed for in-combination impacts as the project alone impact using Natural England's preferred approach predicts an increase on baseline mortality (using the most recent count) of 0.002%. The Applicant considers that where increases on baseline mortality are this minor, and would be undetectable when compared to levels of natural fluctuation, they should not contribute to in-combination assessment as their inclusion would contribute less to the population dynamics than natural variation in mortality levels.</p>
F42	<p>Natural England highlights that the values used in the in-combination assessment for other English North Sea projects entering the NSIP process in 2024 (Five Estuaries, Dogger Bank South West and South East, North Falls) are likely to be subject to change through their respective Examinations, particularly where these values are based on those from Preliminary Environmental Information reports.</p>	<p>Natural England recommends the Applicant to contact the relevant developers to agree how updated values based on SNCB advice are shared and disseminated across their Examinations, to ensure the in-combination assessment is updated in a streamlined way.</p>	<p>The Applicant notes the request from Natural England; however, it is not in the Applicant's gift to provide data from other projects and so the Applicant has used the best available data at the point of preparing the Application documents.</p>
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
F43	<p>RIAA 7.1, Table 6.1</p> <p>The Applicant has outlined embedded mitigation related to offshore ornithology including a Minimum Tip Height of 40m</p>	<p>Natural England welcomes the inclusion of these mitigation measures.</p>	<p>The Applicant welcomes Natural England's position.</p>
F44	<p>RIAA 7.1, Table 6.1</p> <p>Embedded mitigation related to the following of the Best Practice Protocol for minimising disturbance from vessel traffic to sensitive species including red-throated diver and common scoter.</p>	<p>Depending on the predicted impacts to red-throated diver and common scoter during the construction phase, it may be appropriate to condition a formal seasonal restriction on construction of the ECC and ORCPs during the sensitive over-wintering period. Given the presence of common scoter detected through shore-based surveys, intertidal restrictions may require consideration as well.</p>	<p>The Applicant welcomes Natural England's support of the proposed mitigation measures. The Applicant remains of the position that further mitigation measures, specifically a seasonal restriction on construction works within the Greater Wash SPA, are not needed to conclude no AEoI.</p>

NE Ref & Risk	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Applicant Response
F45	RIAA 7.1, Table 6.1 Array Area Refinements. Reduction of the array area to allow for Guillemot densities. Whilst Natural England welcome the consideration of the ornithological survey data in the refinement of the boundary, there remains a risk for significant displacement of guillemot and razorbill from FFC SPA as a result of the array.	Natural England asks whether the array boundary refinements have gone as far as is practically and reasonably possible to reduce the interaction with Auk species in the array area. If not, further consideration should be given to reducing this overlap, given the significant numbers present and the likelihood of connectivity to FFC SPA.	As set out in the Site Selection and Considerations of Alternative Chapter within the Application (APP-059), the array area has been refined between PEIR and Application to reduce impacts to auk species, with reductions made as far as possible at the point of fixing the project design for the Application. Following continued engineering work post-Application and stakeholder engagement, the Applicant has been able to commit to the introduction of an ORBA covering the northern section of the array area, specifically to mitigate impacts to auk species. Further detail is set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9).
<b>Assessment Conclusions</b>			
F46	Please note that at this stage, Natural England is unable to make any conclusive judgements based on this submission for the reasons outlined in Table 1.	Natural England advises the Applicant to provide updated/corrected documents at the earliest opportunity so that we can provide advice on the scale and significance of impact and the appropriateness of compensatory measures.	The Applicant provided updated documents in response the ExA Section 51 advice on 31 <sup>st</sup> July 2024. The Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) provides revised impact numbers considering the introduction of the ORBA which should be considered the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses.
<b>Compensatory measures</b>			
F47	Detailed comments on compensatory measures have been provided separately in Appendix G.	N/A	This is noted by the Applicant. The Applicant has provided its response to these detailed comments in Section 1.45.8 below.

## 1.45.8 Appendix G Offshore Ornithology Compensation

### 1.45.8.1 FFC SPA Guillemot and Razorbill Summary position of compensation measure

NE Ref & Risk	Compensation measure: Predator Control For FFC SPA Guillemot and Razorbill	Applicant Position
Overall confidence in the measure	Natural England recognise that the proposed measures have some theoretical potential to increase the size of the Channel Islands' colony. It is less certain how these measures will demonstrably compensate for impacts to the colony at the FFC SPA as connectivity will be very difficult to evidence. At this time, we also question the technical feasibility of the measure, in the context of ensuring that predators are eradicated and ongoing exclusion can be monitored and maintained. Further work to increase the evidence base and feasibility of these measures is required.	Details of the ongoing monitoring and adaptive management of the measure will be provided when they have been finalised. The Applicant considers that the predator-proof fence to the given specifications, and subsequent control and monitoring effort, will be sufficient to eradicate and exclude target predators, as set out in section 3 of the Without Prejudice Predator Control Evidence Base and Roadmap [APP-257]. An adaptive management strategy will ensure that, should monitoring reveal the ongoing presence of predators post 'eradication', efforts will be adapted accordingly, as set out in section 4 of the Without Prejudice Predator Control Evidence Base and Road Map [APP-257]. The Applicant highlights that Habitats Regulations require that any necessary compensatory measures are taken so as to "ensure that the overall coherence of [the National Site Network] is protected", not necessarily that the birds are returned straight back to the potentially impacted site.
Theoretical merit to deliver compensation	Natural England considers that the measure has theoretical potential to increase the size of the razorbill colony at the chosen site in the Channel Islands, and that this in turn has the potential to increase the number of recruits into the National Site Network (NSN) for each species. However, the scale of benefit from the latter aspect may be hard to quantify due to uncertainties around the level of connectivity between the site and Flamborough and Filey Coast (FFC) Special Protection Area (SPA) and the rest of the NSN. Natural England has a number of concerns as to the uncertainty of success of the measure for guillemot in particular, which have not bred in Jersey in significant numbers since the 1950s. The reasons for the loss of, and therefore the suitability of the site for, this species remains uncertain. For both species, it is broadly assumed that predation is the primary pressure acting to prevent nesting, or limit the number of, birds nesting at the site; however, the impact of other pressures has not been considered in detail.	Quantifying connectivity between the measure, the Flamborough Head and Filey Coast (FFC) Special Protection Area (SPA) and the National Site Network (NSN) is not simple without tracking individual birds and at present studies informing movements of birds between colonies are sparse. However, the Applicant is aware of philopatry rates for guillemots and razorbills that suggest a proportion of birds move to different colonies. Likewise, there are ringing data and tracking studies that show how far birds will travel in the non-breeding season. As such, it is reasonable to assume that a proportion of birds that fledge from a given colony will end up breeding at another, potentially distant, colony. These are the birds which will contribute to the overall coherence of the NSN. Guillemot historically bred at the Plemont colony and are regularly observed in the area during the breeding season, occasionally flying up to the cliff (it is possible that the species is currently breeding on the site undetected as much of the available habitat cannot be monitored from land). The Applicant considers that the growth of the razorbill colony, and its heightened success due to the predator control, would act as a catalyst to guillemot colonisation and growth. Following further discussions with the National Trust of Jersey, it has been confirmed that ferrets were introduced to Jersey within the last 100 years, which correlates with the decline in guillemot numbers. Specifically, 19 ferrets have been captured in the vicinity of the site within the past three years, simply based on low-density, intermittent trapping, suggesting that



NE Ref & Risk	Compensation measure: Predator Control For FFC SPA Guillemot and Razorbill	Applicant Position
	<p>Natural England considers that there is a high level of uncertainty that the removal or control of rats and other mammalian predators will lead to colonisation of guillemot and/or an increase in the number of successfully breeding razorbill.</p> <p>Natural England recommends the Applicant attempts to further evidence the potential of the site for guillemot by investigating the potential reasons for the loss/decline of guillemot and razorbill breeding on Jersey. A more detailed analysis of the potential nesting habitat for these species that is currently accessible to rats and other predators is needed to allow a better understanding of the potential scale of benefits.</p>	<p>numbers are locally high. This is supported by radio-tracking of a dozen ferrets across the site, discovering over 55 dens within 1 mile of the site. As such, the Applicant remains confident that mammalian predation is a leading cause of the decline in guillemot and razorbill nesting at this site, and that the removal of this pressure will support the recovery of this population, in line with the successful studies outlined within APP-257.</p> <p>The Applicant notes Natural England's advice on an assessment of available breeding space and will consider the development of this.</p>
<p><b>Technical feasibility</b></p>	<p>Our concerns around technical feasibility relate to the ability of the proposal to exclude predators on an ongoing basis. Natural England agrees that eradication of predators including rats has been shown to lead to notable increases in productivity and population size for species including guillemot but note that this is usually in relation to smaller islands, and that the success of this measure is substantially less proven at mainland sites. Natural England urges caution when relying on these case studies in evidencing the likely success of the proposed measure.</p> <p>It is unclear whether the recommendations for further work outlined in the Feasibility Study, specifically the development of a fully-costed fence operational plan, eradication plan and biosecurity plan, have been undertaken.</p> <p>The success of the measure relies on not only the successful eradication of target predators within the fenced area, but also the ongoing maintenance of the reserve through maintenance of the fence and sustained biosecurity measures to prevent and deal with reinvasion of predators, particularly from rats along the shoreline. Although there is an acknowledgement of the risk of reinvasion via the intertidal zone, and some suggested measures to mitigate these impacts, the Feasibility Study appears to underestimate the risk this provides to the measure, rating it as a 'medium risk' within Table 14 [APP-258]. Natural England consider ongoing recolonisation by rats along the shoreline to be a strong possibility.</p> <p>Natural England recommends consulting predator eradication and predator fencing experts in order to develop detailed plans for all stages of the proposed measure including a detailed design for the fence, the subsequent predator eradication measures and ongoing biosecurity measures.</p>	<p>The technical elements of the eradication and exclusion measure have been developed in consultation with renowned experts in non-native predator eradication. A fence operational plan, an eradication plan and biosecurity plans will be produced as part of the development of the guillemot CIMP pursuant to paragraph 4(a) of Part 2 of Schedule 22 of the draft DCO (document reference 3.1).</p> <p>The Applicant has acknowledged the risk of reinvasion through the intertidal zone and considers that this will be adequately addressed within the monitoring and biosecurity elements of the measure (section 4, Without Prejudice Predator Control Evidence Base and Roadmap [APP-257]).</p>
<p><b>Agreed compensation level</b></p>	<p>Due to the issue of multiple instances of typographic/calculation errors within the submitted documents, and the lack of assessment outputs based on our advised approach, Natural England are unable at this stage to assess the scale and significance of impacts, and therefore the scale of compensation required.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the compensation level. Please see comment F1 in Appendix F.</p>	<p>The Applicant welcomes Natural England's detailed comments. The relevant reports were updated following receipt of the Section 51 advice from the ExA, with revised documents submitted by the Applicant on 31st July 2024.</p> <p>The Applicant has introduced an Offshore Restricted Build Area (ORBA) which covers the northern section of the array area, specifically to mitigate impacts to auk species. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses and include methodological updates following the latest advice received from Natural England ( Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10)).</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant, using the "Hornsea Four" approach.</p>

NE Ref & Risk	Compensation measure: Predator Control For FFC SPA Guillemot and Razorbill	Applicant Position
Scale/extent of measure	<p>Thus far, the Applicant has only presented the potential for the measures to deliver the full capacity of required compensation at their preferred apportioning approach, using a 50% displacement rate and 1% mortality rate, using the mean impact value, and using a 1:1 compensation ratio. Though it is not possible at this stage to determine the specific scale of compensation required due to the reasons outlined above, it is evident that at Natural England's preferred apportioning approach, using a 70% displacement rate and 2% mortality rate, using the upper 95% CI (as accepted by the SoS for Sheringham &amp; Dudgeon Extension Project) and a compensation ratio of greater than 1:1, to account for the uncertainty in the effectiveness of the measure, predator control is unlikely to be able to deliver the full compensation requirement.</p> <p>Natural England advises the Applicant to consider and present the potential for each of the proposed measures to deliver the required compensation using Natural England's approach to calculating impacts (including our preferred approach to apportioning of guillemot and razorbill to FFC SPA), and at a ratio of greater than 1:1 to account for the high degree of uncertainty associated with this measure. Natural England also request that the Applicant fully presents how the compensation requirement has been calculated based on the impact level.</p>	<p>The Applicant considers that predator control will deliver the required compensation using the Applicant's apportioning position and impact assessment. Should further compensation be required for auks, this can be delivered through the other measures that are proposed.</p> <p>A 1:1 compensation ratio is deemed appropriate due to the high levels of precaution introduced within the assessment, apportioning and compensation calculation stages.</p> <p>Precaution is introduced at several stages of apportioning and assessment of guillemot and razorbill. In summary, this includes the additional bioseason requested for guillemot, the use of means of peak populations for each bioseason, the displacement and mortality rates used in assessment, the inclusion of flying birds in displacement assessment, the spatial apportioning based on mean maximum foraging ranges, the assumption that all birds are adult, and the assumption that no birds take sabbaticals from breeding.</p> <p>Due to the measures to be developed likely retaining adults as well as generating new fledglings, application of an existing compensation calculation method is not appropriate. The Applicant is considering all of the measures to be taken forward, and will calculate the benefits that will be delivered across the suite. This will be expressed as a ratio to the level of impact. For example, if the impact was 10 mortalities, and the suite delivered 50 additional birds, the Applicant would consider that it delivers compensation at a ratio of 5:1. This approach allows for a more holistic overview of the suitability of the suite, and concisely expresses level of contingency towards uncertainties regarding delivery.</p>
Timing: Deliverable before impact	<p>The lead in time appears to be less than 2 years (see detailed comment in Table). Predator eradication requires a significant lead-in time before any benefits accrue, and in the case of guillemot, colony establishment would likely be occurring in the early years of construction and possibly operation. Until the target population/productivity is met, a mortality debt will accumulate. A decreased lead in time therefore increases the likelihood that the measure will not be delivering compensation at the scale required before impacts occur.</p> <p>Natural England recommends that the Applicant considers the need for a longer lead in time to account for the uncertainty around how long it will take before benefits are accrued.</p>	<p>The Applicant considers that any compensation debt accrued will be fully addressed over the lifetime of the measure or suite of measures. The Applicant considers that a lead in period does not guarantee any benefits at the commencement of operation and that aiming to over-compensate over the lifetime of the project to an appropriate level is more likely to address a compensation debt than committing to a lead in time.</p>
Location of measure	<p>The Applicant has identified a location for the measure and has secured an exclusivity agreement with National Trust for Jersey with respect to the funding. The Applicant states that a full planning application for the establishment of the fence and the reserve is expected to be submitted early Q2 2024, with all necessary consents secured by the end of 2024. Whilst this timetable is promising, Natural England maintains some concerns around the feasibility of undertaking sustained predator control at this chosen site due to the issues outlined above for 'Technical feasibility'. It is worth noting that the proposed location/route option for the fence has changed since the feasibility study was carried out in 2021, and that the Applicant's documents do not assess what implications this change may have on the conclusions within the feasibility study with regards to risk of reinvasion, maintenance of the fence and potential conflicts with members of the public. This matter should be clarified in an updated submission.</p> <p>Natural England also notes that landowner leases are not yet secured. The Applicant should update the Examination on progress with securing landowner leases.</p>	<p>The Applicant notes that a letter has been received from the Jersey Government Natural Environment department (on behalf of the Public of Jersey, landowner of the land where the fence is to be located) (see document reference 15.17).. The letter confirms that permission is granted in principle to install the fence pending planning approval.</p> <p>The Applicant does not consider that conclusions regarding re-invasion risk or fence maintenance have changed as a result of the proposed re-routing of the fence, and that these factors have been given adequate consideration. The design specifications of the fence are unchanged, including maintaining the recommended height, baffle design, mesh skirt, mesh size, vegetation clearance and secure public access points. As such the fence is considered to be an adequate barrier regardless of route. .</p> <p>This type of fence design has been developed by internationally recognised experts in predator control projects and therefore the Applicant remains confident that the measures will be successful (see response to comment on Technical feasibility).</p>

NE Ref & Risk	Compensation measure: Predator Control For FFC SPA Guillemot and Razorbill	Applicant Position
Long term implementation	<p>The Applicant has acknowledged the need for monitoring of both targeted predators and relevant seabirds i.e. guillemot and razorbill following the implementation of the predator control programme. They have also acknowledged the potential need for adaptive management should this monitoring show that the measure is not as successful as planned. Natural England welcomes this and wishes to clarify that this monitoring will almost certainly highlight the need for ongoing predator control throughout the lifetime of the project, due to regular reinvasions of predators.</p> <p>Natural England advises that the need for ongoing predator control measures and maintenance of the predator fence throughout the project lifetime should be sufficiently considered when costing up the measure and finalising the Compensation Implementation and Monitoring Plan for both guillemot and razorbill.</p>	<p>The Applicant has acknowledged this and committed to both a monitoring plan throughout the lifetime of the measure, and an adaptive management plan that will address reinvasions should they occur, as set out in section 4, Without Prejudice Predator Control Evidence Base and Roadmap [APP-257].</p> <p>The Applicant has calculated the costs associated with the upkeep of the measure, including ongoing control measures and fence maintenance, with these costs included within the Compensation Funding Statement [APP-264] to demonstrate how this will be funded.</p>
Success criteria/Ability to prove additionality	<p>The Applicant has acknowledged the need for ongoing monitoring of both target predators and relevant seabirds (i.e. guillemot and razorbill) in order to establish whether the measure is successful, and that monitoring of seabird numbers will need to continue throughout the lifetime of the Project. This sets out the success criteria as an increase in razorbill productivity and abundance (and for guillemot, the reestablishment of a breeding population) at the site to the target number.</p> <p>Although it will not be possible to determine with certainty that any increase in numbers can be solely attributed to the implemented measure, the Applicants proposal to monitor numbers and productivity at other local or regional colonies will enable more confidence that a causal link can be established.</p>	<p>The Applicant considers that increases in auk numbers at the site should be directly attributable to the measure. Increases at other local or regional colonies cannot provide evidence that factors other than the measure have influenced any growth at the site. Although a healthy local population would likely enhance the success of (or speed of delivery from) the measure, it would not be possible to disentangle success at the site from wider success. As such, the Applicant does not consider that monitoring at other local colonies can provide a greater causal link as suggested.</p>
Suitable as sole measure for target species	<p>See comment above re. scale/extent of measure. At this stage, it is unclear whether this measure will be suitable as a sole measure. It is also unclear at this stage to what degree this measure could contribute to a package of measures.</p> <p>Natural England advises the Applicant to provide updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of the compensatory measure.</p>	<p>The Applicant provided updated documents in response the ExA Section 51 advice on 31st July 2024. Revised impact numbers have been provided following the introduction of the ORBA which should be considered to be the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses (Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10)).</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant.</p> <p>The Applicant's position is that this measure alone has the potential to deliver adequate compensation calculated using the Applicant's approach. The requirement using Natural England's preferred approach is unclear as there is uncertainty regarding the compensation calculation method to be used. However, if it was deemed necessary by the Secretary of State (SoS), this measure could form one of a suite of measures, if the impacts calculated using Natural England's preferred approach resulted in a compensation quantum that was higher than that which could be provided by the predator control measure in isolation.</p>
Key uncertainties		
Recruitment into the National Site Network	<p>The proposed measure is to be implemented remotely to the impacted site, and the accrual of any material benefit to the national site network remains uncertain, particularly when considering the high level of philopatry shown by auks. The Applicant has provided evidence to suggest that approximately 50% of guillemot and 80% of razorbill will disperse away from their natal colony, and thus a number of birds fledged from Plemont Seabird Reserve have the potential to recruit into the FFC SPA breeding population or to other sites within the National Site Network. Nonetheless, this has not been accounted for in the Applicant's calculations of the scale of compensation that will be delivered by the predator control measure, which we advise requires consideration.</p>	<p>The Applicant remains of the position that providing compensation which provides birds back into the biogeographic population is sufficient to compensate for the impacts of the Project, due to the high levels of precaution introduced within the assessment, apportioning and compensation calculation stages.</p>

NE Ref & Risk	Compensation measure: Predator Control For FFC SPA Guillemot and Razorbill	Applicant Position
	Natural England advises that the proportion of birds likely to recruit into the National Site Network be considered when calculating the scale of compensation required	
Uncertainty regarding effectiveness of the measure	Of particular concern is the apparent lack of full consideration of the potential for reinvasion by rats, via the intertidal zone. It is acknowledged within the feasibility study that brown rats are capable of swimming up to 2.5km distance, and that there is the potential for rats to enter the fenced area via the intertidal zone. Natural England recommend the Applicant submit a more detailed assessment of the potential risks of intertidal incursions and any mitigation measures that could be put in place.	The Applicant acknowledges that rat reinvasion is possible but may be hindered by the requirement to climb down a cliff, swim around the fence and then climb back up the cliff on the other side of the fence. Regardless, the Applicant is confident that the program of monitoring, ongoing control and adaptive management that will be put in place will be adequate to minimise the risk of reinvasion occurring and address any reinvasion in the event that it does occur.
Lead-in time	The Applicant is proposing to begin construction of the predator fence in Q4 of 2025, undertake predator exclusion in 2026, and begin offshore construction in 2027. This effectively gives a lead-in time of less than 2 years prior to impacts occurring, depending on how long it is anticipated that predator exclusion will take (this is not stated within any of the relevant documents). Predator eradication/control will also require a significant lead-in time before any benefits accrue. Natural England does not believe this would afford the Secretary of State sufficient confidence that the compensation would be delivered prior to impact occurring, a requirement confirmed by multiple pieces of compensation guidance. Natural England advises the Applicant to consider whether a greater lead in time of at least 3 years prior to the onset of impacts is necessary.	The Applicant considers that any compensation debt accrued will be fully addressed over the lifetime of the measure or suite of measures. The Applicant considers that a lead in period does not guarantee any specific benefit at the commencement of operation and that aiming to over-compensate over the lifetime of the project to an appropriate level is more likely to address compensation debt than committing to a lead in time. The Applicant notes that, during the Examination for the Sheringham Shoal and Dudgeon Extension DCO, Natural England stressed that lead in times for compensatory measures should be considered on a case by case basis. There is therefore no ecological justification in this instance for alignment with the four year lead in time when: a) there have now been several departures from that position which have been agreed by Natural England; and b) the Applicant has presented the evidence base which supports the inclusion of the period set out in Part 1, Schedule 22 of the draft DCO in the Offshore Artificial Nesting Structure Evidence Base and Roadmap [APP-256].

#### 1.45.8.2 FFC SPA guillemot and razorbill, Summary Position of Compensation Measure

NE Ref & Risk	Natural England's Comment	Applicant Position
Compensation measure: Additional measures. Species: guillemot & razorbill.		
Overall confidence in the measure	Natural England recognise there is some prospect of the additional measures described, contributing to the required compensation for Razorbill and Guillemot, as a secondary measure. Significant additional work is required to improve understanding and develop site specific evidence to allow this to contribute, with confidence, to the compensation package.	The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. Relevant information from this work will be submitted to the examination in due course.
Theoretical merit to deliver compensation and technical feasibility.	In principle Natural England considers the Additional Measures which include disturbance reduction, habitat management and potentially additional predator control, at colonies of both species in south-western England to be acceptable as a secondary measure only. However Natural England advises it will be unlikely to be able to evidence that any reduction in pressure is actually resulting in an increase in abundance/productivity. Therefore, success will likely have to be based on the reduction in pressure only.	The Applicant considers that support to the Plemont Seabird Reserve is the primary measure for auks. Methods for surveys already carried out at sites in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The data will be reviewed once this breeding seasons' surveys are complete and analysis carried out, to determine whether success can be based on changes in population and productivity, or simply on changes in levels of disturbance.
Technical feasibility	Thus far, site-specific investigations at a very preliminary stage, with only desk-based reviews of the potential pressures affecting each of the short- listed sites, and the ways in which the impacts of these pressures on breeding success can be reduced. Engagement with landowners, stakeholders and regulators regarding what may be feasible at each short-listed site has yet to commence	Methods for surveys already carried out in summer 2024 of the relevant sites in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. The relevant information from these surveys will be submitted into Examination in due course.

NE Ref & Risk	Natural England's Comment	Applicant Position
	<p>Natural England advises that substantial investigation is required to determine the current level of disturbance impacting guillemot and razorbill at each of the short-listed sites. This can then be used to determine the baseline against which the effectiveness of the proposed measures can be assessed.</p>	
<p>Agreed compensation level</p>	<p>Due to the issue of multiple instances of typographic/calculation errors within the submitted documents, and the lack of assessment outputs based on our advised approach, Natural England are unable at this stage to assess the scale and significance of impacts, and therefore the scale of compensation required.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the compensation level.</p> <p>Please see comment F1 in Appendix F.</p>	<p>The Applicant provided updated documents in response the ExA Section 51 advice on 31<sup>st</sup> July 2024. Revised impact numbers have been provided following the introduction of the ORBA which should be considered to be the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses (Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10)).</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p>
<p>Scale/extent of measure</p>	<p>Thus far, the Applicant has only presented the potential for the measures to deliver the full capacity of required compensation at their preferred apportioning approach, using a 50% displacement rate and 1% mortality rate, using the mean impact, and using a 1:1 compensation ratio. Though it is not possible at this stage to determine the specific scale of compensation required due to the reasons outlined above, it is evident that at Natural England's preferred apportioning approach, using a 70% displacement rate and 2% mortality rate using the upper 95% CI (as accepted by the SoS for Sheringham &amp; Dudgeon Extension Project) and a compensation ratio of greater than 1:1, to account for the uncertainty in the effectiveness of the measure, this measure is unlikely to be able to deliver the full capacity of required compensation.</p> <p>This is compounded by the preliminary nature of the site-specific assessments, which urgently need updating following surveys of the colonies in the breeding season to establish the relevant pressures, the extent of their effects and the feasibility of addressing them.</p> <p>Lastly, the Applicant has not presented any detail on how they have calculated the compensation requirement based on their predicted impact.</p> <p>Natural England advises the Applicant to consider and present the potential for each of the proposed measures to deliver the required compensation using Natural England's approach to calculating impacts (including our preferred approach to apportioning of guillemot and razorbill to FFC SPA), and at a ratio of greater than 1:1 to account for the high degree of uncertainty associated with this measure.</p> <p>The Applicant should update the Examination with the findings of any site-specific studies in summer 2024 so that the likely scale of benefits can be adequately established.</p> <p>Natural England also request that the Applicant presents how the compensation requirement has been calculated based on the impact level.</p>	<p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant, using the "Hornsea Four" approach.</p> <p>Precaution is introduced at several stages of apportioning and assessment of guillemot and razorbill. In summary, this includes the additional bioseason requested for guillemot, the use of means of peak populations for each bioseason, the displacement and mortality rates used in assessment, the inclusion of flying birds in displacement assessment, the spatial apportioning based on mean maximum foraging ranges, the assumption that all birds are adult, and the assumption that no birds take sabbaticals from breeding.</p> <p>Due to the measures to be developed likely retaining adults as well as generating new fledglings, application of an existing compensation calculation method is not appropriate. The Applicant is considering all of the measures to be taken forward, and will calculate the benefits that will be delivered across the suite. This will be expressed as a ratio to the level of impact. For example, if the impact was 10 mortalities, and the suite delivered 50 additional birds, the Applicant would consider that it delivers compensation at a ratio of 5:1. This approach allows for a more holistic overview of the suitability of the suite, and concisely expresses level of contingency towards uncertainties regarding delivery.</p> <p>Methods for surveys already carried out in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. The relevant information from these surveys will be submitted into Examination when available. The data will be reviewed and analysis carried out and judgement will be made to determine on whether success can be based on changes in population and productivity, or simply on changes in levels of disturbance.</p>
<p>Timing: Deliverable before impact</p>	<p>The lead in time appears to be less than one year, with measures being implemented at colonies in 2027, the same year construction is to begin. A lead in time of less than one year increases the likelihood that the measure will not be delivering compensation at the scale required before impacts occur. Natural England does not believe this would afford the Secretary of State sufficient confidence that the compensation would be delivering prior to impact occurring, a requirement confirmed by multiple pieces of compensation guidance.</p> <p>Natural England recommends that the Applicant considers the need for a</p>	<p>The Applicant considers that any compensation debt accrued will be fully addressed over the lifetime of the measure or suite of measures.</p> <p>The Applicant refers to its comments on timings for delivery of compensation for each protected feature at A2 above. In relation to kittiwake, the Applicant highlights the following: Hornsea Four Offshore Wind Farm - paragraphs 3(d) and 4 of Part 2 of Schedule 16 of the Hornsea Four Offshore Wind Farm Development Consent Order 2023 were recently amended to reduce the length of time the ANS needs to be in place before operation from four full breeding seasons to two full breeding seasons and that this was agreed with Natural England.</p>

NE Ref & Risk	Natural England's Comment	Applicant Position
	<p>longer lead in time to account for the uncertainty around how long it will take before benefits are accrued.</p>	<p>Hornsea Three Offshore Wind Farm - the Hornsea Three Offshore Wind Farm Development Consent Order 2020 originally provided for four ANS to be in place and for four full breeding seasons to have passed prior to operation of the turbines. The Hornsea Three Offshore Wind Farm DCO was amended twice, again with agreement from Natural England, so that the relevant periods are three breeding seasons for two of the ANS, two breeding seasons for one of the ANS and a requirement that the final ANS was installed prior to the operation.</p> <p>Part 2, Schedule 17 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for three full breeding seasons to have passed before operation of turbines.</p> <p>In addition, the Applicant notes that, during the Examination for the Sheringham Shoal and Dudgeon Extension DCO, Natural England stressed that lead in times for compensatory measures should be considered on a case by case basis. There is therefore no ecological justification in this instance for alignment with the four year lead in time when: a) there have now been several departures from that position which have been agreed by Natural England; and b) the Applicant has presented the evidence base which supports the inclusion of the period set out in Part 1, Schedule 22 of the draft DCO in the Offshore Artificial Nesting Structure Evidence Base and Roadmap [APP-256].</p>
Location measure	<p>A short list of sites in the southwest of England has been produced, and a desktop study undertaken to review the pressures at these sites and the potential measures to reduce these pressures. However, site selection needs further, more detailed consideration, with the identification of specific issues/pressures at these locations and the feasibility of measures to reduce them evidenced more thoroughly.</p> <p>Furthermore, whilst the Applicant is in contact with relevant landowners, no agreements are in place.</p> <p>Natural England advises in-situ monitoring will be needed to determine to what degree specific pressures are acting on guillemot and razorbill at each site, and the likely effectiveness of any potential measures to reduce these pressures. The findings of this monitoring and the implications for site selection should be submitted into the Examination as soon as possible after they are concluded, alongside any updates regarding landowner agreements.</p>	<p>Methods for surveys already carried out in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. The relevant information from these surveys will be submitted into Examination in due course. The data will be reviewed and analysis carried out and a judgement will be made to determine whether success can be based on changes in population and productivity, or simply on changes in levels of disturbance.</p>
Long term implementation	<p>Thus far, the Applicant has provided only limited detail regarding how the compensation measure will be delivered, but has stated that measures to identify the sites best suited for the proposed measures are ongoing, and that following this, bespoke measures will be developed for each site, with relevant landowners and managers consulted on the appropriate delivery mechanism and any consents and approvals required.</p> <p>Natural England advises that without this, it is not possible to have full confidence that the measures can be implemented.</p> <p>As signposted at the top of this advice, fully populated species specific Implementation and Monitoring Plans should be submitted into the examination process at the earliest opportunity</p>	<p>The Applicant will provide further updates on the progress of these additional measures, as appropriate, during the course of the Examination. The Applicant considers that this measure can provide additional compensation to the primary measure (the Plemont Seabird Reserve) should it be deemed necessary by the SoS.</p>
Success criteria/Ability to prove additionality	<p>There is a lack of clarity around how success will be measured, and whether this is in terms of increases in abundance or productivity at the colonies. It is unlikely that the Applicant will be able to evidence a direct causal link between the reduction in identified pressures and a resulting increase in abundance/productivity, due to the presence of confounding variables. Therefore, success may have to be based on the reduction in pressure only. Thus far, the Applicant has provided only limited detail regarding how monitoring and adaptive management will be undertaken for this measure, with the final details being presented within the Compensation and Monitoring Plans for each species.</p> <p>Notwithstanding this, it is important to establish a baseline against which the effect of any measures implemented can be assessed (see detailed comments).</p>	<p>Methods for surveys already carried out in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. The relevant information from these surveys will be submitted into Examination in due course. The data will be reviewed and analysis carried out and a judgement will be made to determine whether success can be based on changes in population and productivity, or simply on changes in levels of disturbance.</p> <p>The applicant considers that success will be measured through increases in both abundance and productivity. The abundance and productivity data collected during the 2024 breeding season across each of the sites will be used as a baseline (or at sites where productivity could not be adequately monitored, data collected at other sites will inform a proxy rate).</p>

NE Ref & Risk	Natural England's Comment	Applicant Position
	<p>Natural England advises the Applicant to ensure sufficient consideration is given to what monitoring will be required to evidence that the measure has been successful in reducing the specific pressures at each site, as well as the need to monitor the target species at a regional level. As signposted at the top of this advice, fully populated species specific Implementation and Monitoring Plans should be submitted into the examination process at the earliest opportunity. Any surveys conducted in summer 2024 should include a measure of current abundance and productivity at each colony to provide a baseline.</p>	
<p>Suitable as sole measure for target species</p>	<p>See comment above re. scale/extent of measure. At this stage, it is unclear to what degree this measure can contribute to a package of measures.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of this compensatory measure.</p>	<p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant, using the "Hornsea Four" approach.</p> <p>Precaution is introduced at several stages of apportioning and assessment of guillemot and razorbill. In summary, this includes the additional bioseason requested for guillemot, the use of means of peak populations for each bioseason, the displacement and mortality rates used in assessment, the inclusion of flying birds in displacement assessment, the spatial apportioning based on mean maximum foraging ranges, the assumption that all birds are adult, and the assumption that no birds take sabbaticals from breeding.</p> <p>Due to the measures to be developed likely retaining adults as well as generating new fledglings, application of an existing compensation calculation method is not appropriate. The Applicant is considering all of the measures to be taken forward, and will calculate the benefits that will be delivered across the suite. This will be expressed as a ratio to the level of impact. For example, if the impact was 10 mortalities, and the suite delivered 50 additional birds, the Applicant would consider that it delivers compensation at a ratio of 5:1. This approach allows for a more holistic overview of the suitability of the suite, and concisely expresses level of contingency towards uncertainties regarding delivery.</p>
<p>Key uncertainties</p>		
<p>Recruitment into the National Site Network</p>	<p>The proposed measure is to be implemented remotely to the impacted site, and the accrual of any material benefit to the national site network is uncertain. The Applicant has provided evidence to suggest that approximately 50% of guillemot and 80% of razorbill will disperse away from their natal colony with the potential to recruit into the FFC SPA breeding population. Nonetheless, this has not been accounted for in the Applicant's calculations of the scale of compensation that will be delivered by the additional measures at colonies in the South West.</p> <p>Natural England advises that the proportion of birds likely to recruit into the National Site Network be considered when calculating the scale of compensation required.</p>	<p>The Applicant is considering all of the measures to be taken forward, and will calculate the benefits that will be delivered across the suite. This will be expressed as a ratio to the level of impact. For example, if the impact was 10 mortalities, and the suite delivered 50 additional birds, the Applicant would consider that it delivers compensation at a ratio of 5:1.</p> <p>This approach allows for a more holistic overview of the suitability of the suite, and concisely expresses level of contingency towards uncertainties regarding delivery.</p>
<p>Uncertainty around the specific pressures impacting guillemot and razorbill at each site, and the potential for a reduction in these pressures to increase productivity</p>	<p>The Applicant has provided a literature review of key threats to guillemot and razorbill relating to disturbance, as well as an analysis of the existing pressures, and the existing and potential management measures, at each of the short-listed sites. Although this provides some indication as to what might be appropriate at each site, site-specific surveys have not yet been undertaken and there is therefore fairly limited confidence in whether these sites offer opportunities to reduce pressures on guillemot and razorbill, and if so whether they are practical and feasible to implement.</p> <p>Site-specific monitoring and further landowner/stakeholder engagement is required to provide confidence that these sites offer pressure reduction opportunities.</p>	<p>Methods for surveys already carried out in SW England have been designed to quantify sources and levels of disturbance and impacts on productivity. The Applicant has undertaken survey work of the identified sites to provide information on both colony counts as well as disturbance events and reactions of birds to the disturbance. The relevant information from these surveys will be submitted into Examination in due course. The data will be reviewed and analysis carried out and a judgement will be made to determine whether success can be based on changes in population and productivity, or simply on changes in levels of disturbance.</p>

1.45.8.3 FFC SPA Kittiwake, Guillemot and Razorbill, Summary position of compensation measure

NE Ref & Risk	Natural England's Comment	Applicant Position
Compensation Measure: Artificial Nesting Structures (ANS) for Kittiwake and Guillemot and Razorbill		
Overall confidence in the measure	<p>Whilst Natural England recognise the provision of ANS would likely increase the recruitment of Kittiwake into the population from which FFC SPA draws its recruits, there is considerably less certainty in the viability of the measure for Razorbill and Guillemot. Significant gaps in understanding exist in quantifying the likely contribution that ANS might make for the latter. There would therefore be significant risk associated with relying on this measure to satisfy the required compensation requirement. Nonetheless, Natural England considers there to be merit in exploring this option, perhaps principally in the context of adaptive management. ANS could represent a sole compensatory measure for Kittiwake, however it is doubtful whether this is the case for Razorbill and Guillemot.</p> <p>The proposed lead in times to deliver this compensation to a level where it is providing the required ecological function are unlikely to be sufficient.</p>	<p>The Applicant welcomes Natural England's support for further exploring this measure. The Applicant considers that the Plemont Seabird Reserve is the primary measure for auks, so there is little risk that the ANS measure alone will be relied upon to deliver the full compensation requirement.</p> <p>The Applicant considers that for all species being compensated, any compensation debt accrued will be fully addressed over the lifetime of the suite of measures. The Applicant considers that a lead in period does not guarantee any benefits at the commencement of operation, and aiming to over-compensate over the lifetime of the project to an appropriate level is more likely to address compensation debt than committing to a lead in time.</p> <p>The Applicant refers to its comments on timings for delivery of compensation for each protected feature at A2 above.</p> <p>In relation to kittiwake, the Applicant highlights the following:  Hornsea Four Offshore Wind Farm - paragraphs 3(d) and 4 of Part 2 of Schedule 16 of the Hornsea Four Offshore Wind Farm Development Consent Order 2023 were recently amended to reduce the length of time the ANS needs to be in place before operation from four full breeding seasons to two full breeding seasons and that this was agreed with Natural England.  Hornsea Three Offshore Wind Farm - the Hornsea Three Offshore Wind Farm Development Consent Order 2020 originally provided for four ANS to be in place and for four full breeding seasons to have passed prior to operation of the turbines. The Hornsea Three Offshore Wind Farm DCO was amended twice, again with agreement from Natural England, so that the relevant periods are three breeding seasons for two of the ANS, two breeding seasons for one of the ANS and a requirement that the final ANS was installed prior to the operation.  Part 2, Schedule 17 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for three full breeding seasons to have passed before operation of turbines.</p> <p>In addition, the Applicant notes that, during the Examination for the Sheringham Shoal and Dudgeon Extension DCO, Natural England stressed that lead in times for compensatory measures should be considered on a case by case basis. There is therefore no ecological justification in this instance for alignment with the four year lead in time when: a) there have now been several departures from that position which have been agreed by Natural England; and b) the Applicant has presented the evidence base which supports the inclusion of the period set out in Part 1, Schedule 22 of the draft DCO in the Offshore Artificial Nesting Structure Evidence Base and Roadmap [APP-256].</p>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
Theoretical merit to deliver compensation	<p>Natural England considers that offshore artificial nesting structures (ANS) have the potential to deliver some level of compensation for auks if individuals can be attracted to purpose-built structures and are shown to breed successfully. However, there are significant uncertainties around this method, which is as yet unproven. Although there is evidence as presented by the Applicant, of auks nesting on offshore structures, this is in very low numbers in comparison with kittiwake and the productivity of these offshore breeders is unknown. Natural England advises that there is significant uncertainty around this measure for auks, and that there is significant risk associated with relying on this measure</p>	<p>Natural England considers that offshore artificial nesting structures (ANS) have the potential to increase the number of recruits into the wider kittiwake population, although the scale of benefit to the impacted site and National Site Network will be indirect and is likely to be unquantifiable.</p>	<p>The Applicant welcomes Natural England's support for further exploring this measure. The Applicant considers that the Plemont Seabird Reserve is the primary measure for auks, so there is little risk that this measure alone will be relied upon to deliver the full compensation requirement.</p>



NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
	to satisfy the required compensation requirement. Nonetheless, Natural England considers there to be merit in exploring this option, perhaps principally in the context of adaptive management		
Technical feasibility	<p>Technically viable options are likely to be available for providing new structures and/or repurposing existing structures offshore. The most appropriate design of these structures for auks is less certain (see comment above) and carries a high level of uncertainty with regards to how successful it will be.</p> <p>As above, Natural England's view is that for auks, this is an experimental, unproven measure with high degrees of uncertainty around viability, but one worth exploring, particularly as it may inform the design of future ANS for auks.</p>	<p>Technically viable options are likely to be available for providing new structures and/or repurposing existing structures offshore.</p>	<p>Careful consideration is being given to the design and location of the ANS in terms of making them suitable for both guillemot and razorbill. Factors such as ledge width and height, identifying the optimal position on the structure (in terms of height and aspect), and materials and/or coatings will be considered for all species. In addition, for razorbill, consideration will be given to their preference for locations at the periphery of the guillemot nesting areas, and their preference for a more enclosed space.</p>
Agreed compensation level	<p>Due to the issue of multiple instances of typographic/calculation errors within the submitted documents, and the lack of assessment outputs based on our advised approach, Natural England are unable at this stage to assess the scale and significance of impacts, and therefore the scale of compensation required. Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the compensation level.</p> <p>Please see comment F1 in Appendix F.</p>	<p>Due to the issue of multiple instances of typographic/calculation errors within the submitted documents, and the lack of assessment outputs based on our advised approach, Natural England are unable at this stage to assess the scale and significance of impacts, and therefore the scale of compensation required.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the compensation level.</p> <p>Please see comment F1 in Appendix F.</p>	<p>The Applicant provided updated documents in response the ExA Section 51 advice on 31st July 2024. Revised impact numbers have been provided following the introduction of the ORBA which should be considered to be the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses (document reference 15.9 and document reference 15.10).</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p>
Scale/extent of measure	<p>Thus far, the Applicant has only presented the potential for the measures to deliver the full capacity of required compensation at their preferred apportioning approach, using a 50% displacement rate and 1% mortality rate, using the mean impact, and using a 1:1 compensation ratio. Though it is not possible at this stage to determine the specific scale of compensation required due to the reasons outlined above, it is evident that at Natural England's preferred apportioning approach, using a 70% displacement rate and 2% mortality rate using the upper 95% CI (as accepted by the SoS for Sheringham &amp; in the effectiveness of the measure, ANS is unlikely to be able to deliver the full capacity of required compensation.</p> <p>Natural England advises the Applicant to consider and present the potential for each of the proposed measures to deliver the required compensation using Natural England's approach to calculating impacts, using the upper 95% CI, and at ratios of greater than 1:1 to account for the high degree of uncertainty associated with this measure, particularly for auks.</p> <p>Natural England reiterates its previous advice to the Applicant that the provision of two structures rather than one (either for the project alone or through strategic delivery with other Round 4 Applicants) provides resilience against the possibility of a single site not being colonised, or underperforming, due to design- or location- specific issues. Dudgeon Extension Project) and a compensation ratio of greater than 1:1, to account for the uncertainty.</p>	<p>It is not possible at this stage to determine the specific scale of compensation required due to the reasons outlined above. The Applicant has presented the calculation of the level of compensation required based on both the Hornsea 3 and Hornsea 4 methods, using the Applicant's impact value, which is based on the mean peak abundance rather than the 95% CI. This has been presented for a range of compensation ratios (1:1, 2:1 and 3:1).</p> <p>Natural England advises the Applicant to consider and present the potential for each of the proposed measures to deliver the required calculating impacts, using the upper 95% CI.</p> <p>Natural England reiterates its previous advice to the Applicant that the provision of two structures rather than one (either for the project alone or through strategic delivery with other Round 4 Applicants) provides resilience against the possibility of a single site not being colonised, or underperforming, due to design- or location- specific issues.</p>	<p>The Applicant provided updated documents in response the ExA Section 51 advice on 31st July 2024. The ORBA submission (document reference 15.9) provides revised impact numbers considering the introduction of the ORBA which should be considered the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses and incorporated the upper and lower confidence intervals for the impact values as requested by Natural England.</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta are calculated as the compensation measures are developed and following ongoing discussions with stakeholders.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant, using the "Hornsea Four" approach.</p>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
			<p>Precaution is introduced at several stages of apportioning and assessment of guillemot and razorbill. In summary, this includes the additional bioseason requested for guillemot, the use of means of peak populations for each bioseason, the displacement and mortality rates used in assessment, the inclusion of flying birds in displacement assessment, the spatial apportioning based on mean maximum foraging ranges, the assumption that all birds are adult, and the assumption that no birds take sabbaticals from breeding.</p> <p>Due to the measures to be developed likely retaining adults as well as generating new fledglings, application of an existing compensation calculation method is not appropriate. The Applicant is considering all of the measures to be taken forward, and will calculate the benefits that will be delivered across the suite. This will be expressed as a ratio to the level of impact. For example, if the impact was 10 mortalities, and the suite delivered 50 additional birds, the Applicant would consider that it delivers compensation at a ratio of 5:1. This approach allows for a more holistic overview of the suitability of the suite, and concisely expresses level of contingency towards uncertainties regarding delivery.</p> <p>The Applicant notes Natural England’s advice on the provision of two nesting structures. However, in the event that the ANS is delivered on a project alone basis, the Applicants view is that a single structure would be appropriate. The Applicant acknowledges the position recorded in The Crown Estate Kittiwake Strategic Compensation Plan in relation two structures being preferred by the Statutory Nature Conservation Bodies (SNCBs) in the event that both ODOW and Dogger Bank South proceed. However, the Applicant notes that this position was agreed in principle by the Applicant, and was based on a scenario where all projects proceed. If this was not the case then it was suggested that the requirement for two structures should be reviewed. This position is recorded the agreement log associated with the KSCP15. A 1:1 compensation ratio is deemed appropriate due to the high levels of precaution introduced in the assessment, apportioning and compensation calculation stages.</p>
Timing: Deliverable before impact	The lead in time for offshore ANS is presented and considered in reference to kittiwake only. A lead in time of three years prior to the operation of turbines (into 2030) does not account for the fact that impacts to guillemot and razorbill are likely to begin when or shortly after construction starts in 2027. Until the target population/productivity is met, a mortality debt will accumulate. A decreased	The Applicant proposes a lead in time of three breeding seasons prior to the operation of turbines, which equates to the start of impacts to kittiwake. It remains Natural England’s view that the ANS should be in place 4 breeding seasons before the turbines are operational. Natural England reiterates that kittiwake do not usually breed until they are 4+	The Applicant considers that for all species being compensated, any compensation debt accrued will be fully addressed over the lifetime of the suite of measures. The Applicant considers that a lead in period does not guarantee any benefits at the commencement of operation and that aiming to over-compensate over the lifetime of the project to an appropriate

<sup>15</sup> <https://www.datocms-assets.com/136653/1720790050-43569-tce-doc-065-appendix-c-kittiwake-strategic-compensation-plan-agreement-log.pdf>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
	<p>lead in time therefore increases the likelihood that the measure will not be delivering compensation at the scale required before impacts occur.</p> <p>Natural England recommends that the Applicant considers the need for a longer lead in time to account for the uncertainty around how long it will take before benefits are accrued, and that impacts to guillemot and razorbill are likely to begin prior to turbines being operational, during the construction of the project.</p>	<p>years old, and therefore recruits will not enter the breeding population until that point. Colony establishment would likely still be occurring in the early years of operation, and until the target population/productivity is met a mortality debt will accumulate. It is also worth noting that there has been a delay in kittiwake colonising recently installed onshore ANS. Therefore, although the measure will be in place prior to operation, a decreased lead in time increases the likelihood that the measure will not be delivering compensation at the scale required before impacts occur.</p> <p>It is Natural England's view that at least one ANS should be in place at least 4 breeding seasons prior to operation, even if a second is in place only three breeding seasons prior.</p>	<p>level is more likely to address compensation debt than committing to a lead in time</p> <p>The Applicant refers to its comments on timings for delivery of compensation for each protected feature at A2 above. In relation to kittiwake, the Applicant highlights the following:</p> <p>Hornsea Four Offshore Wind Farm - paragraphs 3(d) and 4 of Part 2 of Schedule 16 of the Hornsea Four Offshore Wind Farm Development Consent Order 2023 were recently amended to reduce the length of time the ANS needs to be in place before operation from four full breeding seasons to two full breeding seasons and that this was agreed with Natural England.</p> <p>Hornsea Three Offshore Wind Farm - the Hornsea Three Offshore Wind Farm Development Consent Order 2020 originally provided for four ANS to be in place and for four full breeding seasons to have passed prior to operation of the turbines. The Hornsea Three Offshore Wind Farm DCO was amended twice, again with agreement from Natural England, so that the relevant periods are three breeding seasons for two of the ANS, two breeding seasons for one of the ANS and a requirement that the final ANS was installed prior to the operation.</p> <p>Part 2, Schedule 17 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for three full breeding seasons to have passed before operation of turbines.</p> <p>In addition, the Applicant notes that, during the Examination for the Sheringham Shoal and Dudgeon Extension DCO, Natural England stressed that lead in times for compensatory measures should be considered on a case by case basis. There is therefore no ecological justification in this instance for alignment with the four year lead in time when: a) there have now been several departures from that position which have been agreed by Natural England; and b) the Applicant has presented the evidence base which supports the inclusion of the period set out in Part 1, Schedule 22 of the draft DCO in the Offshore Artificial Nesting Structure Evidence Base and Roadmap [APP-256].</p> <p>The Applicant considers that during construction the footprint of the array will be reduced and therefore the level of impact will also be reduced (relative to operational phase effects). As precise construction timetables are not known at this stage, and the point during construction at which the array becomes large enough to displace a number of birds sufficient to lead to AEoI (in terms of spatial scale and season, and using Natural England's preferred methodology), if this is indeed the conclusion, cannot be known at this point, it is pragmatic to consider the commencement of operation as the point at which any impact might start to occur. The impact is unlikely to increase through vessel disturbance as auks are not sensitive to displacement by</p>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
			vessels over temporal and spatial scales that could be detrimental.
Location of measure	<p>The Applicant has undertaken a detailed spatial mapping process which considered both the ecological suitability and feasibility of different locations, for guillemot and razorbill. This process has identified two potential regions or Areas of Search (AOS) as being suitable for the installation of ANS. However, at this stage, the specific proposed locations have not yet been identified. Further discussions are required on any implications of the ANS on designated sites once the specific locations have been proposed. Note that this advice is provided in the context of the proposed project specific measures and does not reflect other proposed strategic solutions.</p>	<p>The Applicant has undertaken a detailed spatial mapping process which considered both the ecological suitability and feasibility of different locations, for kittiwake. This process has identified two potential regions or Areas of Search (AOS) as being suitable for the installation of ANS. However, at this stage, the specific proposed locations have not yet been identified. Further discussions are required on any implications of the ANS on designated sites once the specific locations have been proposed. Note that this advice is provided in the context of the proposed project specific measures and does not reflect other proposed strategic solutions.</p>	<p>This will be considered once the Applicant has finalised locations for the ANS. Regarding implications for designated sites, the areas of search for the ANS are suitably distant from the FFC SPA and very close (within 20 kilometres) to well established offshore colonies. As such, the Applicant considers that much of the recruitment to the ANS will be from the offshore breeding population rather than from FFC SPA.</p>
Long term implementation	<p>There is limited detail on the proposed monitoring, adaptive management and reporting for this measure in the event of the ANS being delivered as a project-led measure, as the Applicant has stated this will be developed post-consent. Please see our overarching comment above regarding the need for more detail with the IMPs. Whilst the fine details can be agreed post-consent, the core elements of the monitoring should be specified in the IMP before then.</p>	<p>There is limited detail on the proposed monitoring, adaptive management and reporting for this measure in the event of the ANS being delivered as a project-led measure, as the Applicant has stated this will be developed post-consent. Please see our overarching comment above regarding the need for more detail with the IMPs. Whilst the fine details can be agreed post-consent, the core elements of the monitoring should be specified in the IMP before then.</p>	<p>The Applicant is continuing to develop the proposed compensation measures and will provide updates on all aspects of the development of these measures, where appropriate at intervals throughout Examination. In relation to kittiwake, guillemot and razorbill, proposals for monitoring and adaptive management are incorporated into the existing drafting in Parts 1, 2 and 3 of Schedule 22 of the draft DCO (3.1) For each specified compensation measure, the relevant CIMP is required to set out: “details of the proposed ongoing monitoring and reporting on the effectiveness of the measures, including: survey methods; success criteria; adaptive management measures; timescales for the monitoring and monitoring reports to be delivered; and details of the mechanism to determine the need for any alternative compensation measures and/or adaptive management measures” and “provision for annual reporting to the Secretary of State, to include [...] and target any adaptive management measures in consultation with the [relevant CSG]”. Each CIMP is required to accord with the Kittiwake Compensation Plan [APP-250], the Without Prejudice Guillemot Compensation Plan [APP-252] or the Without Prejudice Razorbill Compensation Plan [APP-255] as appropriate. Each of the compensation plans cross refer to the monitoring and adaptive management details set out in the Offshore ANS Evidence Base and Roadmap [APP-256].</p>
Success criteria/Ability to prove additionality	<p>The Applicant has set out the requirement for compensation in the form of a target number of breeding pairs, with values presented for both the Applicant and Natural England approaches, though we cannot confirm whether the stated values actually reflect our advice. It is not clear from the Applicant’s documents how this will be measured in the event of the ANS being delivered as a project-led measure (see comment above). We highlight that it will be important to monitor productivity as well as the number of breeding pairs, which may present some challenges offshore. It will</p>	<p>The Applicant has set out the requirement for compensation in the form of a target number of breeding pairs. Values are presented for both the Hornsea 3 and Hornsea 4 method, albeit the starting value does not reflect Natural England’s advised approach. It is not clear from the Applicant’s documents how this will be measured in the event of the ANS being delivered as a project-led measure (see comment above). We highlight that it will be important to monitor productivity as well as the number of breeding pairs, which may present some</p>	<p>The Applicant is continuing to develop the proposed compensation measures and will provide updates on all aspects of the development of these measures where appropriate at intervals throughout Examination. However, although details of monitoring are yet to be finalised, the Applicant considers monitoring of populations and productivity paramount, and that these will be key factors in finalised monitoring plans.</p>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
	also be difficult to quantify benefits to the SPA or indeed other sites in the national site network (NSN).	challenges offshore. It will also be difficult to quantify benefits to the SPA or indeed other sites in the NSN.	
Suitable as sole measure for target species	<p>See comment above re. scale/extent of measure. At this stage, it seems doubtful that this will be suitable as a sole measure. It is also unclear at this stage to what degree this measure could contribute to a package of measures.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of this compensatory measure.</p>	<p>See comment above re. scale/extent of measure. Whilst the level of impact is unclear, it is plausible that with appropriate scaling, and the potential use of two structures, this could function as a sole measure.</p> <p>Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of this compensatory measure.</p>	<p>The Applicant provided updated documents in response the ExA Section 51 advice on 31st July 2024. Revised impact numbers have been provided following the introduction of the ORBA which should be considered to be the most recent values. The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses (Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) and Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10)). The assessments to support the introduction of the ORBA have been submitted to the ExA alongside these responses and incorporated the upper and lower confidence intervals for the impact values as requested by Natural England.</p> <p>The Applicant will be providing updated information regarding the compensation measures as they are further developed throughout the Examination phase. Further detail will be provided as to how the compensation quanta have been calculated.</p> <p>The Applicant is aware that Natural England are in the process of developing a preferred method by which the compensation quantum for auk species can be calculated for different measures. The Applicant has not yet had sight of this methodology and as such the compensation quantum remains as calculated by the Applicant.</p> <p>The Applicant considers that the ANS will contribute towards delivery of compensation of guillemot and razorbill, should adequate compensation for these species not be delivered by the Plemont Seabird Reserve and or those measures proposed at sites in the South West. The Applicant considers that the Plemont Seabird Reserve is the primary measure for auks, so this measure alone, if required, would not be relied upon to deliver the full compensation requirement. The Applicant also considers that ANS can deliver the full requirement compensation for kittiwake, and ANS design and scaling will be suitable to deliver kittiwake compensation beyond the specified requirement.</p>
<b>Key uncertainties</b>			
Uncertainties around the effectiveness of the measure, and the most appropriate design	<p>Though recent surveys of offshore infrastructure provide evidence of both guillemot and razorbill nesting or attempting to nest at these sites, more information on the frequency and resulting productivity is needed. This method has yet to be proven and there remain significant uncertainties around the most appropriate design of ANS particularly with regards to ledges. The Applicant has undertaken a review of ANS design requirements for guillemot and razorbill to</p>		<p>The Applicant is continuing to develop the proposed compensation measures and will provide updates on the development of these measures as appropriate throughout Examination.</p>

NE Reference	Natural England Comment: Guillemot and Razorbill	Natural England Comment: Kittiwake	Applicant Response
of ANS for these species	evidence their proposed design, though this is lacking in detail with regards to some aspects (see detailed comments in Table 4). We consider a more detailed review of the requirements and preferences of auks is needed to inform the proposed design. Providing a range of design parameters e.g. different sized and shaped ledges, would allow for a testing of the species' preferences and provide resilience to the measure.		
Recruitment into the National Site Network	Considering the high level of philopatry shown by auks, the benefit this measure could provide to the National Site Network is unclear. The Applicant has provided evidence to suggest that approximately 50% of guillemot and 80% of razorbill will disperse away from their natal colony, and thus a number of the birds fledging from offshore ANS have the potential to recruit into the FFC SPA breeding population. Nonetheless, this has not been accounted for in the Applicant's calculations of the scale of compensation that will be delivered by the measure. Natural England advises that the proportion of birds likely to recruit into the National Site Network be considered when calculating the scale of compensation required.	Kittiwakes show low rates of philopatry so a significant proportion of birds produced by a given colony will recruit into other colonies. This means that if successful, ANS may provide recruits into the wider population and therefore FFC SPA to some extent, although this would be challenging to predict or quantify. Natural England advises that the proportion of birds likely to recruit into the National Site Network be considered when calculating the scale of compensation required.	For guillemot and razorbill, the Applicant considers that the Plemont Seabird Reserve is the primary measure for auks, and in the event compensation is required would be sufficient alone to deliver the necessary compensation. However, in the event that further compensation is required for auks, the Applicant has proposed to implement a suite of measures at different locations in order to ensure that compensation requirements will be met. Scales of compensation that consider recruitment into the NSN will be provided at a later point. . The Applicant will give consideration of quantification of recruitment to FFC SPA careful consideration when designing monitoring plans.

#### 1.45.8.4 Offshore Ornithology Detailed Advice and Recommendations

NE Ref & Summary of Key Concerns or Comment Risk	Natural England's Recommendations to Resolve Issues.	Applicant Response
<p>Documents Used: Offshore Artificial Nesting Structures Evidence Base and Roadmap Without Prejudice Predator Control Evidence Base and Road Map Plemont Sea Bird Reserve Feasibility Study Report 7.7.6 Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill Evidence and Road Map</p>		
<p>7.7.4, Section 4.2.2 &amp; Table 4.1 There is limited justification for the presentation of some of the species specific ANS requirements, e.g. maximum nesting height above sea level. A maximum height of 15m for guillemot and 20-35m for razorbill may not take into consideration that at onshore colonies, the height above the nesting unit is also important, and that breeding success, particularly of guillemot, has been shown to increase with distance from the cliff-top.</p>	<p>Natural England advises that a more detailed review of nesting requirements and preferences is carried out for auks, particularly with regards to elevation and topographic complexity.</p>	<p>The Applicant is continuing to develop the proposed compensation measures and will provide updates on the development of these measures as appropriate throughout Examination. Factors such as ledge width and height, identifying the optimal position on the structure (in terms of height and aspect), and materials and/or coatings will be considered for all species. In addition, for razorbill, consideration will be given to their preference for locations at the periphery of the guillemot nesting areas, and their preference for a more enclosed space.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>7.7.4, Table 4.1</p> <p>Table 4.1 sets out species specific ANS design requirements for guillemot, and states the number of pairs able to occupy a nesting unit (1m x 0.30m i.e. 0.3m<sup>2</sup>) is 20 pairs. The reference for this (Mitchell et al. 2004) is missing from the reference list. It is assumed that the reference is 'P. Ian Mitchell, Stephen F. Newton, Norman Ratcliffe and Timothy E. Dunn (Eds.). 2004. Seabird Populations of Britain and Ireland: results of the Seabird 2000 census (1998-2002)' which states a density of 20 pairs/m<sup>2</sup>.</p>	<p>Please provide evidence to support the calculation of 20 pairs per nesting unit of 1m x 0.3m, or amend the calculation of pairs able to occupy each nesting unit accordingly.</p>	<p>The Applicant confirms the reference used is Mitchel et al. (2004). Calculations will be amended to 20 pairs per nesting unit of 1m x 1m, as per Mitchell et al. (2004) in the next revision of the relevant documents.</p> <p>The Applicant is continuing to develop the proposed compensation measures and will provide updates on the development of these measures as appropriate throughout Examination.</p>
	<p>Natural England agrees that eradication of predators including rats has been shown to lead to notable increases in productivity and population size for seabirds, but notes that this is usually in relation to islands, and that the success of this measure is substantially less proven at mainland sites.</p> <p>Predator control at mainland sites, particularly those with a high level of human presence, is inherently more difficult. This is due to several factors including the increased risk of reinvasion via the shoreline, increased use of the site by members of the public and therefore increased risk of reinvasion via public access gates, and increased likelihood of public opposition to the presence of the fence. Consequently, Natural England urge caution when relying on these case studies in evidencing the likely success of the proposed measure.</p>	<p>To note.</p>	<p>This is noted by the Applicant. The Applicant is confident that the fence design adequately addresses issues of biosecure public access, and that monitoring for biosecurity and the adaptive management plan will be adequate to detect and limit reinvasion. Opposition may have been reduced by the re-routing of the fence in response to feedback from the public.</p>
	<p>7.7.5.1, Section 8</p> <p>The feasibility study includes a number of recommendations for further work, including that "<i>a fully-costed and detailed full-scale fence operational plan is developed by a pest-proof fencing specialist</i>", that "<i>a fully-costed eradication plan is developed for the target species within the fence site</i>" and that "<i>a fully-costed biosecurity plan is produced for the target species</i>". It is unclear whether this work has been carried out.</p>	<p>Natural England considers that these plans are required to have sufficient confidence that the measure can be secured, and that they should be produced by or in consultation with predator eradication and predator fencing experts.</p>	<p>The technical elements of the eradication and exclusion measure have been developed in consultation with renowned experts in non-native predator eradication. A fence operational plan, an eradication plan and biosecurity plans will be produced as part of the development of the guillemot CIMP pursuant to paragraph 4(a) of Part 2 of Schedule 22 of the draft DCO (document reference 3.1).. The Applicant has acknowledged the risk of reinvasion through the intertidal zone and considers that this will be adequately addressed within the monitoring and biosecurity elements of the measure (section 4, Without Prejudice Predator Control Evidence Base and Roadmap [APP-257]).</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>7.5.5.1, Table 14</p> <p>The success of the measure relies on not only the successful eradication of target predators within the fenced area, but also the ongoing maintenance of the reserve through maintenance of the fence and sustained biosecurity measures to prevent and deal with reinvasion of predators, particularly from rats along shoreline. Although there is an acknowledgement of the risk of reinvasion via the intertidal zone, and some suggested measures to mitigate these impacts, the Feasibility Study appears to underestimate the risk this provides to the measure, rating it as a 'medium risk' within Table 14 [APP-258].</p> <p>Evidence suggests that a small number of (re)colonising or surviving rats can complete the invasion of large areas in less than 2 years, suggesting that ongoing control measures and comprehensive biosecurity measures are critical to the success of this project. The lack of detailed plans for these elements of the project therefore remains a key concern for Natural England.</p>	<p>Natural England recommends consulting predator eradication and predator fencing experts in order to develop detailed plans for all stages of the proposed measure including a detailed design for the fence, the subsequent predator eradication measures and ongoing biosecurity measures.</p>	<p>The technical elements of the eradication and exclusion measure have been developed in consultation with renowned experts in non-native predator eradication. A fence operational plan, an eradication plan and biosecurity plans will be produced as part of the development of the guillemot CIMP pursuant to paragraph 4(a) of Part 2 of Schedule 22 of the draft DCO (document reference 3.1). The Applicant has acknowledged the risk of reinvasion through the intertidal zone and considers that this will be adequately addressed through the monitoring and biosecurity elements of the measure (section 4, Without Prejudice Predator Control Evidence Base and Roadmap [APP-257]).</p> <p>The Applicant considers that any reinvasion will be detected and adequately addressed through the adaptive management plan before recolonisation can be established.</p>
	<p>7.5.5, Table 5.1</p> <p>Although the lead in time has not been explicitly stated, it can be inferred from Table 5.1 in Document 7.7.5 [APP-257] that the eradication programme will be undertaken in the two years prior to the start of offshore construction, in other words less than two years prior to the potential onset of impacts. Typically, a two year 'lay-down' period following eradication is needed in order to give confidence that an island or enclosed area is 'rat-free', noting that very low densities of rats are difficult to detect particularly during the summer when food is plentiful and they are less likely to visit bait stations and traps.</p>	<p>Natural England advises longer lead in time is required to allow for this period to determine whether eradication efforts have been successful.</p>	<p>The Applicant considers that for all species being compensated, any compensation debt accrued will be fully addressed over the lifetime of the suite of measures. The Applicant considers that a lead in period does not guarantee any benefits at the commencement of operation, and aiming to over-compensate over the lifetime of the project to an appropriate level is more likely to address compensation debt than committing to a lead in time.</p>
	<p>7.5.5, Section 6.2.2</p> <p>More detailed consideration is required regarding the appropriateness of different methods for both eradication and monitoring that are specific to the proposed site at Plemont, and how this may change throughout the eradication process. For example, live traps will require daily checks (for animal welfare reasons), and traps in general have been shown to have limited success at low densities. How traps and other measures are deployed also needs careful consideration, with knowledge of predator movements and behaviour, particularly at low densities, needed to inform both eradication and biosecurity/monitoring methods.</p>	<p>Natural England advises further consultation with experts is needed to develop detailed plans for eradication, biosecurity and monitoring.</p>	<p>The technical elements of the eradication and exclusion measure have been developed in consultation with renowned experts in non-native predator eradication. A fence operational plan, an eradication plan and biosecurity plans will be produced as part of the development of the guillemot CIMP pursuant to paragraph 4(a) of Part 2 of Schedule 22 of the draft DCO (document reference 3.1).</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues.	Applicant Response
	<p>7.5.6, Section 7</p> <p>In order to effectively measure the success of any additional measures at colonies in the south-west, it is essential to establish a baseline against which the effect of any measures implemented can be assessed.</p>	<p>Natural England advises that the surveys conducted in summer 2024 include effective monitoring of current abundance and productivity at each colony to provide this baseline.</p>	<p>Colony size and productivity monitoring are being carried out at each site being investigated. The relevant information from these surveys will be provided in due course.</p>

### 1.45.9 Appendix H Onshore Ecology

#### 1.45.9.1 Onshore Ecology Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Air Quality			
H1	<p>The project has used a 20m and 50m buffer to assess the impacts of large and medium sized airborne dust particles dispersed by construction activity.</p>	<p>Natural England advises the use of a 200m buffer to assess impacts from construction dust where the onshore order limits pass close to a designated site. This is the extent that medium sized airborne dust particles are likely to travel. An assessment using the 200m buffer should be used to inform mitigation within the Code of Construction Practice (CoCP) and the Air Quality Management Plan (AQMP).</p>	<p>The construction dust assessment has been conducted in accordance with 2016 Institute of Air Quality Management guidance (IAQM, 2016), which is the standard practice for evaluating onshore construction activities in the UK. This methodology was agreed with statutory consultees during the Evidence Plan Process Consultation [APP-050].</p> <p>The methodology is based on a working group of professional experts and their practical experience.</p> <p>The purpose of the construction dust assessment is to determine the appropriate level of mitigation required for various construction activities (earthworks, construction, and trackout) while taking into account the sensitivity of surrounding human and ecological receptors. Demolition was not considered as no demolition activities are proposed.</p> <p>The assessment methodology is repeated in Volume 3, Appendix 19.1: Construction Dust Assessment Methodology.</p> <p>The assessment comprises an initial screening exercise to inform whether further consideration with respect to human and ecological receptors is required, separately (Step 1). For ecological receptors, further assessment is necessary if they are located within 50m of the site or construction vehicle routes up to 500m from access points. According to the IAQM guidance, dust impacts on ecological receptors &gt;50m are not considered.</p> <p>Since there are ecological receptors within these screening distances, further assessment was conducted. Extending the screening distance to 200m, as per Natural England's recommendations, would not alter the initial screening outcomes.</p> <p>The subsequent step is to assess the dust risk (Step 2), considering the dust emission magnitude from four construction activities (demolition, earthworks, construction, and trackout) alongside the sensitivity of the area with respect to:</p> <ul style="list-style-type: none"> <li>Annoyance due to dust soiling;</li> <li>Health effects from increased particulate matter (PM<sub>10</sub>) exposure; and</li> <li>Harm to ecological receptors.</li> </ul> <p>For defining the dust emission magnitude and sensitivity of the area, a series of thresholds and matrices are defined in the IAQM guidance (IAQM, 2016) to guide the assessor.</p>

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			<p>For ecological impacts, the distance of ecological receptors to construction works and their individual sensitivity to dust are considered together to determine the sensitivity of the area. This is determined with use of a matrix provided within the IAQM guidance document. The matrix uses distances of 20m and 50m; there is no allowance to integrate a 200m distance within the matrix. This search is performed from the site boundary with respect to earthworks and construction, and from access routes for trackout up to 500m from the site. It is performed iteratively for all ecological designations within the study area, with the maximum sensitivity taken forward to represent the area.</p> <p>Based upon the outcomes of the assessment, the sensitivity of the area with respect to ecological impacts from earthworks and construction activities was determined as medium. Whereas, trackout is low.</p> <p>It is recognised that extending the area of search to 200m may result in interactions with other ecological designations. Based on an initial review, extending the search area to 200m would result in the following additional designations requiring assessment:</p> <p>Earthworks and Construction: The Wash and North Norfolk Coast SAC The Wash SPA / RAMSAR / SSSI</p> <p>Trackout: No changes</p> <p>These additional designations have similar attributes to those assessed in the original assessment, and it is considered that they would not result in a higher sensitivity level (i.e., above medium). Therefore, the assessment outcomes and level of mitigation recommended remain unchanged.</p> <p>This mitigation is based on the maximum level of dust impact risk established for each impact and/or activity. The maximum overall risk of impacts are summarised as follows: Earthworks: High Risk; Construction: High Risk; and Trackout: High Risk.</p> <p>This represents the maximum level of dust impacts for each activity, and based on this risk the assessment recommends the best available controls to minimise dust relative to the construction activities. Therefore, the assessment is inherently precautionary.</p> <p>In conclusion, according to IAQM guidance, only ecological receptors within 50m of construction activities are considered in the assessment. Any ecological features beyond this distance are excluded as there is no framework available to assess them.</p> <p>Despite this, based on the analysis presented, there would be no changes to the overall assessment outcomes and level of mitigation proposed within the AQMP which forms part of the Outline CoCP (embedded mitigation). The mitigation is thus deemed suitably precautionary, extending to cover impacts on ecological designations up to 200m.</p>
<b>Noise &amp; Vibration</b>			
H2	<p>Not all noise sensitive receptors (NSR) have been screened and assessed for noise disturbance. This includes the below NSRs: Assemblages of breeding birds at Sea Bank Clay Pits Site of Special Scientific Interest (SSSI) Functionally Linked Land (FLL) for non-breeding birds flagged from impact risk zones (IRZs) along the export cable corridor (ECC)</p>	<p>Natural England advises all listed ecological NSRs are included in screening and assessment stages for construction noise disturbance. Any mitigation proposed must be based on evidence collected and secured through requirement in the DCO.</p>	<p>It must be noted that the scope of the noise assessment on ecological NSRs includes designated sites and assessment in conjunction with the absolute noise limits contained in the AQTAG 09 guidance as stated in Table 8.7.5 of Appendix 5.1.2 Scoping Part 1. Absolute noise limits refer to a fixed noise threshold which should not be exceeded in order to prevent significant noise impacts.</p> <p>With regards to the Sea Bank Clay Pits SSSI this is located further away from the Landfall construction areas assessed than the Anderby Nature Reserve, the predicted level of effect from construction noise within the Anderby Nature Reserve is not significant as stated in Paragraph</p>

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	The Wash Special Protection Area (SPA)		<p>284 of ES Chapter 26 [APP-081] , therefore it is considered that there would not be a significant level of effect from construction noise within the Sea Bank Clay Pits SSSI.</p> <p>To further justify the above, the noise model created for the assessment of the Anderby Nature Reserve has been utilised to predict the noise levels from landfall construction operations at the closest approach of the Sea Bank Clay Pits SSSI, the results have shown that the predicted noise levels are lower than those predicted at the Anderby Nature Reserve (shown in Table 26.57 of ES Chapter 26 [APP-081]) and therefore there would be no significant impacts.</p> <p>It also should be noted that with reference to Table 22.3 of ES Chapter 22 [APP-077], the Sea Bank Clay Pits SSSI citation states in relation to ornithological interest “the pits are also important for breeding, wintering and passage birds”. With reference to the Natural England designated sites website<sup>1</sup>, the features for which the SSSI has been notified are eutrophic lakes, invertebrate assemblage and lowland fens, and do not include bird features.</p> <p>With regards to the FLL Section 22.8.1.3 of ES Chapter 22 [APP-077] considers disturbance of protected and priority bird species, including those utilising FLL and this was a key focus of the ornithological assessment. The assessment set out survey buffers determined through the consultation process these were 400m for wintering waterbirds and 100m for breeding priority species. These are considered reasonable distances up to which target bird species may be disturbed by the planned construction works.</p> <p>Paragraph 202 of ES Chapter 22 [APP-077] references a report by The Institute of Estuarine and Coastal Studies (IECS) (Cutts et al., 2009). This document provides a review of the evidence relating to construction disturbance impacts on non-breeding waterfowl, and was used to develop a Waterbird Disturbance Mitigation Toolkit (Cutts et al., 2013).</p> <p>Paragraph 203 of ES Chapter 22 [APP-077] outlines the results of the IECS study with regards to waterbird responses to construction noise disturbance. This study has been utilised as part of an assessment of construction noise on protected and priority bird species along the length of the ECC including the FLL.</p> <p>Paragraphs 214 to 296 of ES Chapter 22 [APP-077] assess each identified bird species in turn with regards to vulnerability to disturbance from construction operations (including noise), Paragraphs 297 and 298 provide an assessment of species populations of local or less than local value, and Paragraphs 299 to 307 provide an assessment of other designated ornithological sites.</p> <p>The overall conclusions of the assessments determined that with relevant seasonal restrictions and localised working commitments on construction operations, there would be no significant residual effects on protected and priority bird species, including those utilising FLL from construction operations.</p> <p>The Wash SPA is co-located with The Wash SSSI which has been considered within Paragraphs 289 to 293 of ES Chapter 22 [APP-077] of the Environmental Statement (ES). Suitable mitigation measures will be included within the final NVMP which will be in accordance with the submitted Outline NVMP (APP-269) to reduce the identified impacts from construction noise, as stated in Paragraph 291. In addition, Paragraph 293 states “It also should be noted that with reference to Section 22.8.1.3 of Chapter 22: Onshore Ornithology (document reference 6.1.22) additional mitigation has been specified comprising of a seasonal restriction to construction activity, to avoid works during the period of October to March inclusive within 400m of The Wash SPA and Ramsar”. This mitigation has been further developed in the Applicant’s recent submission “Addendum Winter Bird Survey 2023-2024” [AS1-108]<sup>16</sup>, which states “Data from the additional visit in April</p>

<sup>16</sup> Document Reference 13.2. July 2024. Outer Dowsing Offshore Wind. Response to Section 51 Advice. Addendum: Winter Bird Survey 2023/24.

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			<p>2024 indicates that brent geese are still present at a notable abundance in this month and therefore works within 400m of the Haven, as illustrated in Figure 52, during April will be limited to soft start works".</p> <p>In view of the above it is considered that the impact of construction noise on ecological receptors has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077]. Finally, once the project is at detailed design stage all appropriate mitigation measures would be included within a final Noise and Vibration Management Plan (NVMP) which is secured in the draft DCO.</p> <p><sup>1</sup><a href="https://designatedsites.naturalengland.org.uk/">https://designatedsites.naturalengland.org.uk/</a> (accessed 01.08.2024)</p>
H3	<p>A generic threshold based on the minimum compliance thresholds identified in the ABC Method (British Standard 5228:2009+A1:2014) has been used to assess disturbance from construction noise for all ecological NSRs at designated sites and within any land that is considered functionally linked to designated sites. This has been used regardless of the species type, location, time of year or what receptor is using the land.</p>	<p>Natural England advises the Applicant identify thresholds appropriate to each receptor. Ensure the thresholds are considered in the wider spatial and temporal context.</p>	<p>Potential for impacts on ecological receptors have been considered in line with the AQTAG 09 guidance. This was stated during scoping as outlined in the response to H2, with no additional guidance recommended for use in assessing noise impact on ecological receptors. In addition; the use of AQTAG 09 for the assessment of ecological receptors was outlined in the Expert Topic Group (ETG) meeting with the relevant stakeholders in July 2022 and no comments were received. With regards to the assessment of designated sites and Functionally Linked Land (FLLL) it is considered that this has been appropriately assessed within Chapters 26 Volume 1 and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p>
H4	<p>The locations of sound recording equipment during characterisation surveys has meant that inadequate data have been collected to assess noise disturbance to the most sensitive receptors of designated sites (Sea Bank Clay Pits SSSI, The Wash SSSI, SPA and Ramsar), or land functionally linked for mobile interest features of these sites. Therefore, Natural England has concerns with the adequacy of the noise models and consequently the impact assessments for noise disturbance.</p>	<p>Natural England advises that the Applicant supplies further information to provide the necessary confidence in the noise impact assessment. And, going forwards, the Applicant must undertake pre-construction surveys at appropriate locations to measure baseline noise at designated sites and any functionally linked land to ensure that the assessments remain fit for purpose.</p>	<p>As outlined in the response to comment NE Ref H3 the AQTAG 09 guidance was utilised for the assessment of construction noise on designated sites. This guidance recommends absolute noise limits and therefore baseline sound surveys at the ecological receptors were not undertaken. With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With reference to the request for pre-construction surveys as the assessments within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077] are based on absolute noise limits from the AQTAG09 guidance and the IECS study respectively; it is considered that these are not necessary and as there is no approved guidance on how different species react to changes in noise levels and it is unclear how these baseline levels would be assessed or utilised. Baseline noise data at designated sites is therefore not required in order to reach a conclusion on the likely significant effects of noise upon ecological receptors. As mentioned above, the use of AQTAG 09 for the assessment of ecological receptors was outlined and consulted at scoping and in the Expert Topic Group (ETG) meeting with the relevant stakeholders in July 2022 and no comments were received.</p>
H5	<p>The Noise and Vibration Management Plan (NVMP) is yet to be finalised.</p>	<p>Natural England advises the NVMP is updated based on evidence collected through the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) assessments and targeted accordingly. Natural England cannot form a position on the proposed impacts until the additional baseline data and assessments requested in this response have been presented.</p>	<p>The NVMP will be updated following detailed design with specific mitigation details for noise sensitive receptors, both human and ecological, which will reduce any impacts to a worst-case level of effect of 'Temporary Minor Adverse'.</p> <p>As described in response to comment NE Ref H2 and NE Ref H3 it is considered that the assessment of designated sites and FLL has been appropriately assessed and additional baseline data would not alter the conclusions of the ecological receptor assessment.</p>

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<b>Pollution Control</b>			
H6	Designated sites and their features are not specifically considered regarding a potential pollution event from trenchless drilling.	Natural England advises that Sea Bank Clay Pits SSSI and its features are included as sensitive ecological receptors in the final Pollution Prevention and Emergency Incident Response Plan (PPEIRP) risk assessment with regards to the use of drilling fluid. We would expect to see a specific bentonite 'frack-out' management plan.	As presented in Section 2.2 of the PPEIRP (APP-272), the Applicant has provided preliminary measures that would be followed in the event of a bentonite frack-out. This document is presented in outline at this stage, prior to the appointment of a Principal Contractor. At the point the Principal Contractor is appointed, they will be responsible for producing the final PPEIRP which will include further details about management of bentonite frack-out, including at Sea Bank Clay Pits SSSI.
<b>Hydrology and Landfall</b>			
H7	Natural England welcomes the consideration of potential impacts upon hydrological interest features of Sea Bank Clay Pits SSSI and concurs with the conclusion that the only potential pathway between the Project and Sea Bank Clay Pits SSSI is if the clay pits encountered the sand and gravel horizon identified in nearby BGS logs and that this horizon also extends to the HDD location. Natural England considers the proposed monitoring and mitigation approach to be suitable in avoiding any potential adverse hydrological effects to Sea Bank Clay Pits SSSI.	Natural England recommends that details of mitigation measures should be provided and secured within a named plan. The commitment to the monitoring of Sea Bank Clay Pits SSSI in the event of dewatering must also be secured within the DCO. However, Natural England queries how mitigation measures will be secured and implemented if monitoring shows the impacts are greater than predicted?	An updated version of the OCoCP (document 8.1 (Version 2)) has been submitted with this response (19 <sup>th</sup> September 2024) securing construction stage water monitoring through committing to a pre-construction 'Water Quality Monitoring and Mitigation Plan' that would describe the regime for pre-construction and construction monitoring of private water supplies and other locations (including Sea Bank Clay Pits SSSI). This also details mitigation measures in the event of any impacts being identified during construction. The draft DCO has been updated (3.1 Draft Development Consent Order (Version 3)) to secure that a Water Quality Monitoring and Mitigation Plan forms a part of the Code of Construction Practice to be submitted for approval pursuant to DCO Requirement 18.
H8	The landfall location at Anderby Creek, just North of Wolla Bank SSSI, has already experienced unforeseen complications and impacts from horizontal directional drilling operations during the Triton Knoll windfarm installation.	Natural England advises that a more detailed plan of landfall construction methodology should be defined and submitted into examination.	The installation works at the landfall will consider lessons learned from Triton Knoll. For example, to ensure similar complications are not encountered the Project have identified the need for the placement of a temporary steel casing pipe at the launch point down to the competent ground as well as the management of the drills in relation tidal movement.  The Applicant has undertaken pre-construction ground investigations in July 2024 to avoid unforeseen direct or indirect impacts on Chapel Point to Wolla Bank SSSI. Further details on Frac-Out management are included in Section 2.3 of the Outline CoCP [APP-272].
<b>Land Use and Soils</b>			
H9	National Planning Policy Framework (NPPF) 181 and associated footnote 62 have not been included within the list of policies considered during the assessment of impacts to land use receptors. This framework ensures that, where significant development of agricultural land is necessary, the focus of decision makers is on the preference for poorer quality land in the first instance.	Natural England advises that acknowledgement of NPPF 181 and footnote 62 and the implications for this are included within the relevant environmental impact assessment (EIA) chapter.	The chapter did not make explicit reference to NPPF 181 and footnote 62, however it has referred to the Overarching NPS for Energy (EN-1) paragraph 5.11.34. NPPF 181 and footnote 62 require the same considerations as regards agricultural land as the Secretary of State detailed in paragraph 5.11.34 of the Overarching NPS for Energy (EN-1) and have been considered within Chapter 25 Land Use [APP-080] of the ES.
H10	The Applicant has not provided a detailed assessment of the Agricultural Land Classification (ALC) or soil function testing along the order limits to inform the route selection and the outline soil management plan. There is also a requirement to identify areas of deep peat and peaty soils which are known in the area. Without detailed site-	Natural England advises the ES is updated to present further site specific information on detailed and semi-detailed Agricultural Land Classification and soil function surveys. This should include a breakdown of the ALC grades (area, %) in relation to the application site boundary and include ALC and soil data for the cable route and areas of permanent infrastructure and habitat enhancement. A breakdown of the proposed site into disturbed and	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 [APP-080] of the ES. In the assessment the Applicant has classified all of the Grade 3 land as Grade 3a land, therefore qualifying as Best Most Versatile 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, 3b thereby being excluded as BMV.

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	specific soil data and ALC classification, the Applicant is unable to show how the project avoids impacting best most versatile (BMV) land	undisturbed land categories should also be included, split by ALC grade, to help illustrate the potential for impact on agricultural land grade. This site-specific detail informed through a site survey is required to assist the decision maker to reach a decision and apply the National Policy Statement for Renewable Energy Infrastructure (EN-3). See Annex 1 for further information on definitions and soil tests.	<p>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 carefully thought through soil management planning including measures pertaining to covering of excavation, storage, and remediation, the use of legumes<sup>17</sup> on excavated soil during storage effects will be mitigated.</p> <p>A review of publicly available data confirmed that no peat was present within the 'Order Limits' of the Project, as shown on Figure 23.2 Superficial Geology in Chapter 23 Geology and Ground Conditions Figures [AS1-059]. The majority of the route comprises arable farmland which, by its usage, does not contain peat.</p> <p>This would be confirmed as part of the pre-construction soil surveys. The data resulting from the surveys would be reviewed by appropriate competent experts to identify the most appropriate methods of mitigation. Any agreed management and mitigation measures for peat would then be included within the final SMP, if required.</p> <p>As stated during the Expert Topic Groups (ETGs), copies of the minutes for which have been submitted as Appendix 6.1 of the ES [APP-149], the Applicant has committed to pre-commencement ALC surveys following the MAFF (1988) guidelines and testing soils in line with the ALC guidance as well as performing nutrient analysis (British standard testing on both topsoil and subsoil) so that soils are reinstated to their previous conditions. Surveys and soil management practices that will be carried out post-consent will be carried out in accordance with the final Soil Management Plan (SMP) to be submitted and approved pursuant to Requirement 18 of the draft DCO and which must accord with the outline Soil Management Plan (document 8.1.3 (Version 2))</p> <p>The SMP will set out the good practice for surveys and soil management practices to avoid significant adverse effects on soil resources. Pre-commencement is considered the most appropriate time for ALC and soil condition surveys 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. 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.</p>
H11	The Applicant has committed to handling soils in dry and friable condition without detail on how this will be achieved.	Natural England advises that the Applicant commits to including the Institute of Quarrying's <a href="#">Good Practice Guide for Handling Soils in Mineral Working</a> and associated rainfall protocols. We further advise that construction work is avoided between October and March inclusive to reduce the impact of soil erosion. These measures should be secured within the DCO via the Soil Management Plan (SMP) [APP-271].	<p>The Outline SMP [APP-271] does refer to IoQ Guidance and rainfall protocols (paras 47-49). Protocols during adverse weather are set out in paras 47 – 49. Methods for determining soil wetness and suitability are detailed in paras 50-53, specific methodology will be provided in the final SMP. This is considered more appropriate for managing works rather than blanket restrictions based on time of year, which do not take into account weather conditions and ground conditions.</p> <p>The Project has also committed to a 'winter working agreement' (as per table 22.7 of Chapter 22 Onshore Ornithology [APP-077], whereby open trenching works will primarily be confined to the summer months and no trenching is expected during November to February. Additionally, during October to March, soil handling works will be reduced and will only take place where ground conditions are suitable.</p>

<sup>17</sup> This practice ensures the soils retain their nutrient value.  
 Applicant's Responses to Written Questions  
 Document Reference: 15.3

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			Regarding the management plans provided by the Applicant outlining mitigation, both the Outline SMP [APP-271] and the Outline Code of Construction Practice (CoCP) [APP-268] were prepared with and provided following consultation with the Land Interest Group (LIG).
H12	Further detail within the Outline SMP is required on land use and soil management and restoration techniques.	Specifically, Natural England is seeking further commitment on the following within the Outline SMP [APP-271]: The type of machinery used for land works. Topsoil and Subsoil handling and storage. Parameters used for establishing successful restoration of soil profiles. Use of a decompaction strategy to minimise decompaction from heavy plant vehicles and ensure that post works recovery reflects the level of impact occurring.	Specific methodology will be provided in the final SMP along with the final CoCP as set out in paragraphs 8-11 in the Outline SMP [APP-271]. The methodology requires the ALC surveys and detailed construction design to determine machinery, soil specific methods etc. Location-specific construction method statements will accompany the final SMP. 'Locations' will be determined by the contractor and/or the Soil Clerk of Works (SCoW) (paragraph 10 of the Outline SMP [APP-271]) depending upon factors such as, but not limited to, the works to be undertaken, the machinery to be used, soil types and results of any additional survey works, and site constraints (for example, depth to water table, or ecological constraints). As per the Outline SMP, the handling of soils will be undertaken following Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) and Institute of Quarrying's 'Good Practice Guide for Handling Soils (2021)' (this replaced the Defra's 'Good Practice for Handling Soils'. Published in 2000) guidance as well as committing to the monitoring of the works to allow further ongoing advice on soil handling (paragraph 11 of the Outline SMP [APP-271]) with the most appropriate method for the handling and storage of the soils to be agreed via the final SMP based upon their plasticity and moisture content (paragraph 53 of the Outline SMP [APP-271]). Section 5 of the Outline SMP sets out the broad measures proposed for the management of soils, including: <ul style="list-style-type: none"> <li>▪ Guidance to be followed to minimise the risk of degradation to the soils during all soil handling;</li> <li>▪ Management of 'running sand';</li> <li>▪ Processes for adverse weather conditions;</li> <li>▪ Determination of soil moisture levels;</li> <li>▪ Site preparation;</li> <li>▪ Minimising impacts on drainage;</li> <li>▪ Procedures for soil stripping and storage;</li> <li>▪ Soil stockpile maintenance; and</li> <li>▪ Procedures for the reinstatement and aftercare of the soils, as well as additional monitoring.</li> </ul> As per section 5.10 of the Outline SMP [APP-271], the successful reinstatement of the soils will be primarily achieved by ensuring that the full soil profile is reinstated in the correct sequence of horizons and as close to the pre-construction condition as possible, as well as ensuring good soils profile drainage and plant root development are achieved. As per paragraph 89 of the Outline SMP [APP-271], the specifications for reinstated soil profiles are to be determined on a location-by-location basis using the soil survey data and set out in location-specific construction method statements. The SCoW will be responsible for verifying that the soil profile been reinstated, as much as practicable to do so, to a condition when last used for agriculture (table 2 of the Outline SMP [APP-271]). The Outline SMP [APP-271] proposes methods to avoid the compaction of soil throughout including: Usage of low ground pressure and tracked vehicles (para 39 [APP-271]); Usage of long reach excavators (para 40 [APP-271]); Limited mechanised handling of highly vulnerable soils during wet periods (para 47 [APP-271]); Only handling soils when dry and friable (para 50 [APP-271]);

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			<p>Ripping of subsoil and topsoil post-reinstatement (para 65 [APP-271]);</p> <p>Maximum heights of soil bunds (para 76 [APP-271]);</p> <p>Subsoil decompaction and preparation prior to topsoil reinstatement (para 88 [APP-271]); and</p> <p>Ongoing monitoring via annual aftercare reports (table 2 [APP-271]).</p>
H13	<p>Natural England welcomes the commitment to secure a decommissioning plan within the DCO. However, the commitments require further detail on restoration of land use as it was prior to development.</p>	<p>Natural England requests that the restoration of land to its original condition and ALC grade is included within this commitment. Furthermore, Natural England requests that the Applicant commits to decommissioning sooner than the proposed 35-year operational phase, should the infrastructure no longer be required before this time.</p>	<p>The Outline SMP [APP-271] (Section 5.10) outlines the reinstatement objectives and agreed practices and states the main objectives for the reinstatement of the land will be to restore it to its pre-development quality as far as is reasonably practicable, as determined by the information obtained during the pre-construction soils survey and agreed with the landowner. Soil reinstatement methods will be designed to achieve soil profiles as close to the original (pre-construction) as possible and land will be reinstated as soon as reasonably practical after completion of the construction works.</p> <p>Where soil is to be stored for over 6 months it will be covered or sown over the top and sides with an agreed seed mix to protect the soil against erosion, minimise soil nutrient loss, and maintain soil biological activity.</p> <p>T Decommissioning Plan, to be submitted and approved under Requirement 24 of the draft DCO shortly after permanent cessation of operations, will confirm the detail of restoration required which will include the restoration of land to its original ALC Grade upon the completion of the Project's decommissioning, where practicable. The Decommissioning Plan will secure the timing of the restoration works and if the Applicant sought to decommission earlier than the 35-years, the Applicant would need to develop a Decommissioning Plan that would agree to the timescales and the restoration measures required at the time.</p> <p>The applicant aims to return soils to the condition to that of being removed. It is not possible to say that the land will be returned to the same ALC grade in 35-years' time, this assumption would require the methodology for ALC assessment to remain the same (currently MAFF 1988 guidance), with no updates to climate data sets.</p>
Protected Species Licencing			
H14	<p>Natural England notes that, for several species which may fall under the requirement of a European Protected Species (EPS) licence, the Applicant's approach is to utilise pre-commencement and pre-construction surveys to determine whether a licence would be required and apply for this post consent.</p>	<p>Whilst the responsibility for establishing the need for a licence falls to the Applicant. The Applicant should seek to provide the Examining Authority with confidence that Natural England, as the statutory licensing authority, has considered appropriate issues relating to protected species. Natural England cannot provide a position on the likelihood of a licence being granted without having reviewed a draft licence application and/or seen relevant supporting evidence as part of the consenting process.</p>	<p>The Applicant has drafted licence applications in respect of great crested newt (GCN) and water vole, which have been submitted to Natural England with the aim of obtaining LoNIs prior to the examination.</p> <p>The draft licences are based on the current ecological baseline, but this is likely to change, particularly for very mobile species such as badger. Therefore, pre-construction surveys are necessary to ensure any new ecological features are recorded, impacts are considered, and licensed accordingly.</p>
H15	<p>Currently the information that has been supplied to Natural England is not sufficient to enable us to issue a Letter of No Impediment (LoNI) or to allow us to make an assessment as to whether there are issues to addressed within a draft licence. Full draft licence applications have not yet been submitted to Natural England, as is the procedure, to allow LoNIs to be issued.</p> <p>The baseline data with respect to GCN, badger, water vole, and otters would appear to be sufficient to enable the applicant to submit draft species mitigation licences, if the Applicant</p>	<p>Natural England is unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application. It should also be noted that Natural England are unable to comment on the need for a licence, this responsibility falls to the Applicant.</p> <p>The Applicant should present full draft licence applications to the Natural England Wildlife Licencing Service (NEWLS) for each of the species it deems it would require a licence for as soon as possible. The Applicant and the planning inspectorate should be aware that, assuming Natural England require no further clarifications upon receipt of the full draft licence applications, there is a 30-working day turnaround time for issuing LoNI to projects.</p>	<p>The Applicant has engaged with the Natural England Wildlife Licensing Service (NEWLS) via the Pre-Submission Screening Service and recognises the need for Letters of No Impediment. In order to obtain a LoNI, the Applicant has submitted full draft licence applications.</p> <p>A detailed survey of badger setts was carried out in August 2024 to gather further, up to date information and confirmed that a badger licence would not be required.</p> <p>Assuming there are no significant delays to Natural England's review, the issue of the GCN LoNI is anticipated 30 days after the submission of the draft licence applications which were made in early September 2024.</p> <p>Based on current information it is the Applicant's assessment that a licence in respect of bats, badgers and otter is not required.</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>determines that licences are deemed to be required for these species.</p> <p>For bat species the mitigation hierarchy has been adhered to and the impacts to trees that provide roosting potential for bats have been mitigated by the either trenchless drilling or retaining the trees / features. Should this change and the trees fall within the direct impact zone then additional surveys will need to be conducted in line with current best practice guidelines.</p>		

### 1.45.9.2 Air Quality Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Environmental Impact Assessment: Air Quality – Documents Used:</p> <p>[APP-074] 6.1.19 Chapter 19 Onshore Air Quality</p> <p>[APP-109] 6.2.19 Chapter 19 Onshore Air Quality Figures</p> <p>[APP-176] 6.3.19.1 Chapter 19 Appendix 1 Construction Phase Dust Assessment Methodology</p> <p>[APP-177] 6.3.19.2 Chapter 19 Appendix 2 Non-Road Mobile Machinery Emissions Assessment</p> <p>[APP-179] 6.3.19.4 Chapter 19 Appendix 4 Road Traffic Dispersion Modelling</p> <p>[APP-270] 8.1.2 Outline Air Quality Management Plan</p>			
<p>Identified Impacts and Methodology</p>			
<p>H16</p>	<p>6.1.19 - Section 19.4.1 19.7.1.1 &amp; 6.3.19.</p> <p>Study Area:</p> <p>Natural England notes and agrees with the defining of the study area for assessing air quality impacts to nationally and internationally designated sites from road traffic emissions, Non- Road Mobile Machinery (NRMM) emissions and vessel emissions.</p> <p>When assessing construction dust impacts to designated sites, Natural England use a 200m buffer to assess impacts from construction dust to designated sites which considers the possibility of intermediate sized particles deposited at this distance (DETR, 2000).</p> <p><i>The project has used smaller buffers of 50m and 20m, which may not be sufficiently large to capture impacts to designated sites from dust falling onto plants, which can physically smother leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata, cause toxicity issues (caused by heavy metal particles) and changes in pH (particularly if the dust is alkaline, e.g. cement dust). Lichens can also be directly affected by dust (shading, chemical effects) or by changes in bark chemistry.</i></p>	<p>Natural England advises using a precautionary 200m buffer for assessment of construction dust impacts to nationally and internationally designated site. This assessment should then be used to inform appropriate mitigation for designated sites from construction dust, presented in the Outline Air Quality Management Plan (OAQMP) [8.1.2].</p>	<p>See H1.</p>
<p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>			
<p>H17</p>	<p>8.1.2</p> <p>Construction Dust and Non-Road Mobile Machinery Emission Mitigation</p> <p><i>Natural England agrees with measures outlined in the Outline AQMP [APP-270] to mitigate for construction dust and NRMM emission impacts to designated sites.</i></p>	<p>Natural England recommends these mitigation measures are informed by the assessment outlined above to appropriately target mitigation where it is needed and based on the evidence collected.</p>	<p>See H1.</p> <p>The construction dust controls are proposed within the Air Quality Management Plan [APP-270] which forms part of the Outline CoCP [APP-268].</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
		Natural England advises the OAQMP is secured by an appropriate requirement within the DCO.	<p>The Outline CoCP sets out the general principles and management measures to be adopted during construction of the Onshore Infrastructure associated with the Project.</p> <p>A final CoCP will be produced and submitted to the relevant planning authority for approval prior to construction of the onshore infrastructure and will be in accordance with the principles established in this Outline CoCP. This is secured by Requirement 18 of the draft DCO (document 3.1, version 3).</p> <p>The final CoCP will provide the mechanism to assure relevant regulatory authorities that environmental impacts associated with the construction of the Onshore Infrastructure will be controlled and mitigated.</p>

### 1.45.9.3 Geology & Ground Conditions - Detailed Advice and Recommendations -

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p><b>Environmental Impact Assessment: Geology and Ground Conditions - Documents Used:</b>            [APP-078] 6.1.23 Chapter 23 Geology and Ground Conditions            [APP-114] 6.2.23 Chapter 23 Geology and Ground Conditions Figures</p>			
<p><b>Baseline Characterisation Data</b></p>			
H18	<p>6.1.23 - Section 23.4.2, Table 23.3            The appropriate sources have been used to identify geological designations and available baseline data relevant to the assessment.</p>	No further advise on this issue to be provided during examination.	Noted.
<p><b>Methodology</b></p>			
H19	<p>6.1.23 - Section 23.5.1, Para. 315            Natural England notes that the assessment of impacts on designated sites with geological features of interest have only been scoped in for the construction phase of the project. The impact on designated sites has not been accounted for at the operation and maintenance or decommissioning stages of the project. It is acknowledged that the key source of impact to the features of this site would be Horizontal Directional Drilling during construction.</p>	Further clarity should be included regarding the absence of impacts during the operation and maintenance phase, during cable repair and during decommissioning phase so that this can be reviewed.	<p>The methodology and scope of the assessment was set out in the ETG meeting in March 2023, where designated sites were shown to be scoped in to the Construction Phase and scoped out of O&amp;M and Decommissioning. No comments or objections were received from stakeholders, therefore the assessment was progressed as set out in the ETG.</p> <p>Paragraphs 371 to 378 of ES Chapter 23 (APP-078) assesses the impact on designated sites (where present) during the construction phase (impact 5) and is considered minor adverse. Paragraphs 390 to 392 addresses operational impacts on geology/ground conditions, and includes associated longer term risks to human and environmental receptors (impact 3), which is considered negligible impact. The term environmental receptors includes designated sites.</p> <p>With regard to the decommissioning phase, the risks to designated sites from decommissioning will be similar to those assessed for the construction phase. Good practice measures (similar to those identified within the outline CoCP) would be employed during decommissioning. A decommissioning plan will be approved by the relevant planning authority (in consultation with the relevant highway authority and the relevant statutory nature conservation body) prior to decommissioning (as secured by Requirement 24 of the draft DCO (document 3.1, Version 3)).</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			397. The sensitivity of the receptor is major, and the magnitude is deemed to be negligible. The effect would therefore be minor adverse, which is not significant in EIA terms.
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
H20	<p>6.1.23 - Section 23.5.1, Para. 315</p> <p>Natural England welcomes the refinement of the project boundary. Subsequently Chapel Point to Wolla Bank SSSI is now outside of the project boundary. We note and agree the following statement:            'Where the project makes landfall, it will no longer cross under the SSSI. The SSSI has therefore been mitigated against by avoidance'.            Natural England note and welcome the avoidance of the direct use of HDD directly below the SSSI given the site's designation.</p>	No further advice on this issue will be provided during examination.	Noted.
H21	<p>6.1.23 - Section 23.7.1.4 Para. 375</p> <p>The Applicant states that damage to the coastal landforms and designated features are unlikely because trenchless methods follow a parabolic profile under the beach and generally are up to 15m below the surface with no risk of erosion exposure. However, no detailed site investigation to confirm the ground conditions and final detailed design has been undertaken to date.</p>	As per Natural England advice on Coastal Processes (Appendix B Point 23) Natural England advises that ideally ground investigation works are undertaken at landfall to inform the consent process, especially given the sink holes and requirement for extra cable protection that occurred during the installation of Triton Knoll. We advise as a minimum that it should be demonstrated that lessons have been learnt from Triton Knol and preconstruction ground investigations are secured via inclusion within the outline CoCP or Works Plans to avoid unforeseen direct or indirect impacts to Chapel Point to Wolla Bank SSSI.	Please refer to the Applicant's response to H8.
H22	<p>6.1.23 - Section 23.7.1.4 Para. 376</p> <p>We note the Applicant's proposal for detailed construction plans in the areas where the Project passes through areas of potentially high sensitivity, along with appropriate pollution management controls, to maintain the integrity of the area. We also note plans to mark out the site boundary in areas where the Project is near designated sites, to avoid or reduce disturbance from construction activities.</p>	<p>Natural England recommends these mitigation measures are set out within the outline CoCP, which is secured by DCO Requirement 18.</p> <p>Plus, any pollution management plans are provided in outline as part of the consenting process.</p>	<p>The Outline CoCP [App-268] confirms that Construction Method Statements will be provided for each phase of the works as part of the final CoCP (para 21). These will be prepared by the Principal Contractor and the method statements will follow industry good practice guidance. The Outline CoCP sets out the following mitigation measures to protect the environment and areas of high sensitivity, including:            Construction activities will be monitored by an Environmental Clerk of Works (ECOW) (para 18) to safeguard the environment.            Site inductions will include among many other aspects, information on (para 44):            land management and sensitivities            boundaries and demarcations            importance of pollution prevention measures.            All temporary and permanent working areas of the onshore ECC, compounds and the OnSS site will be clearly demarcated and secured with appropriate fencing. Details of temporary and permanent fencing will be submitted to the relevant planning authority for approval prior to construction and will include fencing along the length of the onshore cable route and works areas (Para 51). A Contaminated Land and Groundwater Plan will be prepared as part of the construction documentation (para 55).            Pollution management controls are set out in Outline CoCP [App-268] Section 5.11 and within the Outline Pollution Prevention and Emergency Incident Response Plan [App-272]. The outline controls including:</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p>prevention of spillages and storage of fuel, chemical and hazardous substances (para 18 - 23)</p> <p>delivery and dispensing of materials on site (para 24).</p> <p>use of vehicles (para 26)</p> <p>prevention of release of sediments (para 27)</p> <p>frac-out management (Section 2.3)</p>
<b>Assessment Conclusion</b>			
H23	<p>6.1.23 Tab 23.25</p> <p>Subject to the implementation of the Construction Environmental Management Plan (CEMP), and securing of items noted above, Natural England agrees with the EIA assessment conclusions.</p>	N/A	Noted. The Applicant considers this Risk RAG was intended to be green.

#### 1.45.9.4 Hydrology, Hydrogeology and Flood Risk - Detailed Advice and Recommendations -

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Environmental Impact Assessment: Hydrology – Documents Used:</p> <p>[APP-079] 6.1.24 Chapter 24 Hydrology Hydrogeology and Flood Risk</p> <p>[APP-115] 6.2.24 Chapter 24 Hydrology Hydrogeology and Flood Risk Figures</p> <p>[APP-210] 6.3.24.1 Chapter 24 Appendix 1 Groundwater Risk Assessment</p> <p>[APP-273] 8.1.5 Outline Surface Water Drainage Strategy</p> <p>[APP-286] 8.12 Outline Operational Drainage Management Plan</p>			
<b>Baseline Data</b>			
H24	<p>6.1.24 – Section 24.4.2</p> <p>The appropriate sources have been used to identify geological designations and available baseline data relevant to the assessment.</p>	No further advice will be provided on this issue during examination.	Noted.
<b>Have the impacts been avoided/reduced by the use of appropriate mitigation?</b>			
H25	<p>6.1.24 Appendix 24.1 Section 24.7.3.6</p> <p>Natural England welcomes the consideration of potential impacts upon Sea Bank Clay Pits SSSI and concurs with the conclusion that the only potential pathway between the Project and Sea Bank Clay Pits SSSI is if the clay pits encountered the sand and gravel horizon identified in nearby BGS logs and that horizon also extend to the HDD location.</p> <p>The precautionary approach to this impact is also welcomed, whereby in the event the HDD works encounter groundwater and require dewatering, then additional monitoring will be implemented, and in the unlikely event that a notable drop in water levels or flows is recorded at the SSSI the dewatering would be ceased until appropriate assessment of impact or suitable mitigation can be put into place.</p>	<p>At present, no details of suitable mitigation for this effect, should it occur, have been identified further than 'changing the method of working' or 'providing a replacement water supply'.</p> <p>Natural England advises that details of these backup mitigation measures are agreed with the LPA/MMO in consultation with NE prior to construction and that this is secured in the CoCP prior to consent.</p>	<p>See the response to H7.</p> <p>The final CoCP will include further details on the mitigation measures proposed once detailed design of the landfall is undertaken which will have been designed and agreed with the relevant consultees, as per DCO Requirement 18 (document 3.1, Version 3).</p>
H26	<p>6.3.24.1 Section. 24.7.4.1 and 24.7.4.2</p> <p>Monitoring and Mitigation: Natural England considers the proposed monitoring and mitigation approach to be suitable in avoiding any potential adverse hydrological effects to Sea Bank Clay Pits SSSI.</p>	The commitment to the monitoring of Sea Bank Clay Pits SSSI during construction to avoid dewatering must be secured within the DCO via the appropriate named plan.	See the response to H7.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<b>Assessment Conclusions</b>			
H27	<p>It is noted within Table 24.9 that Sea Bank Clay Pits SSSI is the only identified site which is potentially influenced by groundwater. We welcome the consideration of the site's notified features as well as consideration of the potential influence of elevated groundwater levels in basal heave/inflows to pits.</p> <p>In terms of hydrology, Natural England notes and agree with the conclusions that the potential significance of effects to the Sea Bank Clay Pits SSSI is assessed as minor, however as a precautionary approach appropriate monitoring and mitigation as outlined should be adopted.</p>	As above, Natural England advises the monitoring and mitigation measures referenced above are secured within the DCO and/or a named plan.	See the response to H7.

#### 1.45.9.5 Noise & Vibration - Detailed Advice and Recommendations

NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p><b>Environmental Impact Assessment: Noise &amp; Vibration – Documents Used:</b>            [APP-082] 6.1.26 Chapter 26 Onshore Noise and Vibration            [APP-117] 6.2.26 Chapter 26 Onshore Noise and Vibration Figures            [APP-217] 6.3.26.4 Chapter 26 Appendix 4 Noise Model Outputs            [APP-269] 8.1.1 Outline Noise and Vibration Management Plan</p> <p>*Please note, comments in this section relating to the identification of impacts, mitigation measures, and assessment conclusions of noise and vibration are also relevant to the impact pathway of disturbance to overwintering bird species which are features of designated sites along the Yorkshire, Lincolnshire and Norfolk coasts. Natural England's advice relating to Onshore Ornithology (including overwintering bird features) is provided separately in Appendix I). Natural England's advice within this section and Appendix I should be considered together.</p>			
<b>Identified Impacts</b>			
H28	<p>6.1.26 - Section. 26.7.6, Para. 278</p> <p>Sea Bank Clay Pits Site of Special Scientific Interest (SSSI) has not been included in the analysis. Part of the site's citation is for its assemblages of breeding, passage and overwintering birds. As such these interest features have the potential to be impacted by noise disturbance.</p>	Natural England advises Sea Bank Clay Pits SSSI, and its designated assemblages of breeding, passage and overwintering birds are included in assessment of noise disturbance from construction, construction traffic and decommissioning.	As described in the response to NE comment H2 the Sea Bank Clay Pits Site of Special Scientific Interest (SSSI) is located further away from the landfall than the Anderby Nature Reserve. Therefore, the predicted noise levels from landfall construction operations would be lower at the Sea Bank Clay Pits site than at the Anderby Nature reserve, and subsequently no significant impacts are predicted, and the proposed mitigation is considered appropriate,
H29	<p>6.1.26 – Section 26.7.6</p> <p>There is limited indication that the designated sites have been assessed using the Impact Risk Zones (IRZs) available on Defra's Magic Maps in the noise impact assessment. These can be used to review designated features of designated sites, in relation to a specific development activity. This includes important areas of functionally linked land (FLL), which have not been assessed along the export cable corridor (ECC). Please also see our advice in Appendix I (Onshore Ornithology).</p>	Natural England advises the IRZs are used to flag any sections of the Project that have potential to disturb the designated features of nationally designated sites from construction, construction traffic and decommissioning noise pollution. This includes functionally land. Projects and species specific data should then be used to refine impacts assessments and inform mitigation measures.	<p>Regarding the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With regards to the use of IRZ, theses, do not specifically identify areas of known FLL, as the attributes information associated with the IRZs available on MAGIC<sup>2</sup> only details where different types of development may result in an impact to the relevant SSSI; it does not specify whether or not the land has been identified as being FLL. Instead the Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying and notified bird species</p> <p><sup>2</sup> <a href="https://magic.defra.gov.uk/">https://magic.defra.gov.uk/</a> (accessed 01.08.2024)</p>

NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
H30	<p>6.1.26 – Section 26.7.6</p> <p>The Wash Special Protection Area (SPA) is not listed as a designated site with potential to be impacted by noise.</p>	<p>Natural England advises The Wash SPA and its designated breeding and non-breeding birds are included in assessment of noise disturbance from construction, construction traffic and decommissioning. This should include any FLL. Please also refer to our advice in Appendix I.</p>	<p>The Wash SPA co-located with The Wash SSSI which has been considered within Paragraphs 289 to 293 of ES Chapter 26 [APP-081]. Suitable mitigation measures will be included within the final NVMP secured by Requirement 18 of the draft DCO and which must accord with the outline noise and vibration management plan (APP-269).</p> <p>to reduce the identified impacts from construction noise, as stated in Paragraph 291. In addition, Paragraph 293 states “It also should be noted that with reference to Section 22.8.1.3 of Chapter 22: Onshore Ornithology (document reference 6.1.22) additional mitigation has been specified comprising of a seasonal restriction to construction activity, to avoid works during the period of October to March inclusive within 400m of The Wash SPA and Ramsar”. This mitigation has been further developed in the Applicant’s recent submission “Addendum Winter Bird Survey 2023-2024”[AS1-108]18, which states “Data from the additional visit in April 2024 indicates that brent geese are still present at a notable abundance in this month and therefore works within 400m of the Haven, as illustrated in Figure 52, during April will be limited to soft start works”.</p> <p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p>
H31	<p>6.1.26 – Section 26.7.6</p> <p>The designated bird features of The Wash SSSI, SPA and Ramsar impacted by noise pollution, i.e. listed breeding and non-breeding birds, and assemblages of breeding and non-breeding birds, have not been specifically identified and assessed. It is important to consider the specified designated features in the analysis as they have differing habitats, behaviours and thresholds to noise disturbance.</p>	<p>Natural England advises the designated features of sites are included in assessment for their unique characteristics and impacts from noise pollution. This should include any FLL. Please also refer to our advice in Appendix I.</p>	<p>With regards to the assessment of designated sites with unique characteristics and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p>
<b>Methodology</b>			
H32	<p>6.1.26 – Section 26.2.5.1</p> <p>Using the minimum compliance thresholds identified in the ABC Method (British Standard 5228:2009+A1:2014) does not account for the differing disturbance impacts to designated bird and mammal features of designated sites from differing noise level, duration and type. Applying a standard threshold to all ecological receptors at all locations does not account for time of year, type of behaviour at a particular location (e.g. foraging, breeding etc.), habituation to certain noises, impacts affecting behaviour such as cold weather etc.</p> <p>Caution should be exercised when attempting to define a threshold based on noise levels alone. Other factors such as noise peakiness, including rise time of a noise signal, and the frequency content of the noise source, should also be expected to affect bird behaviour.</p> <p>There is no definitive guidance on noise disturbance levels for birds, though there are research papers available. Noise levels arising from construction work between 50dB and 70dB have been used as an acceptable threshold in other situations (Cutts et al, 2009). These thresholds arise from the Institute of Estuarine and Coastal Studies (IECS) work on the Humber</p>	<p>Natural England advises the Applicant provides an assessment of the designated bird and mammal species impacts from differing noise level, duration and type to their specific thresholds of noise disturbance including a rationale for any concluded absence of impacts. When assessing Natural England advises the Applicant considers the full picture. Including what species will be using land at the location for? Are there any seasonal changes that mean supporting habitat is more valuable at a certain time period? How will differing noise type affect them at the location? From this assessment is the proposed threshold suitable? And what</p>	<p>It must be noted that thresholds identified within BS 5228-1 are not used in assessments of noise impact on ecological receptors. A threshold for the onset of potential noise impact, which would then warrant further assessment, has been used based on the AQTAG 09 guidance. This documents states that levels below 55 dB <math>L_{Aeq,1hr}</math> and 80 dB <math>L_{Amax(F)}</math> are “considered at this time unlikely [to have] an adverse impact on designated species”. As previously described in response to NE comment H2 and H3 the use of AQTAG 09 for the assessment of ecological receptors was included in the official scoping report and outlined within the relevant ETG meetings and no comments were received.</p> <p>With regards to assessing the ‘full picture’ which includes such variables as different species and seasonal changes this is included within Section</p>

<sup>18</sup> Document Reference 13.2. July 2024. Outer Dowsing Offshore Wind. Response to Section 51 Advice. Addendum: Winter Bird Survey 2023/24.

NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>Estuary. This work is helpful but subject to limitations and dependant on site specific situations. The thresholds mentioned are used by the IECS toolkit for non-breeding birds. This 'Waterbird Disturbance Mitigation Toolkit Informing Estuarine Planning and Construction Project' was developed as part of an INTERREG inter-estuary exchange with other North Sea Region estuaries. It followed work which had been undertaken on the Humber Estuary in response to casework. The IECS carried out a literature review of bird disturbance and reported (in 2009) that there was little evidence available on the impacts of construction disturbance to birds. On this basis it is unclear how the specific noise and distance 'triggers' for individual species of birds were derived for the subsequent toolkit.</p> <p><i>However, the thresholds taken from the referenced Cutts et al. (2009) study, provide a useful indication of bird responses, across a range of noise levels (e.g. response likely above 50dB). This is subject to the following caveats; it is a simplistic approach, it is based in the Humber Estuary where there are already levels of noise, even relatively low noise levels might still generate moderate behavioural responses in birds (e.g. increased vigilance) which can be significant under certain circumstances (e.g. freezing weather conditions when reduced foraging efficiency can reduce survival), sudden unpredictable noises might be more disturbing than a steady noise of the same amplitude.</i></p> <p><i>Given the limitations it is not recommended that generic thresholds for noise levels which result in moderate to high disturbance of birds are used in isolation.</i></p>	<p>mitigation is needed to remain below the threshold? It is important to build a broader picture in the assessment, alongside any proposed thresholds.</p> <p>Construction noise during sensitive times of the year at sensitive locations should be restricted to within 3 dB of baseline levels to avoid significant disturbance to birds generally.</p> <p>Natural England advises that the Applicant should give further consideration to potential noise disturbance to ensure that appropriate mitigation measures are adopted and are sufficiently flexible to take account the changing environment.</p>	<p>22.8.1.3 of ES Chapter 22 [APP-077] as described in the response to NE comment Ref H2.</p> <p>With regards to the comment that states '<i>Construction noise during sensitive times of the year at sensitive locations should be restricted to within 3 dB of baseline levels to avoid significant disturbance to birds generally.</i>' It is unclear what this hypothesis is based on as no reference is provided.</p> <p>However, it must be noted that with reference to the basic principles of acoustics a 3dB change in sound levels is the minimum change that can be perceived by the human ear; however this is based on an 'A-weighted' sound level which applies an adjustment to sound measurements to reflect how noise is perceived by a human ear and therefore does not relate to different species of mammals or birds.</p> <p>It also should be noted that ES Chapter 22 [APP-077] references and utilises the IECS study and the subsequent Waterbird Disturbance Mitigation Toolkit as referenced by NE in their response (Ref: H32).</p>
H33	<p>6.1.26 – Section 26.6.5.7</p> <p>Natural England requests that the construction and operational noise impact magnitudes be reviewed in line with our comments on the use of the minimum compliance ABC Method.</p>	<p>Natural England advises the Applicant reviews the construction noise impact magnitude in terms of impacts based on thresholds of the designated features of designated ecological sites, i.e. the listed birds and mammals in their relevant spatial and temporal contexts.</p>	<p>It must be noted that thresholds identified within BS 5228-1 are not used in assessments of noise impact on ecological receptors. A threshold for the onset of potential noise impact, which would then warrant further assessment, has been used based on the AQTAG 09 guidance. This documents states that at levels below 55 dB <math>L_{Aeq,1hr}</math> and 80 dB <math>L_{Amax(F)}</math> are "considered at this time unlikely [to have] an adverse impact on designated species". As previously described in response to NE comment H2 and H3 the use of AQTAG 09 for the assessment of ecological receptors was included in the official scoping report and outlined within the relevant ETG meetings and no comments were received.</p> <p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>ES Chapter 21 [APP-076] and 8.10 OLEMS (Version 3) address potential noise disturbance impacts on otter (a qualifying feature of The Wash SAC).</p>
H34	<p>6.1.26 – Section 26.4.2</p> <p>The assessment of noise impacts from construction activities at The Landfall site to Sea Bank Clay Pits SSSI, does not adequately assess the ecological Noise Sensitive Receptors (NSRs) at this nationally designated ecological site, i.e. the breeding, wintering, and passage bird assemblages. The SSSI is &lt;150m from construction works and within the study area, so noise impacts are likely.</p>	<p>Natural England advises the Applicant collects characterisation data to ensure impacts from noise pollution can be adequately modelled and assessed for the designated features of the Sea Bank Clay Pits SSSI sensitive to noise.</p>	<p>As described in response to comment NE Ref H2, NE Ref H3 and NE Ref H4.</p>

NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	The sound monitoring location L003 is beyond the SSSI and so will not adequately assess the baseline or therefore, impacts to the designated features of the SSSI.		
H35	<p>6.1.26 – Section 26.4.3</p> <p>The assessment of noise impacts from construction activities along the ECC to The Wash SSSI, SPA and Ramsar does not adequately assess the ecological NSRs at these designated ecological sites, i.e. the breeding and non-breeding birds.</p> <p>They also do not review any land functionally linked to designated sites for the designated non-breeding birds, which are mainly pink-footed goose and Bewick's swan. At points, the ECC passes through FLL as flagged by Natural England's IRZs and so has the potential to disturb these designated features at these functional locations.</p> <p>The sound monitoring locations are not placed in areas to adequately characterise the baseline or therefore, impacts to the designated features of the designated sites, including at functionally linked land.</p>	<p>Natural England advises the Applicant collects baseline characterisation data at the designated sites and FLL to ensure impacts from noise pollution can be adequately modelled and assessed for the designated features of the SSSI, SPA and Ramsar sensitive to noise.</p>	<p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With regards to the request for baseline characterisation data, this is described in response to comment NE Ref H4.</p>
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
H36	<p>6.1.26 – Table 26.33</p> <p>Natural England welcomes the routing of the ECC, locations of Temporary Construction Compounds and Onshore Substation (OnSS) to avoid key areas of sensitivity in the first instance through project design.</p> <p>Details of acoustic mitigation are as yet undetermined. The Noise and Vibration Management Plan (NVMP) [APP-269] states that specific locations for various acoustic mitigation measures will be determined at the detailed design stage.</p> <p>We would expect those measures outlined in the NVMP and CoCP to be targeted and based on the evidence collected for the EIA and baseline, and ongoing evidence collected throughout the pre-construction, construction, and decommissioning phases to ensure impacts to sensitive designated ecological receptors are mitigated.</p> <p>In addition, the NVMP states noise mitigation measures will be monitored during construction, which is welcomed, however, monitoring of noise impacts at sensitive ecological receptor sites are not referenced.</p>	<p>Natural England considers reference should be made within the NVMP to the targeted nature of mitigation measures for potentially impacted interest features of designated sites based on collected evidence in the EIA.</p> <p>The NVMP should ensure noise pollution is monitored during construction and decommissioning phases at the sensitive ecological receptor sites with appropriate mitigation implemented to manage noise pollution impacts to these receptors.</p> <p>The NVMP and CoCP are secured by DCO Requirement 18.</p>	<p>Appropriate mitigation measures for ecological receptor sites would be included within a final Noise and Vibration Management Plan (NVMP) which is secured in Requirement 18 of the draft DCO (document 3.1, Version 3).</p> <p>With regards to the monitoring of mitigation measures and noise levels from construction operations this would include Ecological receptors where deemed necessary, subject to detailed engineering design and route refinement. All monitoring and mitigation will be in line with the OCoCP (8.1 Outline Code of Construction Practice (Version 2)) &amp; Outline NVMP [APP-269].</p>
H37	<p>6.1.26 – Section 26.7.6.2</p> <p>It is noted that within Chapter 22: Onshore Ornithology, Section 22.4.1, Para 12 [APP-077] there will be mitigation in place to avoid construction works taking place from October to March inclusive within 400m of The Wash SPA and Ramsar. As per Natural England's advice to the developer in response to a request for more information (Email direct to ODOW dated 16/11/2023). Natural England confirmed that 400m was an acceptable distance for mitigation measures but that this distance was also applicable to areas considered as FLL to designated sites.</p> <p>However, we highlight that The Wash SPA has internationally important numbers of passage and over wintering birds outside of October to March. Therefore, we advise that depending on the survey data, mitigation measures are likely to be required in certain locations from September through to the end of April. Please note that any in year seasonal restriction will need to be determined by birds present and also whether conditions.</p>	<p>Natural England advises the Applicant uses robust baseline data and protected sites IRZ to establish appropriate mitigation buffers around FLL in addition to that already proposed. And ensure that any seasonal restriction is fit purpose, The Applicant will need to ensure the identified mitigation is included in an appropriate Management Plan, such as NVMP.</p>	<p>The Applicant submitted an addendum (13.2 Addendum Winter Bird Survey 2023-2024 [AS1-108] to the ES Chapter 22 [APP-077], in their response to Section 51 advice on the 30<sup>th</sup> July. This documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. Mitigation measures have been amended following review of the season two data, specifically to extend the seasonal restriction around The Haven to include a soft start to works in April in order to minimise disturbance to dark-bellied brent geese. The updated mitigation measures have been included in an updated version of the OLEMS [AS1-103].</p>
H38	<p>6.1.26 - Section. 26.7.6.4</p> <p>The ECC crosses the River Haven at a point &lt;200m from The Wash SSSI / SPA / Ramsar and The Wash and North Norfolk Coast SAC. At this point, the Project will utilise trenchless drilling (likely to be Horizontal Directional Drilling (HDD)) to cross the waterbody. The Applicant has assessed the impacts as negligible based on the threshold limit calculated by the ABC model. There is no specific assessment of the impacts to the designated bird populations. There is also no baseline data collected for noise at the designated site. As such a conclusion on mitigation requirements</p>	<p>Natural England advises the Applicant ensures pre-construction baseline data is collected at the designated sites and associated FLL, and appropriate methodology is applied to adequately assess impacts to the designated features of the sites. Appropriate mitigation should be identified during the consented phase</p>	<p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With regards to the request for baseline characterisation data, this is described in response to comment NE Ref H4.</p>



NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	cannot be drawn from the assessment due to the lack of baseline data and methodology that is based on the minimum compliance threshold.	and included within the NVMP. This will need to be agreed upon with the Local Planning Authority (LPA) in consultation with NE prior to construction.	Appropriate mitigation measures for ecological receptor sites will be included within a final Noise and Vibration Management Plan (NVMP) which is secured as part of Requirement 18 in the draft DCO (document 3.1, Version 3). This process would involve consultation with the local LPAs and NE.
H39	<p>6.1.25, Section 26.7.6.6 &amp; Tab. 26.61</p> <p>Table 26.61 demonstrates a worked example showing stand-off distances for LAeq, 1-hour (ambient noise) and L<sub>Amax</sub> (loud, sporadic noise e.g. loud bangs). This is proposed to demonstrate how loud, sporadic activities will be mitigated through the ambient noise stand-off distances, which are larger. The worked example is not modelled to demonstrate this mitigation is effective in managing loud and sporadic noise impacts at designated sites.</p>	Natural England advises modelling is provided at the consenting phase to demonstrate that the stand-off distances imposed for the LAeq, 1-hour limit are adequate at mitigating activities within the L <sub>Amax</sub> limit at designated sites and any functionally linked land.	<p>The purpose of Table 26.61 is to demonstrate that the standoff distance to achieve the L<sub>Amax</sub> limit contained in AQTAG09 is shorter than to achieve the L<sub>Aeq, 1-hour</sub> limit contained in AQTAG09, and this has been proven with the use of a noise model and the assumptions described in Paragraphs 310 and 311 of ES Chapter 26 [APP-081].</p> <p>Therefore, the standoff distance of 140m which applies to where the L<sub>Aeq, 1-hour</sub> limit is met, would be adequate to mitigate the noise from L<sub>Amax</sub> levels to a level below the L<sub>Amax</sub> level. Based on the calculation undertaken the standoff distance to where the L<sub>Amax</sub> limit is met is 30m (110m less than the standoff distance associated with the L<sub>Aeq, 1-hour</sub> limit).</p> <p>However as stated in Paragraph 285 of ES Chapter 26 [APP-081], it must be noted that as there is limited published data regarding the maximum (L<sub>Amax</sub>) noise levels from plant the predicted maximum noise levels should be treated with a degree of caution. The assumptions used to establish the maximum (L<sub>Amax</sub>) noise levels from plant are described in Paragraph 282 of ES Chapter 26 [APP-081] and ensure the assessment is robust.</p>
<b>Assessment Conclusion</b>			
H40	<p>6.1.26 - Section 26.7.6.3 /4</p> <p>Natural England cannot agree with the conclusion of noise disturbance for both minor and major drill noise at designated sites. This conclusion is based on the noise threshold limit generated from the ABC Model. It does not review impacts to the specific bird species adequately. As such we cannot assess the impacts from noise disturbance to designated sites from the data provided.</p>	Natural England advises the Applicant uses adequate modelling to assess impacts to designated birds at designated sites and FLL. This will allow conclusions to be drawn from sound data.	<p>It must be noted that thresholds identified within BS 5228-1 are not used in assessments of noise impact on ecological receptors. A threshold for the onset of potential noise impact, which would then warrant further assessment, has been used based on the AQTAG 09 guidance. This document states that levels below 55 dB L<sub>Aeq,1hr</sub> and 80 dB L<sub>Amax(F)</sub> are "considered at this time unlikely [to have] an adverse impact on designated species".</p> <p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p>
H41	<p>6.1.26 – Section 26.7.9.2</p> <p>No assessment of the inter-relation between landfall and ECC construction works has been conducted for Sea Bank Clay Pits SSSI. As such no conclusion can be drawn on impacts to the designated site.</p>	Natural England advises Sea Bank Clay Pits SSSI is included in the assessment of inter-relation between the landfall and ECC.	With regards to the Sea Bank Clay Pits SSSI this is located further away from the Landfall construction areas assessed than the Anderby Nature Reserve, the predicted level of effect from the inter-relation of Landfall and ECC construction noise within the Anderby Nature Reserve is not significant as stated in Paragraph 398 of Chapter 26 in Volume 1, therefore it is considered that there would not be a significant level of effect from construction noise within the Sea Bank Clay Pits SSSI

NE & Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			To further justify the above, the noise model created for the assessment of the Anderby Nature Reserve has been utilised to predict the noise levels from the inter-relation of Landfall and ECC construction noise at the closest approach of the Sea Bank Clay Pits SSSI, the results have shown that the predicted noise levels are lower than those predicted at the Anderby Nature Reserve and therefore there would be no significant impacts.
H42	<p><i>6.1.26 - Section 26.10</i></p> <p>Natural England cannot yet adequately assess the impacts to designated sites and their features including at FLL. We cannot adequately review the efficacy of proposed mitigation to ensure it is targeted, based on evidence collected. This is due to the minimum thresholds used in the methodology, and the lack of noise baseline data at designated sites and land functionally linked for their designated features. As such we cannot agree with the conclusions outlined in Table 26.81 for impacts from noise disturbance to designated sites from construction at Landfall and along the ECC.</p>	Natural England advises the Applicant collects pre-construction noise baseline data at designated sites potentially impacted by construction noise at Landfall and along the ECC. This is to ensure the thresholds used to assess impacts to protected designated birds from at designated sites are appropriate and based on evidence of impacts from noise disturbance to these populations. Any functionally linked land should be included in baseline data and assessments.	<p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With reference to the request for pre-construction noise baseline data, this is described in response to comment NE Ref H4.</p>
H43	<p><i>6.1.26 - Section 26.10</i></p> <p>Natural England cannot yet adequately assess the impacts to designated sites and their features including at FLL. We cannot adequately review the efficacy of proposed mitigation to ensure it is targeted, based on evidence collected. This is due to the minimum thresholds used in the methodology and lack of noise baseline data at designated sites and land functionally linked for their designated features. As such we cannot agree with the conclusions outlined in Table 26.81 for impacts from noise disturbance to designated sites from construction at Landfall and along the ECC.</p>	Natural England advises the Applicant collects pre-construction noise baseline data at designated sites potentially impacted by construction noise at Landfall and along the ECC. This is to ensure the thresholds used to assess impacts to protected birds from designated sites are appropriate and based on evidence of impacts from noise disturbance to these populations. Any functionally linked land should be included in baseline data and assessments.	Please refer to the Applicant's response to H42.

#### 1.45.9.6 Pollution Control - Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Environmental Impact Assessment: Pollution Control – Documents Used:</p> <p>[APP-268] 8.1 Outline Code of Construction Practice</p> <p>[APP-272] 8.1.4 Outline Pollution Prevention and Emergency Incident Response Plan (PPEIRP)</p> <p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>			
H44	<p><i>8.1.4 - Section 2.3</i></p> <p>No specific assessment of the possible impacts of bentonite/drilling fluid on the features of the nearby designated nature conservation sites has been provided. However, it is noted that the final PPEIRP will include a risk assessment for impacts from frack-outs. Natural England considers the principles for bentonite breakout management included in the outline PPEIRP to be appropriate in avoiding any effects from the accidental release of drilling fluid; as such if the measures outlined in Paras. 30 and 31 of the outline PPEIRP are implemented, impacts to designated nature conservation sites are considered unlikely. However, this should still be considered further by the Applicant.</p>	The outline PPEIRP should refer to Sea Bank Clay Pits SSSI to ensure its features are included as sensitive ecological receptors in the final PPEIRP risk assessment for the use of drilling fluid.	As presented in Section 2.2 of the Outline PPEIRP [APP -272], the Applicant has provided preliminary measures that would be followed in the event of a bentonite frack-out (Section 2.3). This document is presented in outline at this stage, prior to the appointment of a Principal Contractor. At the point the Principal Contractor is appointed, they will be responsible for producing the final PPEIRP which will include further details about management of bentonite frack-out along the route, including at Sea Bank Clay Pits SSSI. The final plan will be produced in accordance with Requirement 18 of the draft DCO (document 3.1, Version 3).

1.45.9.7 Habitats Regulations Assessment - Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>HRA – Document Used:                      [APP-235] 7.1 Report to Inform Appropriate Assessment                      [APP-239] 7.2 Habitats Regulations Assessment Screening Report</p>			
<p>In-combination</p>			
H45	<p>7.1 - Table 7.9                      Natural England advises that they like to see the Viking Carbon Capture and Storage pipeline and National Grid Grimsby to Walpole project are included for consideration of in-combination effects.</p>	<p>Natural England advises the two named projects are considered within the in-combination assessment.</p>	<p>The HRA Screening report [APP-239] identified relevant NSIP and major development projects to be included in the in-combination assessment. Two additional projects were identified for inclusion at the RIAA stage and Table 10.45 of AS1-097 lists these projects. In addition, allocations for major developments within the relevant Local Plans were identified as listed in Table 10.46 of AS1-097. The National Grid Grimsby to Walpole scheme was not scoped in to the assessment noting this Project is at non statutory consultation and therefore an assessment cannot be undertaken due to there being insufficient information available in the public domain. Regarding the Viking Carbon Capture and Storage pipeline, the Applicant notes this was not included in error and an addendum to the RIAA (document 15.17) has been submitted alongside this response document which outline no change to the assessment conclusions..</p>
H46	<p>7.1 - Table 6.1                      Construction Dust                      Within the embedded mitigation, no mitigation is discussed in relation to construction dust and its impacts on designated sites.</p>	<p>Natural England advises mitigation for construction dust is included within the embedded mitigation.</p>	<p>The construction dust controls (as outcome of the IAQM construction dust assessment – presented in Chapter 19: Onshore Air Quality, Section 19.8.1.1) are proposed within the AQMP which forms part of the Outline CoCP [APP-268]. A CoCP is Requirement 18 of the draft DCO and is therefore considered embedded mitigation. The construction dust controls are therefore embedded mitigation.</p>
<p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>			
H47	<p>7.1 - Table 6.1                      Functionally Linked Land - Seasonal Restriction                      It is noted that within Chapter 22: Onshore Ornithology, Section 22.4.1, Para 12 [APP-077] there will be mitigation in place to avoid construction works taking place from October to March inclusive within 400m of The Wash SPA and Ramsar. As per Natural England's advice to the developer in response to a request for more information (Email direct to ODOW dated 16/11/2023). Natural England confirmed that 400m was an acceptable distance for mitigation measures but that this distance was also applicable to areas considered as FLL to designated sites.                      However, we highlight that The Wash SPA has internationally important numbers of passage and over wintering birds outside of October to March. Therefore, we advise that depending on the survey data mitigation measures are likely to be required in certain locations from September through to the end of April. Please note that any in year seasonal restriction will need to be determined by birds present and weather conditions.</p>	<p>Natural England advises the Applicant uses robust baseline data and protected sites IRZ to establish appropriate mitigation buffers around FLL in addition to that already proposed. And ensure that any seasonal restriction is fit purpose, The Applicant will need to ensure the identified mitigation is included in an appropriate Management Plan, such as NVMP. Ensure the identified mitigation is included in an appropriate Management Plan, such as NVMP.</p>	<p>An addendum [AS1-108<sup>19</sup>] has been produced which documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. The impact assessment and mitigation measures documented in the EIA (APP-077) and RIAA (AS1-097) have been reviewed and amendments have been presented in the Addendum [AS1-108]. This includes a review and update of the seasonal restriction based on the survey data collected.                      It is our understanding that IRZs identify buffers from a SSSI boundary within which certain types of development may have an impact on the designated site. They do not give details of areas of known FLL. The Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying bird species, and thereby identify potential functionally linked land                      The identified mitigation has been included in an 8.10 Outline Landscape and Ecology Management Strategy (OLEMS) (Version 3)The OLEMS sets out the key landscape and ecology principles to inform the future Landscape Management Plan (LMP) and Ecology Management Plan (EMP),</p>

<sup>19</sup> AS1-108. Outer Dowsing Offshore Wind. July 2024. Response to Section 51 Advice. Addendum: Winter Bird Survey 2023/24. Document Reference: 13.2. Rev: 1.0.  
 Applicant's Responses to Written Questions  
 Document Reference: 15.3

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			which would then be conditioned as a requirement of the Development Consent Order (DCO) Application.
H48	<p><i>7.1 - Table 6.1</i> Functionally Linked Land - Disturbance Within additional mitigation, minimising disturbance to non-breeding waterbirds using FLL the 400m buffer is applied. There is no indication that the nationally and internationally designated sites have been assessed using the Impact Risk Zones (IRZs) available on Defra's Magic Maps in the mitigation assessment. This includes important areas of FLL, which have not been assessed along the ECC.</p>	<p>Natural England advises the Applicant ensures areas of FLL outside the 400m buffer and within the IRZ for Goose and Swan FLL are assessed for construction disturbance.</p>	<p>The IRZs do not specifically identify areas of known FLL, as the attributes information associated with the IRZs available on MAGIC<sup>20</sup> only details where different types of development may result in an impact to the relevant SSSI; it does not specify whether or not the land has been identified as being FLL.</p> <p>IRZs identify whether a particular type of project (in this case 'infrastructure') has the potential to impact upon a SSSI (and co-located SPA). This considers multiple potential impact pathways, both direct and indirect, of which impacts to FLL is only one. The publicly available information does not identify where there is known FLL.</p> <p>The Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying bird species, and therefore which are potentially functionally linked. The survey and assessment has not been limited to those parts of the Order Limits plus 400m buffer which overlap with the IRZ and instead has taken a more precautionary approach and considered the entirety of the Order Limits plus 400m buffer. As stated in Section 22.4.1 of APP-077, the 400m survey buffer was agreed with Natural England through the Evidence Plan Process, beyond which birds are unlikely to be affected by cable-trenching construction related disturbance.</p>
H49	<p><i>7.1 - Paras 1181, 1182, 1183, 1187.</i> Noise Disturbance during Construction The 70dB threshold mentioned is used by the IECS toolkit for non-breeding birds. Applying a standard threshold to all ecological receptors at all locations does not account for time of year, type of behaviour at a particular location (e.g. foraging, breeding etc.), habituation to certain noises, impacts affecting behaviour such as cold weather. Please see our further detail on this matter in above.</p>	<p>Natural England advises the Applicant considers the complexity of the designated sites and the notified features in their own contexts. Use the thresholds are to be used as a "rule of thumb." Construction noise during sensitive times of the year at sensitive locations should be restricted to within 3 dB of baseline levels to avoid significant disturbance to birds. Natural England advises the Applicant ensures noise capturing and recording equipment are located at appropriate locations to represent bird behaviour when collecting baseline data.</p>	<p>The paragraphs referred to provide an overview of bird disturbance from construction activity and a summary of available evidence. This section then goes on to provide separate assessments for individual species, considering specific information on distribution and abundance, behaviour, time of year, sensitivity etc. for each relevant species. Therefore, the Applicant has considered the notified features in their own contexts.</p> <p>Please refer to the response to H32 regarding the use of a 3 dB threshold and H35 regarding baseline noise surveys.</p>
<b>Assessment Conclusions</b>			
H50	<p><i>7.1 - Para. 1382</i> Construction Dust: Construction Impact 1 (Dust/PM10 emissions), Natural England use considers a 200m Zol. As such a 20m Zol has been used we cannot agree with the conclusions reached. Please see comment H16 for further information.</p>	<p>We advise that the Zol is extend to 200m to ensure any designated sites impacted by construction dust are included in the assessment.</p>	<p>See H1.</p>

<sup>20</sup> <https://magic.defra.gov.uk/> (accessed 01.08.2024)

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	Natural England agrees with the conclusions reached for impacts to designated sites from Construction Impact 2 (road traffic emissions) and Construction Impact 3 (NRMM) and have no further comment on these matters.		
H51	7.1 – Section 9.5.4 Natural England agrees with the conclusions for AEoI to designated sites from the operational phase. When considering FLL, we would ask that the IRZs are used to identify any FLL outside of the already established 400m buffer from designated sites.	We advise that the IRZs are used to identify FLL.. See Natural England's advice and conclusion in Appendix I in relation to FLL during the construction phase.	Please refer to the response to H48.

#### 1.45.9.8 Other Onshore Related Matters - Protected Species

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
<p>Protected Species – Document Used:            [APP-076] 6.1.21 Chapter 21 Onshore Ecology            [APP-192] 6.3.21.4 Chapter 21 Appendix 4 Preliminary Roost Survey for Bats Part 1            [APP-193] 6.3.21.4 Chapter 21 Appendix 4 Preliminary Roost Survey for Bats Part 2            [APP-196] 6.3.21.7 Chapter 21 Appendix 7 Great Crested Newt Surveys, March 2024            [APP-197] 6.3.21.8 Chapter 21 Appendix 8 Reptile Habitat Suitability Survey.            [AS1-103] 8.10 Outline Landscape and Ecological Management Strategy (OLEMS)            8.10 Outline Landscape and Ecological Management Strategy (OLEMS) (Version 3)</p>			
Onshore Protected Species – Bats			
H52	Natural England has not yet received a draft licence application for bat species in order for us to provide a Letter of No Impediment (LoNI).	<p>Should the Applicant deem that a protected species licence for bats is required we advise that the Applicant submits a full draft species licence to the Natural England Wildlife Licencing Service (NEWLS) team as soon as possible.</p> <p>Within the draft licence application, Natural England would expect to see that all characterisation baselines are collected using industry standard methods, and where not they are justified.</p> <p>For any bat species where roost will be directly impacted either by modification (structural changes, destruction or removal), Natural England would expect to see a mitigation and compensation plan that states the species, approximate number of individuals, location, and data collection method. The mitigation plan should include working methods, timings of works etc.</p> <p>A compensation proposal should be included for roost losses and modification. The Applicant should note that disturbance is now a standalone</p>	<p>Based on current information, it is the Applicant's assessment that a licence in respect of impacts to bat roosts is not required.</p> <p>The OLEMS [AS1-103] sets out the compensation measures for the loss of potential roost features, as identified during pre-construction surveys and measures to mitigate for impacts to flight lines during construction.</p> <p>Based on the EIA survey information (document APP-192 Chapter 21 Appendix 4 Preliminary Roost Survey for Bats Part 1) and a review of the NE (July 2024) Advice Note in respect of disturbance to bats and licencing approaches, it is the Applicant's assessment that a licence in respect of disturbance impacts to bats is not required, as predicted disturbance is either not significantly above existing baseline levels, or potential impacts can be avoided through the outline mitigation committed to within document APP-284 (OLEMS). The Applicant has refined their commitments in relation to this in Annex A.3 of an updated OLEMS (Version 3) submitted alongside this document, which builds on the existing mitigation outlined in Section 3.7.6.1 (Roosting Bats), and Section 3.7.6.2 (Commuting and Foraging Bats) to make specific reference to the location of any mitigation relied upon to prevent disturbance impacts to bats.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
		<p>licensable activity for bats. Disturbance is any activities that negatively affect a bats behaviour at a particular roosting feature or impacts to features integral to the functioning of roost locations (foraging/commuting).</p>	
H53	<p>6.3.21.4 - Sec. 21.7, Para. 59 It is noted that alterations to the redline boundary occurred after the completion of bat surveys to inform the baseline data set.</p>	<p>Natural England notes that any areas not surveyed which have habitat suitable for roosting, foraging or are integral to connectivity, and that will be directly impacted by works need to have the appropriate level of surveys undertaken before conclusions on impacts and licence requirements can be made.</p>	<p>The assessment presented in ES Chapter 21 (APP-076) provides a thorough evaluation of the direct impacts on all habitats that support bat populations. Additionally, Natural England's Advice Note (July 2024) on Bat Disturbance and Appropriate Licensing Approaches has been taken into account and an updated review has been conducted to assess the current baseline conditions and construction design, in order to determine if a licence is required due to potential disturbances to bats. Following this detailed analysis, the Applicant has concluded that no direct or disturbance-related impacts are expected. In cases where minor disturbances might occur, such as the temporary loss of small sections of hedgerow, these impacts can be effectively mitigated through the strategies detailed in document APP-286 (OLEMS). The OLEMS has been updated to include refined mitigation commitments for bats (8.10 OLEMS (version 3)). Details of the analysis undertaken in relation to direct and disturbance-related impacts has been provided as an appendix to the OLEMS. For more information, please refer to the responses to H52 and H55.</p>
H54	<p>6.3.21.4, Sec.21.5.2.5 &amp; 21.5.3, Pg. 10 In line with Collins 2023 (4<sup>th</sup> edition), emergence/re-entry surveys will generally only be accepted where trees are evidenced as being unsafe to climb.</p>	<p>Natural England advises that pre-construction tree climbing inspections are required on any trees identified via Ground Level Assessment (GLAs) as having moderate-high Potential Roost Features (PFR's) where there are direct impacts such as removal, structural works or likely subjected to disturbance that may impact roosting bat behaviour. This will need to be secured as part of the DCO and/or named plan.</p>	<p>The requirement for pre-construction surveys of directly impacted trees potentially supporting bat roosts is included within document APP-284 (Paragraph 176 of the OLEMS). The Applicant has updated this document to 8.10 OLEMS (version 3) and has include specific reference to tree-climbing methods, as set out in Collins 2023 (4<sup>th</sup> edition). Alternative methods of pre-construction survey for bats in trees will only be used if trees are deemed unsafe to climb.</p>
H55	<p>6.1.23.4, Sec. 21.8.3.4 Pg. 27 The baseline characterisation survey report states there was a notable increase in the call registrations for Nathusius's pipistrelle in September. This species is known to swarm for the purpose of mating in late summer/early autumn. Is it possible there is a feature of importance at the location of the remote device that needs categorising and considering under any mitigation plans.</p>	<p>Natural England advises that the Applicant should consider aggregations of this species in late summer/early autumn and whether any surrounding features might constitute a feature of importance. It should provide scientific rationale within its justification. If it is concluded that it's activities may directly impact bat behaviour or feature use, these may be considered functionally linked to and onsite roost, or important areas of foraging and or commuting. The Applicant should ensure that linear features which could be impacted by works or high potential features of importance (surveyed via remote detectors and with call registrations recorded) are included within a mitigation strategy. Any proposed mitigation should be presented within the OLEMS which is secured within the DCO.</p>	<p>Static 43, as shown in Figure 21.4.4.39 (of document APP-193 Chapter 21 Appendix 4 Preliminary Roost Survey for Bats Part 2)which recorded a peak in Nathusius' pipistrelle activity in autumn 2023, was deployed approximately 300m upstream of The Wash SSSI. Static 43 was deployed on the edge of a woodland belt on the banks of The Haven, located within The Haven LNR, in the Pilgrim Fathers Memorial Site, which contains a number of large ponds and woodland belts. Approximately 700m upstream, on the opposite side of the river, there are a further series of linear ponds / lakes. The local geography / topography suggests Nathusius' pipistrelle migrating to the UK could 'landfall' via this route, as well as the abundant aquatic habitat offering suitable foraging habitat along The Haven. Caves or mines which are often used by Nathusius' pipistrelle for swarming behaviour are unlikely to be present in this area given the local geology and there are no buildings (which could also support swarming activity) within 25m of the Order Limits in this area. Detailed bat surveys of the trees within The Haven LNR have not been undertaken and therefore it is not known if any could support important bat roosts or facilitate swarming behaviour. However, the current construction design avoids any direct impacts to riparian grassland, ponds, tree belts (and any individual trees), and hedgerows or ditches.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
			<p>Therefore, surveys are not considered necessary for assessing the risk of direct impacts to bat roosts or swarming sites (which may or may not be present), as no direct impacts to habitats that could be used in this way are predicted.</p> <p>With regard to disturbance, the construction design includes an enabling access track serving CIC250 (as shown in Figure 3.4.40 of document APP-089 6.2.3 Chapter 3 Project Description Figures) running c.10m to the north of the woodland belt associated with Static 43. The enabling access track route follows an existing farm access track. The existing baseline disturbance therefore includes intermittent passes by agricultural machinery, as well as visitor traffic (vehicular and pedestrian) associated with the Pilgrim Fathers Memorial Site and carpark accessed via Scalp Road. The use of the Enabling Access track would be short in duration, with construction traffic routed along the haul road once constructed. CIC250 is located c.55m to the north of the woodland belt, and as such lies beyond the 25m buffer adopted for assessing disturbance within the impact assessment. Therefore, no significant increase in disturbance above baseline levels is predicted for any unknown roosts/ swarming sites that could be associated with the tree belt/ Static 43 location and no loss of important commuting/ foraging habitat, which could be functionally linked to roosts/ swarming sites in the area, is predicted. In line with NE's Advice Note (July 24) on bat disturbance and licencing approaches, the Applicant does not consider a licence (in respect of Nathusius's pipistrelle) is required and has recorded the rationale and justification for this assessment in 8.10 OLEMS (Version 3). Document APP - 286, Paragraph 183 contains a commitment to sensitive design of lighting in the event night-time working is required around this location.</p> <p>The Applicant has refined the wording in 8.10 OLEMS (Version 3) to make specific reference to habitats suitable for bats at the Static 43 location, to ensure potential impacts are avoided during lighting design.</p>
H56	<p>8.10, Sec 3.7.6 Para. 171</p> <p>The OLEMS document states that currently a European Protected Species licence for bat species is not considered necessary. It goes on to state that protected species licences will be re-assessed based upon the results of the pre-construction survey and final scheme design.</p>	<p>While Natural England acknowledge that the mitigation hierarchy has been used to avoid impacts. Where the Applicant anticipates a licence is required, Natural England would advise early engagement with NEWLs. The Applicant should seek to provide the Examining Authority with confidence that Natural England, as the statutory licensing authority, has considered the appropriate issues relating to protected species. Natural England are unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application.</p> <p>If the decision to apply for a LoNI is made then instructions can be found Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex C: Natural England and the Planning Inspectorate - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p>	<p>Based on current information, it is the Applicant's assessment that a licence in respect of impacts to bat roosts or disturbance of bats is not required. Please see responses to H52 and H53 which also cover this issue.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
Onshore Protected Species – Badger			
H57	<p>6.1.21 - Sec. 21.9.1.4, Para. 390.</p> <p>Natural England welcomes the proposed mitigation for impacts to protected badger species. However, we further advise that where impacts to main setts cannot be avoided, preconstruction surveys should include detailed territorial analysis to ensure correct placement of any artificial badger sett(s) required as mitigation.</p> <p>Bait marking is considered the best method for conducting territorial analysis.</p>	<p>Natural England advises that the Applicant should include requirement for detailed territorial assessments as part of their pre-construction survey within the OLEMS.</p>	<p>The 2024 update badger surveys and updated badger assessment (which considers the current project footprint) indicate that there will be no licensable impacts to badgers, or specifically to badger setts, as a result of project construction activities.</p> <p>As a result of this most recent update, there is no requirement to prepare a draft badger licence at this stage, as no licensable activities are predicted.</p> <p>There is also no requirement for territorial analysis at present. However, it is recognised that badgers are wide-ranging and capricious animals and may create new setts before construction commences, or during the construction period. Therefore, should the Project impact a main sett in the future, the requirement for detailed territorial assessments as part of the pre-construction surveys has been included within Version 3 of Document 8.10, the OLEMS as a precautionary measure.</p>
H58	<p>Any main sett that is closed as part of the development will require the creation of an artificial badger sett (ABS) to avoid potential welfare issues to badgers. No ABS design has been included within the documents supplied to Natural England.</p>	<p>Natural England advises that construction of artificial setts must be complete prior to the exclusion works and there should be evidence that the badgers have found the sett. Evidence could be gained from a variety of monitoring techniques. Attractive bait such as peanuts as well as bedding can be used to assist the badgers locate the artificial sett. Artificial setts must be constructed with the following considerations:</p> <ul style="list-style-type: none"> <li>• in a suitable location,</li> <li>• within the territory of the affected badger social group (this can be determined using a bait-marking survey)</li> <li>• away from main roads, public rights of way or sources of danger to badgers, using materials and in a manner which is sufficiently robust for long-term use by badgers,</li> <li>• made of materials not harmful to badgers,</li> <li>• of a size to reflect the importance and extent of the sett to be lost</li> <li>• provide a dry and well-ventilated (but not draughty) refuge,</li> <li>• ideally with vegetative cover immediately around the structure.</li> <li>• with the minimum internal diameter of artificial tunnels, chambers, and sett entrances, being 300mm. This mitigation will need to be secured in the OLEMS.</li> </ul>	<p>The 2024 update survey indicates that no setts will be lost and no licences required therefore there will be no need to provide an artificial sett and no design has been provided. The 2024 update is available in Version 3 of the OLEMS: Annex B: Confidential Badger Rational and Further Mitigation (Document Reference 8.10).</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
H59	<p>8.10, Sec. 3.7.7.2, Para. 187</p> <p>The Applicant has stated the approach to mitigation (where setts cannot be avoided) will be to undertake pre-commencement/pre-construction surveys to determine if a badger sett will be affected by the proposed construction and then apply for a licence.</p> <p>There is however no guarantee that Natural England will issue a licence and a draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort.</p>	<p>Where the Applicant anticipates a licence is required, Natural England would advise early engagement with NEWLS. The Applicant should seek to provide the Examining Authority with confidence that Natural England, as the statutory licensing authority, has considered appropriate issues relating to protected species. Natural England cannot provide a position on the likelihood of a licence being granted without having reviewed a draft licence application. If the decision to apply for a LoNI is made then instructions can be found Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex C: Natural England and the Planning Inspectorate - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p>	<p>The 2024 update survey indicates that no setts will be lost and no licences required.</p>
Onshore Protected Species – Great Crested Newt (GCN)			
H60	<p>6.3.21.7 Sect.21.5.6.</p> <p>Natural England advise that access attempts should be evidenced.</p>	<p>Natural England advise that records of access attempts and refusals to land along the ECC should be kept and made available should Natural England request them. Where data gaps exist due to access limitations, follow up surveys should be planned if/when access can be agreed. Though we recognise that this will be a pre-construction requirement.</p>	<p>The Applicant has updated wording in 8.10 OLEMS (version 3) to include a commitment to pre-construction surveys for GCN 'as necessary', with the wording refined to include for repeat attempts to gain access to previously inaccessible land where suitable aquatic habitat will be impacted.</p> <p>The Applicant has a record of all access constraints and will provide relevant evidence upon request.</p>
H61	<p>6.3.21.7 Sect.21.5.6.</p> <p>Data gaps in GCN presence from indeterminate eDNA analysis results.</p>	<p>Whilst we understand that eDNA is a survey technique that is adopted for GCN, we do highlight that another project has had difficulty gaining a protected species licence (Letter Of No Impediment) reliant solely on eDNA, rather than combined/additional use of conventional survey methods. This is due to issues including: reliability of data (such as false positives), presentation of presence/absence, period of time between surveys and proposed state of development, and seasonal timings of surveys. As such it is recommended that guidance available from Natural England Wildlife Licensing Service is followed if a draft Letter of No Impediment is sought. Ideally surveys involve Habitat Suitability Index appraisal and eDNA survey of ponds within the red line boundary and surrounding 250m. Where data gaps exist follow up surveys should be planned if/when access can be agreed</p>	<p>During surveys, samples that returned indeterminate results for GCN eDNA were re-sampled and the analysis repeated. This is detailed in Paragraph 201 of document APP-076.</p> <p>The Applicant has initiated dialogue with NEWLS via the Pre-submission Screening (PSS) Service regarding the draft licence application and will seek agreement in relation to survey methods.</p> <p>Both HSI and eDNA surveys were undertaken for all accessible ponds and ditches within the redline boundary, and for all accessible ponds and ditches within 250m and 100m respectively of the red line boundary.</p> <p>As per our response to H60, updates have been made to the OLEMS (8.10 OLEMS (Version 3)) to evidence commitment to survey any previously inaccessible land where suitable aquatic habitat will be impacted.</p>
H62	<p>8.10. Sect. 3.7.3.1. Para. 115</p> <p>The OLEMS states a derogation licence in respect of GCN may be required for works within 250m of the two metapopulations identified once detailed design has been reviewed. There is however no guarantee that NE will issue a licence. And a draft species licence should be</p>	<p>Where the Applicant anticipates a licence is required, Natural England would advise early engagement with NEWLS. The Applicant should seek to provide the Examining Authority with</p>	<p>The Applicant is in the process of drafting licence applications in respect of GCN, which will be submitted to Natural England (NEWLS) prior to the examination.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
	submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort.	confidence that Natural England, as the statutory licensing authority, has considered appropriate issues relating to protected species. Natural England are unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application. If the decision to apply for a LoNI is made then instructions can be found Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex C: Natural England and the Planning Inspectorate - GOV.UK (www.gov.uk)	
Onshore Protected Species – Reptiles			
H63	6.3.21.8, Sect.21.5.4 The reptile habitat suitability study noted the limitations associated with the current desk study effort undertake to date, particularly with respect to the Habitat Suitability Index (HSI) Assessment not being sufficient to confirm presence or absence of reptiles on its own. Natural England welcomes the proposals to undertake preconstruction surveys using traditional reptile survey methods in those habitats identified via the HSI Assessment exercise as offering exceptional habitat for reptiles.	Further pre-construction survey effort to confirm presence or absence of widespread/common reptiles should be undertaken as indicated. An approach to provide confirmation of presence or absence of widespread reptiles would be in line with the expectations and guidance as set out in Natural England's Standing Advice for Reptiles. This will need to be secured in the DCO/OLEM and final mitigation design agree with the LPA in consultation with NE.	Both documents APP-076 (Onshore Ecology Chapter) and 8.10 OLEMS (Version 3) include a commitment to pre-construction surveys in order to inform and refine, as necessary, the final design of mitigation measures for reptiles.  The Applicant has also updated the OLEMS 8.10 OLEMS (Version 3) to include a specific reference to survey effort in line with NE's Standing Advice for Reptiles.  Requirement 12 of the draft DCO requires that an Environmental Management Plan (EMP) that accords with the OLEMS is submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.
Onshore Protected Species – Otter			
H64	8.10, Sect. 3.7.8 The OLEMS document states that there may be a requirement to apply for an EPS mitigation licence should it not be possible to avoid disturbance impacts to otters. There is however no guarantee that NE will issue a licence. A draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort.	Where the Applicant anticipates a licence is required, Natural England would advise early engagement with NEWLS. The Applicant should seek to provide the Examining Authority with confidence that Natural England, as the statutory licensing authority, has considered appropriate issues relating to protected species. Natural England are unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application. If the decision to apply for a LoNI is made then instructions can be found Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex C: Natural England and the Planning Inspectorate - GOV.UK (www.gov.uk)	The Applicant has undertaken a review of refinements in the Project design post DCO application, to further understand the extent of impacts on otter. Regarding the potential disturbance impacts on the otter holt located at Hobhole Drain, near CIC246, the Applicant is committed to implementing acoustic and visual screening along the eastern perimeter of CIC246, which interfaces with the 150m buffer surrounding the otter holt. The precise layout of this screening will be reviewed during the detailed design phase and finalised in consultation with the Ecological Clerk of Works (ECOW). The acoustic and visual screening may consist of commercially available barriers, a soil bund created using topsoil from the compound, or a combination of both. Additionally, screening will also be installed along the temporary access track where it intersects with the 150m buffer around the holt. The Applicant has updated the OLEMS, Section 3.7.8. to include a specific reference to the provision of mitigation at this location, and the reference to A45 licence will be removed, see 8.10 OLEMS (Version 3)
Onshore Protected Species – Water Vole			
H65	8.10, Sect.3.7.9.2	Where the Applicant anticipates a licence is required, Natural England would advise early engagement. The Applicant should seek to	The Applicant has initiated a dialogue with NE regarding water vole licences via the PSS service and is currently drafting a licence application with the intention of submitting to Natural England (NEWLS) prior to the examination.

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issue	Applicant Response
	<p>The OLEMS document states that where impacts water vole cannot be avoided and where the CL31 licence cannot be used then either a separate displacement licence or trapping licence will be applied for.</p> <p>There is however no guarantee that NE will issue either licence. A draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort.</p>	<p>provide the Examining Authority with confidence that Natural England, as the statutory licensing authority, has considered appropriate issues relating to protected species.</p> <p>Natural England are unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application.</p> <p>If the decision to apply for a LoNI is made, then instructions can be found here.</p>	

#### 1.45.9.9 Other Onshore Related Matters - Biodiversity Net Gain

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Biodiversity Net Gain – Document Used:            [APP-080] 6.1.25 Chapter 25 Land Use            [APP-302] 9.5 Biodiversity Net Gain Report Principals and Approach</p>			
<p>Biodiversity Net Gain</p>			
<p>H66</p>	<p>9.5            The Environment Act 2021 includes NSIPs in the requirement for Biodiversity Net Gain (BNG). The biodiversity net gain objective for NSIPs is defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It's the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone.</p>	<p>The biodiversity baseline should include all land contained within the site's red line boundary and proposals can be iteratively refined over time and throughout detailed design. We encourage developers to:</p> <ul style="list-style-type: none"> <li>· Develop BNG proposals in adherence with well-established BNG principles:               <ul style="list-style-type: none"> <li>o BS 8683:2021 Process for designing and implementing Biodiversity Net Gain</li> <li>o CIEEM/IEMA/CIRIA good practice principles (2016) and guidance (2019).</li> </ul> </li> <li>· Use the Defra biodiversity metric to calculate BNG and adhere to the rules and principles set out within the metric guidance.</li> </ul> <p>Biodiversity gains should be secured for a minimum of 30 years and be subject to adaptive management and monitoring. BNG plans should be secured by a suitably worded requirement in the DCO.</p>	<p>The Applicant submitted a Biodiversity Net Gain Assessment Report in August 2024 [AS-014]. This assessment has been completed with reference to established and emerging good practice guidance, including BS8683:2021, CIEEM/IEMA/CIRIA Good Practice Principles (2016) and Guidance (2019), Statutory Biodiversity Metric and associated User Guide and Condition Assessments (Feb 2024), Planning Advisory Service BNG FAQs (<a href="https://www.local.gov.uk/pas/events/pas-past-events/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs">https://www.local.gov.uk/pas/events/pas-past-events/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs</a>) and CIEEM (2021) Biodiversity Net Gain Report and Audit Templates. The Applicant set out its ambition to deliver a biodiversity gain early in the consultation phase, approximately 2 years ago. However, the policy and legal context for NSIPs at the current time means that whilst a commitment to the rules and principles of BNG can be made, a commitment to a specific percentage gain against the current version of the Biodiversity Metric is not possible for a project at this stage in the design process.</p> <p>At this stage, the Applicant has used a baseline of the Realistic Worst Case Scenario, with a commitment to update the baseline post-DCO decision and based on the detailed scheme design. This iterative design process will allow the approach to BNG to be refined, including further consultation with third party, i.e. off-site, voluntary Biodiversity Unit providers, e.g. RSPB.</p> <p>Further commitments to BNG within the Project's Order Limits (RLB) are not possible as: the compulsory purchase of land specifically for BNG compensation would be very difficult to justify; the majority of the project occurs on land that is identified as BMV and there is an equally weighted policy requirement to recognise the benefits of, and avoid impacts to, BMV; and the Project is ineligible for Statutory Biodiversity Credits (<i>NE BNG Enquiries 25/07/2024</i>). In respect of the long-term management of biodiversity gains, habitats within the Applicant's landownership (primarily focused around the OnSS) will be subject to a 30-year</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
			monitoring and management plan, prepared with reference to current good practice. Outline management provision is set out in the OLEMS (APP -284 (OLEMS)).

#### 1.45.9.10 Other Onshore Related Matters - Soils and Best and Most Versatile Agricultural Land

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Soils and Best and Most Versatile Agricultural Land – Document Used: [APP-080] 6.1.25 Chapter 25 Land Use [APP-271] 8.1.3 Outline Soil Management Plan			
Soils and Best and Most Versatile Agricultural Land			
H67	<p>6.1.25 - Tab.</p> <p>Natural England highlights that decision makers are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply National Planning Policy Framework (NPPF) policies for NSIP applications. Having reviewed the policies indicated in table 25.1 we are in broad agreement with the Applicant. However, further consideration should be given to the following policy:</p> <p>NPPF 181 Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework...</p> <p>Footnote 62: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</p>	Natural England advises NPPF paragraph 181 and Footnote 62 is included and given further consideration.	The chapter did not make specific reference to NPPF 181 and footnote 62, however it has referred to the Overarching NPS for Energy (EN-1) paragraph 5.11.34. NPPF 181 and footnote 62 are similar as the Secretary of State test detailed in paragraph 5.11.34 of the Overarching NPS for Energy (EN-1) and have been considered within Chapter 25 Land Use [APP-080] of the ES.
H68	<p>6.1.25 - Para. 18</p> <p>Broadly Natural England is satisfied with the approach taken using national data to determine the proposed route at a strategic level.</p>	No further comment	Noted.
H69	<p>6.1.25 - Tab. 25.3</p> <p>It is unclear whether any desk-based investigation has considered Natural England post 1988 Agricultural Land Classification (ALC) data. We acknowledge there is no data available within the proposed DCO boundary, but there is data available within proximity that would be worth considering for context.</p>	Natural England advises post 1988 ALC data in the vicinity is considered for broader context and to strengthen the assessments.	<p>The post 1988 ALC data has been analysed and as acknowledged by Natural England in H69, there is no data within the proposed DCO boundary. Therefore, there are no parcels of land that have post 1988 ALC data available which would have been considered within the Land Use assessment.</p> <p>Regarding the usage of the post 1988 ALC data for broader context, there are no parcels of land with post 1988 ALC data within the immediate vicinity of the route. The data available shows little change in the volume of BMV land in the wider area, which was not within the assessment Study Area. The small parcels of land which did have a change were of a lower grade than originally assigned, aligning with the assumptions made within the assessment.</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
H70	<p>6.1.25- Paras 31, 266, 349 and 397.</p> <p>In the absence of a detailed, site-specific soil and ALC survey, and if all mapped ALC Grade 3 land is Best and Most Versatile (BMV) (i.e. Subgrade 3a) under a WCS, it is impossible to provide an accurate baseline and demonstrate the likely potential impacts. So, whilst this may make the mitigation precautionary, it means that the Applicant is unable to show how the project avoids impacts to BMV soils nor the design of potential mitigation to safeguard the soil resources.</p> <p>Due to the extent of the temporary disturbance, it is now considered important for a detailed ALC field survey in line with the Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land (MAFF, 1988) is undertaken.</p> <p>The Environmental Statement should quantify the areas of land according to Grades 1 to 5 of the ALC, including differentiating between Grades 3a and 3b. Natural England recognises the Applicant's acknowledgement of the deficiencies within the provisional dataset. However, whilst provisional mapping provides an indication of the ALC grade, and thus the potential impact on BMV agricultural land, it does not provide the soil details required to inform soil management which would feed into the Soil Management Plan (SMP) [APP-271]. There is a risk of soil damage, ALC degradation and long term or permanent loss of BMV from cable installation. Soil will need to be handled according to best practice and reinstated to a high standard to reduce the impacts. The results from a detailed ALC survey would provide soils data to inform a soil management plan for the whole site regardless of whether the use is permanent or temporary in nature.</p> <p>The baseline data presented in each of the EEC tables is an approximation and not based on detailed ALC surveys</p>	<p>Natural England require that land quality and soil resources information is gathered for any land that is disturbed by the development. As per comment H10, surveys should be conducted prior to consent being granted to allow the decision maker to make an informed decision on impacts in line with NPS for Renewables Energy Infrastructure (EN-3).</p> <p>A detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area to inform the EIA. This should normally be at a detailed level, e.g. one auger boring per hectare, supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. Soil data collected as part of an ALC survey can also be used to inform the soil resource and management plan as set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. This type of survey requires an experienced ALC surveyor, to make the correct professional judgements, where to introduce flexibility. A semi detailed survey may not identify all the BMV land.</p>	<p>The Applicant has provided a response in reference to the timing of soil surveys in Section 1.4.2.1 of The Applicant's Response to the Rule 17 Letter dated 3 July 2024 [AS-013] which has been detailed below for reference.</p> <p>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.</p> <p>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.</p> <p>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 DCO (AS1-024) 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</p>

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			<p>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.</p> <p>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.</p> <p>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.</p>
H71	<p>6.1.25 – Section. 25.3.3.7</p> <p>According to Natural England data there are pockets of Deep Peat in this area. As above, a detailed survey will identify the presence of Deep Peat or Peaty soils. The Planning Practice Guidance (PPG) for the Natural Environment advises the use of the Defra Code of practice for the sustainable use of soils on construction sites (DEFRA, 2009) to help guide the use and protection of soils on development sites; this includes peat soils as well as other soil types. Given the location of the proposed development on mapped areas of peat, it would be expected for the potential impact of the development on peat to be included in the assessment, including the potential impact on the carbon within the peat as per the IEMA (2022) Guidelines.</p> <p>Excavating peat may alter the hydrological status of the site and surrounding area. As Fenland peat soils may have highly acidic subsoils which can influence the ALC grade by restricting rooting depth and causing a drought limitation, determination of Ph should be carried for areas comprising peaty soils to assess the depth(s) at which highly acidic conditions (if any) occur.</p>	<p>Natural England advises that within the detailed soil survey, ensure a robust assessment on peat is included. As per comment H10, the soil survey should be conducted prior to consent being granted to allow the decision maker to make an informed decision on impacts in line with NPS for Renewables Energy Infrastructure (EN-3). This should include soil testing for basic soil properties (Ph, SOM, and macro-nutrients) and would be expected to be taken at the same time as the ALC and soil survey to provide soil information to inform the habitat and landscaping plans, where appropriate. Soil samples for particle size analysis are recommended to confirm soil textural assessments made in the field, including organic matter content. A full consideration of the peat budget (i.e. if there is any surplus peat) needs to be factored in, including its handling, storage, and restoration. A Peat Management Plan would be key at the application/consenting phase, alongside any compensation restoration.</p>	<p>See Response to H70 in relation to timing of soil surveys.</p> <p>As per the Outline Soil Management Plan (SMP) [APP-271], section 2.4, a competent expert will ensure the current land/soil conditions are obtained, recorded and verified through the undertaking of a detailed pre-construction condition survey, and the impacts further verified through a post construction condition survey.</p> <p>ALC surveys and British Standard soil testing will be undertaken across the study area and survey points will be made at least every 100m or in each field where the field is less than 100m in length.</p> <p>Subsequent reports will specify the detail of the existing soil characteristics and the depths and properties of the topsoil and subsoil horizons. Soil survey and soil testing will be carried out to record the physical characteristics of the reinstated soils. This will allow the post-construction/reinstatement condition of the soils and land to be judged against/compared with their pre-construction condition, as determined through the detailed pre-construction soil surveys.</p> <p>A review of publicly available data confirmed that no peat was present within the 'Order Limits' of the Project, as shown on Figure 23.2 Superficial Geology in Chapter 23 Geology and Ground Conditions Figures [AS1-059]. The majority of the route comprises arable farmland which, by its usage, does not contain peat.</p> <p>This would be confirmed as part of the pre-construction soil surveys. The data resulting from the surveys would be reviewed by appropriate competent experts to identify the most appropriate methods of</p>

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			mitigation. Any agreed management and mitigation measures for peat would then be included within the final SMP, if required.
H72	<p>6.1.25 - Para. 253</p> <p>The temporary displacement of soil during construction as a result of the underground cable installation and temporary haul roads/construction compounds can result in permanent land quality change and soil damage if undertaken inappropriately.</p>	<p>Natural England advises degradation or permanent loss of BMV agricultural land should be considered in the ES and associated SMP. This is required for consultees and decision makers to understand the extent (ha) and likely long-term impacts on agricultural land quality (ALC grade).</p>	<p>Impacts on the soils resulting from construction activities are assessed within section 23.7.1.2 of the Geology and Ground Conditions chapter of the ES [APP-078].</p> <p>The impacts on the agricultural land use from the construction/installation of the underground cable installation and temporary haul roads/construction compounds were considered to be temporary. Mitigation proposals were put forward in the Outline Soil Management Plan (SMP) [APP-271] for the handling, maintenance and storage of the soils, with section 5.10 of the SMP detailing the processes proposed to be undertaken to reinstate the soil to its predevelopment quality.</p> <p>Where soil is to be stored for over 6 months it will be covered or sown over the top and sides with an agreed seed mix to protect the soil against erosion, minimise soil nutrient loss, and maintain soil biological activity (section 5.9). The seeding will also help prevent colonisation of the stockpile by weeds, including noxious / injurious weeds, which could spread seed onto adjacent land.</p>
H73	<p>6.1.25 - Table 25.19</p> <p>We note there is no assessment of the decommissioning process on soils (including BMV land) for the cable route corridor.</p>	<p>Natural England supports the commitment to provide decommissioning plan as part of the DCO submission.</p>	<p>The impact of the decommissioning process of the cable route corridor on agricultural land was assessed in section 25.7.3, paragraph 366 of the Land Use chapter of the ES [APP-080] – resulting in a negligible level of effect.</p>
H74	<p>6.1.25 - Para. 268 and Tab. 25.21</p> <p>Standard EIA methodology as presented in the Design Manual for Roads and Bridges (DMRB) LA104 (Highways England, 2020), the ICE EIA handbook and the IEMA 'A new perspective on land and soil in EIA' (Stapleton et. al., 2021) should be followed.</p> <p>However, considering advice within this response on the requirement for detailed surveys, the indication of deep Peaty soils and cumulative local impacts we would ask the Applicant to reconsider the criteria within Table 25.21. The separation of 'high' from 'very high' allows for micro siting of permanent development to lower grade land identified through detailed site surveys, minimising the overall effect the project will have on higher sensitive land.</p>	<p>Natural England advises using a rating of Very High to rate receptor sensitivity. This is to inform placement of permanent infrastructure on lower grade land. This requirement will need to be secured as mitigation measure within the DCO and/or Soil management plan</p>	<p>As per paragraph 268 of the Land Use chapter of the ES [APP-080], the usage of the 'Very High' sensitivity criterion was considered redundant due to the negligible difference attributed to the 'Very High' and 'High' criteria. For example, a major impact on either a 'High' or 'Very High' sensitivity receptor would not make a difference to the significance of the effect due to the assumption of ALC Grades 1-3 being BMV land which are all given the highest sensitivity, and the land which would be permanently lost (including the substation footprint, accesses and mitigation planting areas) being &gt;20ha of BMV land.</p>
H75	<p>6.1.25 – Paras. 282 &amp; 285</p> <p>An ALC survey has not been undertaken within the area proposed for the route of trench line for the underground cabling nor the proposed substation location. Additionally, the spatial distribution of ALC grades within the order limits determined from a detailed ALC survey are necessary to inform the reinstatement criteria more generally, which allows the area of each ALC Grade temporarily disturbed to be returned to the same quality as far as practicable to minimise potential loss.</p>	<p>Natural England advises a ALC survey is undertaken at the route of trench line for the underground cabling and the proposed substation location. This should be undertaken as part of a comprehensive set of baseline soil and ALC information given that soil disturbance will take place in these areas. Use the data to inform the soil handling and restoration plans and the SMP.</p> <p>As per comment H10, surveys should be conducted prior to consent being granted to allow the decision maker to make an informed decision on impacts in line with NPS for Renewables Energy Infrastructure (EN-3).</p>	<p>As per the Outline Soil Management Plan (SMP) [APP-271], ALC surveys and British Standard soil testing will be undertaken across study area and survey points will be made at least every 100m or in each field where the field is less than 100m in length.</p> <p>Subsequent reports will specify the detail of the existing soil characteristics and the depths and properties of the topsoil and subsoil horizons.</p>

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			<p>The surveys have not yet been undertaken and are proposed to be completed prior to the commencement of construction. The mitigation of adverse impacts is outlined within the SMP.</p> <p>Impacts on the soils resulting from construction activities are further assessed within section 23.7.1.2 of the Geology and Ground Conditions chapter of the ES [APP-078].</p> <p>See also response provided in H10.</p>
H76	<p>6.1.25 - Para. 348 It is noted that the proposed operational lifespan is up to 35 years.</p>	<p>Natural England advises the Applicant should provide a firm commitment to decommission the site after 35 years (or sooner if no longer operational), to remove all infrastructure and equipment and to return the land to its original condition and ALC grade. As part of this there should be a commitment to prepare and submit to the planning authority a detailed decommissioning plan to restore the site prior to the end of its operational use, as set out by NPS EN3 (Refer to link <a href="https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf">https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf</a>).</p>	<p>See Response to H13.</p>
H77	<p>6.1.25 - Para. 352 No ALC soil survey information for review of the loss of agricultural land has been provided.</p>	<p>Natural England advises that the ES should present the detailed and semi-detailed ALC survey information. This should include a breakdown of the ALC grades (area, %) in relation to the application site boundary, and include ALC and soil data for the cable route and areas of permanent infrastructure and habitat enhancement. A breakdown of the proposed site into disturbed and undisturbed land categories should also be included, split by ALC grade, to help illustrate the potential for impact on agricultural land grade. This information would also help inform the scale of mitigation measures required.</p>	<p>See also response to H10.</p> <p>Regarding the assessment of the permanent loss of agricultural land, the land potentially subjected to a permanent loss ranging from ALC grades 1-3 were all assumed to be BMV land under a worst-case scenario and, therefore, given the highest sensitivity.</p> <p>The location of the OnSS was also given as Grade 1 agricultural land, with a breakdown of the volume of land expected to be lost following this (14.4ha). This was then followed by a breakdown of the land lost to the link boxes, which were assumed to all be on BMV land and highest sensitivity as per the WCS, 0.28ha. The combined loss of the OnSS, link boxes and associated infrastructure, including drainage, access requirements and onsite landscaping, was then given in paragraph 352, totalling 26.38ha.</p> <p>These impacts were based upon the project data available at the time of writing and were inclusive of the land known to receive permanent infrastructure, with a maximum WCS used in the chapter where the data was not available for the exact temporary/permanent breakdown of infrastructure.</p>
H78	<p>6.1.25 - Para. 355 In general, it is Natural England's opinion, that it is unlikely it would be possible to remove the topsoil from an area of Grade 1 land and for that land to remain Grade 1, nor is it likely that receiving land could be upgraded to Grade 1. Soil grading applies to the whole soil profile, both topsoil and subsoil layers, in its given location, and is influenced by a wide range of factors not just the type of topsoil.</p>	<p>Natural England advises that the Applicant should commit to reviewing the use of surplus topsoil early in the process. A full understanding of the soil profile at donor and receptor sites is necessary. We advise that it is unlikely that the movement of Grade 1 soil will upgrade the recipient land.</p>	<p>The re-use of the topsoil is referenced in the IEMA 'A new perspective on land and soil in EIA' (Stapleton et. al., 2021) guidance, and was referenced as a potential option for the usage of the topsoil removed for permanent infrastructure, rather than as waste. However, as stated in paragraph 355, this would not mitigate the permanent loss and has not been considered as mitigation, or otherwise, within the assessment.</p> <p>The reuse of stripped topsoil from the OnSS footprint is further referenced within paragraph 91 of the Outline Soil Management Plan</p>



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	<p>However, if there is anticipated surplus topsoil as a result of development on a site, it is beneficial to consider its potential re-use as early in the process as possible. The changes to the soil profile at the donor site and the receptor site would need to be understood, including the change to soil profile properties from the baseline and the implications for the ALC grades at both locations.</p>		<p>(SMP) [APP-271]. As stated, any re-use would not act as a source of upgrading recipient land rather, where possible, the topsoil would be re-used in landscaping and excavated material will be used in landscaping screening bunds (if required).</p>
H79	<p>6.1.25, Para. 357 The ALC system is a national system, therefore the significance should also be determined in the national context. However cumulative impacts should consider all development that will result in or could lead to a loss of 20ha BMV soils.</p>	<p>Natural England advises the inclusion of an assessment at the national scale.</p>	<p>The assessment of the loss of 20ha is based the thresholds for the magnitude of impacts set out within the IEMA 'A new perspective on land and soil in EIA' (Stapleton et. al., 2021) guidance. The Land Use Chapter [APP-080] paragraph 357 - 361 provides discussion on the loss of BMV land at a county level context; Paragraph 359 concludes that "it can be estimated that the combined total permanent footprint of the Project (26.38ha) constitutes approximately 0.007% of the total available BMV land in Lincolnshire". The Project does not consider it to be appropriate to undertake the assessment on a national context due to a dilution of the impact at such a scale and a disassociation of the context and Project being assessed, as well as obscurity as to what volume of land would constitute a significant cumulative effect at a national level.</p>
H80	<p>6.1.25, Tab. 25.24 It is unclear whether agricultural productivity has been assessed correctly.</p>	<p>Natural England requires further justification as to why agricultural productivity should not be assessed cumulatively for each project phase.</p>	<p>As per table 25.24 in the Land Use chapter [APP-080], the cumulative impacts to agricultural productivity did consider each project phase, the loss of land would occur during construction (temporary) and continue through to operation for the operational elements such as the OnSS (permanent). During construction and decommissioning there is considered to be no cumulative impact to agricultural productivity</p> <p>The cumulative effects resulting in the permanent loss of agricultural productivity have been assessed under 'Impact 1' of the 'Operations and Maintenance' phase, which refers to permanent loss of agricultural land.</p>
H81	<p>6.1.25, Para. 370 Natural England supports the use of the planning inspectorate's advice note 17.</p>	<p>Natural England advises that this should be considered alongside the IEMA guidelines "A New Perspective on Land and Soils in EIA" (February 2022) methodology for cumulative effects and the application updated accordingly.</p>	<p>The approach is consistent with those set out in the IEMA 'A new perspective on land and soil in EIA' (Stapleton et. al., 2021) guidance, with a reference to the IEMA guidance provided in paragraph 355.</p>
H82	<p>6.1.25, Para. 396 Natural England notes there are significant gaps in the figures presented in both in this paragraph the table beforehand (25.27).</p>	<p>Natural England advises the Applicant ensures all other projects in the area are considered for cumulative BMV loss.</p>	<p>The projects listed in table 25.27 were taken from the Planning Inspectorate website. Of the other 33 NSIPs listed within the East Midlands region, 14 were found to be within Lincolnshire with one of these having no design information available due to the early stage of the project, and a further two only partially within Lincolnshire.</p> <p>The assessment was based upon the most current data available on the number of NSIPs from the Planning Inspectorate, as well as the information on the potential land take of each of these projects that was available at the time.</p>
H83	<p>8.1.3</p>	<p>All agreed measures in the Outline SMP should be secured by appropriate requirement within the DCO via the SMP.</p>	<p>All agreed measures in the Outline SMP are secured through Requirement 18 of the draft DCO.</p>

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	We welcome the use of a Soil Management Plan (SMP) to ensure BMV agricultural land and soil function are protected during and restored after construction.		
H84	<p>8.1.3, Section 1.2 to 1.4 and Section 2.4</p> <p>We welcome use of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) to guide soil management during construction.</p> <p>Alongside this there should also be a commitment for 'best and most versatile' (BMV) agricultural land temporality required for the development to be returned to its original ALC grade. This includes areas such as field scale ecological mitigation areas and borrow pits where reinstatement to the physical characteristics of 'best and most versatile' quality may also be required.</p>	<p>A detailed ALC and soil survey of agricultural land should be undertaken across the full Study Area to inform the EIA. As per comment H10, these surveys should be conducted prior to consent being granted to allow the decision maker to make an informed decision on impacts in line with NPS for Renewables Energy Infrastructure (EN-3). These surveys should normally be at a detailed level, e.g. one auger boring per hectare, supported by pits dug in each main soil types to confirm the physical characteristics of the full depth of the soil resource. Soil data collected as part of an ALC survey can also be used to inform the soil resource and management plan as set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (<a href="http://publishing.service.gov.uk">publishing.service.gov.uk</a>).</p>	See response provided in H10.
H85	<p>8.1.3, Sections 2.2 to 2.3 and Para. 93</p> <p>Natural England supports the commitment to have soil work supervised. Given the very high quality of the land this should include supervision of soil handling by a competent soil specialist.</p>	<p>Natural England advises that this should be secured in the OLEM and Soil Management plan. Natural England will provide no further comment on the issue of soil supervision during examination.</p>	Noted.
H86	<p>8.1.3, Sect. 5.4 and Section 5.10 (Para 87)</p> <p>Whilst the commitment to handle soils only when in a dry and friable condition is welcome, soil handling should normally be avoided during October to March inclusive, irrespective of soil moisture conditions, because it will generally not be possible to establish green cover over winter to help dry out soils and protect them from erosion. Soils should only be handled in a dry and friable condition.</p>	<p>Natural England advises avoiding construction work during October to March inclusive. A field suitable method for assessing whether soils are in a dry and friable condition based on plastic limits set out in Part One (Explanatory Note 4 – Table 4.2 provided below in Annex 1) of the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working, and this approach together with the associated rainfall protocols should be adopted and noted within the SMP [APP-271].</p>	<p>Protocols during adverse weather are set out in the Outline SMP [APP-271] paras 47 – 49. Methods for determining soil wetness and suitability are detailed in paras 50-53, specific methodology will be provided in the final SMP. This is considered more appropriate for managing works rather than blanket restrictions based on time of year, which do not take into account weather conditions and ground conditions.</p> <p>The Outline SMP [APP-271] document is presented in outline at this stage, prior to DCO consent and the appointment of the relevant responsible parties as set out in the SMP. At the point the relevant responsible parties are appointed, the final SMP will be produced which will include further details about determining soil conditions and field testing of soils including soil moisture state and consistency testing.</p>
H87	<p>8.1.3, Section. 5.6</p> <p>Natural England advise this paragraph is considered further and potentially re-written in order of proposed works. i.e. pre-construction – construction – post-construction /operation/maintenance – decommissioning.</p>	<p>Consider drainage in terms of pre-construction – construction – post-construction /operation/maintenance – decommissioning.</p>	<p>The Outline SMP [APP-271] document is presented in outline at this stage, prior to DCO consent.. The final SMP will consider drainage during the different phases of the project.</p>
H88	<p>8.1.3 Para. 67</p> <p>It is stated that "stripping will be carried out when soil is reasonably dry and friable".</p>	<p>We advise that the word "reasonably" is removed from this paragraph.</p>	<p>Mowing and stripping will not be undertaken if the ground conditions are unsuitable as agreed with the Soil Clerk of Works (as secured in the Outline SMP [APP-271]).</p>
H89	<p>8.1.3, Para. 68</p> <p>The machinery to be used will need to be specified. This should accord with best practice as set out in the Code of Construction Practice for the Sustainable Use of Soils on Construction Sites (DEFRA, 2009), namely using excavators and dump trucks. Use of bulldozers</p>	<p>Natural England advises machinery to be used is outlined for a full assessment of impacts within the Outline SMP [APP-271].</p>	<p>This document is presented in outline at this stage, prior to the appointment of a Principal Contractor. At the point the Principal Contractor is appointed, they will be responsible for providing location-specific construction method statements for soil management, which will include the machinery to be used. The pre-construction ALC surveys will advise on the soil types, depths, and recommended machinery to</p>

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	should not be permitted for any subsoils being returned to best and most versatile quality due to the high risk of soil compaction due to repeated trafficking.		minimise the impact upon the soils including storage, and restoration methods. These will then be included in the final SMP.
H90	8.1.3, Sect. 5.8 In all cases, topsoil and subsoil must be separately handled to avoid mixing. Where soils are stored, different soil types will need to be kept separated in the storage bunds. The Outline SMP [APP-271] notes that subsoil and topsoil can be stored together. This is not the case.	Natural England advises that the details of soil handling should be included within a Restoration Plan, accompanied by a detailed soil balance.  The Outline SMP [APP-271] should note that topsoil and subsoil are to be stored separately.	Post consent the detailed design for construction phasing will be undertaken, this will allow material balances to be undertaken. As part of the soil surveys soil resource plans will be produced which detail areas covered by different soil types, depths etc. The planting and restoration of habitat types will be detailed in line with the OLEMS and Landscape Management Plan.  The Outline SMP [APP-271] paragraphs 73 to 76 detail the separate storage of topsoil and subsoil.
H91	8.1.3, Para. 82 Mowing and stripping should not be carried out during wetter periods when soils moisture content exceeds their lower plastic limit. Tracking of heavy machinery for maintenance interventions will increase the risk of soil compaction.	Natural England advises a commitment is added to the Outline OSMP [APP-271] avoid mowing and stripping in wet conditions.	See Response to H88.
H92	8.1.3, Para. 88 The depth of decompaction should reflect the depth of compaction.	Natural England advises that the Outline SMP [APP-271] should include a measure to ensure the depth of decompaction reflects the depth of compaction and reference the guidance used. Additionally, where compaction is likely to take place further consideration should be given to providing a decompaction strategy to maximise the effectiveness of decompaction methods. Further guidance on decompaction strategies may be found here; IQ Soil Guidance Sheet O.pdf (hubspotusercontent30.net)	The Outline SMP [APP-271] document is presented in outline at this stage, prior to DCO consent and prior to the ALC surveys committed to in the SMP, with Chapter 23 Geology and Ground Conditions of the ES [APP-078] assessing the conditions as a 'worst-case scenario'. At the point the ALC surveys have been undertaken the site-specific soil profile information will be available and the final SMP will be produced which will include further details about soil profiles and decompaction depths and guidance. Thus ensuring that all construction practices provide the appropriate mitigation described in the assessment.
H93	8.1.3, Para 89 No data has been provided regarding current soil profiles. We are, therefore, unsure which parameters will be used to assess the specifications for reinstated soil profiles.	Natural England advises that further information on the parameters to be used for restoration specifications of soil profiles should be provided. Details should include the target soil profiles to be reinstated (soil volumes, soil textures, soil depth, stone content, likely depth to slowly permeable layers, moisture balances etc) and their pre development ALC grade where appropriate as determined by detailed ALC survey.	The Outline SMP [APP-271] document is presented in outline at this stage, prior to DCO consent and prior to the ALC surveys committed to in the SMP. At the point the ALC surveys have been undertaken the site-specific soil profile information will be available and the final SMP will be produced which will include further details about soil profiles and pre-development ALC grade.
H94	6.1.25. Section 21.9.1.2 No ancient or veteran trees were recorded within the Order Limits. However, 12 trees were not subject to detailed assessment.	For any ancient or veteran trees impacted by the Project, Natural England's standing advice should be referred to and commitments to mitigate impacts included within the OLEM.	Document APP-284, Paragraph 107 provides a commitment to undertake pre-construction surveys of any tree directly impacted to assess if it is ancient or veteran. Paragraph 107 also includes a commitment to agree mitigation and compensation measures in relation to impacts on ancient or veteran trees identified during pre-construction surveys with 'relevant stakeholders'.  An updated version of the OLEMS (Version 3) has been submitted and includes a specific reference to mitigation in line with NE's Standing Advice and to include a commitment to implement any such mitigation.
<b>Ancient Woodland and Ancient/Veteran Trees</b>			
H95	6.1.25, Para. 313	Natural England will provide no further comment on this issue during examinations	Noted.

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	The King Charles III England Coast Path will not be impacted due to the trenchless drilling works at Landfall.		
Connecting people with nature (National Trails, open access land and England Coast Path)			
H96	6.1.25, Paras. 311 and 312 Land use impacts on linear recreational routes have been assessed and deemed likely. Embedded mitigation includes the use of a Public Access Management Plan (PAMP).	Natural England advises the PAMP is secured by an appropriate requirement within the DCO, with an Outline PAMP provided into examination.	An Outline Public Management Plan (PAMP) [APP-291] has been submitted with the DCO application for examination.

## 1.45.10RR-045 Natural England Appendix I Onshore Ornithology

### 1.45.10.1 Summary of Key Issues

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
I1	A preliminary report of the second year overwintering survey [APP-208], presenting a <u>partial</u> second year data set was provided separately to the Environmental Impact Assessment (EIA) [APP-077]. The preliminary report shows abundance data for species of interest were highly variable compared to the first year. Until two years of baseline characterisation data are considered within both the EIA and the Report to Inform the Appropriate Assessment (RIAA), Natural England cannot draw any conclusions on the proposed impacts to protected passage and overwintering bird species. This includes being able to assess the suitability of any mitigation measures to species belonging to designated sites using functionally linked land (FLL). Of particular concern are Annex I species, dark belied brent geese ( <i>Branta bernicla</i> ), pink-footed geese ( <i>Anser brachyrhynchus</i> ), and golden Plover ( <i>Pluvialis apricaria</i> ) as well as designated lapwing ( <i>Vanellus vanellus</i> ) and curlew ( <i>Numenius arquata</i> ).	Natural England advises that the Applicant submits an amended EIA and RIAA presenting their conclusions based on the completed two years of characterisation surveys. Without robust data collected over two years, it is also not possible to determine whether proposed mitigation measures would be effective and therefore any mitigation outlined within plans and named documents may also require updating.	A season two wintering bird survey addendum (AS1-108) was produced which documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. The impact assessment and mitigation measures documented in the EIA (APP-077) and RIAA have been reviewed and amendments have been presented in the Addendum (AS1-108) and RIAA (AS1-097). Mitigation measures have been amended following review of the season two data, specifically to extend the seasonal restriction around The Haven to include a soft start to works in April in order to minimise disturbance to dark-bellied brent geese. Following review of the data from the season two surveys, with inclusion of the additional mitigation, it is concluded that the assessment of significant effects in the EIA and the conclusion on adverse effects on site integrity in the RIAA, in relation to onshore ornithology, have not changed.
I2	Natural England is concerned that discussion of cropping patterns and land use within the order limits is limited to a single unreferenced paragraph within the EIA [APP-077]. Conclusions for project impacts to land functionally linked to features of protected sites are reliant on the availability of alternative foraging habitat within the foraging range of species which is not being impacted by the project.	Natural England advises that much greater detail of data and discussion on potential cropping management practices are presented within the EIA. This should include temporal and spatial extent of cropping patterns of every arable field where foraging range of species of interest overlap with the order limits and suitable buffer. As cropping practices rotate annually, multi-year data are also required to understand general trends in the area.	The season two wintering bird survey addendum (AS1-108) provides additional information on crop types within the survey area. For each record of a target bird species within an agricultural field, the crop type was recorded. The survey area was covered a total of 16 times across the season, which provides a detailed sample of the crop types used by target species. For the five species of particular concern, associated with The Wash SPA and Ramsar (brent goose, pink footed goose, golden plover, lapwing and curlew), crop types utilised were bare earth / ploughed fields, cereal and stubble. Curlew was also recorded on ungrazed grassland. As shown by distribution mapping in season two, these are common crop types within the survey area.

NE Ref	Summary of Key Concerns or Comment & Risk	Natural England's Recommendations to Resolve Issues	Applicant Response
			<p>Further details have been provided for the study of crop types referenced in the EIA (APP-077) and are documented in a clarification note (See 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology)). This provides further evidence that the crop types utilised by the key qualifying features are common within the survey area.</p> <p>The proportion of each crop grown is not expected to change substantially however it is subject to market conditions and may vary between now and the construction phase. Therefore, two years of baseline wintering bird surveys provide sufficient information to characterise distribution and abundance in order to inform the impact assessment.</p>
13	<p>Natural England is concerned that mitigation for Annex I pink-footed geese is covered under the generic mitigation for over wintering birds utilising land which is functionally linked to designated sites [APP-284]. The Applicant has considered that by applying the mitigation measures proposed there will be no impact to the Annex I pink-footed geese feature of The Wash Special Protection Area (SPA).</p> <p>As above, considering the incomplete characterisation surveys used for assessment, Natural England is unable to rule out an impact to this species or that the currently proposed project mitigation strategies would be effective.</p>	<p>Following assessment updates, Natural England advises that the Applicant sets out more detailed project specific mitigation measures for pink-footed geese or considers a strategic approach to mitigation to reduce any impact it may have on suitable foraging habitat for this species.</p> <p>Natural England advises the Applicant provides a separate Outline Annex I bird species mitigation plan to include the level of detail required and this is secured within the Development Consent Order. Please see Natural England's Guidance in Annex 1 on measures which Natural England deem appropriate for pink-footed geese.</p>	<p>The season two winter bird survey addendum (AS1-108) provides details of the distribution and abundance surveys for pink-footed goose, including a review of any changes required to the assessment or mitigation measures for this species.</p> <p>The season two results show that between zero and three flocks of pink-footed goose were recorded per visit across the approximately 70km long onshore survey area. Flocks typically moved location between visits. Flocks were recorded feeding and loafing in fields with bare soil, cereal and stubble. On the basis of a small number of flocks, moving around between fields and utilising common field types, the localised working restriction remains a suitable mitigation measure.</p> <p>ODOW notes that Natural England's guidance on mitigation for pink-footed goose is tailored to situations where the species is primarily feeding on sugar beet, which is not the case within the survey area. A sample study of 1,000ha of land within the onshore Order Limits (Dalcour Maclaren) which was undertaken in 2023 recorded only ~2% sugar beet (See 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology)).</p> <p>The season two wintering bird surveys recorded pink-footed geese utilising bare ground, cereals and stubble rather than sugar beet. Therefore the suggested mitigation strategy is not applicable to the Project.</p>
14	<p>Natural England notes that the Applicant has used modelling to establish that noise decibel threshold levels would not be met within the boundary of any designated site, except for a small portion of The Wash SPA where it has applied additional mitigation measures.</p> <p>We are concerned the Applicant has not assessed whether land already established as functionally linked for designated overwintering bird species would also be within the decibel levels exceedance threshold.</p>	<p>Natural England advises that designated site impact risk zones (IRZs) which can be found on DERFA's Magic Maps <a href="https://defra.gov.uk">Magic Map Application (defra.gov.uk)</a> should be used to establish where already known functionally linked land occurs within or in close proximity to the order limits. The Applicant should then assess whether this land would be subject to decibel levels greater than the disturbance threshold and adjust the EIA and RIAA <u>chapters accordingly</u>.</p>	<p>It is the Applicant's understanding that IRZs identify buffers from a SSSI boundary within which certain types of development may have an impact on the designated site. They do not give details of areas of known FLL.</p> <p>Distribution and abundance surveys have been undertaken over two wintering bird seasons and across the entirety of the Order Limits in order to identify areas of potential FLL. The survey area was based on a 400m buffer from the Order Limits which was agreed through consultation as a reasonable upper limit at which birds may be impacted by disturbance from the Project. Section 22.8.1.3 of APP-077 and Section 9.5.3.2 of the RIAA (AS1-097) assess the potential noise and visual disturbance impact to birds utilising potential FLL.</p>

NE Ref Summary of Key Concerns or Comment & Risk	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>15 The project has adopted mitigation in the form of localised working and reinstatement programmes to reduce impacts of disturbance and temporary habitat loss on land functionally linked to features of protected sites, in particular The Wash SPA and Ramsar. Natural England is concerned these measures have been applied at a high level across the Export Cable Corridor (ECC) without considering specific designated species distribution patterns, species specific disturbance distances and <u>preferred foraging habitat distribution within the route.</u></p>	<p>Whilst Natural England welcomes the commitment to these mitigation measures, Natural England advises further information on the mitigation measures in the context of these important factors should be included so that we and the Examining Authority can have confidence that proposed mitigation measures will be effective.</p>	<p>Designated species distribution patterns have been considered in the design of the mitigation, as evidenced by the targeted measures included in specific locations to address 'hotspot' areas, including the seasonal restriction at and around the "The Haven" crossing and the screening and noise attenuation bund at the Landfall to protect birds within the coastal nature reserves. For other species utilising potential FLL, which have a widespread distribution and move between fields between visits, the localised working restriction is appropriate, as explained in Section 22.8.1.3 of APP-077 (e.g. for lapwing). The disturbance assessment, and therefore mitigation requirements, have taken account of species specific disturbance distances, as detailed for individual species in Section 22.8.1.3 of APP-077. The season two wintering bird survey addendum (AS1-108) provides additional information on the preferred foraging habitat within the survey area and the mitigation measures were reviewed to account for this, with amendments provided in the addendum.</p>

#### 1.45.10.2 Baseline Characterisation - Detailed Advice and Recommendations

NE Ref	Summary of Key Concerns or Comment & Risk	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Baseline Characterisation – Document(s) Used:            [APP-077] 66.1.22 Chapter 22 Onshore Ornithology            [APP-082] 6.1.26 Chapter 26 Onshore Noise and Vibration            [APP-202] 6.3.22.3 Chapter 22 Appendix 3 Winter Bird Survey 2022 – 2023 Appendix Part 1            [APP-306] 6.3.22.3 Chapter 22 Appendix 3 Winter Bird Survey 2022 – 2023 Appendix Part 2            [APP-203] 6.3.22.3 Chapter 22 Appendix 3 Winter Bird Survey 2022 – 2023 Appendix Part 3            [APP-204] 6.3.22.3 Chapter 22 Appendix 3 Winter Bird Survey 2022 – 2023 Appendix Part 4            [APP-208] 6.3.22.7 Chapter 22 Appendix 7 Winter Bird Survey 2023-2024 Preliminary Summary            [APP-236] 7.1 Report to Inform Appropriate Assessment</p>			
Survey Data Acquisition			
16	<p>6.3.22.3            At this stage, Natural England has not identified any significant issues with data acquisition beyond the absence of characterisation data for overwintering bird species and crop rotation patterns within the order limits.</p>	<p>Natural England's advice on these matters is covered in NE Refs 17 and 18.</p>	<p>The Addendum Winter Bird Survey 2023-2024 (AS1-108) provides the additional characterisation data, including details of crop utilisation.</p>
Data Gaps			
17	<p>6.1.22 &amp; 6.3.22.7            The Applicant has presented a single year of baseline characterisation survey data for overwintering bird species within the onshore export cable corridor (ECC) route. This forms the basis of the impact assessment for both the Environmental Impact Assessment (EIA) and the Report to Inform Appropriate Assessment (RIAA). We note that acquisition of a second year of data has been completed but this was not in time to be included within the reports to inform the EIA and HRA assessments. The Applicant has provided a preliminary summary [APP-208] of the partial data set for the second year of survey results. An initial review has highlighted significant in year differences particularly in the abundances of</p>	<p>As per Natural England's <a href="#">Offshore Wind Environmental Assessments: Best Practice Advice for Evidence and Data Standards</a> (Parker et. Al., 2022), two years of survey data are required to produce a robust characterisation of bird distribution against which impacts can be assessed. We advise the Applicant presents the review and analysis of two complete years of</p>	<p>As referenced above, an addendum (AS1-108) covering the season two winter and passage bird surveys has been produced. The impact assessment and mitigation measures documented in the EIA (APP-077) and RIAA (APP-236) have been reviewed and amendments have been presented in the Addendum (AS1-108) and updated RIAA (AS1-097).</p>

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	species which are interest features of The Wash SPA/Ramsar/SSSI, Gibraltar Point Ramsar and Humber Estuary SPA and Ramsar.	survey data within their conclusions before Natural England can form a position on the proposed impacts of the development.	
I8	6.1.22 - Section 22.4.3., Para. 92. There is a requirement for multiple years of data to inform crop rotation and land use patterns and the area of potential foraging habitat temporarily lost on land considered functionally linked to interest features of designated sites. From the information presented, Natural England cannot have certainty that arable land used by Annex I birds for foraging is not being affected. The Applicant relies on these data to rule out impacts to land used by designated features and which is functionally linked to coastal SPAs.	Natural England advises the Applicant provides a temporal and spatial scale for their crop rotation data within the order limits and suitable buffer. These data can then be presented in the context of the significance and scale of the impact that the project may have on arable land within the foraging range of overwintering bird species which are features of designated sites.	Please refer to the response to I2.
Analysis, Modelling and Reporting			
I9	6.1.22 - Section. 22.4.3., Para. 92. Discussion of crop rotation within the order limits and the wider area is limited to one paragraph and unreferenced.	Natural England advises that more detail is required on crop rotations within in the order limits, including extents and distributions of arable land acting as key foraging habitat. The distribution of designated species, as identified from baseline characterisation survey data, found utilising arable land should also be included. Without this information, it is not possible for Natural England to agree with conclusions on the project impacts to land functionally linked to designated sites where species are known to use arable land.	Please refer to the response to I2. Document 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology) provides further details regarding the cropping study referenced in 6.1.22, Section 22.4.3, Para. 92 of APP-077. This includes a map showing crop types from individual fields from an extensive sample of the Order Limits and adjacent land, obtained in spring 2023. This confirms that sugar beet forms a relatively small proportion of the cropping within the study area and that cereals are a common and widespread crop type. The abundance and widespread distribution of cereal crops further supports the suitability of the localised working mitigation measure.
I10	6.1.26 The method for assessing potential noise disturbance responses of designated species focuses on minimum compliance thresholds rather than specific species disturbance responses.	Natural England advises the Applicant should assess the disturbance response of each designated bird species specifically. Please see Appendix H of Natural England's Relevant Representations response for further information.	Please refer to the response to I4.

### 1.45.10.3 Environmental Impact Assessment - Detailed Advice and Recommendations

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
Environmental Impact Assessment - Documents Used: [APP-077] 6.1.22 Chapter 22 Onshore Ornithology			

NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
[APP-284] 8.10 Outline Landscape and Ecological Management Strategy (OLEMS)			
I11	<p>6.1.22 - Para. 205</p> <p>The noise impact assessment as presented within EIA chapter on noise and vibration stated that a threshold levels of 55db LAeq would not be met within the boundary of any designated site except for a small portion of the Wash SPA.</p> <p>Natural England advises that Impact Risk Zones (IRZs), available on Defra's Magic (defra.gov.uk), can be used to review designated features of designated sites, in relation to a specific development activity.</p> <p>IRZs include key areas of functionally linked land (FLL). It is important to distinguish which sections of the onshore cable corridor (ECC) are already established as potential sites for foraging activity and that the established noise thresholds do not exceed 55db LAeq within these areas in addition.</p>	<p>Natural England advises the Applicant ensures the IRZs are used to flag any sections of the Project that have potential to disturb the designated features of the National Sites Network from construction, construction traffic and decommissioning noise pollution. This includes FLL for interest features from designated sites.</p>	<p>Please refer to the response to I4.</p>
Methodology			
I12	<p>6.1.22 - Section. 22.7.3. Paras 121 and 122</p> <p>Natural England notes the different approach of assessment of significance of effects for onshore ornithology compared to assessment for receptors of other thematic areas in the Application. We welcome this approach over the use of matrices.</p>	<p>For awareness of the Planning Inspectorate, the EIA assessment methodology for onshore ornithology differs to that of the wider project.</p>	<p>Comment noted.</p>
Have the impacts been avoided/reduced by the use of appropriate mitigation?			
I13	<p>6.1.22 - Section 22.8.1 Para. 131.</p> <p>Where the export cable corridor unavoidably crosses sensitive environmental habitats which support protected species, the project is heavily reliant on the use of trenchless techniques to avoid impacts. However, Natural England is concerned that potential limitations of this mitigation measure have not be thoroughly explored.</p>	<p>Natural England advises that further evidence is required to demonstrate that trenchless crossing would be successful in each of the proposed locations. And, where sufficient confidence in the success of the measures cannot be established, alternative mitigation measures are presented.</p>	<p>The application of trenchless techniques allows for the best method to be adopted for each location. The type of trenchless crossing method shall be selected following a detailed design review of the ground investigation information such as the ground make-up, constraints, length of crossing, etc.. Competent contractors and rigorous monitoring will be used for any installation. If the adopted method does not function as designed, other methods can be considered for completion.</p> <p>Trenchless methods such as Horizontal Directional Drilling [HDD] are tried and tested methods that were extensively utilised and successful on adjacent projects with similar land types such as Trion Knoll. This method is being used globally due to its reliability and application to mitigate complex and environmentally sensitive areas.</p>
I14	<p>8.10 - Section. 3.7.5, Para. 168</p>	<p>Natural England continues to advise that a separate outline overwintering Annex I bird species mitigation management plan document</p>	<p>Please refer to the response to I3.</p>



NE Ref & Risk	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>The Applicant has stated that all current mitigation measures for overwintering bird species have been included within their Outline Landscape and Environmental Management Strategy (OLEMS) document and that these measures are sufficient to reduce impacts to an acceptable level within the EIA and Habitat Regulations Assessment (HRA). Therefore, in the Applicant's opinion, there is no requirement for a separate outline Annex I species (including pink-footed goose) management plan.</p> <p>As mitigation measures are likely to be different for pink-footed geese, Natural England requested a separate Annex I bird species management Plan during consultations as part of pre-application process.</p>	<p>is produced which incorporates the additional detail Natural England has requested. The mitigation management plan should be submitted into examination to be agreed as part of the consent and secured within the DCO. This should include the additional information on the project's current mitigation strategy as well as further measures to mitigate impacts to Annex I bird species using functionally linked land.</p> <p>Further detail on Natural England's suggestions for these additional measures is provided within Annex 1 (Natural England Best Practice Advice for North Norfolk Coast SPA pink-footed Geese Mitigation April 2024).</p> <p>During the consenting phase the Applicant should consider whether these measures are applicable to its development once an impact assessment has been made against a two year baseline characterisation data set.</p>	
Assessment Conclusions			
I15	<p>6.3.22.7 - Section 22.722.4 onwards.</p> <p>Natural England is unable to agree with the conclusions stated within the EIA until 2 years of baseline characterisation data have been presented against which to judge the proposed impacts.</p> <p>From review of the partial data set provided within the preliminary winter bird survey 2023/24 summary document, this is particularly pertinent for pink-footed geese, lapwing, golden plover and curlew where the species abundances look to have increased significantly and for dark bellied brent geese where the species distribution has altered.</p>	<p>Natural England advises the Applicant presents the complete two years of data within their EIA to understand interannual variability and to fully characterise bird usage along the ECC.</p>	<p>Please refer to the response to I1.</p>

#### 1.45.10.4 Habitats Regulations Assessment Onshore Ornithology - Detailed Advice and Recommendations

NE Ref & Ris	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
<p>Habitats Regulations Assessment – Documents Used:</p> <p>[APP-208] 6.3.22.7 Chapter 22 Appendix 7 Winter Bird Survey 2023-2024 Preliminary Summary</p> <p>[APP-236] 7.1 Report to inform appropriate assessment.</p> <p>[APP-284] 8.10 Outline Landscape and Ecological Management Strategy (OLEMS)</p> <p>[APP-287] 8.13 Schedule of Mitigation.</p>			
<p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>			

NE Ref & Ris	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
I16	<p>7.1 - Table 6.1</p> <p>The proposal for minimising temporary loss of functionally linked land through reinstatement of topsoil and cover crop requires further detail. The proposal uses the phrase "Where practical" without further qualification and the use of a "cover crop" without providing further detail on what that cover crop may be and whether this would seek to provide the same ecological functionality as the land that has been temporarily lost.</p>	<p>Natural England advises greater detail is provided on reinstatement methods employed to mitigate temporary loss of land functionally linked to designated sites.</p>	<p>The 'where practical' in this instance refers to the fact that in some circumstances the Project may be in the position that the land can be handed back to the landowner to continue agricultural practices earlier than anticipated in which case there will be no opportunity plant a cover crop. Under this circumstance these areas of land are being reinstated to previous use and this habitat is no longer impacted.</p> <p>Where a cover crop is required; this will be in the form of a grass or clover mix variety which will be confirmed following the Applicants pre-commencement soil surveys (details on these surveys are outlined in the Outline Soil Management Plan (document 8.1.3, Version 2).</p>
I17	<p>7.1 - Section 9.5.3.1. Para. 1111. &amp; Section 9.5.3.1. Para. 1304.</p> <p>Natural England advises we are currently unable to provide our position on the impact assessment conclusion of No AEoI for the impacts of temporary habitat loss and disturbance to land functionally linked to designated populations of pink-footed geese.</p> <p>The underlying baseline characterisation data used to draw the conclusion were based on a single year of overwintering bird survey results. Whilst a second year of data has been collected, it was not in time to be considered in the RIAA. Preliminary observations on the second year data suggest variations on abundances observed within the order limits. Further to this, Natural England advises that additional mitigation measures proposed by the Applicant to mitigate project impacts of habitat functionally linked to The Wash SPA are generic and do not incorporate details of site specific data.</p> <p>Natural England requires that robust pink-footed goose population extent and distributions, as well as information on cropping rotations within the impacted area are incorporated into a mitigation management plan or the adoption of strategic supplementary feeding strategies for the plan to be considered robust. We do not have confidence that the generic mitigation measures as presented are suitable for reducing impacts to this species.</p>	<p>Natural England advises two years of overwintering bird survey data are required to provide a robust baseline against which to assess project impacts.</p> <p>Natural England has provided our generic advice on mitigation measures for pink-footed geese as an Annex to this submission (Annex 1). A suite of potential suitable mitigation measures are presented within this note. We advise that the Applicant adopts suitable measures to reduce their impact.</p> <p>Natural England also continues to advise that mitigations measures are secured within a separate specific Annex I bird species mitigation management plan, submitted into examination, which addresses the specific needs of multiple Annex I species rather than incorporate generic advice into an Outline Land and Environmental Management Strategy (OLEMS).</p>	<p>Please refer to the response to I1, I2 and I3.</p>
I18	<p>7.1 - Section 9.5.3.2. Para. 1193</p> <p>The proposed additional mitigation measures to reduce the potential noise disturbance at the landfall location suggests construction of the mitigation bund in March, August, or September.</p>	<p>Natural England advises that March is also avoided as this month overlaps with known presence of designated passage and overwintering bird species.</p>	<p>This is noted. ODOW confirms that March will also be avoided for construction of the mitigation bund at the landfall, as documented in the Outline Landscape and Ecology Management Strategy (OLEMS) (8.10, Version 3). However, during this period, ODOW will focus on completing the 'soft start' works. These preparatory works, which include ground preparation, land drainage, fencing, signage, access haul road, material storage, and establishment of laydown for welfare, are crucial for ensuring a smooth start to the Bund work.</p>
I19	<p>7.1 – Section 9.5.3.2., Para.1287</p> <p>Natural England agrees the proposed mitigation measures would reduce project impacts to foraging brent geese species in the prominent locations</p>	<p>The Applicant should ensure that two years of characterisation survey data are used at the time of consent to ensure the greatest likelihood of</p>	<p>Data from the second season of winter and passage bird surveys is presented in an addendum (AS1-108). Based on these results, the mitigation for brent goose has been amended, to extend the seasonal restriction at The Haven to</p>

NE Ref & Ris	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>identified from the 1 year of baseline characterisation survey. However, 2 years of survey data are required to present a sufficient baseline characterisation to understand preferred species distribution within the order limits, and ensure that the mitigation measures are implemented in the appropriate areas.</p>	<p>preferred brent geese habitat within the export cable corridor are under mitigation measures.</p> <p>Would also expect for this species and all other Annex I birds that a pre-construction survey is undertaken to ensure that the mitigation measures remain fit for purpose. This should be secured in the In Principle Monitoring Plan.</p>	<p>include a soft start to works in April, as detailed in Section 4.1 of the addendum (AS1-108) and is included in Section 3.7.5.5 of the OLEMS (document 8.10, Version 3).</p> <p>It is considered that two years of baseline survey is sufficient to identify the appropriate areas to implement a seasonal restriction for brent geese. For other key qualifying species with a widespread distribution, it is recognised that their distribution will shift in relation to the crop rotation, but the mitigation remains the same, which includes the localised working restriction, as explained in response to I5. Therefore, no pre-construction surveys for non-breeding qualifying species are proposed.</p>
I20	<p>8.13</p> <p>An update to the 8.13 Schedule of Mitigation [APP-287] is required to reflect the advice that Natural England have provided in this response.</p>	<p>In light of the comments above on mitigation, please amend the 8.13 Schedule of Mitigation [APP287] document to address our advice.</p>	<p>An updated Schedule of Mitigation (document 8.13, Version 2) has been updated and submitted alongside this response in line with the Applicant's responses to Natural England's comments.</p>
<p><b>Assessment Conclusions</b></p>			
I21	<p>7.1 - Section 9.5.3.1, Para. 1100 &amp; 1111</p> <p>The impact pathway of temporary habitat loss for dark bellied brent geese has been ruled out on the basis that the amount of land subject to temporary habitat loss in the surrounds of the river Haven is 0.05km<sup>2</sup> (5ha) and the availability of alternative foraging habitats in the wider area. Data collected as part of the baseline characterisation survey has suggested that this area is utilised by the dark belied brent geese for foraging activity. This species has a restore target set for populations connected to the Wash SPA.</p> <p>The impact pathway of temporary habitat loss from construction activities has been ruled out at Appropriate Assessment stage for pink-footed geese. This conclusion is based on only a single year of monitoring data. However, the preliminary summary of the second year of baseline characterisation survey data suggests a significant increases in abundance data for this species within the order limits.</p>	<p>Natural England advises that further site specific evidence on suitable alternative foraging habitat for dark bellied brent geese should be presented to corroborate the conclusions of No AEOI. Please see comment NE Ref I8.</p> <p>Natural England requires the reassessment of the pink-footed geese impact pathway, by utilising two years of data for a robust conclusion to be drawn. Natural England cannot comment on the conclusion until this has been completed. Natural England further advises that impact of temporary habitat loss has been ruled out based on alternative foraging habitat. The Applicant should also present further specific evidence on the availability of alternative foraging sites within the foraging range (see comment I8).</p> <p>Natural England further advises that upon inclusion of these data into the impact assessment, additional mitigation proposals may be required. Examples of mitigation adopted by other projects is included within Annex 1 – Natural England's best practice advice on pink-footed geese.</p>	<p>Please refer to the responses to I1 and I2 regarding the second season of non-breeding bird data and additional information on crop utilisation.</p> <p>The winter bird survey addendum (AS1-108) shows that brent geese recorded on arable land within the study area were utilising cereal fields only. Cereal crops are a common crop type in the area, as is evidenced by the season two survey results. Mitigation which will minimise the potential impact of temporary habitat loss includes the use of trenchless crossing techniques at The Haven, with the cable installation compounds set back from the edge of the river by approximately 100m. In addition, there is a commitment to leave arable cropland un-stripped where works are not due to take place that year and to return land to agriculture as soon as practicable following completion of works in a specific location. This means that within the 51 month schedule, temporary habitat loss with arable fields around The Haven will occur over three winter seasons with the reinstatement of land up to the haul roads intended in year 2, before the land is fully reinstated in year 3. Combined with the small area of land affected as described in APP-236, the conclusion of no AEOI of the Wash SPA in relation to dark-bellied brent goose and temporary habitat loss is valid.</p> <p>Regarding pink-footed goose, please refer to the response to I1, which references the season two addendum (AS1-108) and update to the assessment and mitigation measures.</p>
I22	<p>7.1 - Section 9.5.3.1, Para. 1038</p> <p>Conclusions on temporary habitat loss considered no AEOI for Lapwing due to the &lt;40% of arable fields which are being subject to temporary habitat loss. Natural England notes that this is based upon one year of survey data</p>	<p>Natural England advises the Applicant should demonstrate that these conclusions remain valid considering the second year data which</p>	<p>Please refer to the response to I1 and I2, which references the season two addendum (AS1-108) and clarification note on cropping<sup>12</sup>. This shows that lapwing were recorded utilising crop types which are common within the Order Limits plus 400m as well as in the wider area and the area of temporary habitat</p>

NE Ref & Ris	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	(peak flock count of 400). The Preliminary summary of the second year data suggests that greater abundances were noted in the second year of surveys. The peak flock count for the second year of survey is much higher (c. 2000) with multiple visits where flock count was 1000 or greater.	shows much higher abundances of this species identified along the onshore ECC route.	loss forms only a very small proportion of those crop types in the area. Where localised distribution was identified, such as at Anderby Marsh, then targeted mitigation measures have been adopted including avoidance of those areas.
I23	7.1 - Section 9.5.3.1., Para. 1047  The conclusion of No AEoI from the impact of temporary habitat loss utilises a summary of "generally 50% or less" of arable fields, where golden plover were identified in the first year survey, would be subject to temporary habitat loss. Natural England notes that, whilst this statement is true, of the twelve arable fields where this species was recorded in the first year survey, five would be subject to a loss of 50% or greater.	Considering the second year of baseline characterisation data which shows a general trend of greater abundances of individuals within flocks compared to the first year, Natural England advises that this conclusion is reviewed and justified with a full baseline characterisation data set.	Please refer to the response to I22, noting this also applies to Curlew.
I24	7.1 - Section 9.5.3.1., Para. 1077  The conclusion on temporary habitat loss for curlew relies on the same evidence as those drawn for lapwing.	Natural England's advice and recommendation on lapwing above (NE Comment: I22) is also relevant to populations of curlew.	Please refer to the response to I22.
I25	7.1 - Section 9.5.3.2., Para. 1216  The Applicant has proposed additional mitigation measures in the form of localised working to reduce the impact of disturbance on overwintering populations of lapwing and to support a conclusion of No AEoI for this designated feature of The Wash Ramsar site. The mitigation proposal suggests discrete localised work areas which will occupy no more than 1.4% of the onshore cable corridor during the overwintering period.	Natural England welcomes the commitment to localised working and to working on 1.4% of the onshore cable corridor at any one time during the overwintering period. The mitigation measure needs to provide further clarity on the factors affecting localised population distributions of this species to ensure Natural England can have confidence that mitigation measures would be effective.  In addition, the Applicant should state a distance at which discrete sites should be separated from each other to avoid aggregating a larger disturbance effect between disparate sites. This distance should be based upon scientifically defined disturbance distances.  Without this detail. Natural England cannot agree with the conclusion of No AEoI for the Wash Ramsar of which this species is designated.	Please refer to the response to I5.  As the localised working restriction has been designed to mitigate potential disturbance impacts to birds with a widespread distribution, limiting that to a maximum of 1.4% of the onshore order limits at any one time is appropriate (as secured in paragraphs 159-163 of the OLEMS (document 8.10, Version 3)). Should discrete work sites be aggregated close together then the overall area of land affected by disturbance would be less than if potential disturbance buffers from discrete work sites did not overlap. Therefore, it would not be appropriate to set a minimum distance between discrete sites.
I26	7.1 - Section 9.5.3.2., Para. 1234  The conclusion of No AEoI from temporary disturbance due to construction activity to populations of golden plover, which are designated interest features of the Humber Estuary SPA, The Wash Ramsar and part of The Wash SPA assemblage, is based upon 1 year of survey data. The preliminary second	Natural England advises that assessment of impact should be based upon two years of baseline characterisation data. The data baseline should then be set against population trends of the species and the conservation	Please refer to the response to I1, which references the addendum (AS1-108) within which paragraphs 62-65 summarises the season two results, compares these with season 1 and discusses mitigation measures. Golden plover were recorded at low frequency and typically were only recorded in a specific location on a single visit. They were also recorded from field types which are common across the survey area. Therefore the primary mitigation remains the

NE Ref & Ris	Summary of Key Concerns or Comment	Natural England's Recommendations to Resolve Issues	Applicant Response
	<p>year survey report suggests that abundances of this species were higher in the second year. The conclusion also draws upon the comparatively lower numbers of golden plover compared to the numbers of lapwing observed.</p>	<p>objectives of the sites where they are designated.</p>	<p>same, which is to limit the works to localised areas at any one time during the winter season when the plover flocks are present and thereby minimise the potential disturbance impact, as alternative habitat will remain available.</p> <p>Information on population trends and conservation objectives for golden plover are set out and considered within the impact assessment within this subsection for 'Feature 3: golden plover', paragraphs 1225 to 1236 of APP-236.</p>
I27	<p>7.1 - Section 9.5.3.2. Para. 1300</p> <p>A conclusion of No AEoI for the impact of temporary disturbance to populations of designated pink-footed geese using functionally linked land is reliant on one year of baseline characterisation data and the availability of alternative foraging habitat.</p> <p>The conclusion also draws on discussions relevant to the Sheringham and Dudgeon Extension Project which focussed on sugar beet as a preferred foraging crop as it is abundantly farmed in the area local to that development. As acknowledged within Para. 1297, this species is reliant on a variety of arable habitats for foraging including grass, grain, vegetables, and potatoes.</p>	<p>Natural England advises that further information is required for us to understand the impacts the project may have on this species and its use of arable land (please see comments on incomplete baseline characterisation data and cropping patterns above).</p> <p>To have confidence in the impact conclusion, Natural England would need to understand the abundance and distribution of the population from 2 years of baseline characterisation data within the order limits. This information should be cross referenced against the species behaviour and type of arable land these populations were identified within. Using this information, the Applicant can demonstrate how much of this land could be subject to temporary disturbance within the foraging range and subsequently whether an impact would require mitigating.</p>	<p>Please refer to the response to I3.</p>

#### 1.46 RR-046 National Highways

ID	Relevant Representations	Applicant Response
RR-046.001	<p>National Highways has been appointed by the Secretary of State for Transport as a strategic highway company and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In relation to the Outer Dowsing Offshore Wind (Generating Station), our principal interest is in safeguarding the M180 motorway, and the A46 and A1 trunk roads.</p>	<p>The applicant acknowledges the role of National Highways in the management of the Strategic Road Network (SRN). The SRN is outside the order limits and the project is unlikely to have any impact upon it, due to the distance from the project and dissipation of traffic. Paragraph 25 of the Traffic and Transport Chapter (ASI-052) describes the SRN in relation to the Project:</p> <p><i>Although construction traffic associated with the Project will use the wider highway network outside the study area (including the Strategic Road Network (SRN)), it is considered that construction traffic volume will have dissipated such that significant impacts on the wider highway network are not anticipated and so these wider routes are not included in the study area, which has been agreed with NH as set out in the Scoping Opinion (The Planning Inspectorate, 2022) and as further discussed and agreed through the Evidence Plan process and as set out by NH in the Section 42 response (July 2023).</i></p>

ID	Relevant Representations	Applicant Response
RR-046.002	Although the SRN is outside the Order Limits, it is understood that HGV construction traffic may be routed via the M180, A46 and A1. As such, we reserve the right to make written representations if an impact of construction traffic on the SRN is identified, or if changes to the application are made which result in impacts to the SRN.	The applicant has noted National Highway's comments regarding any changes to the routing of construction traffic which could impact the SRN.

### 1.47 RR-047 National Trust

ID	Relevant Representations	Applicant Response
1	The National Trust wishes to register as an interested party in respect of the application for a Development Consent Order for the Outer Dowsing Offshore Windfarm Projects.	This comment is noted by the Applicant.
2	<p>Renewable Energy Development</p> <p>The Trust believes strongly in the need to grow renewable energy and reduce the UK's and the Trust's use of fossil fuels. We are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role. We welcome renewable schemes that are holistically designed to take into account the effects on the environment including wildlife, landscape and cultural heritage including the cumulative effects of similar schemes impacting related species and landscapes.</p>	This comment is noted by the Applicant.
3	<p>National Trust's Interest in the Proposal</p> <p>The National Trust's interest in this application relates to the Applicant's Habitats Regulations Assessment and the proposal for a 'without prejudice' derogation case for guillemot and razorbill in relation to the Flamborough and Filey Coast Special Protection Area, as set out in submitted document APP-259 (7.7.6 Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map). Paragraph 1 of this document states that the Report to Inform Appropriate Assessment (RIAA; Document 7.1) concluded that there would be no Adverse Effect on Integrity (AEol) to the common guillemot, <i>Uria aalge</i> (hereafter 'guillemot'), and razorbill, <i>Alca torda</i> features of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) due to displacement, both when considering the project alone and in combination with other plans or projects. However, paragraph 2 states "Following consultation with Natural England and other relevant consultees through the Evidence Plan Process, the project has however provided a 'without prejudice' derogation case for both guillemot and razorbill in relation to the FFC SPA; alongside this, a number of options for Project alone and collaborative compensation measures have been developed as far as possible. In the event that the Secretary of State determines potential for Adverse Effect on Integrity (AEol) and considers that compensation is required, the Project has provided sufficient confidence that compensation measures are available, securable and deliverable".</p> <p>It is understood that the primary compensatory measure proposed is predator control at the Plemont Seabird Reserve in Jersey. However, should further compensation be deemed necessary, then further measures discussed in the above mentioned document could also be provided. The document sets out a list of sites selected for compensation. This includes sites owned by the National Trust in Devon and Cornwall.</p> <p>The National Trust has had an initial discussion with the Applicant's consultants to find out more about the proposed compensation proposals. These are at an early stage of development. Although some initial survey work has been undertaken, further surveys will be carried out over the coming months to inform the proposals. The proposals are not yet developed enough for the Trust to be able to advise whether we would support the compensatory measures on our land in the south-west of England and whether we consider they would be securable and deliverable. The National Trust therefore wishes to register as an Interested Party and will provide updates to the Examining Authority on our position as the compensation proposals are developed in more detail.</p>	<p>The Applicant welcomes the engagement received from the National Trust in relation to the 'without prejudice' compensation proposals to date. Work is being progressed on all of the measures proposed and the Applicant intends to provide updates to the National Trust as to the surveys which were undertaken this summer and on the progression of the compensation measures.</p> <p>The Applicant notes that only some of the sites being explored as options to support the without-prejudice measures are within land owned by the National Trust. Furthermore, not all of the measures which may affect colonies positioned on National Trust land would be delivered on National Trust land (i.e. deployment of buoyage and/or education campaigns).</p> <p>The Applicant hopes to continue to collaborate with the National Trust to ensure there is confidence in the securing and deliverability of the potential compensation measures in sites owned by the National Trust in the South-West of England.</p>

### 1.48 RR-048 DLA Piper on behalf of National Grid Electricity Transmission plc

ID	Relevant Representations	Applicant Response
RR-048.001	Relevant Representation of NGET (National Grid Electricity Transmission Plc) in respect of the Outer Dowsing Offshore Windfarm DCO (the "Project") This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc ("NGET") in respect of the Project, and in particular NGET's existing and proposed infrastructure and land interests which will be located within and in close proximity to the proposed Order Limits. The Project proposes to construct 400kV cables from its onshore converter station, connecting to NGET's proposed Weston Marsh Substation, which forms part of the Grimsby to Walpole (G2W) Project.	The Applicant notes the comments and would point out, to avoid any confusion, that the project does not include a converter station. The project export cable system is HVAC throughout and the installation at Surfleet Marsh will be an onshore substation.
RR-048.002	The Applicant is seeking temporary and permanent rights over several plots, including those shown on page 51 of the Land Plans and referenced in the draft DCO as Work Number 17. As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations. NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits.	The Applicant acknowledges the NGET position regarding the 'Connection Works' to be carried out in proximity of the existing NGET pylons and overhead lines. The Applicant will continue to work closely with NGET to ensure the protection of the NGET assets, though coordination and the agreement of Protective Provisions.
RR-048.003	Additionally, NGET must protect its future proposed infrastructure. NGET will therefore require appropriate protection for retained or proposed apparatus, including compliance with relevant standards for works proposed within close proximity of its apparatus or proposed apparatus. NGET's rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted.	The Applicant appreciates the importance of the protection of NGET's assets. The Applicant is in the process of negotiating a set of protective provisions with NGET to ensure their apparatus is appropriately protected.
RR-048.004	Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection. Further discussion and agreement with the Applicant is required in relation to the impact on its apparatus and rights. NGET owns and operates two 400kV overhead lines that are located within and in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows: • 4ZM 400kV OHL – Spalding North – Walpole; Bicker Fen – Walpole – West Burton • 2WS 400kV OHL- Bicker Fen – Spalding North – West Burton; Spalding North - Walpole • Associated cable fibres	The Applicant is aware of NGET's assets and has detailed them in the Onshore Crossing Schedule (APP-143) and the Onshore Crossing Plans (APP-022). The Applicant is in the process of negotiating a set of protective provisions with NGET to ensure their apparatus is appropriately protected.
RR-048.005	Furthermore, based on information currently available, NGET has identified potential interfaces between the Project and the proposed NGET infrastructure projects detailed below. These proposals are part of NGET's Great Grid Upgrade – the largest overhaul of the grid in generations. NGET infrastructure projects across England and Wales are connecting additional renewable energy to homes and businesses. NGET must ensure adequate protection for its future projects both in terms of protection for future assets and future land and rights for the delivery of these projects.	The Applicant acknowledges NGET's plans for future grid upgrade works. As noted above, the Applicant is in the process of negotiating a set of protective provisions with NGET. The interaction with NGET's future projects is being discussed as part of that process.
RR-048.006	Co-operation Overarching National Policy Statement (NPS) for Energy EN-1 states that "[t]o support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK's net zero energy generation development" (para 4.11.3). This is reflected in the NPS for Renewable Energy Infrastructure EN-3 which states at paragraph 2.8.34 that "a more co-ordinated approach to offshore-onshore transmission is required." In line with good practice and the new policy considerations in the updated Energy NPS', particularly EN-5, which requires that "2.14.2 the construction planning for the proposals has been co-ordinated with that for other similar projects in the area on a similar timeline;" NGET will continue to co-operate on co-ordination in respect of G2W and seek to develop co-ordination and co-operation in the same localities with regards to EGL 3 and 4. The Parties have been co-operating since 2021 in relation to G2W, meeting regularly to discuss such matters as respective delivery programmes, connection location, consultation timelines and coordination of temporary and permanent design. Whilst interaction between the Parties has so far been limited to two one-hour meetings on EGL 3 and 4, NGET wishes to develop this further.	The Applicant will continue to cooperate with NGET and welcomes the proposal to have further engagement with the EGL projects.
RR-048.07	The Project interacts with the NGET projects set out below, both of which will be brought forward as DCOs. Eastern Green Link (EGL) 3 and 4	The Applicant has engaged with the EGL 3 and 4 projects, and the project team have outlined their initial assumptions regarding the means of effecting the cable crossing. This early engagement is appreciated, and the Applicant looks forward to continued engagement as the EGL 3 and 4 project are developed.

ID	Relevant Representations	Applicant Response
	<p>EGL 3 and EGL 4 are independent projects that are being developed in parallel. The EGL 3 and EGL 4 projects involve a mix of offshore and onshore development and consent for the English components will be sought under a single DCO. The projects are currently in the process of non-statutory consultation. EGL 3 and EGL 4 benefit from a section 35 direction which recognises the national significance of the EGL 3 and EGL 4 projects, and the EGL 3 and EGL 4 projects will seek development consent orders in due course. The EGL 3 and EGL 4 projects are recognised as being essential to the Country’s future energy security and meeting net zero targets. The EGL 3 project will be a new offshore High Voltage Direct Current (HVDC) electrical link from Peterhead to Walpole, Norfolk. EGL 4 will be a new offshore HVDC electrical link from east Scotland, also to Walpole, Norfolk. EGL 3 and 4 are needed as the existing transmission network does not have enough capacity to securely and reliably transport the increasing amount of energy generated in Scotland and Scottish waters, particularly from offshore wind, to population centres in the Midlands and South of England.</p> <p>There is a direct interaction between the Project and EGL 3 and EGL 4, with a crossing north of the river Welland in proximity to Fosdyke in South Holland where EGL 3 and 4 cables and Project cables intersect. Both projects are likely to be under construction at the same time and so cumulative effects on the area must be coordinated. The EGL 3 and EGL 4 projects are recognised as being projects of critical national priority under the National Policy Statements. It is therefore essential that the Project accommodates this interaction and that the protective provisions ensure that future working can be agreed between the parties and that there are no restrictions which would prevent this.</p>	<p>As noted above, the Applicant is in the process of negotiating a set of protective provisions with NGET. The interaction with NGET’s future projects is being discussed as part of that process.</p>
RR-048.08	<p>–Grimsby to Walpole</p> <p>The Grimsby to Walpole Project will establish a new 400kV transmission line of approximately 140km in length between Grimsby and Walpole, and five proposed substations, summarised below; • a new substation in the vicinity of the existing Grimsby West substation in North East Lincolnshire, • two new substations (notionally named Lincolnshire Connection Substations) located south-west of Mablethorpe in East Lindsey, • a new substation (notionally named Weston Marsh) in the vicinity of the existing 400kV Spalding Tee-Point, where the overhead lines denoted as 4ZM and 2WS meet, located in South Holland District, and • a new substation (notionally named Walpole B) in the vicinity of the existing Walpole substation, located in King’s Lynn and West Norfolk District. The connection is expected to wholly or largely comprise a new overhead line. NGET will also need to replace short sections of existing 400kV overhead line and commission local changes to the lower voltage distribution networks to facilitate the construction of the new overhead line and substations. These new substations are planned for offshore wind generation, battery storage/solar, interconnectors with other countries and subsea links to Scotland through high voltage direct current (HVDC) links. G2W will increase the capability of the network to carry clean green energy from the north of England to the Midlands and East Anglia. This is required due to existing power lines not having sufficient capacity for all the new sources of electricity expected to connect to the network over the next 10 years and beyond.</p> <p>The Project seeks the ability to compulsorily acquire rights over land within which the proposed Weston Marsh Substation will be constructed and to which the Project will connect. Weston Marsh Substation will be constructed as part of G2W. There may also be interactions between the two projects elsewhere</p>	<p>The Applicant appreciates the importance of the G2W project. The Applicant’s grid connection will be made into the new Weston Marsh substation but understands that this is not dependent upon the other grid upgrades referred to as there is sufficient existing system capacity for the project to make its connection.</p> <p>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 the Project Description Figure 3.3.15 (APP-089) being the southern part of Work No. 17 represents the latest understanding of the area in which the required National Grid substation will be located. 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 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.</p>
RR-048.09	<p><b>Protection of NGET Assets</b> NGET will require Protective Provisions to be included within the draft Development Consent Order (the “Order”) for the Project to ensure that assets existing at the time of construction of the Project are adequately protected and to ensure compliance with relevant safety standards.</p>	<p>The Applicant is in the process of negotiating a set of protective provisions with NGET to ensure their apparatus is appropriately protected.</p>
RR-048.010	<p>NGET also requires that the Protective Provisions include protection for its future assets including the G2W, EGL 3 and EGL 4 projects. The Awel Y Mor DCO provides a precedent for the protection of future assets via Protective Provisions. NGET is liaising with the Applicant in relation to such Protective Provisions. Accordingly NGET has not appended the version of the Protective Provisions it requires to be included in</p>	<p>As noted above. the Applicant is in the process of negotiating a set of protective provisions with NGET to ensure their apparatus is appropriately protected. The interaction with NGET’s future projects is being discussed as part of that process.</p>



ID	Relevant Representations	Applicant Response
	the Order to this Relevant Representation. However, NGET will submit these at Written Representation Stage, if not agreed between the parties by that point, with an explanation of any outstanding issues.	
RR-048.011	NGET requests that the Applicant continues to engage with it in relation to how the Applicant's works pursuant to the Order (if made) will ensure protection for those proposed NGET assets, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations	The Applicant will continue to engage with NGET regarding the protection of its rights.
RR-048.012	NGET will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions. Detailed discussions between the Parties during workshops have already eliminated potential issues relating to siting of the Weston Marsh Substation with regards to interactions with the G2W project. Compulsory Acquisition Powers in respect of the Project	The Applicant concurs with this statement and will endeavour to finalise matters as early as possible.
RR-048.013	Where the Applicant seeks powers of compulsory acquisition over NGET land or rights, the Protective Provisions must require that the Applicant obtain NGET's consent to any compulsory acquisition of any such land or rights. NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with its EGL 3 and 4 and G2W projects, or any NGET projects identified during the Examination process, and as negotiations continue, but in the meantime will continue to liaise with the Applicant from G2W and EGL 3 and 4 with a view to reaching a satisfactory agreement during the Examination process and will keep the Examining Authority updated in relation to these discussions.	The Applicant is currently engaged in discussions with NGET regarding Protective Provisions. The Applicant and NGET are working to agree the Protective Provisions as soon as possible.

#### 1.49 RR-049 Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited

ID	Relevant Representations	Applicant Response
RR-049.001	APPLICATION BY GT R4 LIMITED (OUTER DOWSING OFFSHORE WIND) FOR THE OUTER DOWSING OFFSHORE WIND DEVELOPMENT ORDER 202[X] PLANNING INSPECTORATE REFERENCE: EN010130 SECTION 56 PLANNING ACT 2008: RELEVANT REPRESENTATION OF NETWORK RAIL INFRASTRUCTURE LIMITED This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of Total Energies and Corio Generation (the Promoter) application for a development consent order (the Order) for the Outer Dowsing Offshore Wind (the Scheme). Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the Grantham to Skegness line and verges, which lies to the west of off the Lincolnshire coast (the Railway). The Order sought by the Promoter includes development consent for the construction, operation and decommissioning of offshore generating station with a capacity greater than 100MW located 33 miles (54km) off the Lincolnshire coast.	The Applicant notes this comment.
RR-049.002	The Promoter seeks authority and powers in the draft Order for new rights to be compulsorily acquired over the following plots on the Railway and land owned by Network Rail: 1. Permanent Rights over 18382 square metres of agricultural land, in respect of Railway apparatus (south of Brewster Lane) (plot 15-050); 2. Permanent Rights over 1975 square metres of railway (Wainfleet and Boston) and works (plot 15-053); 3. Permanent Rights over 10247 square metres of agricultural land, in respect of Railway apparatus (north of Collison Gate) (plot 15-054); 4. Permanent Rights over 172 square metres of railway, in respect of Railway apparatus (Wainfleet and Boston) and works (plot 15-055); 5. Permanent Rights over 6543 square metres of agricultural land, in respect of Railway apparatus (north of Collison Gate) (plot 15-056).	The Applicant notes this comment.
RR-049.003	Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme. As the Promoter proposes to compulsorily acquire new rights to be exercised in close proximity to the Railway, Network Rail wishes to object to the making of the Order on the ground that the rights sought might interfere with the safe and efficient operation of the Railway.	The Applicant notes this comment.
RR-049.004	In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions and/or requirements to be included within the Order (and for the avoidance of doubt Network Rail require these Protective Provisions to be in the form set out at Appendix 1 to these Relevant Representations) and an agreement with the Promoter to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway. Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised.	The Applicant is negotiating with Network Rail the terms of Protective Provisions (and notes that the proposed wording set out in this representation is yet to be agreed).  The Applicant has entered into a Basic Asset Protection Agreement (BAPA) with the Asset Protection team at Network Rail. The BAPA will ensure that any works

ID	Relevant Representations	Applicant Response
		<p>impacting Network Rail are carried out in a safe manner and pose no risk to Network Rail.</p> <p>The Applicant has agreed Head of Terms with Network Rail for the grant of rights on Network Rail owned land. The parties' respective solicitors are currently in the process of agreeing a voluntary agreement for the grant of rights in favour of the Applicant and aim to conclude these prior to examination closing.</p>
RR-049.005	<p>The Examining Authority and the Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order. Network Rail respectfully requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination and Network Rail reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.</p>	<p>The Applicant notes this comment.</p>
RR-049.006	<p>Appendix 1 Protective Provisions for the benefit of Network Rail PROTECTIVE PROVISIONS PART [ ] FOR THE PROTECTION OF RAILWAY INTERESTS 1. The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph [15] of this Part of this Schedule any other person on whom rights or obligations are conferred by that paragraph. 2. In this Part of this Schedule— "asset protection agreement" means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail; "construction" includes execution, placing, alteration and reconstruction and "construct" and "constructed" have corresponding meanings; "the engineer" means an engineer appointed by Network Rail for the purposes of this Order; "network licence" means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993; "Network Rail" means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at Waterloo General Office, London SE1 8SW) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition "associated company" means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited's railway undertaking; "plans" includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property; "railway operational procedures" means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease; "railway property" means any railway belonging to Network Rail and- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and (b) any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment; "regulatory consents" means any consent or approval required under: (a) the Railways Act 1993; (b) the network licence; and/or (c) any other relevant statutory or regulatory provisions; by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development; "specified work" means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 4 (maintenance of authorised project) in respect of such works. 3. (1) Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute. (2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must— (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order. 4. (1) The undertaker must not exercise the powers conferred by— (a) article 3 (development consent granted by the Order); (b) article 4 (maintenance of authorised project); (c) article 17 (discharge of water); (d) article 18 (authority to survey and investigate the land onshore); (e) article 20 (compulsory acquisition of land); (f) article 22 (compulsory acquisition of rights); (g) article 26 (acquisition of subsoil only or airspace only); (h) [article [x] (power to override easements and other rights)] (i) article 28 (temporary use of land for carrying out the authorized project); (j) article 29 (temporary use of land for maintaining the authorised project); (k) article 30 statutory undertakers); (l) article 23 (private rights); (m) article 35 (felling or lopping of trees and removal of hedgerows); (n)</p>	<p>The Applicant will continue to liaise with Network Rail regarding the finalisation of the Protective Provisions.</p>

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article 36 (trees subject to tree preservation orders); (o) the powers conferred by section 11(3) (power of entry) of the 1965 Act; (p) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016; (q) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016; (r) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017; in respect of any railway property unless the exercise of such powers is with the consent of Network Rail. (2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail. (3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, article 30 (statutory undertakers), [article [x] (power to override easements and other rights or private rights of way)] or article 23 (private rights), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail. (4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail. (5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway. (6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions but it shall never be unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion). (7) The undertaker must enter into an asset protection agreement prior to the carrying out of any specified work. 5. (1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration. (2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer shall be deemed to have approved the plans as submitted. (3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker. (4) When signifying their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction. 6. (1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) must, when commenced, be constructed— (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 5; (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer; (c) in such manner as to cause as little damage as is possible to railway property; and (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property. (2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction. (3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents. 7. The undertaker must- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and (b) supply the engineer with all such

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information as they may reasonably require with regard to a specified work or the method of constructing it. 8. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them. 9. (1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction or completion of a specified work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker 56 days' notice (or in the event of an emergency or safety critical issue such notice as is reasonable in the circumstances) of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions. (2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work. (3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 10(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require. (4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph. 10. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail— (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works; (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work; (c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work; (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work. 11. (1) In this paragraph- "EMI" means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail's apparatus; and "Network Rail's apparatus" means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications. (2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail's apparatus carried out after approval of plans under paragraph 5(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change). (3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness. (4) In order to facilitate the undertaker's compliance with sub-paragraph (3)- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail's apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them; (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail's apparatus identified pursuant to sub-paragraph (a); and (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to sub-paragraph (a). (5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such

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modifications paragraph 5(1) has effect subject to the sub-paragraph. (6) Prior to the commencement of operation of the authorised development the undertaker shall test the use of the authorised development in a manner that shall first have been agreed with Network Rail and if, notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus. (7) In the event of EMI having occurred – (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI; (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI; (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI; and (d) the undertaker shall not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring. (8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6) – (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus; (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 6. (9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies. (10) For the purpose of paragraph 10(a) any modifications to Network Rail's apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph. (11) In relation to any dispute arising under this paragraph the reference in article 38 (Arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology. 12. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property. 13. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway. 14. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail. 15. (1)The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule [(subject to article [x] (no double recovery))] which may be occasioned to or reasonably incurred by Network Rail— (a) by reason of the construction, maintenance or operation of a specified work or the failure thereof; or (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work; (c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development; (d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others; (e) in respect of costs incurred by Network Rail in complying with any railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out or operation of the authorised development; and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph. (2) Network Rail must – (a) give the undertaker reasonable written notice of any such claims or demands (b) not make any settlement or compromise of such a claim or demand without the prior consent of the undertaker; and (c) take such steps as are within its control and are reasonable in the circumstances to mitigate any liabilities relating to such claims or demands. (3) The sums payable by the undertaker under sub-paragraph (1) shall if relevant include a sum equivalent to the

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	<p>relevant costs. (4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator. (5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub paragraph (4). (6) In this paragraph— "the relevant costs" means the costs, losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work including but not limited to any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and "train operator" means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993. 16. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs). 17. In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable. 18. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of— (a) any railway property shown on the works and land plans and described in the book of reference; (b) any lands, works or other property held in connection with any such railway property; and (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph. 19. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993. 20 The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article [x] (transfer of benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)— (a) the nature of the application to be made; (b) the extent of the geographical area to which the application relates; and (c) the name and address of the person acting for the Secretary of State to whom the application is to be made. 21 The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article [x] (certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in a format specified by Network Rail. 22 [In relation to any dispute arising under this part of this Part of this Schedule (except for those disputes referred to in paragraph 11) the provisions of article 38 (Arbitration) shall not apply and any such dispute, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institution of Civil Engineers.</p>	

### 1.50 RR-050 Gunfleet Sands Demo Limited

ID	Relevant Representations	Applicant Response
1	<p>Orsted Gunfleet Sands Demo Limited wishes to register as an Interested Party in relation to the Outer Dowsing Offshore Wind Farm DCO Application, due to the proximity of the projects and the potential for cumulative effects. Orsted Gunfleet Sands Demo Limited may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.</p>	<p>The comment is noted by the Applicant.</p>

### 1.51 RR-051 Hornsea Project Four Limited

ID	Relevant Representations	Applicant Response
1	<p>Orsted Hornsea Project Four Limited ("Orsted H4") wishes to register as an Interested Party in relation to the Outer Dowsing Offshore Wind Farm DCO application, due to the proximity of the projects and the potential for cumulative effects. Orsted H4 may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others. Given the proximity of the Outer</p>	<p>Whilst the location of construction ports is not yet confirmed, embedded mitigation as detailed in Table 15.7 of Chapter 15 of the Environmental Statement (APP-070), includes industry standard marine coordination and communication, will ensure that vessels maintain safe distances from existing developments, noting that those vessels will comply fully with the International Regulations for the Prevention of Collisions at Sea (COLREGs). As</p>

ID	Relevant Representations	Applicant Response
	<p>Dowsing array to the Hornsea Four array, it is imperative that vessel access and related logistics to the Hornsea Four array is not adversely impacted. The Outer Dowsing application should also ensure that the Outer Dowsing project does not result in displacement of fisheries and does not adversely impact Orsted H4's established co-existence relationships with fishers.</p>	<p>such, the Applicant is confident that there will be no interference with vessel access to Hornsea Four from the construction and operation of the Project. The routing to the existing Hornsea projects does not require a deviation as a result of the array area as set out in 6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171).</p> <p>The Applicant has developed strong relationships with the local fishing industry throughout the pre-Application phase, which it intends to continue into the construction phase. The Applicant does not consider that there can be interference with relationships of any fishermen with other developers as a result of the Project. Impacts on commercial fisheries have been assessed within Chapter 14 Commercial Fisheries (APP-069), concluding no significant impacts from the project alone on fishing activities.</p>
2	<p>Orsted H4 notes that there is the potential for overlap of offshore construction activities between Outer Dowsing and Hornsea Four, and requests that the Outer Dowsing Applicant engages with them at the appropriate time and sufficiently in advance of construction, to ensure appropriate coordination of those activities particularly with regards to the Southern North Sea SAC and the site integrity plan .</p>	<p>The Applicant has committed to the development and implementation of a SIP prior to the construction of the Project to ensure there is no potential for an AEoI to the Southern North Sea SAC from the Project in combination with other plans, projects and activities (RIAA, AS1-095). The Applicant will identify the relevant noise generating activities in consultation with other relevant project developers, owners and operators, which are expected to occur in the corresponding seasons as for the Project at the appropriate stage prior to construction and will implement the appropriate mitigation as informed by the SIP at that time.</p>
3	<p>Orsted H4 also notes that given the proximity of the Outer Dowsing Wind Project array to the Hornsea Four array (38.99km), there is significant potential for the Outer Dowsing turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the Hornsea Four turbines. Further discussion on the potential for impact, including any necessary mitigations, is required between Orsted H4 and the Outer Dowsing Applicant. Orsted H4 is also an active member ensuring the co-existence of radar and offshore wind and must be kept informed of any proposals by the Outer Dowsing Applicant in this regard.</p>	<p>The Applicant that Hornsea Project Four Limited state that Hornsea 4 is located 38.99km from the Project. The distance between Hornsea 4 and the Project's wind turbine generators (WTGs) is increased to 41.3km with the introduction of the Offshore Restricted Build Area (ORBA) as set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor document reference 15.9). As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate's requirements for Offshore Wind Leasing Round 4, including that projects may not be located within 7.5km of an existing OWF unless the owner of the OWF has given their written consent. Additionally, a recent non site-specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separation between OWFs, and at separation distances over 20km wake effects become "vanishingly small" (Frazer-Nash Consultancy Limited, 2023<sup>21</sup>).</p>

### 1.52 RR-052 Hornsea Project Three (UK) Limited

ID	Relevant Representations	Applicant Response
1	<p>Orsted Hornsea Project Three (UK) Limited ("Orsted H3") wishes to register as an Interested Party in relation to the Outer Dowsing Offshore Wind Farm DCO application, due to the proximity of the projects and the potential for cumulative effects. Orsted H3 may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Outer Dowsing applicant or others. Given the proximity of the Outer Dowsing array to the Hornsea Three array, it is imperative that vessel access and related logistics to the Hornsea Three array is not adversely impacted. The Outer Dowsing application should also ensure that the Outer Dowsing project does not result in displacement of fisheries and does not adversely impact Orsted H3's established co-existence relationships with fishers.</p>	<p>Whilst the location of construction ports is not yet confirmed, embedded mitigation as detailed in Table 15.7 of Chapter 15 of the Environmental Statement (APP-070), includes industry standard marine coordination and communication., will ensure that vessels maintain safe distances from existing developments noting that those vessels will comply fully with the International Regulations for the Prevention of Collisions at Sea (COLREGs).As such, the Applicant is confident that there will be no interference with vessel access to Hornsea Three from the construction and operation of the Project. The routing to the existing Hornsea projects does not require a deviation as a result of the array area as set out in 6.3.15.1 Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171).</p> <p>The Applicant has developed strong relationships with the local fishing industry throughout the pre-Application phase, which it intends to continue into the construction phase. The Applicant does not consider that there can be interference with relationships of any fishermen with other developers as a result of the Project. Impacts on commercial fisheries have been assessed within Chapter 14 Commercial Fisheries (APP-069), concluding no significant impacts from the project alone on fishing activities.</p>

<sup>21</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study Applicant's Responses to Written Questions Document Reference: 15.3

ID	Relevant Representations	Applicant Response
2	Orsted H3 also notes that given the proximity of the Outer Dowsing Wind Project array to the Hornsea Three array, there is significant potential for the Outer Dowsing turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the Hornsea Three turbines. Orsted H3 raised this issue in pre-application consultation, although no assessment or mitigation has been provided by the Outer Dowsing Applicant. Orsted H3 considers the Applicant's response (see Table 18.2 of Chapter 18 Marine Infrastructure and Other Users) to be deficient and that the risk for impacts to energy output remain. Further discussion on the potential for impact, including any necessary mitigations, is required between Orsted H3 and the Outer Dowsing Applicant.	The Applicant notes that in their section 42 consultation response Hornsea 3 stated that the Project's array area is expected to be 59.4km from the Hornsea Three array area. The distance between Hornsea 3 and wind turbine generators (WTGs) is increased to 60.6km with the introduction of the Offshore Restricted Build Area (ORBA) as set out in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor document reference 15.9). As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate's requirements for Offshore Wind Leasing Round 4, including that projects may not be located within 7.5km of an existing unless the owner of the OWF has given their written consent. Additionally, a recent non site specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separate between OWFs, and at separation distances over 20km wake effects become "vanishingly small" (Frazer-Nash Consultancy Limited, 2023). <sup>22</sup>

### 1.53 RR-053 Perenco UK Limited

ID	Relevant Representations	Applicant Response
1	Obstruction of access by helicopter to the 48/12-D 'Malory' platform, the proposed windfarm array zone surrounds the platform, and current operator/aircraft type in use requires a minimum of 6.3nm for unrestricted approach, take off/landing.	<p>The Applicant has continued to have positive dialogue and engage with Perenco UK Limited and their helicopter operator throughout the application process and since submission of the Application. Based on discussions with Perenco, the Applicant has proposed a suitable area around the Malory platform measured from the centre of the Malory Conventional Gas Field production helideck, in which no WTGs would be erected, within the draft Protective Provisions currently being negotiated between the Applicant and Perenco. This distance proposed is greater than the distance of 1.26nm agreed in the Protected Provisions for the Waveney Platform in the Dudgeon Extension Development Consent Order – Part 14, page 311<sup>23</sup>. In addition, access corridors to allow helicopters to fly in and out of the Outer Dowsing Offshore Wind Farm to the Mallory platform have also been proposed. This will allow access in day Visual Meteorological Conditions (VMC) to the Mallory platform. Based on the Helicopter Access Report (APP-175) this equates to an average access of 87.5% per year of daytime conditions.</p> <p>Negotiations over a set of protective provisions are ongoing between the Applicant and Perenco. The Applicant will continue to engage with Perenco over the terms of these protective provisions, and will introduce those into the draft Development Consent Order in due course.</p>
2	Obstruction of access by vessel to the subsea pipelines running from the 48/12-D 'Malory' platform, 48/12-BA 'Galahad', 48/11-A 'Pickerill A', and the 48/11-B 'Pickerill B' Platforms.	The Applicant has proposed, as part of the draft protective provisions, a number of marine corridors 1km wide over the pipelines of concern to Perenco in which no foundations of any WTGs would be erected, thereby ensuring access by vessel to these pipelines would not be restricted. This distance is considered to be sufficient and industry standard. As noted above, negotiations are ongoing between the Applicant and Perenco. The Applicant will continue to engage with Perenco over the terms of these protective provisions, and will introduce those into the draft Development Consent Order in due course.
3	Obstruction of diverse line-of-sight telecommunication facilities used primarily for control of the following platforms; 1. 48/12 Malory 2. 48/17 Lancelot 3. 48/17 Excalibur 4. 48/17 Waveney Perenco UK Limited is representing itself, the following affiliates, Perenco Gas (UK) Limited and Perenco North Sea Limited, and as the operator on behalf of Everard Energy Limited, Ithaca Energy (UK) Limited, and RockRose (UKCS2) Limited.	The comment is noted by the Applicant. The Applicant continues to engage with Perenco UK Limited on this matter with a view to agreeing a suitable mitigation solution.

<sup>22</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study

<sup>23</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010109/EN010109-002343-SADEP%20DCO%20DESIGN%20170424.pdf>



### 1.54 RR-054 Representation by Race Bank Wind Farm Limited (Race Bank Wind Farm Limited)

ID	Relevant Representations	Applicant Response
1	Race Bank Wind Farm Limited (“Race Bank”) owns and operates an operational offshore windfarm. ODWF array is proposed to be located 23.50km away but there is an overlap between the Race Bank array area and ODWF’s 1km buffer around the offshore ECC. Race Bank does not object to the principle of ODWF. We wish to participate in the Examination to make representations about the interactions with Race Bank and, where appropriate, to secure appropriate mitigations and protective provisions due to the overlap. Race Bank would like to engage with ODWF to discuss the inclusion of protective provisions in the DCO. For the avoidance of doubt Race Bank agrees that the overlap can be addressed through a proximity agreement but we expect meaningful engagement to seek to address the overlap. Race Bank expects to continue to operate and be maintained in the long-term. It may be upgraded and repowered in future and will then be decommissioned. Co-existence with Race Bank must be protected over the long-term. Race Bank requires that its operations, consents and any stakeholder agreements entered by it are unaffected by ODWF. As stated in the s42 response, it would be helpful to understand all the ODWF’s project components so that we can establish that access for Race Bank Wind Farm will be maintained and that physical interactions can be avoided or understood and appropriately mitigated. Race Bank’s concerns include:	The comment is noted by the Applicant.
2	Issue one: The proposed ODWF is approximately 23.50km from Race Bank. Due to its proximity, there is significant potential for the ODWF turbines to interfere with wind speed or wind direction of Race Bank and thus cause a reduction in energy output from the Race Bank turbines. We note the response from ODWF that the Project has been sited in accordance with requirements of the Crown Estate’s Offshore Wind Leasing Round 4 process, including that projects may not be located within 7.5km of an existing offshore wind farm. This however does not negate the requirement for ODWF to engage on this issue and consider any evidence presented by Race Bank.	The Applicant notes that Race Bank Wind Farm Limited states that the Race Bank array area is located 23.50km from the Project’s array area. As set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the Project is sited in accordance with The Crown Estate’s requirements for Offshore Wind Leasing Round 4, including that projects may not be located within 7.5km of an existing unless the owner of the OWF has given their written consent. Additionally, a recent non site specific study published by The Crown Estate indicated that wake effects level off with approximately 10km separate between OWFs, and at separation distances over 20km wake effects become “vanishingly small” (Frazer-Nash Consultancy Limited, 2023 <sup>24</sup> ).
3	Issue two: It has been noted that Race Bank has been assessed as a receptor for activity/access displacement in construction, direct disturbance and damage to existing assets from construction and disturbance to operations from the physical presence of infrastructure. For all areas the conclusion is not significant. Further engagement is required in this regard.	The Applicant notes that there is no direct overlap between the Project Order Limits and the Race Bank wind farm. ES Chapter 18 Marine Infrastructure and Other Users (APP-073) considered the potential for effects arising to other infrastructure and concluded that with industry standard simultaneous operations agreements, any conflict between operations would be avoided. The Applicant is looking to agree a proximity agreement with Race Bank in due course in acknowledgement of the adjacent positioning of the projects.
4	Issue three: Race Bank requires direct engagement both prior to and during construction relating to navigational risks. Once further information becomes available Race Bank may require protective provisions to ensure engagement prior to finalisation of ODWF’s construction programme due to the proximity/overlap between the projects.	<p>The Applicant notes that the array area is located approximately 12.3 nautical miles (closest point) from the Race Bank Offshore Wind Farm (OWF), and the Offshore Reactive Compensation Platform (ORCP) Area is located approximately 7.4nm (closest point) away as set out in ES Chapter 15 Appendix 1 Navigation Risk Assessment (APP-171). Therefore, there will not be any overlap in construction activities associated with the array area or ORCP that would create navigational safety concerns or constraints. Whilst the location of construction ports is not yet confirmed, embedded mitigation as detailed in Table 15.7 of Chapter 15 of the Environmental Statement (APP-070), includes industry standard marine coordination and communication, will ensure that vessels maintain safe distances from existing developments noting that those vessels will comply fully with the International Regulations for the Prevention of Collisions at Sea (COLREGs).</p> <p>It is noted that the export cable corridor passes 0.1nm (closest point) to the north of Race Bank OWF. The Outline Cable Specification and Installation Plan (CSIP) (APP-278) sets out what will be included in the final CSIP. This will include consultation, Cable Burial Risk Assessment, the cable laying plan and methodology. The final CSIP (which must accord with the outline CSIP) will be submitted for the approval of the MMO post-consent in accordance with condition 13 of the deemed marine licences forming schedules 10 and 11 of the draft DCO (document 3,1, version 3).</p>

<sup>24</sup> Frazer-Nash Consultancy Limited (2023), Offshore Wind Leasing Programme Array Layout Yield Study  
Applicant’s Responses to Written Questions  
Document Reference: 15.3

ID	Relevant Representations	Applicant Response
		As part of this process the existing Race Bank OWF assets will be considered and consulted as required including the operation of installation vessels to ensure they maintain safe distances from existing assets.
5	Issue Four: With regard to Radar we note the approach as outlined in the assessment but we are not clear as to whether you have considered the existing radar mitigation solutions which are in place to ensure they are not adversely affected.	The Greater Wash Transponder Mandatory Zone is part of the existing radar mitigation solution for Race Bank. NATS are currently determining a suitable radar mitigation solution that may involve an extension to the existing Greater Wash TMZ. The Applicant is confident that any mitigation proposed by NATS would not adversely affect the mitigation previously implemented for any existing wind farms.
6	Issue Five: We note that within Document 7.6.3 the Applicant has proposed a SAC extension over Race Banks export cable route. It is imperative that Race Bank's operational requirements are not impeded. Further engagement is therefore required on this issue.	The Applicant is not promoting a specific extension of an SAC within the DCO Application, with this without-prejudice compensation measure clearly identified as being a strategic measure which would need to be delivered by Defra, and would be subject to a full site selection process by the relevant SNCBs and consultation on any proposed areas. The Applicant has simply identified some theoretical options for an SAC extension based on the known presence of suitable seabed feature (specifically sandbanks which may qualify as Annex 1 habitat) demonstrating the feasibility of such a measure to give the ExA and SoS confidence that the measure is deliverable and can be relied upon in the event that it is concluded that compensation were required.

### 1.55 RR-055 Robert Bell & Company

ID	Relevant Representations	Applicant Response
RR-055.001	As Agents for numerous landowners affected by the Outer Dowsing Cable Route we wish to express concern on the approach to agreeing terms for the easement and surveys and the detail in the terms.	<p>The Applicant has consulted extensively with land interests and their professional representatives on the terms of the voluntary land agreements. Feedback which has been obtained from meetings held with landowners and their professional representatives has aided the drafting of the Option and Easement documentation particularly those with specific issues to address. A group of agents working together as the Land Interest Group (LIG) have also overseen the drafting and negotiation of both the licences for survey purposes and the Heads of Terms, as well as the Option Agreement and Deed of Easement. Multiple LIG meetings have been held, as detailed in the Consultation Report [AS1 - 034, Section 9.10.16], in order to reach a position where both the LIG and Applicant were content with the draft standard form agreements. Finer details have been dealt with on a case-by-case basis of which some of those agreements outstanding continue to be negotiated with the Applicant.</p> <p>George Harrison of Robert Bell &amp; Co is a representative acting for the LIG and has been party to these negotiations and discussions surrounding the documents. The Applicant has been very flexible in their approach to feedback and taking comments onboard whilst drafting the agreements and this is a testament to their willingness to collaborate.</p> <p>In addition to the LIG the Applicant also set up and utilised a Solicitor Action Group (SAG) with a view to agreeing standardised Option and Deed of Easement agreements. These standardised documents were utilised with finer details dealt with on a case-by-case basis per the landowners' needs.</p> <p>Should Robert Bell &amp; Co have any clients with particular outstanding concerns, the Applicant will be happy to discuss those concerns.</p>

### 1.56 RR-056 Royal Society for the Protection of Birds

ID	Relevant Representations	Applicant Response
RR-056.1	<p><b>Offshore Ornithology Impacts - Summary of RSPB Position</b></p> <p>We have significant concerns regarding the findings of some of the impact assessments. As a result of the methodological concerns, set out below, the RSPB considers that the impacts have not been adequately</p>	The Applicant notes the RSPB position as to the potential for AEol. As set out in AS1-095, the Applicant has concluded that an AEol to kittiwake at the Flamborough and Filey Coast SPA (FFC SPA) from the Project in combination with other plans and projects cannot be ruled out, albeit that the contribution from the Project alone is small.

ID	Relevant Representations	Applicant Response
	<p>assessed and, as such consider that an adverse effect on the integrity (AEOI) on the following qualifying features of the Flamborough and Filey Coast Special Protection Area (SPA) cannot be ruled out:</p> <p>Project alone – RSPB AEOI conclusions We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> <li>▪ The impact of collision mortality on the kittiwake population</li> <li>▪ The impact of displacement mortality on the guillemot population</li> <li>▪ The impact of displacement mortality on the razorbill population</li> <li>▪ The impact of combined collision and displacement mortality on the seabird assemblage.</li> </ul> <p>Project in combination with other plans and projects - RSPB AEOI conclusions We cannot rule out in-combination impacts on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> <li>▪ - The impact of collision mortality on the kittiwake population (and therefore agree with the Applicant’s conclusion in this respect)</li> <li>▪ - The impact of combined collision and displacement mortality on the gannet population</li> <li>▪ - The impact of displacement mortality on the guillemot population</li> <li>▪ - The impact of displacement mortality on the razorbill population</li> <li>▪ - The impact of combined collision and displacement mortality on the seabird assemblage.</li> </ul> <p>We are unable to reach a conclusion on an adverse effect on site integrity on the following features of the North Norfolk Coast SPA and Greater Wash SPA:</p> <ul style="list-style-type: none"> <li>▪ the impact of collision mortality on the sandwich tern population.</li> </ul>	<p>The Applicant does not agree with the RSPB conclusion regarding project alone impacts on gannet, guillemot and razorbill impacts at the FFC SPA. Likewise, the Applicant does not agree with the RSPB conclusion regarding the in-combination impacts on the seabird assemblage at FFC SPA. The Applicant’s conclusions of no AEOI on all these features can be found within section 9.3.2 for Project alone impacts and section 10.3.2 for in-combination impacts of the Report to Inform Appropriate assessment [AS1-095].</p> <p>The Applicant notes that RSPB have not been able to reach a conclusion regarding the potential for an adverse effect on populations of Sandwich tern at The North Norfolk Coast and Greater Wash SPAs. The Applicant maintains its position that the Project’s contribution to the in-combination total is extremely small and results in an inconsequential level of effect (impacts from collision risk at these SPAs of 0.24 breeding adults per annum)..</p>
RR-056.2	<p>The RSPB cannot rule out an adverse effect on the integrity of the Greater Wash SPA, arising through the project alone and in combination. This is due to the impact of displacement (from vessel movement during construction and decommissioning and operations and maintenance) on the SPA’s red-throated diver population. The Applicant has not fully considered the Conservation Objectives relevant to that population. The numbers of red throated divers, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are relevant to the SPA conservation objectives but are not considered by the Applicant. If red-throated divers are displaced from part of the SPA which would otherwise be suitable for them the effect is to reduce the functional size of the SPA, undermining the conservation objectives.</p>	<p>The Applicant considers the effects on red-throated divers related to vessel disturbance to be short term, temporary and small scale, and that actual effects on red-throated divers will be negligible [AS1-040]. The assessment has been carried out assuming a maximum number of vessels will be active at a given time and a wide displacement buffer has been used. The Applicant considers that this approach is suitably precautionary and reiterates that any perceived habitat loss due to the presence of vessels will be an extremely small proportion of the SPA sea area, and will be short term and temporary. As such the reduction in the functional size of the SPA will be no greater than that which results from the presence of any other vessel in the SPA AS1-095].</p>
RR-056.3	<p><b>Impact Assessment – Methodological Concerns</b></p> <p>The RSPB’s key concerns with the impact assessment relate to:</p> <ul style="list-style-type: none"> <li>▪ the application of a macro avoidance correction to gannet collision risk modelling,</li> <li>▪ the approach to apportioning of kittiwakes to the Flamborough and Filey Coast SPA</li> <li>▪ - Digital Aerial Survey</li> <li>▪ A lack of consideration of the in-combination impact of collision mortality on the North Norfolk Coast SPA and Greater Wash SPA Sandwich tern populations</li> <li>▪ a lack of consideration of impacts compounded by Highly Pathogenic Avian Influenza.</li> </ul>	<p>The Applicant notes RSPB’s position on the application of a macro avoidance rate for gannet. The Applicant’s use of a macro-avoidance rate for gannet has been agreed through pre-application engagement through the evidence plan Expert Topic Group (ETG) consultation with Natural England and is endorsed in the latest SNCB guidance on CRM (JNCC <i>et al.</i>, 2024).</p> <p>The approach to apportioning kittiwakes has been discussed with Natural England, with broad agreement on the concept of the inclusion of “offshore breeders”, subject to Natural England review of the survey reports (as discussed in AS1-099 and reflected in Natural England’s Relevant Representations (RR-046)). These survey reports were shared with Natural England directly prior to submission to the Application and also within the Applicant’s response to the Section 51 advice on 31<sup>st</sup> July. The reports were also shared with the RSPB on the 31<sup>st</sup> July.</p>

ID	Relevant Representations	Applicant Response
		<p>The approach to the assessment of in-combination impacts for Sandwich tern as provided in the RIAA [APP-040], has been agreed with Natural England. See Table 4.2 [AS1-095].</p> <p>Natural England has agreed that the assessments carried out on species affected by HPAI have been done so appropriately. See NE Relevant Representations EN010130 17783 Appendix I and the Applicant's response to Natural England's Relevant Representation at reference F7.</p>
RR-056.4	<p><b>The application of a macro-avoidance correction to gannet collision risk modelling</b></p> <p>Further to advice from Natural England, the Applicant has applied a reduction of 70% to the baseline densities inputted into the gannet collision risk modelling in order to account for macro-avoidance, in Appendix 12.2 of their Environmental Statement (APP-163). This approach follows suggestions in Cook (2021). The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds (Cook 2021). The evidence for macro avoidance during the breeding season is limited with the exception of a study of gannets breeding on Helgoland in the German North Sea. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. While some tracks show clear avoidance others do not and may even show attraction to the wind farm. In the Cook (2021) report that suggests the application of macro avoidance to baseline densities, the suggestion is based on reviews that do not include this German tracking study, although it does acknowledge that it shows clear differences between individuals in relation to their response to wind farms. The previous gannet recommended avoidance rate was based on 'all gulls' data because no gannet data were available. The evidence of macro avoidance of gulls in response to wind farms is equivocal, so this rate was only calculated from 'within wind farm' avoidance. As gannets can show macro avoidance it therefore was suggested that this was applied to the baseline densities, and then collision risk modelling was carried out using the 'all gull' avoidance rate, so effectively applying avoidance twice. In response to this suggestion Natural England commissioned a further review of gannet avoidance rates, including whether macro avoidance should be incorporated in this way but this has not yet been reported. In the absence of having this report, the recommendations from it should not be acted upon, and the suggestions in Cook (2021) should not be taken up without the context of this review.</p> <p>Notwithstanding the above, the RSPB does not agree with the approach for two reasons. Firstly, it does not take into account the likely seasonal variation in macro avoidance as described above. Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as gannets have much lower flight manoeuvrability than gulls. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if any further changes are to be made. Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 2009), and the imperfect detection of these corpses indicate that there may be many more.</p>	<p>The Applicant notes RSPB's position on the application of macro-avoidance rates for gannet. In the application of macro avoidance rates, the Applicant has followed advice received from Natural England through the statutory consultation ETG process on 20th November 2023 [AS1-040], as well as recently published SNCB guidance on the modelling of collision risk (JNCC <i>et al.</i>, 2024).</p>
RR-056.5	<p><b>Approach to the apportioning of kittiwakes to the Flamborough and Filey Coast SPA</b></p> <p>In the Apportioning exercise carried out for Kittiwake (Annex 1 of APP-235, the Report to Inform the Appropriate Assessment), the Applicant refers to surveys of offshore platforms that have been carried out by the Applicant. The results of these surveys are used to inform the apportioning results. However</p>	<p>The Applicant refers the ExA to the responses set out above. The detailed methodology for the apportioning was set out within Offshore and Intertidal Ornithology Apportioning [APP-237] at Application and retained within AS1-099. The survey of breeding kittiwake on offshore platforms was appended to Chapter 12 Appendix 1 Intertidal and Offshore Ornithology Technical Baseline [AS1-064], which had been fully redacted at the point of Application. The requested information (full report with only platform names redacted) is now available</p>

ID	Relevant Representations	Applicant Response
	<p>the report that these are drawn from is redacted due to confidentiality issues, meaning that the RSPB are unable review the methodology used and therefore are unable to rely on the values presented for apportioning to Special Protection Areas. Therefore the RSPB requests that the Applicant is asked to provide the following:</p> <ul style="list-style-type: none"> <li>▪ its detailed methodology on how it has undertaken the apportionment exercise in relation to birds breeding on offshore platforms; and</li> <li>▪ - the confidential survey of breeding kittiwakes on offshore platforms upon which it has based its approach to apportionment.</li> </ul> <p>The RSPB have not had the resources to fully review the alternative methodology used for the apportioning of guillemot. Any concerns arising from review will be detailed in the full Written Representations.</p>	<p>within the updated documents submitted in response to the Section 51 advice on 31<sup>st</sup> July 2024 and has also been provided directly to the RSPB.</p>
RR-056.6	<p><b>In-combination impact of collision mortality on the North Norfolk Coast SPA and Greater Wash SPA Sandwich tern populations</b></p> <p>Despite scoping in the potential in combination impacts arising from collision mortality on the North Norfolk Coast SPA Sandwich tern population, (APP-235, Table 10.38, RIAA), there is no subsequent analysis of this impact. This is particularly surprising in the light of the recent Secretary of State decision in relation to the Dudgeon and Sheringham Project Extensions (dated 17 April 2024) which concluded that an adverse effect on the integrity could not be ruled out beyond reasonable scientific doubt in relation to collision mortality of Sandwich terns of the North Norfolk Coast SPA and Greater Wash SPA</p> <p>In order to inform any decision with regard to a conclusion on adverse effect, this assessment would need to be presented, alongside the results of Population Viability Analysis.</p>	<p>The Applicant has assessed the effects on Sandwich tern to be negligible (fewer than 0.4 birds predicted to be impacted by the Project per annum following the Natural England approach) and that the Project would consequently make no material contribution to any in-combination impact. The Applicant's approach includes consideration of existing or planned compensation measures, and that compensated impacts should not be included in in-combination assessments as the impact from the relevant Project delivering compensation will be fully compensated for (i.e. the impact from that project will consequently be zero). This is considered to be conservative on the basis that compensation for all relevant projects requires overcompensation and therefore it is likely that more birds will be produced than are impacted. Both approaches were presented within the RIAA [AS1-095] and are set out in the Habitats Regulations Assessment for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.10). The updated assessments set out within document 15.10 have confirmed the conclusions of the RIAA [AS1-095], with impacts that consider the ORBA being the same as those presented within the RIAA.</p>
RR-056.7	<p><b>Digital Aerial Survey</b></p> <p>The RSPB are content that digital aerial surveys can provide useful data in order to provide baseline characterisation of an offshore wind farm footprint. However full methodological detail needs to be provided alongside the outputs and the details the Applicant has provided are scant. In particular, but not exclusively there is:</p> <ul style="list-style-type: none"> <li>▪ insufficient consideration of potential biases in the survey and analysis methods.</li> </ul> <p>For example these could be biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. Any biases such should have been carefully described;</p> <ul style="list-style-type: none"> <li>▪ there is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow.</li> <li>▪ This could be behavioural responses such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment;</li> <li>▪ there is no detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for.</li> </ul> <p>Spatial autocorrelation in this instance is the correlation among values of a count variable strictly attributable to their relatively close locational positions, introducing a deviation from the assumption of independent observation. The assessment should explicitly demonstrate an analysis of the data showing whether spatial auto-correlation is present or not;</p>	<p>The DAS surveys undertaken exceed the requirements as set out within Natural England's guidance for characterisation surveys (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. Natural England, 2024). It should be noted that these issues have not been raised by Natural England through the statutory consultation process, and as such, the Applicant considers that the statutory advisors are in agreement with the Applicant regarding the suitability of the DAS data.</p>

ID	Relevant Representations	Applicant Response
	<ul style="list-style-type: none"> <li>there is no rationale provided as to why a grid rather than transect survey design has been used.</li> </ul> <p>Both survey designs are commonly used in the assessment of the impacts of offshore wind farms, and both have strengths and weaknesses. Detail is required as to why a grid design was used for this assessment; - there is no detail given of any independent validation of identification and detection rates. While it is clear that this validation is carried out as part of the internal quality assurance procedures of the survey providers, no detail of any independent external quality assurance appears to have been carried out.</p>	
RR-056.8	<p><b>Highly Pathogenic Avian Influenza (HPAI)</b></p> <p>The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded in the country in Great Skuas in summer 2021, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. Many species impacted by HPAI are of conservation concern in the UK, and the outbreak comes on top of widespread declines reported by the latest seabird census (Burnell et al, 2023).</p> <p>RSPB conducted a repeat census in 2023 to determine the scale of impact of the outbreak on seabird populations, which for multiple species showed a decrease of &gt;10% in overall counts across all UK sites that were surveyed in 2023. A further outbreak of HPAI in 2023, which largely occurred after the counts were undertaken, means that impacts of HPAI on the breeding populations of affected species is likely to be worse than indicated in the report. There remains the potential for ongoing impacts as the disease progresses. It is currently unclear what the ultimate population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status.</p> <p>With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. This caution must also be applied to claims on the potential success of proposed compensation measures. The RSPB does not consider that these concerns have been adequately considered in the Assessment.</p>	<p>The Applicant believes that adequate consideration has been given to the potential influence of HPAI within the assessments. Within the Intertidal and Offshore Ornithology Technical Baseline [AS1-064], the Applicant has included a review of seabird densities across the southern North Sea Prior to the HPAI outbreak to evidence that the baseline surveys are representative of the at sea population pre-HPAI. The Applicant refers the ExA to the agreement from Natural England that no change needs be made to the results of the DAS as a result of HPAI in RR-045.</p> <p>In addition, the assessment has been undertaken using a precautionary approach to HPAI. In summary, the impacts have been estimated from at sea populations measured pre-HPAI (i.e. presumably larger populations), and assessed against recent population counts at SPAs post-HPAI (i.e. populations impacted by HPAI). For any populations that have been impacted by HPAI, this provides a precautionary assessment.</p> <p>It is highly likely that the population will recover quickly from the impacts because seabird populations exhibit density dependence in responses to population perturbations, such as HPAI. For example, recovery of the gannet population has already been evidenced at several large colonies and impacts are not as high as feared for several other species. In spite of presence of HPAI in kittiwake at the Isle of May, populations have grown in recent years, with AONs in 2024 being higher than in 2023. As such, the Applicant maintains that consideration of HPAI in the assessments would not alter the conclusions.</p>
RR-056.9	<p><b>In-Combination: Treatment of Consented Projects Required to Provide Compensation</b></p> <p>At paragraph 1686 in APP-235, the Applicant states that it presents in-combination impacts for kittiwake that exclude the impacts of those projects which have been “compensated for” as it considers them no longer relevant to the in-combination assessment. It also presents compensated impacts as a separate scenario. The RSPB strongly disagrees with the approach of excluding “compensated for” projects from the in-combination assessment for the following reasons. Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64. It therefore follows that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is:</p> <ul style="list-style-type: none"> <li>- likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently</li> </ul>	<p>The Applicant notes that the RSPB disagrees with the approach of excluding ‘compensated for’ projects. This approach has been agreed with Natural England as reasonable through the ETG (APP-052), but with a further request that results are presented with the inclusion of compensated for projects, which the Applicant has provided throughout the assessments, particularly within the RIAA (AS1-095).</p> <p>The Applicant highlights the following points:  In relation to RSPB’s reference to the Opinion of Advocate General Sharpston in Sweetman No.1 (Case C-258/11), it is important to highlight the context in which the comments made by Advocate General Sharpston were made. The question being considered in that part of the Opinion was ‘what is a negative or “adverse” effect, within the meaning of Article 6(3) of the Habitats Directive?’. In answering that question, the Advocate General states at paragraph 62 (emphasis added):</p> <p><i>“Let us assume that a plan or project crosses the threshold laid down in the second sentence of Article 6(3). It is then necessary to consider whether it may proceed under Article 6(4). That provision is triggered by ‘a negative assessment for the implications of the site’. Those words must, if Article 6 is to have any sense as a coherent whole, be interpreted so as to mean that paragraph 4 will cut in precisely where paragraph 3 ends, that is to say, once it is found that the plan or project in question cannot proceed under Article 6(3).”</i></p>

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	<ul style="list-style-type: none"> <li>■ whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects.</li> </ul> <p>It is difficult to see on what basis the fact that compensation has been (or will be) provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage. There are two points we would stress in that context:</p> <ul style="list-style-type: none"> <li>■ Firstly, the admonition of Advocate General Sharpston in Sweetman (No 1) at AG47. To exclude the adverse effects of scheme 1 when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the “death by a thousand cuts” phenomenon discussed in that case. (For the avoidance of doubt, we would stress that the starting point would always need to be the scheme itself – and there would need to be some effect from the scheme which when combined with effects from the earlier scheme could give rise to likely significant effects / outcome); and</li> <li>■ Secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused: see C-164/17 Grace v Sweetman at 52-3. Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 Grace v Sweetman that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project</li> </ul> <p>It is difficult to see why the compensatory measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects.</p>	<p>The Advocate General then goes on to conclude at paragraph 67:</p> <p><i>“Seen in that overall context, it seems to me that any interpretation of Article 6(3) that provides a lower level of protection than that which Article 6(4) contemplates cannot be correct. To require the Member States to ‘take all compensatory measures necessary’ when a plan or project is carried out under the latter provision so as to preserve the overall coherence of Natura 2000 while, at the same time, allowing them to authorise more minor projects to proceed under the former provision even though some permanent or long-lasting damage or destruction may be involved would be incompatible with the general scheme which Article 6 lays down. Such an interpretation would also fail to prevent what the Commission terms the ‘death by a thousand cuts’ phenomenon, that is to say, cumulative habitat loss as a result of multiple, or at least a number of, lower level projects being allowed to proceed on the same site.”</i></p> <p>The point being made by the Advocate General is therefore that in reaching a conclusion on whether a plan or project has an AEoI, it would be inconsistent with the requirement to take “all compensatory measures necessary” under Article 6(4), if minor but permanent or long-lasting damage or destruction to the protected habitats were allowed to take place without compensation. This is a separate issue from whether or not “compensated for” projects should be excluded from the in-combination assessment.</p> <p>In Grace and Sweetman C-147/17, the Court is concerned with the question of whether habitat management proposals submitted by the developer are properly to be regarded as mitigation to reduce the level of effect under of Article 6(3) or compensation under Article 6(4). In considering that question, the Court states at paragraph 52 that:</p> <p><i>“As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to <u>forecast with any degree of certainty or will be visible only in the future.</u>”</i></p> <p><u>That is true at the point of forecasting the effectiveness of the compensatory measures during the consenting process. However, that is not the end of point of the analysis.</u> The uncertainty inherent in designing compensation measures at the consenting stage is managed through a) the application of an appropriate compensation ratio; and b) monitoring and adaptive management of the compensation measures in order to ensure that the compensation is effective. The uncertainty in relation to the compensation measures is therefore controlled through the relevant project’s consent requirements. Appropriate assessments of later projects ought to take into account the compensatory measures for third party projects in the round, including the requirement that the relevant developer manages uncertainty through adaptive management.</p> <p>In relation to RSPB’s second point that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project, again the context of the ruling is important. At paragraph 47, the Court is concerned with the question of the difference between mitigation and compensation:</p> <p><i>“there is a distinction to be drawn between protective measures forming part of a project and intended avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of <u>the project</u> on a protected area and cannot be taken into account in the assessment of the implications of <u>the project</u>”</i></p> <p>The Applicant does not dispute that compensatory measures developed to offset the effects of a particular project cannot be taken into account in the appropriate assessment of <u>that project</u>. The Article 6(3) and 6(4)</p>

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		tests have been applied sequentially by the Applicant in the RIAA [AS1-095] and the Derogation Case [APP-242]. This is a separate point from the treatment of compensated effects from other projects.
RR-056.10	<p><b>Derogation Case with Particular Reference To Compensation Measures</b></p> <p>Based on the RSPB’s conclusions on adverse effect on integrity, the RSPB considers a derogation case is required if the Secretary of State for the Department for Energy Security and Net Zero (DESNZ) is to consider consenting a damaging project. The RSPB welcomes the information provided by the Applicant to enable its derogation case to be reviewed.</p> <p>As part of any derogation case, and based on our initial conclusions regarding adverse effects on integrity the RSPB considers compensation measures would be required for the following species: gannet; kittiwake; guillemot, razorbill and red-throated diver should the Secretary of State decide to consent the Application as it is currently proposed.</p> <p>We set out below how we will approach our assessment of the Applicant’s compensation proposals, the level of detail we expect to see and an outline of our concerns with each of the compensation measures as they are currently presented. We will set out fuller comments on these and other issues relating to the Applicant’s derogation submissions in our main written submission.</p>	<p>The Applicant was unable to exclude the potential for an AEol to the kittiwake feature of the Flamborough and Filey Coast SPA for the Project in-combination with other projects, plans and activities; as such, the Applicant has provided a full derogation case, including proposed compensation measures for this species as set out within the Kittiwake Compensation Plan [APP-250].</p> <p>The Applicant is confident that an AEol can be excluded for both guillemot and razorbill alone and in-combination, as set out within the RIAA [AS1-095], however, the Applicant has included these species on a without-prejudice basis within the Projects Derogation Case [APP-242] and developed without-prejudice compensation measures for both species, as set out within the Guillemot Compensation Plan [APP-252] and the Razorbill Compensation Plan [APP-255], based on advice received from Natural England prior to Application..</p> <p>The Applicant remains confident that its conclusions as set out in the RIAA [AS1-095] that there is no potential for an AEol to gannet or red-throated diver either alone or in-combination are scientifically robust and valid. The Applicant notes that Natural England have not advised the Applicant to develop a derogation case (including compensation measures) for these species, either prior to Application or within their Relevant Representations.</p>
RR-056.11	<p><b>Rspb Approach To Assessing Compensation Proposals</b></p> <p>The RSPB has reviewed the available published EC (2018 – Managing Natura 2000 sites) and Defra (2023 – Habitats Regulations Assessments: protecting a European site) guidance where they relate to compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. We supplement this based on the RSPB’s practical experience of applying the principles when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB’s experience in this field to assess the Applicant’s compensatory measures.</p> <p>Below, we summarise some of the key elements of that approach before setting out our initial comments on the Applicant’s compensation proposals. These are necessarily initial comments as it is the RSPB’s view that there is still substantive work to be done with regards to the compensation proposals, based on agreement of the nature and scale of predicted adverse effects on integrity. This is critical to inform discussions on:</p> <p>what ecologically effective compensation for those impacts could comprise; the options to be considered to provide such compensation; and the detailed consideration of possible locations and designs to implement ecologically effective compensation with a reasonable guarantee of success.</p> <p>In summary, the criteria for designing compensatory measures include:</p> <ul style="list-style-type: none"> <li>▪ Targeted – appropriate to the impact(s) predicted;</li> <li>▪ Effective – based on best scientific knowledge. Measures where there is no reasonable guarantee of success should not be considered;</li> <li>▪ - Technical feasibility –taking into account the specific requirements of the ecological features to be reinstated;</li> <li>▪ - Extent – directly related to quantitative and qualitative aspects of the elements of integrity likely to be impaired and estimated effectiveness of the measure(s);</li> <li>▪ - Location – located in areas where they will be most effective in maintaining the overall coherence of the National Site Network for the impacted species;</li> </ul>	<p>The Applicant maintains that the derogation cases will be sufficiently developed at the close of Examination to enable the Secretary of State to have confidence in the measures being sufficient and securable should compensation measures be identified as necessary.</p> <p>The Applicant has followed the identified guidance and provided information to address the criteria outlined by the RSPB within each of the respective Compensation Evidence Base and Roadmap documents (Offshore Artificial Nesting Structure Evidence Base and Roadmap [APP-256], Without Prejudice Predator Control Evidence Base and Road Map [APP-257] and Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map [APP-259]). The Applicant notes that Natural England have provided comments on the proposed compensation measures against the stated criteria set out by the RSPB, confirming that this has been provided. Notwithstanding, the Applicant is continuing to progress the compensation measures as necessary. Further updates will be provided as appropriate during the course of the Examination.</p>



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	<ul style="list-style-type: none"> <li>▪ Timing - must provide continuity in the ecological processes essential to maintain the structure and functions that contribute to the National Site Network. Each compensation measure should be fully functional before any damage occurs;</li> <li>▪ - Long-term implementation – legal and financial security required for long term implementation. Must be in place prior to consent being granted. The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts.</li> <li>▪</li> </ul> <p>Compensatory measures must be additional to existing obligations e.g. measures necessary to site management of an SPA or SAC to restore or maintain a designated feature to favourable status. We also consider that there must be an appropriate level of detail on the proposed compensation measures provided sufficiently in advance of the start of the examination to enable interested parties to assess it fully. This is critical to enable proper scrutiny of any compensation proposals by interested parties and the Examining Authority. This is summarised below.</p> <p>At this stage, despite the significant amount of work carried out by the Applicant and the volume of material presented, we do not consider the necessary detail has been provided to enable proper scrutiny of the compensation measures.</p>	
RR-056.12	<p><b>Level of Detail Required</b></p> <p>The RSPB considers that detail about the location, design, implementation, monitoring and review of any proposed compensatory measures is needed to: inform the application and examination process and enable proper public scrutiny. This should provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success, thereby protecting the coherence of the National Site Network.</p> <p>We note that these details should be settled before DCO consent is decided, and be available as part of the application documentation. This enables potential interested parties the opportunity to fully review and assess the adequacy of the compensation measures before deciding whether to formally register as an interested party and submit a relevant representation. The details include:</p> <ul style="list-style-type: none"> <li>▪ Nature/magnitude of compensation: sufficient detail to enable agreement on the scale of compensation required in relation to the predicted impacts, including the detailed compensation objectives, associated success criteria and timeline;</li> <li>▪ Location: legal securing of proposed compensation sites with ability to scrutinise design, evidence of relevant consents and relevant legal agreements to secure land;</li> <li>▪ Monitoring and review: detailed monitoring and review packages agreed in advance including terms of reference and ways of working for any “regulators group” to oversee implementation of measure;</li> <li>▪ Compliance and enforcement: details and evidence of how the proposed compensation measures will be reviewed by the relevant regulator and the legal mechanisms available to those regulators to review and enforce any approved compensation plans. This is especially important if the proposed measures lie outside the jurisdiction of the decision-making authority (as is the case with some of the measures suggested by the Applicant). We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed and workable measure “on the ground” at a later date and all the necessary consents and agreements successfully secured.</li> </ul>	<p>The Applicant has proposed the compensation measures for kittiwake, guillemot and razorbill following consultation with Natural England, who are broadly supportive of the measures and the scope for delivery (NE – RR-81,12 &amp; 13).</p> <p>The Applicant has provided a Compensation Plan [APP-249], and an Evidence and Roadmap document for each proposed measure [APP-249 – APP-259]. The Applicant is continuing to progress these measures and will provide updates throughout Examination to the ExA, including where specific measures can be identified for each site. The compensation measures are secured in Parts 1-3 of Schedule 22 of the draft DCO (document reference 3.1).</p> <p>In relation to the identification of the relevant licensing mechanisms required the Applicant has proposed that the ANSs would be consented through the deemed marine licences at Schedules 12 and 13 of the DCO in order to provide greater clarity as to the particular locations the Applicant is proposing to compensate for its effects. By seeking consent for the ANSs as part of the DCO application, the Applicant is also providing greater certainty as to the delivery of the ANSs as a separate consent for an ANS would not need to be sought post-consent.</p>

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	<p>By providing these details it should ensure these issues are properly addressed before the Secretary of State is required to make a decision on whether to grant DCO consent and ensure, among other things, that it is possible to:</p> <ul style="list-style-type: none"> <li>▪ Identify the detailed location and mechanism(s) of the proposed compensation measure;</li> <li>▪ Identify the relevant consenting and/or licensing mechanisms required;</li> <li>▪ Identify any potential impacts of the proposed measure on the receptor site(s) and surrounding environment and carry out appropriate screening;</li> <li>▪ Identify any particular impact assessment requirements necessary which might arise from likely direct and indirect effects of the compensation measure on other receptors;</li> <li>▪ Be satisfied that the relevant legal consents are (or have a realistic prospect of being) secured before any decision on DCO consent. If consent has not been granted or is at high risk of such, the Examining Authority and Secretary of State would know in advance. The criteria, guidance and associated requirements set out above will guide how the RSPB assesses the Outer Dowsing compensation measure proposals submitted as part of the application.</li> </ul> <p>Below we set out our initial comments in respect of the Applicant’s compensation measures for (i) kittiwakes and (ii) guillemots and razorbills.</p> <p>We have not commented on every option explored or referred to by the Applicant at this stage and any lack of comment should not be taken as support or otherwise. In general, we consider significant information remains to be presented to the Examination to enable the Examining Authority and Interested Parties to assess the efficacy of Applicant’s compensation proposals.</p>	
RR-056.13	<p><b>Kittiwake Compensation</b></p> <p>The RSPB’s comments are based on an initial assessment of the Applicant’s documents, with particular reference to APP-250 (Kittiwake Compensation Plan), APP-256 (Offshore Artificial Nesting Structure Evidence Base and Roadmap), and APP-260 (Kittiwake Strategic Compensation Plan).</p> <p>This application is unusual in that it, along with the Dogger Bank South scheme, is the first to come forward with an explicit lease requirement to adhere to a strategic compensation plan for kittiwakes developed by The Crown Estate and associated steering group (APP-260).</p> <p>Based on our reading of the above documents, we understand the Applicant is considering the following possible compensation measures:</p> <ul style="list-style-type: none"> <li>▪ Offshore Artificial Nesting Structure (oANS): the primary measure under consideration in line with the KSCP.</li> <li>▪ Onshore Artificial Nesting Structure (ANS): an option to be kept under review should it be appropriate in the future.</li> </ul> <p>Artificial nesting structures (onshore or offshore) are yet to be proven as an effective compensation measure. The preponderance of onshore ANS compensation measures at various locations on the east coast of England has taken place against a lack of evidence of there being a sufficient pool of nest-limited kittiwake recruits. Therefore, of the options available at the current time the RSPB’s preference is for oANS. These initial comments are restricted to the oANS measure. Based on our initial review, it is our understanding that:</p> <ul style="list-style-type: none"> <li>▪ The Applicant has identified two potential locations for oANS (Figure 4.2, APP-250) and that consent for these would be secured through the DCO and deemed Marine Licence (para 82,</li> </ul>	<p>In relation to the RSPB’s comments on the evidence base, there is considerable evidence that ANSs are likely to be an effective compensation measure. This evidence base is summarised at sections 3.2.2 to 3.2.4 of the Offshore Artificial Nesting Structures Evidence Base and Roadmap [APP-256] and at section 5.3 of The Crown Estate Kittiwake Strategic Compensation Plan [APP-260] (KSCP). The KSCP explains that a Kittiwake Strategic Steering Group was formed to develop strategic compensation measures for kittiwake. The Steering Group was made up of The Crown Estate, with NIRAS as its technical advisor, Natural England, the Joint Nature Conservation Committee, the Department for Food, Environment and Rural Affairs, the Department for Energy Security and Net Zero, the Applicant and RWE Renewables as the developer of Dogger Bank South West and the Dogger Bank South East projects. The Steering Group agreed that onshore and offshore ANS had ecological merit, pursuing offshore ANS as a preference (sections 3.1.2 and 3.1.1 [sic], KSCP [APP-260]).</p> <p>In respect of the identification of the locations for the ANS, the KSCP outlines in section 9 that a site selection process was undertaken in order to identify a shortlist of locations which are suitable from an ecological perspective and a feasibility perspective. These locations include the two proposed by the Applicant. The Applicant has proposed that the ANSs would be consented through the deemed marine licences at Schedules 12 and 13 of the DCO in order to provide greater clarity as to the particular locations the Applicant is proposing to compensate for its effects at a project level. By seeking consent for the ANSs as part of the DCO application, the Applicant is also providing greater certainty as to the delivery of the ANSs as a separate consent for an ANS would not need to be sought post-consent. This is expressly acknowledged at section 5.1.5 of the KSCP which states that the ANS “<i>measure has been proposed (in line with the compensation hierarchy Figure 5.1) which can be led by the developer rather than rely on Government intervention to lead management actions</i>”. The proposals submitted with the application align with the KSCP wherever possible.</p> <p>In relation to responsibility for the design, construction and implementation of the ANS, paragraph 5, Part 1, Schedule 22 of the DCO requires that the measures set out in the Kittiwake Compensation Implementation and</p>

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	<p>APP-250). The two locations are shown on Figure 9.1 of the KSCP along with multiple other potential locations to deliver the oANS. Therefore there is no current certainty on the final location;</p> <ul style="list-style-type: none"> <li>▪ Final decisions on the location and number of oANS to deliver strategic compensation for kittiwakes will be set out in The Crown Estate’s Kittiwake Strategic Implementation and Monitoring Plan (KSIMP) which would be submitted to the Secretary of State for approval following DCO consent for this Application and/or that for Dogger Bank South.</li> <li>▪ Therefore, the final decision on location, design, implementation and monitoring appear to fall outside this DCO consent process (APP-260, section 11.2). Responsibility for the design, construction and implementation of any oANS is uncertain: it is not set out in either the KCP (APP-250) or the KSCP (APP-260, section 11.2.2). We return to this below in some initial questions that need to be addressed.</li> <li>▪ The Applicant holds open the possibility that the oANS may be delivered via a future Marine Recovery Fund (MRF) as and when that is implemented by the Government (see APP-256, section 6.4). In summary, there remains considerable uncertainty at this stage over the consultative and consenting pathway by which any oANS will be designed, implemented and monitored.</li> </ul> <p>The RSPB has noted the preference of both the Applicant and the KSCP Steering Group for two oANS, located some distance offshore and in relatively deep water (c.f. the nearshore ANS structures implemented for Hornsea Three offshore wind farm).</p> <p>On this basis, we have assumed these will need to be bespoke offshore structures requiring similar engineering solutions as for offshore wind turbines. To help understand the implications of this for securing installation of an oANS we have identified the following initial questions it would be helpful if the Applicant could provide responses to:</p> <ul style="list-style-type: none"> <li>▪ What does it consider are the likely engineering and manufacturing requirements of such a structure?</li> <li>▪ What will these requirements mean in terms of the supply chain and logistics pathways e.g. access to specialist installation vessels?</li> <li>▪ How might this translate into lead-in times for the installation of a bespoke oANS?</li> <li>▪ What is the Applicant’s understanding of when the organisation responsible for commissioning and construction of an oANS under the KSIMP process will be identified and how might this affect the lead-in times?</li> <li>▪ What is the Applicant’s understanding of how these lead times will be affected by the different implementation routes it has identified e.g. via the TCE KSIMP or the MRF?</li> </ul> <p>The Applicant has stated that it proposes that consent for any oANS located within the two areas of search it has included within its red line will be secured through its DCO and Deemed Marine Licence. This raises the question of how any oANS will be secured should The Crown Estate’s KSIMP decide to locate any oANS within one of the Areas of Search not identified by either Outer Dowsing or Dogger Bank South. We have the following initial questions on this issue:</p> <ul style="list-style-type: none"> <li>▪ What steps has The Crown Estate taken to secure a marine licence for an oANS in the alternative Areas of Search?</li> <li>▪ Assuming no steps have been taken as no decision has yet been taken on the preferred Area of Search for any oANS under the KSIMP, what is the Applicant’s and The Crown Estate’s view on the implications of this for the implementation timeline for any such oANS?</li> </ul>	<p>Monitoring Plan are carried out and that in particular no operation of any turbine forming part of the authorised development may begin until three full breeding seasons following the implementation of those measures have elapsed. It is therefore incumbent on the Applicant to ensure that the compensation measures are delivered.</p> <p>The legislation, guidance and policy around the MRF and strategic compensation continue to evolve. Whether it is proposed that ANSs will be delivered at project-level or strategically (through the MRF or otherwise), Schedule 22 of the draft DCO (3.1) requires the submission of a Kittiwake Compensation Implementation and Monitoring Plan, following consultation with the Kittiwake Compensation Steering Group, for approval of the Secretary of State, following consultation with Natural England. The approved Kittiwake Compensation Implementation and Monitoring Plan must then be implemented.</p> <p>The Applicant clarifies that the Applicant has not stated a preference for two ANSs. The Applicant is seeking consent for the delivery of up to two ANSs.</p> <p>In relation to the design of the ANS, the Applicant has developed a set of initial design considerations, set out in section 4.2 and table 4.1 of the Offshore Artificial Nesting Structures Evidence Base and Roadmap [APP-256]. The matters listed by RSPB are all matters for detailed design and would be further developed as the project progresses.</p>

ID	Relevant Representations	Applicant Response
RR-056.14	<p>We consider the above initial questions are important in helping to understand, anticipate and reduce any potential foreseeable risks associated with the regulatory and commissioning pathway for installing an oANS. This is in order to reduce the risk of significant time delays in the implementation of oANS.</p> <p><b>Guillemot and Razorbill Compensation</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with particular reference to APP-252 (Guillemot Compensation Plan), APP-255 (Razorbill Compensation Plan), APP-257 (Without Prejudice Predator Control Evidence Base and Roadmap), APP-258 (Plemont Seabird Reserve Feasibility Study Report), and APP-259 (Without Prejudice Additional Measures for Guillemot and Razorbill Evidence Base and Road Map).</p> <p>The RSPB has compared APP-252 and APP-253 and, with the exception of necessary minor differences, they are almost identical and for the purposes of this Relevant Representation we will treat them as such.</p> <ul style="list-style-type: none"> <li>▪ Based on our reading of the Applicant's approach to its without prejudice compensation measures for guillemot or razorbill, we summarise it as follows:</li> <li>▪ Primary measure: predator control measures at the Plemont Seabird Reserve, Jersey. Additional measures (if required by the Secretary of State): potential measures at coastal locations in south-west England focused on disturbance reduction, habitat management and possibly additional predator control.</li> <li>▪ Other measures e.g. bycatch reduction are kept under review. We make specific comment on the current evidence on bycatch reduction.</li> </ul> <p>The Applicant claims that the primary measure is capable of compensating for the predicted impacts on guillemot and razorbill based on the Applicant's approach, and that the additional measures would be capable of addressing the substantially greater predicted impacts using Natural England's approach. We will present a fuller assessment of these measures in our Written Representation using the approach described earlier in this representation. Below, we provide initial comments on the Applicant's "Primary" and "Additional" compensation proposals.</p>	<p>The Applicant notes this comment. The Applicant remains confident that the Predator Control without prejudice compensation measure [APP-256] can deliver the full compensation quantum, if this is required by the SoS, based on the Applicant's approach. The Additional Measures without-prejudice compensation measure [APP-259] provides additional capacity to the proposed compensation requirements, were the SoS to require a higher quantum of compensation.</p> <p>The Applicant awaits the RSPBs Written Representation and will provide further responses to comments raised within that at the appropriate deadline.</p>
RR-056.15	<p><b>Predator control measures at Plemont Seabird Reserve</b></p> <p>The Applicant's proposed predator control measure is based on a 2021 feasibility report (APP-258) carried out by the Birds on the Edge partnership (comprising National Trust for Jersey, Durrell Wildlife Conservation Trust and Government for Jersey Natural Environmental Department). This report confirms:</p> <ul style="list-style-type: none"> <li>▪ The presence of various Invasive Non-Native Species (INNS) in and adjacent to the reserve; and</li> <li>▪ The massive decline of both guillemot (extinct on Jersey) and razorbill (reduced to 8-10 pairs).</li> </ul> <p>The Applicant states there is sufficient nesting habitat to support its target population for guillemot and razorbill. It further claims there is connectivity between breeding auks in the Channel Islands and the UK National Site Networks for guillemot and razorbill and relies on evidence provided by Hornsea Four. For any predator management (eradication or control) measure to work, the RSPB notes there needs to be evidence of:</p> <ul style="list-style-type: none"> <li>▪ INNS predation of the species you wish to benefit from the measure and specifically which INNS predate which seabird species; and that</li> <li>▪ The predation is having a detrimental effect on the target colony e.g. evidence of reduced breeding productivity; and</li> <li>▪ Evidence that the proposed measure can be successfully implemented and maintained in practical terms; and</li> </ul>	<p>The Applicant notes this comment. However, the Applicant believes removing threats from non-native mammalian predators will increase productivity and benefit both guillemots and razorbills at the site, as well as delivering protection for a range of other seabirds, terrestrial birds and other native fauna and flora. The Applicant is confident that the evidence base as presented within APP-257 and APP-258 provides sufficient confidence in this measure.</p> <p>Where further information becomes available throughout the Examination for this measure, the relevant documents will be updated.</p> <p>Following further discussions with the National Trust of Jersey, it has been confirmed that ferrets were introduced to Jersey within the last 100 years, which correlates with the decline in guillemot numbers. Specifically, 19 ferrets have been captured in the vicinity of the site within the past three years, simply based on low-density, intermittent trapping, suggesting that numbers are locally high. This is supported by radio-tracking of a dozen ferrets across the site, discovering over 55 dens within 1 mile of the site. As such, the Applicant remains confident that mammalian predation is a leading cause of the decline in guillemot and razorbill nesting at this site, and that the removal of this pressure will support the recovery of this population, in line with the successful studies outlined within APP-257.</p> <p>The technical elements of the eradication and exclusion measure have been developed in consultation with renowned experts in non-native predator eradication. A fence operational plan, an eradication plan and biosecurity plans will be produced as part of the development of the guillemot CIMP pursuant to paragraph 4(a) of Part 2 of Schedule 22 of the draft DCO (document reference 3.1). The Applicant has acknowledged the risk of</p>

ID	Relevant Representations	Applicant Response
	<ul style="list-style-type: none"> <li>▪ That the species you wish to benefit will respond positively to the measure implemented.</li> </ul> <p>At present, the RSPB is not persuaded that the Plemont predator control measure will provide the benefit claimed by the Applicant. Some of our initial questions include the following:</p> <ul style="list-style-type: none"> <li>▪ Causes of decline: What evidence is there of a link between the presence of INNS and the decline of guillemot and razorbill? The declines in their populations occurred primarily between the 1920s-1960s (see Image 1, page 12, APP-258), with no empirical evidence of the causes of those declines available. What other factors have been considered as potential contributors to these sustained declines (local extinction in the case of guillemot)?</li> <li>▪ Colony growth: How safe is the Applicant’s assumption that there will full restoration of the guillemot and razorbill colonies given the apparent existing availability of nesting space elsewhere across the Channel Islands (see for example Hornsea Four’s initial assessment of nesting habitat on various areas of Guernsey)? This rests entirely on the assumption that safe nesting space is the key limiting factor and that e.g. guillemots will recolonise the Plemont reserve, they will breed successfully over the long-term, that the colony will grow and that a proportion of birds fledged will breed within the UK National Site Network.</li> <li>▪ Impacts of other measures: what consideration has the Applicant given to the indirect impacts on its proposed measure from Hornsea Four’s planned predator eradication and control compensation measures elsewhere in the Channel Islands? This is important given the limited pool of breeding guillemots and razorbills within the Channel Islands.</li> <li>▪ Connectivity with the UK National Site Network: what evidence can the Applicant present that guillemots and razorbills reared in the Channel Islands eventually breed in UK colonies, especially those within the UK National Site Network for each species. This is ecologically distinct from evidence of occasional records of birds from the UK being recorded in the Channel Islands which is relied upon by the Applicant. The RSPB’s submission to the Hornsea Four examination provides further consideration of this issue (see section 3 in the RSPB REP5-120 to the Hornsea Four examination).</li> </ul> <p>Evidence of public support for predator control measures: it is a key tenet of predator eradication and control that public support is critical to the success or failure of such measures. Resistance to such measures by relevant parts of the public can result in reduced success or complete failure. It is therefore essential information to be provided as part of the evidence base in support of any such measure. At paragraph 55 of APP-257 (Predator Control Evidence Base and Roadmap), the Applicant states that public opinion of the proposed predator control measure has been assessed through a public survey and that this will be presented to the Jersey Planning Department as part of any planning application. The RSPB requests that the Applicant provide a full copy of the survey (including detailed methodology and results) to the Examination so that the Examining Authority and Interested Parties can assess it and provide comment.</p> <p>Additional detailed comment will be set out in our written representation.</p>	<p>reinvasion through the intertidal zone and considers that this will be adequately addressed within the monitoring and biosecurity elements of the measure (section 4, Without Prejudice Predator Control Evidence Base and Roadmap [APP-257]).</p> <p>Quantifying connectivity between the measure, the Flamborough Head and Filey Coast (FFC) Special Protection Area (SPA) and the National Site Network (NSN) is not simple without tracking individual birds and at present and studies informing movements of birds between colonies are sparse. However, the Applicant is aware of philopatry rates for guillemots and razorbills that suggest a proportion of birds move to different colonies. Likewise, there are ringing data and tracking studies that show how far birds will travel in the non-breeding season. As such, it is reasonable to assume that a proportion of birds that fledge from a given colony will end up breeding at another, potentially distant, colony. These are the birds which will contribute to the overall coherence of the NSN.</p> <p>Guillemot historically bred at the Plemont colony and are regularly observed in the area during the breeding season, occasionally flying up to the cliff (it is possible that the species is currently breeding on the site undetected as much of the available habitat cannot be monitored from land). The Applicant considers that the growth of the razorbill colony, and its heightened success due to the predator control, would act as a catalyst to guillemot colonisation and growth.</p> <p>The Applicant notes that a letter has been received from the Jersey Government Natural Environment department (on behalf of the Public of Jersey, landowner of the land where the fence is to be located, see document 15.17, Letter From Jersey Government Anti-Predator Fence East of Plemont, Jersey, Channel Islands). The letter confirms that permission is granted in principle to install the fence pending planning approval, confirming support for the measure. The fence plan has been re-routed based on responses to a public consultation, and as such the Applicant assumes public support where no-re-routing was required, and assumes further support as a result of the re-routing.</p>
RR-056.16	<p>Additional compensation measures for guillemot and razorbill APP-259 sets out the Applicant’s potential additional compensation measures for guillemot and razorbill should the Secretary of State conclude that the impacts of the Outer Dowsing scheme are greater than those predicted by the Applicant. APP-259 provides a general literature review of possible disturbance impacts on breeding guillemots and razorbills and possible management responses.</p>	<p>The Applicant has proposed the compensation measures for guillemot and razorbill following consultation with Natural England, who are broadly supportive of the measures in principle (NE – RR-81,12 &amp; 13).</p> <p>The Applicant would also like to note that this is one of a suite of without prejudice measures for these species at this stage. Notwithstanding, in-depth disturbance surveys have been carried out at a total of eight sites during the 2024 breeding season the results of which will provide details on the nature and levels of disturbance, and its potential to impact productivity or the availability of breeding habitat at each site. This information will also</p>

ID	Relevant Representations	Applicant Response
	<p>The literature review highlights that the impacts of disturbance events on breeding birds may be varied, can be difficult to detect and require careful monitoring and research to establish whether they exist and the magnitude of any impact. It then goes on to identify six seabird colonies in south-west England where it considers it might be possible to implement management responses to address recreational use. The RSPB accepts in principle that recreational use (both from land and sea) can result in disturbance to breeding birds, including breeding seabirds and that in certain circumstances this can lead to damaging impacts resulting in colony decline. In such circumstances, based on robust evidence, it is necessary to put in place appropriate management responses. However, we have a number of significant concerns with the “evidence base” put forward by the Applicant with respect to the additional measures set out. In simple terms it fails to establish a link between observed declines and recreational use. Below we set out our initial concerns and will develop these in our written representation.</p> <ul style="list-style-type: none"> <li>▪ Evidence of existing recreational use: the Applicant has failed to carry out visitor surveys (magnitude, behaviour, disturbance events etc) at any of the six locations it has identified. There is no essential benchmark data to help understand how terrestrial and sea-based visitors interact with each seabird colony. This is essential to understand if disturbance events are occurring in the first place before carrying out further monitoring to determine if such events are having a negative impact on breeding seabirds.</li> <li>▪ Evidence of recreational use causing damaging disturbance impacts to breeding guillemots and razorbills: all information presented is anecdotal. With the exception of North Cliffs 1 (where the National Trust has identified coasteering as a local issue), there is little or no empirical evidence that recreational disturbance is actually occurring, let alone resulting in the observed declines in the populations of guillemot and razorbill at each colony. This is not a sound foundation upon which to assess a potential compensation measure that the Secretary of State is being asked to rely on. Our concern over the lack of such evidence is confirmed in section 7.1, paragraph 151 where the Applicant sets out its roadmap and states it will “assess the existence of, and the impacts from the pressures described here...”. We consider this work should have been presented as part of its application documents. We request the Applicant provide clarification on when it will provide this information to the examination for review by the Examining Authority and Interested Parties. We do not consider it acceptable to defer such fundamental work until post-consent. - Evidence of reduced breeding productivity: the Applicant has not provided any evidence of reduced breeding productivity at any of the six locations identified. While assumptions can be made of reduced productivity, before predicting the benefit to breeding success of any management measure it is essential to establish a baseline understanding of current productivity.</li> <li>▪ No specific measures are proposed for any colony: the Applicant states that it will only carry out further evidence gathering post-consent should the Secretary of State require additional compensation measures. This is unacceptable. Given the lack of any evidence of cause and effect, both the Examining Authority and Secretary of State will have no evidence in front of them on which to conclude that recreational use at any of the six locations is resulting in damaging disturbance impacts on breeding guillemots and razorbills which in turn is causing the observed declines. Nor is there any evidence presented on the efficacy of each of the wide range of possible measures listed by the Applicant;</li> <li>▪ Assumptions of benefit to breeding seabirds: the Applicant states that implementation of its unspecified measures at each colony will result in complete restoration of the colony decline (up to 2081 guillemots and 269 razorbills, paragraph 88, APP-259). Logically, it is claiming that 100% of the stated decline is due to unevidenced impacts of recreational disturbance, without</li> </ul>	<p>assist in the identification of measures at appropriate scales for each site in order to improve the numbers and or productivity of guillemot and razorbill at each site. The relevant information from these surveys will be provided in due course.</p>

ID	Relevant Representations	Applicant Response
	<p>any consideration of other factors that may be contributing to those declines. We consider this a fundamentally flawed assumption with no sound scientific evidence base provided as justification.</p> <ul style="list-style-type: none"> <li>Claimed benefits to breeding seabirds: we draw to the Applicant’s and Examining Authority’s notice an inconsistency in the Applicant’s claimed capacity of the additional measures. In APP-252 and APP-255, the Applicant states in Table 2.3 that the potential capacity of the additional measures for guillemot and razorbill is 1040 pairs and 134 pairs. However, in Table 7.1 in APP-259, the equivalent figures are 520 pairs and 77 pairs. Additional detailed comment will be set out in our written representation.</li> </ul>	
RR-056.17	<p><b>Bycatch mitigation as a Compensation Option</b></p> <p>In section 4.1 of APP-252 and APP-255 the Applicant considers bycatch mitigation as one of the possible options for compensation and states it will be kept under review. To assist the Examining Authority, the RSPB sets out its current position on the question of whether it is currently possible to mitigate the effects of bycatch on guillemots and razorbills. This is based on trials undertaken by the RSPB and partners as well as detailed review of the evidence published by Hornsea Four offshore wind farm which trialled a device known as the Looming Eyes Buoy (LEB). The RSPB continues to argue that the LEB is unproven as a measure that can successfully reduce bycatch in guillemot and therefore is wholly inappropriate as a compensation measure. Our detailed concerns were presented to both the Hornsea Four and Dudgeon and Sheringham Project Extension examinations. These set out the RSPB’s detailed criticisms of the Hornsea Four published evidence base which we considered seriously flawed. In October 2023, the RSPB and Fuglavernd (BirdLife Iceland) published the findings of research (Rouxel et al. 2023) testing the effects of LEBs in the Icelandic lumpfish fishery, assessing effects in seabird bycatch rates and target fish catch. The research “...found no effect of LEBs on both target lumpfish catch and bycatch” and “...there was...no significant reduction in bycatch for...common and black guillemots...”. Rouxel et al. 2023 remains the only published scientific, peer-reviewed study of the effectiveness or otherwise of LEBs at reducing bycatch of, among other things, auks – including common guillemot.</p> <p>We acknowledge that the nature of this fishery and its operative conditions are different to gillnet fisheries operating in UK waters. In addition, the RSPB and the Cornwall Inshore Fisheries and Conservation Authority have been undertaking trials of LEBs and predator-shaped kites in local gillnet fisheries, between 2022-2023. The results from this trial are not yet published but did not show evidence of LEBs having any statistically significant impact on seabirds’ bycatch rate, including of common guillemots (Y. Rouxel, pers. comm.). Therefore, in the absence of scientifically peer-reviewed evidence from Hornsea Four or other offshore wind farm developer, our results seriously question any reliance being placed on LEBs as a compensation measure. The RSPB remains of the expert view that there is no evidence in the public domain at this time, peer-reviewed or otherwise, that supports the use of the LEB as an effective measure to reduce bycatch in common guillemots.</p>	<p>The Applicant notes this comment. The Applicant’s position remains that bycatch reduction may be a suitable measure where further evidence becomes available for the efficacy of this measure. As such, it will remain under review.</p>
RR-056.18	<p><b>Control of avian predators as a compensation measure</b></p> <p>At various places in APP-259, the Applicant considers the use of avian predator control as a possible additional compensation measure e.g. section 4.3.1. While it does not take this measure forward, we consider it would be helpful to the Examining Authority to set out here the RSPB’s position on this issue. The RSPB opposes managing specialist avian predators to provide compensation for windfarm losses. Seabirds have always co-existed with avian predators. Given adequate environmental conditions (e.g., breeding habitat, food supply, manageable additive mortality), that coexistence shows that specialist avian predators are not a long-term conservation threat. Windfarms pose an additional mortality risk to seabirds beyond the background mortality (which includes native predators).</p>	<p>The Applicant is in the process of developing more specific suites of measures for each individual colony, based on available information and further assessments of the potential pressures on those colonies. The Applicant recognises the RSPB’s comment regarding the natural coexistence of seabirds and avian predators; however, notes that there can be locally increased abundances of avian predators due to anthropogenic activities. If such a cause were identified to potentially be affecting the colonies being taken forward as part of this measure, the Applicant considers that it may be appropriate, for example, to manage the anthropogenic activities leading to an increased population of avian predators in the local area.</p>

ID	Relevant Representations	Applicant Response
	Overall, we do not believe that removing natural background mortality to tackle additional windfarm driven mortality is ecologically sensible. In contrast, non-native mammal predators on islands are different as they are not native and were introduced by people. As such only eradication of these species and biosecurity are appropriate elements of compensation packages where it can be demonstrated there will be a benefit to the affected seabird species.	

### 1.57 RR-057 RWE Renewables UK Dogger Bank South (West) Limited

ID	Relevant Representations	Applicant Response
RR-056.001	The Dogger Bank South Projects are formally registering as an interested party to the proposed development with principle interest in the conclusions of the Habitats Regulations Assessment and onward development of associated compensation measures.	The comment is noted by the Applicant.

### 1.58 RR-058 Savills (UK) Limited

ID	Relevant Representations	Applicant Response
RR-058.001	We act on behalf of a number of landowners who own property which is crossed by the proposed scheme. We wish to reserve the right to make representations in respect of the project, including (but not limited to) the impact agricultural land, including Best and Most Versatile land, food production, land drainage, amenity, and cumulative impact.	The Applicant notes these comments.

### 1.59 RR-059 Equinor New Energy Limited (Equinor New Energy Limited) on behalf of Scira Extension Limited and Dudgeon Extension Limited

ID	Relevant Representations	Applicant Response
1	GT R4 Limited, trading as Outer Dowsing Offshore Wind ("the Applicant"), is proposing to develop the Outer Dowsing Offshore Wind project ("the Project"). This relevant representation is being made by Equinor New Energy Limited ("Equinor") on behalf of Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) regarding the application for development consent for the proposed Project ("the Application"). DEL and SEL are the named undertakers of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (the "SEP and DEP DCO") and hold generation licences under the Electricity Act 1989. The SEP and DEP DCO grants development consent for two offshore wind farm projects under separate ownership, the Sheringham Shoal Extension Project (SEP) and the Dudgeon Extension Project (DEP). SEP will comprise up to 23 wind turbine generators (WTG) and up to one offshore substation platform. DEP will comprise up to 30 WTGs across two array areas, DEP North (DEP-N) and DEP South (DEP-S), and up to one offshore substation platform. The SEP, DEP-N and DEP-S array areas will be connected by interlink cables, with two offshore export cable circuits connecting the projects to the landfall in Weybourne, north Norfolk. Onshore infrastructure will connect the projects to the Norwich Main substation, south of Norwich. Equinor has met with and exchanged correspondence with the Applicant on behalf of SEL and DEL several times during 2022, 2023 and 2024 to discuss issues relating to the proximity of the respective projects and to share information in relation to HRA derogation proposals.	The comment is noted by the Applicant.
2	Proximity and Overlap The Sheringham Shoal and Dudgeon extension projects are located to the south of the order limits of the proposed Project (the "Order Limits"). The offshore export cable corridor of the proposed Project is located in proximity to the DEP-N array area. There is a small area of overlap with an area of the SEP and DEP DCO order limits. This area of overlap is identified on the SEP and DEP offshore works plans as an area for temporary works adjacent to the DEP-N array area. No permanent SEP and DEP infrastructure will be installed within the area of overlap. The Applicant and Equinor are progressing discussions on a commercial agreement to manage cooperation in and around the area of overlap. There	The comment is noted by the Applicant. The Applicant continues to engage with Scira Extension Limited and Dudgeon Extension Limited on this matter.



ID	Relevant Representations	Applicant Response
	is no overlap between the Order Limits and the SEP or DEP-S array areas. Nor is there proximity between the onshore elements of the respective projects.	
3	<p>Underwater Noise</p> <p>Equinor has reviewed the Applicant's assessment of the potential impacts on marine mammals in relation to underwater noise, in particular with regards to the potential in-combination impacts on the protected feature of the Southern North Sea SAC. Equinor notes that SEP and DEP have been listed in Table 7.6 of the Report to Inform the Appropriate Assessment and that DEP has been considered in the in-combination assessment for noise in Table 10.3. Equinor will continue to engage with the Applicant in relation to the potential need for coordination of activities in the southern North Sea in relation to noise, in particular UXO clearance and piling. Equinor reserves the right to make further representations on behalf of SEL and DEL as part of the examination process but in the meantime will continue to engage with the Applicant to enter into an agreement to cover the matters identified in this relevant representation and to ensure the successful coexistence of the respective projects. Equinor will only be in a position to withdraw this relevant representation, on behalf of SEL and DEL, once the agreement has been completed.</p>	The comment is noted by the Applicant.

### 1.60 RR-060 [Shell U.K. Limited]

ID	Relevant Representations	Applicant Response
1	<p>Shell is the operator of the Barque PB platform, a normally unmanned installation which produces significant volumes of gas to the UK market. In order to meet Shell HSE standards and industry regulations as well as maintain production levels that contribute to UK security of supply, there is a requirement for frequent visits of personnel necessitating both vessel and helicopter movements. We expect this to continue during both the development and operation of the Outer Dowsing Wind Development. Shell's understanding is that the Outer Dowsing Wind Farm will operate offshore wind generators that are expected to be up to 400m high in a development area that is located only 1 nautical mile away from Shell's Barque PB Platform. Our assessment is that the location of the Exclusion Zone and the proposed distance between the wind generators and the Barque platform will impact our regular aviation activity. This activity includes, but is not limited to, routine visits to sustain production, Search And Rescue (SAR) Helicopter operations and aviation activity levels which are expected during large-scale maintenance and abandonment works when a rig or barge is positioned next to the Barque PB platform. Shell is working with Outer Dowsing, other helicopter operators and the Regulator on arrangements to ensure minimum safe distances are agreed, understood and adhered to between New Energy Installations and existing Oil &amp; Gas facilities for helicopter and SAR operations. Shell and the Outer Dowsing Project team are also cooperating to maintain access to Barque PB, working towards a commercial arrangement to cover the impact on aviation. This cooperation may set a precedent for future new energy projects operating adjacent to existing Oil &amp; Gas facilities and therefore requires our careful consideration.</p>	<p>A Helicopter Access Report (APP 175) was carried out in order to inform the distances at which helicopter access to the Barque PB platform could be maintained with minimal impact. The Barque PB platform is located 0.8nm from the Outer Dowsing Offshore Wind Farm array area and certified for day only operations, which would prevent flights to the platform under Instrument Meteorological Conditions (IMC) assuming that Wind Turbine Generators (WTGs) are built up to the Order Limits. Based on Vantage data from February 2020 to December 2022 for the Barque PB platform, 51 flights occurred over the three-year period. The available meteorological data showed that flights on only four days would have been delayed due to weather conditions, but access in Visual Meteorological Conditions (VMC) was available later during those days. Based on the Vantage data provided, it was concluded that limiting the Barque PB to day VMC only operations would have had a minimal effect on historic helicopter operations.</p> <p>A distance of 0.8nm between a helideck and adjacent WTGs has previously been shown to be sufficient for safe day VMC operations. However, as outlined in the Helicopter Access Report, an obstacle free arc of 1.01nm is recommended in order to allow helicopter operators additional flexibility. A recent Development Consent Order (DCO) which looked at the distance between a similar installation and a wind farm agreed a distance of 1.26nm<sup>25</sup>. The additional distance (0.25nm) was due to a greater stabilisation distance being required by a specific helicopter operator than that used within HeliOffshore industry guidance (i.e. 0.75nm as opposed to 0.5nm). The applicant has since proposed a suitable area around the Barque PB platform in which no WTGs would be erected which is greater than the distance of 1.26nm agreed in the Protected Provisions for the Waveney Platform in the Dudgeon Extension Development Consent Order.</p> <p>Search and Rescue (SAR) helicopters operated on behalf of the Maritime and Coastguard Agency (MCA) are not constrained by Commercial Air Transport (CAT) meteorological limits. Project infrastructure will be compliant with MGN 654, and therefore will not inhibit SAR access to oil and gas assets. SAR helicopters will be tasked for major incidents, accidents, and urgent medivacs, rather than CAT helicopters. Therefore, any reduction in CAT helicopter access will result in a logistic impact on the installation operator, rather than a safety impact.</p>

<sup>25</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010109/EN010109-002343-SADEP%20DCO%20DESNZ%20170424.pdf>

ID	Relevant Representations	Applicant Response
		<p>It is acknowledged that in the event of a Non-Productive Installation (NPI), e.g. rig/barge, being alongside the Barque PB installation, then helicopter access would be limited to day VMC only. Flights at night and in IMC are not expected to be available, however the vast majority of flights to NPIs carrying out maintenance/decommissioning operations are known to occur during the day.</p> <p>The Applicant has continued in dialogue and engagement with Shell to reach a commercial agreement with respect to the potential impacts during occasions when rigs/barges are alongside the Barque PB installation.</p>

### 1.61 RR-061 South Holland Internal Drainage Board

ID	Relevant Representations	Applicant Response
RR-061.001	<p>Outer Dowsing Offshore Wind Farm Relevant Representation made to Planning Inspectorate by South Holland Internal Drainage Board 14th May 2024 Internal Drainage Board interest A part of the Outer Dowsing Offshore Wind project export cable corridor is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (SHIDB, or the Board). The majority of this corridor lies within the IDD of other Drainage Boards, who will make separate representations to the Planning Inspectorate. SHIDB is the regulator for several elements of the proposed works which require consent as per the Land Drainage Act 1991, including the Board's Byelaws. The Board is therefore an interested party due to the potential impact of the project on the Board's ability to carry out its statutory functions relating to land drainage and reducing flood risk.</p>	<p>The Applicant acknowledges the board's statutory position and duties. The Project includes the crossings of a small number of riparian watercourses within the board's area and construction access routes, using existing tracks, adjacent to one of the board's pumping stations and crossing two maintained drains using existing structures.</p> <p>The Applicant has engaged with SHIDB throughout the pre-application process and included SHIDB in its 'Expert Topic Group' briefings.</p>
RR-061.002	<p>Watercourse crossings. The proposed export cable corridor will cross a small number of watercourses within the SHIDD. This includes crossings for the cables and for temporary access roads. Depending on the status of the watercourse (Board-maintained watercourse or not) and the crossing methodology (trenchless, trenched or temporary culvert), such works could require consent from the SHIDB either under Byelaw 10 or Section 23 of the Land Drainage Act, 1991. SHIDB has expressed its preference for bridges, rather than culverts, to be used for temporary watercourse crossings, as the former results in a lower impact on the natural environment. The applicant has acknowledged this and agreed to use bridges where possible.</p>	<p>Article 7 of the draft DCO (document 3.1) disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the relevant drainage authorities to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination.</p> <p>The cable route within the SHIDB area is expected to include a small number (approximately 3-5) of crossings of riparian drains. The applicant acknowledges SHIDB's preference for bridges over culverts and will seek approval from the IDB for an acceptable design in the pre-construction approval stage.</p>
RR-061.003	<p>Future watercourse widening. SHIDB intends to widen most arterial watercourses over the next 50 years, which could impact the Outer Dowsing project when using both overhead and underground cables.</p>	<p>The Applicant understands that the IDBs may need to widen arterial watercourses in the future and would confirm that all its cables will be buried. Where the Applicant is installing underground cables under watercourses, the minimum stand-off from the bank on either side and other parameters (such as depth below hard bed level) will be agreed with the IDBs. Final designs will be submitted for pre-construction approval at which stage the IDB will be able to confirm that the designs are acceptable in relation to specific watercourses. The applicant has engaged with the Water Management Alliance, acting on behalf of SHIDB and has described the indicative crossing arrangements for the drains on the export cable route within the IDB's area. It has also provided the WMA with information regarding construction access arrangements where these are close to SHIDB assets.</p>
RR-061.004	<p>Surface water discharge. The applicant intends to discharge surface water into watercourses during the construction phase. Where this occurs within the SHIDD into a watercourse which is not Main River, this would also require temporary consent from the Board under Byelaw 3</p>	<p>Under the draft DCO, for any discharges within the order limits, the existing consent process would be replaced by the requirements of the Protective Provisions which require the Applicant to submit details of works within 9 metres of a drainage work or likely to affect a drainage work to the relevant drainage authority for approval prior to commencing those works. This therefore provides SHIDB with the opportunity to review and approve details of any works that may affect its drainage works.</p>
RR-061.005	<p>Land drainage. Pre-construction land tiles are proposed to be laid to drain the land from the cable corridor into surrounding watercourses. SHIDB consent will be required; this will be applied for by the landowners rather than Outer Dowsing Offshore Wind</p>	<p>Pre-construction land drainage is expected to be confined within the order limits and would require approval in accordance with the Protective Provisions. Post-construction drainage will also be required as part of the reinstatement works. Where this is within the order limits, this will be dealt with under the protective provisions</p>

ID	Relevant Representations	Applicant Response
		however if this involves any new discharges outside the order limits, these will require consent under the relevant byelaws.
RR-061.006	Development Consent Order – Protective Provision. It is proposed that the Development Consent Order for Outer Dowsing Offshore Wind project will disapply the Land Drainage Act 1991 and associated byelaws. Following discussions with the applicant, it has been agreed that a Protective Provision for the IDBs, including SHIDB, would be appropriate. We consider that such a provision may act to avoid conflict between the planning process and the Board’s regulatory regime and consenting process (as per the Land Drainage Act 1991 and the Board’s Byelaws) while assuring the Board that their interests and ability to undertake their statutory functions are safeguarded and subject to due consideration. Further, a Watercourse Crossings Management process has been drafted, to provide IDBs with a means to approve works as required. SHIDB considers that this document will assist all parties in the delivery of duly considered and timely approvals relating to land drainage and flood protection within the IDB remit. End.	The applicant appreciates the IDB’s efforts in providing guidance and commenting on its proposals and looks forward to reaching agreement on the Protective Provisions in due course.

### 1.62 RR-062 Brown & Co Property and Business Consultants LLP on behalf of Stanley David Codd Will Trust

ID	Relevant Representations	Applicant Response
RR-062.001	Brown & Co LLP are retained by Stanley David Codd Will Trust, Sleepy Hollow, Chapel Lane, Wrangle, Boston, PE22 9AP have been instructed to make this Relevant Representation objecting to ODOW’s DCO application on their behalf. Stanley David Codd Will Trust has met with the Scheme and the Scheme’s agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:	
RR-062.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don’t exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land</p>

ID	Relevant Representations	Applicant Response
		<p>above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and</p>

ID	Relevant Representations	Applicant Response
		<p>associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-062.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-062.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-062.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed</p>

ID	Relevant Representations	Applicant Response
	<p>a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-062.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
<p>RR-062.007</p>	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unresponsive. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>

ID	Relevant Representations	Applicant Response
	account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.	
RR-062.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-062.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-062.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-062.011	<p>Objection: Stanley David Codd Will Trust will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Stanley David Codd Will Trust must strongly object to the Development Consent Order application. Stanley David Codd Will Trust reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED]</p>	

### 1.63 RR-063 Brown & Co Property and Business Consultants LLP on behalf of Staples Brothers Limited

ID	Relevant Representations	Applicant Response
RR-063.001	Brown & Co LLP are retained by Staples Brothers Limited, Station Farm, Boston, Lincolnshire PE22 0SE and have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. Staples Brothers Limited have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:	

ID	Relevant Representations	Applicant Response
RR-063.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The</p>



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		<p>option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-063.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-063.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul>

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		<p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-063.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-063.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul>

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		<p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-063.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unreasonable. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-063.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-063.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-063.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>

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RR-063.011	<p>Objection: Staples Brothers Limited will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Staples Brothers Limited must strongly object to the Development Consent Order application. Staples Brothers Limited reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED]</p>	

#### 1.64 RR-064 Brown & Co Property and Business Consultants LLP on behalf of Staples (Vegetables) Ltd

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RR-064.001	<p>Brown &amp; Co LLP are retained by Staples (Vegetables) Limited, Station Farm, Boston, Lincolnshire PE22 0SE and have been instructed to make this Relevant Representation objecting to ODOW’s DCO application on their behalf. Staples (Vegetables) Limited have met with the Scheme and the Scheme’s agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	
RR-064.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don’t exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land</p>

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		<p>above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and</p>

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RR-064.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-064.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
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ID	Relevant Representations	Applicant Response
	<p>a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-064.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
<p>RR-064.007</p>	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unresponsive. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>

ID	Relevant Representations	Applicant Response
	account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.	
RR-064.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-064.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HOT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HOT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-064.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-064.011	<p>Objection: Staples (Vegetables) Limited will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Staples (Vegetables) Limited must strongly object to the Development Consent Order application. Staples (Vegetables) Limited reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED]</p>	

### 1.65 RR-065 St John's College Cambridge

ID	Relevant Representations	Applicant Response
RR-065.001	<p>St John's College (SJC) in general support the drive for renewable energy and SJC recognise that this will require infrastructure improvements to ensure the power can be connected to the electricity grid and distributed accordingly. However, the College land is to be affected by the cable to connect the ODOWP sub-station with the new National Grid sub-station to be constructed as part of the Grimsby to Walpole improvements. The location of the National Grid sub-station is not known and therefore neither is the route of the cable. It is therefore impossible for the College to determine how the scheme may impact upon their property interests, when no plans exist. All that is known is that the cables are likely to cross Crowtree</p>	<p>The Connection area has been defined following co-ordination with National Grid and represents the latest understanding of the likely location for the National Grid substation. 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. Once the location of the National Grid Substation is known, the route of the 400kV cables will be determined following surveys, ground investigations and engineering considerations.</p>



ID	Relevant Representations	Applicant Response
	Farm, which is grade 1 soil and very high value. The cable route from the ODOWP sub-station to the NG sub-station should therefore be excluded from the DCO until such time as the exact route is determined such that affected parties can consider the implications upon their property interests.	Heads of Terms were agreed 14th May 2024 and SJC and The Applicant have instructed their respective solicitors to negotiate and settle formal agreements accordingly. Draft documents have been circulated with SJC's legal advisors and the Applicant is hopeful that the necessary land rights can be acquired by voluntary agreement. The Applicant was notified on 10 <sup>th</sup> September that SJC are withdrawing from negotiations and do not wish to proceed with an Option Agreement due to factors unrelated to the Applicant.

### 1.66 RR-066 TC Lincs OFTO

ID	Relevant Representations	Applicant Response
1	TC Lincs OFTO Limited owns and operates the offshore transmission system associated with the Lincs offshore windfarm. The Lincs offshore transmission assets connect the 270MW Lincs offshore windfarm to the 400kV electricity transmission network at Walpole substation in Norfolk. The 132kV export cable route runs 48km offshore and 12km onshore. The transmission assets comprise the Offshore Substation, two offshore export cable circuits, two onshore export cable circuits and the onshore substation. TC Lincs OFTO holds a Transmission Licence under section 6C(5) of the Electricity Act 1989 and as such is a statutory undertaker. We are aware that Outer Dowsing recently submitted their DCO, and that as part of the benthic compensation put forward in Document 7.6.3 there is a proposal for an extension to the IDRBNR Special Area of Conservation (SAC). This extension of the SAC would directly interface with the existing Lincs OFTO export cables and raises concerns as to whether this would cause increased consenting complexity for any future repair work etc. It is imperative that the Lincs OFTO assets and operational activities are protected from any detrimental impacts of the Outer Dowsing development. As such TC Lincs OFTO Limited would like to register a representation as an interested party to stay informed of any consenting changes that may affect the OFTO's export cables and the previously consented corridor in which they are laid.	The Applicant notes the points raised by TC Lincs OFTO Limited. The Applicant maintains that an extension to the Inner Dowsing Race Bank and North Ridge SAC boundary to encompass the relevant habitats, and/or a westerly extension of the Haisborough, Hammond and Winterton SAC has ecological merit and would be an appropriate strategic compensation measure. However, as outlined in document 7.6.3 (Without Prejudice Benthic Compensation evidence base and Roadmap) (APP-248), fundamentally, this is a strategic measure that must be delivered by Defra in conjunction with Natural England and the Joint Nature Conservation Committee (JNCC). It would be expected that TC Lincs OFTO Limited would have the appropriate opportunity to contribute to the consultation process as part of any formal designation or extension process led by Defra and the relevant SNCBs.

### 1.67 RR-067 Mills & Reeve LLP (Mills & Reeve LLP) on behalf of T.H. Clements & Sons Limited

ID	Relevant Representations	Applicant Response
RR-067.001	<p>Please Note: The online submission form does not allow for formatting and the inclusion of diagrams and photographs. This Relevant Representation has therefore also been provided by e-mail to NIEnquiries@planninginspectorate.gov.uk.</p> <p>Dear Sirs</p> <p>Outer Dowsing Offshore Wind (the trading name of GT R4 Limited) ("ODOW")</p> <p>Proposed Outer Dowsing Offshore Wind Farm Order (the "Project" and "the Order")</p> <p>Relevant Representation (Objection) on behalf of T.H. Clements &amp; Son Limited ("T.H. Clements")</p> <p>Mills &amp; Reeve are retained by T.H. Clements and have been instructed to make this Relevant Representation objecting to the Order on T.H. Clements' behalf.</p> <p><b>Overview of T.H. Clements business and operations</b></p> <p>T.H. Clements is a leading producer of high-end Brassica vegetables and supplies approximately 20% of the Brassica vegetables sold in the UK. T.H. Clements has spent</p>	The Applicant notes the size and scale of T.H. Clements & Sons Limited business operations as detailed within this representation.

ID	Relevant Representations	Applicant Response
	<p>decades building its business and has significant contracts with leading retailers, including Tesco plc. Tesco plc. is a demanding retail customer which expects T.H. Clements to adhere to a service level of 98.5%. This high bar of expectation means that T.H. Clements are required to supply no less than 98.5% of the vegetable produce requested by Tesco on time and to specification. Failure to adhere to that service level would put the contract at significant risk.</p> <p>As part of the service level requirements, Tesco has exacting standards. These include a product specification (“Product Specification”) which details the size, quality, flavour and appearance of each vegetable that Tesco expects from its suppliers. This confirms that all vegetables grown and supplied to them by T.H. Clements must be free from defects and must not be contaminated by foreign bodies (including for example insects, soil, dust). The Product Specification also stipulates the required shelf life of each vegetable type. Furthermore, the Product Specification sets out the required Environmental, Social and Governance (ESG) standards (e.g LEAF, Red Tractor etc.), which T.H. Clements must be and are compliant in and states that T.H. Clements must not source any products from 3rd parties that are not ESG compliant.</p> <p>The Product Specification also requires T.H. Clements to be one of the “World’s best” growers. Underpinning T.H. Clements ability to achieve this, is the quality of land that it farms (please see below for more detail).</p> <p>T.H. Clements has an annual turnover of approximately £80 million currently and is expected to achieve an annual turnover of circa £100 million within the next three years.</p> <p>T.H. Clements farms approximately 10,000 acres of rural land in Lincolnshire, including a significant proportion of the land affected by the proposed Project’s onshore cable route, as explained below.</p>	
RR-067.002	<p><b>Quality of land farmed by T.H. Clements</b></p> <p>The land that T.H. Clements farm (through which the proposed Project’s onshore cable corridor is routed) comprises part of the Lincolnshire Fens, which are renowned as some of the very best food growing soils in the Country and indeed the World, largely comprising Agricultural Land Classification (ALC) Grade 1 land. To put this into context, only 7% of the land in the UK is Grade 1 ALC land, and over 70% of this Grade 1 land is in Lincolnshire around the Wash.</p> <p>The very best soils (commonly referred to as ‘silts’) are located to the south and east of the town of Boston (where T.H. Clements farm) and to the North East through Friskney to Wainfleet.</p> <p>Being permeable, when in good structural condition, these silts are able to absorb and store a significant amount of water, which makes them excellent soils for growing the very best vegetable crops. Their easy working qualities, including the absence of stone, further supports optimal root and therefore crop growth, with associated high marketable yields. It is because of the silts that T.H. Clements are amongst the “World’s best” growers of brassica and root vegetables.</p>	<p>It is recognised that a significant proportion of agricultural land within Lincolnshire is Best and Most Versatile (BMV), which is highlighted within Section 3.1 of the Soil Management Plan. Based on the Provisional Agricultural Land Classification (ALC) dataset, it is estimated that 42% of agricultural land within England is BMV, with 3% being Grade 1, 16% Grade 2, and 23% Grade 3a). In comparison at a local level, 75% of Lincolnshire’s agricultural land is BMV, 10% Grade 1, 25 to 30% Grade 2, and 35% Grade 3a.</p> <p>Soils are recognised as being a finite resource and will be managed through careful soil management planning, ensuring its protection during removal, storage and remediation, following the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>It should be noted that following best practice guidance as above (which the Applicant commits to do in the outline Soil Management Plan (document 8.1.3, version 2)), and through the creation of a Soil Budget during construction, identifying the amounts of soils removed, their storage locations and storage requirement, soils will be returned in the equivalent condition to that existing prior to being removed.</p>

ID	Relevant Representations	Applicant Response
RR-067.003	<p><b>T.H. Clements interests in the land included in the proposed Order</b></p> <p>T.H. Clements farm a significant amount (approximately 753 acres/304ha) of land over which ODOW seek temporary possession and/or permanent compulsory acquisition powers for the Project (“Order Land”).</p> <p>To enable T.H. Clements to confirm exactly which plots of the Order Land it farms as owner-occupier, tenant, or under another agreement with a landowner, T.H. Clements’ appointed land agents, Brown &amp; Co, asked ODOW to provide the base mapping/shapefiles for the Order Land Plans (ODOW Application Document 2.5). Unfortunately, ODOW declined that request. The information below is therefore provided on the basis of an eye only comparison of the Land Plans and T.H. Clements land ownership/occupation plans and is as accurate as possible in the circumstances:</p> <p><u>Order Land Plots owned by T.H. Clements</u></p> <p>T.H. Clements own the freehold interest in the following Order Land Plots:</p> <p>29-009, 29-010, 29-011, 29-012, 29-013, 30-001, 30-002, 30-003, 30-004, 30-005, 30-006, 30-007, 30-008, 30-009, 30-010 and 30-011.</p> <p><u>Order Land Plots owned by a Director of T.H. Clements</u></p> <p>Christopher Clements (Director of T.H. Clements) owns the freehold interest in the following Order Land Plots:</p> <p>26-013, 26-015, 26-016, and 26-017.</p> <p><u>Order Land Plots occupied and farmed by T.H. Clements on an annual rolling basis</u></p> <p>T.H. Clements occupy and farm the following Order Land Plots, the freehold interest in which is owned by third parties:</p> <p>30-012, 30-013, 30-014, 30-015, 30-016, 32-003, 32-004, 32-005, 32-008, 32-009, 32-010, 32-011, 32-020, 32-021, 32-022, 32-023, 32-024, 32-025, 32-026, 33-001, 34-017, 34-018, 34-019, 34-020, 34-021, 34-022, 34-024, 35-004, 37-002, 37-003, 37-005, 37-006.</p> <p><u>Order Land Plots farmed by T.H. Clements on a rotational basis</u></p> <p>T.H. Clements farm the following Order Land Plots on a rotational basis (i.e. they farm these Plots in rotation with other farmers who grow other types of crops, such as cereals), the freehold interest in which is owned by third parties:</p> <p>33-017, 33-018, 33-019, 33-020, 33-021, 33-022, 33-023, 33-024, 33-025, 33-026, 33-027, 33-028, 33-029, 33-030, 33-031, 33-033, 33-034, 33-035, 33-036, 33-037, 34-017, 34-018, 34-019, 34-020, 34-021, 34-022, 34-024, 35-004, 37-002, 37-003, 37-005, 37-006, 37-012, 38-007, 38-008, 38-009, 39-001, 39-002, 41-003, 43-005.</p> <p>The Order Land Plot numbers, rotational arrangements and freehold owners are shown in the table below:</p>	<p><b>T.H. Clements interests in the land included in the proposed Order</b></p> <p>The Applicant can confirm that the shapefile of Order Limits (extracted from the Onshore Location Plan submitted with the application ((APP-007) was shared with Brown and Co (T.H. Clements’ appointed land agent) on 5<sup>th</sup> July 2024. The Applicant had also made the LIG aware that shapefiles were (and remain) available on the project’s website and will be kept up to date during Examination.</p> <p>The Applicant is grateful to T.H. Clements for providing the information on the plots owned or occupied by them within the Order Limits which was received on 21<sup>st</sup> June 2024. The Applicant has compared the data provided to the Applicant previously by T.H. Clements in GIS format and the description of the occupied land in this representation and notes some disparities which are outlined below:</p> <ul style="list-style-type: none"> <li>• Plot 32-026 is not shown on the GIS data but is included in this representation.</li> <li>• Plot 41-003 - part of this plot is not shown on the GIS data but is included in this representation.</li> <li>• Plot 34-017 and Plot 34-018 are not shown on the GIS data but are included in this representation.</li> <li>• Plot 30-017 is shown on the GIS data but is not included in this representation.</li> <li>• Plot 30-023 is shown on the GIS data but is not included in this representation.</li> <li>• Plot 32-014 is shown on the GIS data but is not included in this representation.</li> <li>• Plot 34-023 is shown on the GIS data but is not included in this representation.</li> </ul> <p>The Applicant has reviewed the plots listed in the representation and compared this to the Order Limits and previously supplied occupation data to ascertain the amount of land occupied by TH Clements impacted by the Project. The Applicant’s assessment, including the plots listed above, concludes that 171.5 acres of land is impacted of which 168.7 acres is land used for agricultural practices.</p> <p>The amount of land impacted by the Project listed above does not take into account plots with riparian rights, adopted highways, or passing bays which are not actively farmed by T.H. Clements and does not include any severed land.</p>

ID	Relevant Representations	Applicant Response
	<p>Plot Nos: 33-017, 33-018, 33-019, 33-020, 33-021, 33-022, 33-023, 33-024, 33-025, 33-026, 33-027, 33-028, 33-029, 33-030, 33-031</p> <p>Details of rotational farming arrangement: During each 6 year rotation period, T.H. Clements farm this land for 4 years, and the landowner farms it for 2 years. T.H. Clements grow a single crop of brassica vegetables/potatoes on this land during each year that they farm it. The landowner grows wheat on this land during each year that the landowner farms it. Landowner: J Woods</p> <p>Plot Nos: 33-033, 33-034, 33-035, 33-036, 33-037</p> <p>Details of rotational farming arrangement: T.H. Clements grow a single crop of brassica vegetables or potatoes on this land every other year (biannually). Wheat is grown on this land biannually by the landowner (when T.H. Clements are not growing vegetables or potatoes on it). Landowner: M Skipworth</p> <p>Plot Nos: 34-017, 34-018, 34-019, 34-020, 34-021, 34-022, 34-024, 35-004</p> <p>Details of rotational farming arrangement: T.H. Clements are currently growing brassica vegetables on this land. This year (2024) is the first year that T.H. Clements have grown crops on this land. It is anticipated that going forward, T.H. Clements will farm (grow crops on) this land biannually in rotation with the owner, who will grow wheat. Landowner: B Bush</p> <p>Plot Nos: 37-005, 37-006</p> <p>Details of rotational farming arrangement: T.H. Clements are currently growing brassica vegetables on this land. This year (2024) is the first year that T.H. Clements have grown crops on this land. It is anticipated that going forward, T.H. Clements will farm (grow crops on) this land biannually in rotation with the landowner, who will grow wheat. Landowner: B Bush</p> <p>Plot Nos: 37-002, 37-003</p> <p>Details of rotational farming arrangement: T.H. Clements are currently growing brassica vegetables on this land. This year (2024) is the first year that T.H. Clements have grown crops on this land. It is anticipated that going forward, T.H. Clements will farm (grow crops on) this land biannually in rotation with the landowner, who will grow wheat. Landowner: B Bush</p> <p>Plot No: 37-012</p> <p>Details of rotational farming arrangement: During each 6 year rotation period, T.H. Clements farm this land for 4 years, and the landowner farms it for 2 years. T.H. Clements grow 3 crops of brassica vegetables on this land during a 2 year period (6 crops in total during the 4 years of the 6 year rotation period that they farm the land). The landowner grows wheat and potatoes on this land during each year the landowner farms it. Landowner: J Fowler</p>	

ID	Relevant Representations	Applicant Response
	<p>Plot Nos: 38-007, 38-008, 38-009, 39-001, 39-002</p> <p>Details of rotational farming arrangement: During each 6 year rotation period, T.H. Clements farm this land for 4 years, and the landowner farms it for 2 years. T.H. Clements grow 3 crops of brassica vegetables on this land during a 2 year period (6 crops in total during the 4 years of the 6 year rotation period that they farm the land). The landowner grows wheat and potatoes on this land during each year that the landowner farms it. Landowner: J Fowler</p> <p>Plot Nos: 41-003</p> <p>Details of rotational farming arrangement: During each 5 year rotation period, T.H. Clements farm this land for 2 years, and the landowner farms it for 3 years. T.H. Clements grow 3 crops of brassica vegetables on this land during the 2 years of the 5 year rotation period that they farm the land). The landowner grows onions and sugar beet on this land during each year that he farms it. Landowner: Robert Oldershaw</p> <p>Plot No: 43-005</p> <p>Details of rotational farming arrangement: To date, T.H. Clements have grown a single crop of brassica vegetables on this land once (during 1 year) in every 5 years. Landowner: J Ulyatt</p> <p><u>Order Land Plots farmed by T.H. Clements on a contractual basis</u></p> <p>T.H. Clements farm the following Order Land Plots under a contract farming arrangement with the third parties who own the freehold interest in them:</p> <p>27-001, 27-002, 27-003, 27-004, 27-005, 27-006, 27-007, 27-008, 27-009, 27-011, 27-013, 27-014, 27-015, 27-016, 27-017, 27-018, 27-019, 27-020, 27-021, 27-022, 27-023, 27-024, 27-025, 27-026, 27-027, 27-028, 27-029, 27-030, 28-001.</p> <p><b>Presumed ownership of subsoil of part width of highway or drain</b></p> <p>T.H. Clements are the presumed owner of part of the following Order Land Plots on the basis of the ‘ad medium filum’ rule (the rebuttable presumption that the owner of the land abutting either side of a highway, or a watercourse (drain), owns the subsoil up to the middle of that highway or watercourse):</p> <p>30-004 (part width of highway/access splay) and 30-006 (part width of drain)</p> <p>Christopher Clements (Director of T.H. Clements) is the presumed owner of part of the following Order Land Plot (comprising part width of highway) on the basis of the ‘ad medium filum’ rule:</p> <p>30-008</p> <p>Barbara Clements (former Director of T.H. Clements) is the presumed owner of part of the following Order Land Plots (comprising part width of drain) on the basis of the ad medium acuae rule:</p>	

ID	Relevant Representations	Applicant Response
	32-009 and 32-010	
RR-067.004	<p><b>Grounds of objection</b>  <b>Alternatives (routing of onshore Export Cable Corridor (“ECC”))</b></p> <p>Paragraph 8 of the Department for Communities and Local Government’s <i>Guidance related to procedures for the compulsory acquisition of land</i> under the Planning Act 2008 (“the CA Guidance”) states that “the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored”. As such, it is necessary for ODOW to be able to demonstrate that alternatives to the use of compulsory acquisition powers, such as negotiating voluntary agreements with landowners, have been fully explored (i.e. that reasonable attempts to reach agreement have been made), but also that the chosen route of the ECC, and location of the Project’s onshore substation (ONss)), can be robustly justified when compared to alternative routes/locations and the likely resulting physical, environmental and socio-economic impacts on them.</p> <p>As explained above, the land that T.H. Clements farms is affected by the ECC. Three main ECC route options are analysed in Chapter 4 of the Environmental Statement (Volume 1 Site Selection and Consideration of Alternatives and Table 4B.1 in Annex A, (ODOW Application Document Reference 6.1.4) and the Volume 2 (Figures) (Application Document Reference 6.2.4.1). Figure 4.20 sets out the three main options and quantitative analysis of them is provided principally in Table 4B.1 of Annex A.</p> <p>The first option (‘Option 1’, indicated by a blue line on Figure 4.20) originates at the landfall location at Wolla Bank, south of Anderby Creek, and follows a southerly direction, to the east of Burgh Le Marsh and Wainfleet All Saints, before crossing agricultural land to the south of the A52. The ECC then passes to the south of Boston, crossing the Haven, River Welland and A17. This appears to be the ‘Wolla Bank-Weston Marsh’ option in Table 4B.1 of Annex A.</p> <p>The second option (‘Option 2’, indicated by a purple line on Figure 4.20) originates from the landfall point north of Anderby Creek and takes a more northerly direction to the northwest of Burgh Le Marsh. The ECC then runs parallel to the Boston to Friskney rail line before passing around the north of Boston, and circumnavigating the town in an anticlockwise direction. This option then joins the ECC of Option 1 to the north of Fosdyke. This appears to be the ‘Boston Northern Option’ in Table 4B.1 of Annex A.</p> <p>The third option (‘Option 3’, indicated by a green line on Figure 4.20) follows the same route as Option 2 until it reaches Spilsby, at which point the ECC turns southeast to circumnavigate Boston in a clockwise direction. This option runs to the west of the Hobhole Drain before joining the ECC of Option 1 to the north of Fishtoft. This appears to be the ‘Boston Southern Option’ in Table 4B.1 of Annex A.</p> <p>Table 4B.1 (in Annex A) is poorly laid out, which does not assist the reader, and the methodology employed is less than clear. The underlying analysis appears somewhat crude at best, detailing only the number of sensitive assets, or areas that have a sensitivity, without considering what the impacts would be and how serious they might be.</p>	<p>The Applicant acknowledges that a formatting issue that arose when converting the document to a .pdf for submission has made Table 4B.1 difficult to follow and suggests that this may be the cause of some misunderstanding of the data presented. An Erratum to Site Selection Report has been prepared and submitted with this response (Document Reference: 15.6). It is also important to acknowledge that the aim of the analysis presented in Figure 4.20 and Table 4B.1 was not to carry out a full assessment of all possible options, but to identify potential route corridors, and to consider potential likely significant effects. As set out in Chapter 4 Site Selection and Consideration of Alternatives (APP-059) “The utilisation of a detailed black, red, amber, green (BRAG) assessment (Appendix 6.2.4.1) has been used as one of a number of tools (including site visits, workshops, and professional experience from other offshore wind projects) to quantitatively, where possible, indicate the magnitude of constraints associated with each site and route option, and thus ensure consideration of the alternatives and assist in the selection (and subsequent design and mitigation refinements) of the preferred options.” Given the stage of the project at which the work was undertaken, the use of the number of sensitive receptors that could be affected is considered an entirely appropriate proxy of potential future impact. Taking each of the examples given in turn:</p> <ul style="list-style-type: none"> <li>A. Although Flood Zones 2 and 3 have been presented together in Table 4B.1 for presentation purposes; both were considered separately and sequentially when undertaking possible route identification. In paragraph 254 of APP-059, the Applicant highlighted the importance of the overall siting process and how the ranking exercise supported this, but how the results alone did not define any decisions that were made: “It should be noted that while the ranking and sifting exercises help to highlight the key areas of consideration for each of the sites; the overall process took a holistic view of the results of this analysis alongside site visits to ground truth and professional judgement. The workshops are therefore key to this process to ensure that the Applicant demonstrates due regard to the constraints and considerations for each site as a whole and in the wider context of the Project’s overall footprint.”.</li> <li>B. It is correct that weightings were not applied to individual types of receptors. This is because rankings rather than scores were used to compare each of the options with each other. As described in the Applicant’s response to point A the Applicant took a holistic approach to route identification and the ranking exercise, while supportive, did not inform any decisions in isolation.</li> <li>C. Existing railways pose particular challenges to development due to a range of engineering, health and safety, and transport-related constraints. The Applicant was therefore assessing how much each potential route could interact with railways to help inform the likelihood of impacts to railways from the construction and operation of the Project.</li> <li>D. As the English Coast Path Route was considered to likely attract more tourist activity than other local PRoW, it was decided to include this receptor separately from other PRoW to recognise its designation and likely greater sensitivity. However, the Applicant can confirm that the English Coast Path Route is not included in the PRoW dataset used for the assessment and thus has not been considered twice.</li> </ul>

ID	Relevant Representations	Applicant Response
	<p>By way of example:</p> <ul style="list-style-type: none"> <li>A. Flood Risk Zones 2 and 3 are considered together, without taking into account whether or not the cable infrastructure is inappropriate development in such areas.</li> <li>B. There is no weighting at all so that, as regards water resources and flood risk, for example, impacting 1108.6ha of flood zone 2 and 3 is measured the same (i.e. all are rank 2) as impacting 1.3km of river and impacting 19.1ha of waterbodies for Option 2/the purple route.</li> <li>C. It is not clear what is meant by/or what the suggested impacts would be on railways where it is said that 11.0 and 11.1 km of rail is affected by the Purple Route/Option 2 and the Green Route/Option 3 respectively (as depicted on Figure 4.20) and, further, why the 0.1km difference is sufficient to result in different rankings.</li> <li>D. A similar point arises in relation to the length of Public Rights of Way (PROW) impacted. In addition, there is a separate provision for the England Coast Path Route which suggests that this route has been considered twice i.e. as a PROW and by itself so has been “double counted”.</li> </ul>	
RR-067.005	<p>There is no assessment of actual impacts, it is all entirely comparative, so that the best of three objectively unacceptable route options would still come first. In short, the crude nature of the analysis inherently casts doubt as to whether the document shows with any certainty why the selected route (Option 1) is to be preferred.</p>	<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Regulation 14(2)(d) states that the environmental statement must include;</p> <p><i>“a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment”.</i></p> <p>As presented in Section 3.1 of Chapter 4 Site Selection and Consideration of Alternatives (Document Reference: APP-059), The Applicant has considered the effects of these options on the environment though;</p> <ul style="list-style-type: none"> <li>▪ Detailed baseline data collection, and receptor identification,</li> <li>▪ BRAG Analysis,</li> <li>▪ Site visits,</li> <li>▪ Public and landowner consultation,</li> <li>▪ Workshops, and</li> <li>▪ Professional experience from other offshore wind projects.</li> </ul> <p>The Applicant has met its regulatory duties by undertaking the consideration of reasonable alternatives as set out in Chapter 4: Site Selection and Consideration of Alternatives (APP-059).</p>
RR-067.006	<p>Of particular note and concern to T.H. Clements, is the fact that ODOW make no distinction in their analysis between different grades of Best and Most Versatile land (“BMV”); the different grades are equally weighted. As such, ODOW’s analysis does not properly reflect the likely impacts on agriculture and BMV.</p>	<p>The Applicant did differentiate between the BMV ALC grades (1, 2 and 3) as shown in Table 4B.1, whilst the ranking exercise looked at the impacts on BMV together, as described in the Applicant’s response to point A, it was a supportive tool only with the site selection process also comprising technical workshops, site visits and consultation. For example, the Applicant made a significant alteration to the onshore ECC in response to feedback (as set out in Section 9.4 of APP-059) which significantly lowered the amount of BMV Grade 1 land that would be temporarily impacted by the construction of the onshore ECC. The site selection process took full account of policy objectives of seeking to minimise impacts on BMV and preferentially use land in areas of poorer quality.</p> <p>In reference to the assessment potential impacts on agriculture and BMV, this is set out in Chapter 25 Land Use (AS1-050), as noted above, a precautionary approach was taken to this assessment of impacts to ensure the likely impacts on BMV were presented as a worst case, assuming all Grade 3 land is Grade 3a and therefore BMV. In line with EN-1 paragraphs 5.11.13, the Applicant has also sought to identify and minimise impacts on soil health and has committed to stringent measures as part of the Soil Management Plan (document 8.1.1, Version 2) which has been developed and informed through iterative consultation with the Land Interest Group (LIG).</p>

ID	Relevant Representations	Applicant Response
RR-067.007	<p>Choosing Option 2 (the purple route) would significantly reduce the amount of Grade 1 ALC land affected by the Project, and the majority of the Grade 1 ALC land that would be affected by this alternative route does not comprise the very top-quality silty soils situated to the east of the A52 public highway.</p>	<p>It is important to note that the route options presented in Figure 4.20 are a set of initial routes, which have been subject to further refinement. The key outcome of this consultation was the diversion of Option 1 to the north and west of the A52 (away from the very top-quality silty soils situated to the east of the A52 public highway, as suggested by TH Clements &amp; Sons), which resulted in a significant reduction in the areas of Grade 1 ALC land being crossed by the final route. It is also important to re-iterate at this stage that all potential impacts on agricultural land associated with the onshore ECC are temporary, short-term, and fully reversible.</p>
RR-067.008	<p>Much of the land that would be affected by the Option 2 route is within the ‘Downholland and Wallasea’ soil series which, while sharing some characteristics of the best soils (being deep and stoneless silty clayey soils), are not capable of growing vegetable crops back-to-back in the way that the toft silts affected by Option 1 are. While the soils within the ‘Downholland and Wallasea’ series can be more difficult to work/farm than the silts, they tend to reinstate well post construction. Such soils also, being less fragile than the ALC Grade 1 silts, can better support machinery and there is therefore less risk of farm machinery sinking through them to deep levels. The Viking Link and Triton Knoll schemes were constructed through similar soils in recent years with the reinstatement being largely successful.</p>	<p>It’s acknowledged that the ‘Downholland and Wallasea’ soil series crossed by the Viking Link and Triton Knoll schemes, share characteristics of the soils impacted by the Project. The Applicant will be implementing measures through the Soil Management Plan in consultation with the landowner to ensure soils are suitably managed and reinstated. As included in the Outline Soil Management Plan (8.1.3, version 2), the applicant has committed to undertaking pre-construction soil surveys which will inform the appropriate machinery and specific methods to be adopted for each individual land parcel.</p>
RR-067.009	<p>While Option 2 is slightly longer than Option 1, it would affect less Grade 1 ALC land, result in significantly less crop loss, and in doing so would ensure that the highest quality, productive farmland and associated businesses is/are properly protected from adverse impacts (please see below for further detail regarding adverse impacts on soils and, in particular, silts).</p>	<p>Option 2 is over 6km (9.9%) longer than Option 1, which is considered significant due to the overall cable lengths at this distance, paragraph 239 of APP-059 outlines the considerations of the electrical system. It is also key to note that the Applicant made a significant alteration to the onshore ECC in response to feedback (as set out in Section 9.4 of APP-059) which significantly lowered the amount of BMV Grade 1 land that would be temporarily impacted by the construction of the onshore ECC and Option 1 was not taken forward for further consideration. As demonstrated in Table 4b.2 (APP-059), the route option taken forward affected significantly less Grade 1 land.</p>
RR-067.010	<p><b>Extent of land needed for installation and operation of the onshore electricity cables</b></p> <p>Section 122 of the Planning Act 2008 (“2008 Act”) sets out two conditions which must be met to the satisfaction of the Secretary of State before compulsory acquisition can be authorised. The first of these is related to the purpose for which compulsory acquisition is sought.</p> <p>There are three purposes set out in section 122, the first two of which are relevant to the land farmed by T.H. Clements:</p> <ol style="list-style-type: none"> <li><b>1. that the land is required for the development to which the development consent relates;</b></li> <li><b>2. that the land is required to facilitate or is incidental to the proposed development;</b></li> <li><b>3. that the land is replacement land which is to be given in exchange under section 131 or 132 of the Planning Act.</b></li> </ol> <p>Paragraph 11 of the CA Guidance states that the applicant (in this case ODOW) should be able to demonstrate to the satisfaction of the Secretary of State that <i>the land in question is needed for the development for which consent is sought, or to facilitate it, or is incidental to it, and that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required</i> (our emphasis).</p>	<p>The Applicant considers the extent of land over which compulsory acquisition powers is being sought meets the tests set out in section 122 of the Planning Act 2008, and has responded to the specific points raised in the sections below.</p>



**ID**    **Relevant Representations**

RR-067.011    **Justification for 'Working width' during construction**

The Cable Statement which comprises part of the application for the Order (ODOW Application Document Ref. 9.2) states at paragraph 46 that: "The Project considers that a construction working width of approximately 80m would provide sufficient design flexibility to allow for micro-siting, except for trenchless crossings where the working width would be greater to allow for increased cable spacing. This is based on experience from similar operations on previous projects. The design, spacing, and configuration of this and all trenchless works will be defined in the detailed design phase once a contractor is appointed and crossing methodologies are agreed upon with affected third parties."

No explanation is given in the Cable Statement as to why a typical 'working width' of approximately 80m (wider at crossings) is required. Paragraph 43 of Chapter 3 (Project Description) of the Environmental Statement ("ES") (ODOW Application Document 6.1.3) summarises the physical infrastructure that will be constructed within the onshore ECC/'working width' and states that:

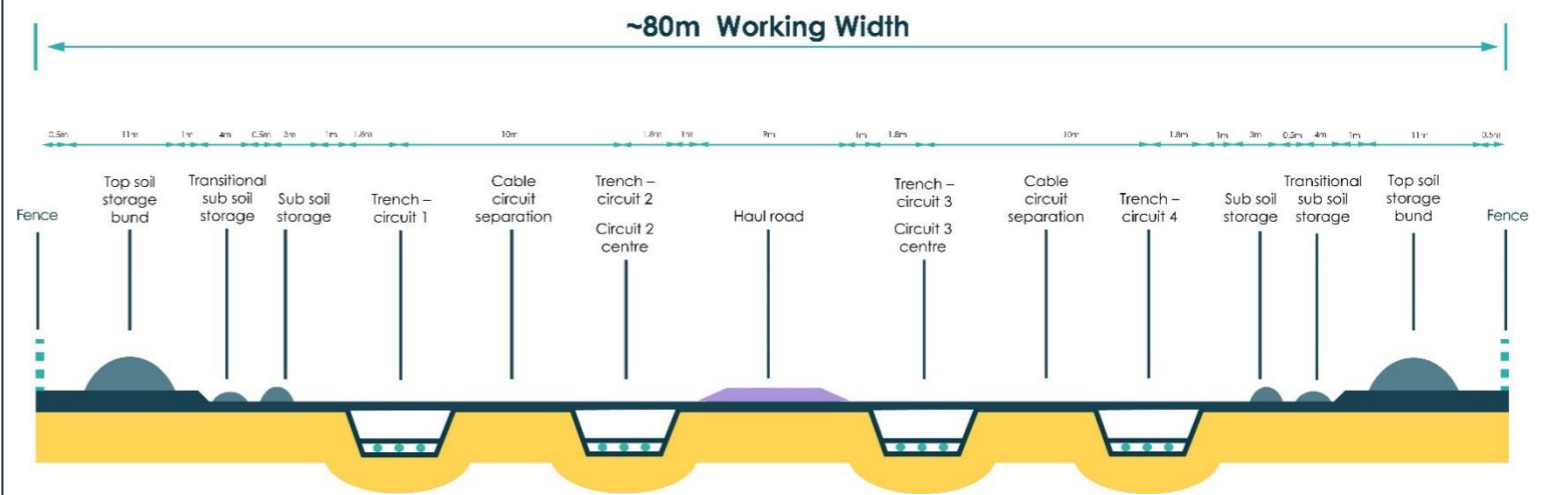
"There will be up to four onshore export cable circuits, typically comprised of 12 cables (3 per circuit) plus auxiliary cables (normally fibre optic), housed within up to four trenches connecting to the Project's OnSS. There will then be up to two 400kV cable circuits connecting the OnSS to the NGSS." ('OnSS' being the Project's onshore substation; 'NGSS' being the new National Grid onshore substation which will connect the Project to the National Grid.)

Plate 8.1 (extracted and included below) comprises a cross sectional schematic/drawing of an example 'working width' for four cable circuits. [NB: Plate 8.1 cannot be included in online form- a letter version of this Relevant Representation has been provided by e-mail which includes drawings, photographs.] Given that Plate 8.1 is provided as an example, it is not clear if the Project 'working width' will definitely be laid out in this manner. Assuming it were, and based on the ODOW submission, it would comprise the following elements:

- **A haul road which would generally be 6.8m wide but up to 9m at vehicle passing points (including verges and drainage channels).** (Paragraphs 222-228 of Chapter 3 (Project Description) of the ES (ODOW Application Document 6.1.3).) Table 8.4 sets out the parameters for the haul road.
- **A 2m 'separation distance' between the edge of the haul road, and the cable trench to either side of it.** (Whilst not shown on Plate 8.1, paragraph 222 of Chapter 3 (Project Description) of the ES (ODOW Application Document 6.1.3) states that "A separation of 2m will be maintained from the edge of the temporary haul road and the cable trench for safety and to maintain trench stability."
- **4x 5m wide cable trenches.** (Paragraph 233 of Chapter 3 (Project Description) of the ES (ODOW Application Document 6.1.3) explains that the dimensions of the cable trenches are presented in Table 8.7 and that the circuits must be spaced out to minimise the mutual heating effect of one cable on another; this enables the cables to effectively carry the large power volumes required without overheating and damaging the cable. It appears that the trenches will only be 1.5m wide underground but a width of 5m is allowed at surface level to ensure sufficient spacing.)
- **Soil storage bunds at either side of the working width.** Based on the above schematic (extract of Plate 8.1), it appears that top soil that is stripped, and sub

**Applicant Response**

The Applicant notes that plate/figure 8.1 is indicative and does not contain all parameters considered when assessing the requirement for the 80m typical working width. With this response, the applicant submits an updated cross-section outlining all components of the 80m corridor (based on four circuits being installed by an open cut methodology).



An 80m working width (4 circuits plus associated fibre optic cabling) is required to allow the installation of the onshore export cables and all the associated works (including storage areas for topsoil and subsoil, drainage and a haul road to deliver equipment to the installation site from construction compounds) to be undertaken, enabling temporary and permanent work. The rationale for the required working width is listed below, working left to right across the corridor:

Description	Width	Comments
Fencing	n/a	The placement of suitable fencing to be positioned to demarcate the working corridor to the adjacent land area.
Stand off area	0.5m	1m stand off area between the fence and the toe of the top-soil storage bund to ensure that soil does not leave the working corridor.
Top-soil storage bund	11m	The top-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type/nature (e.g. angle of repose for silts at 27°) and the height of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.
Stand off area	1m	1m stand off area between the top-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.
Transitional sub-soil storage	4m	Transitional subsoil is circa first 50mm between topsoil and subsoil,(to reduce the potential impact of cross contamination between topsoil and subsoil). The transitional sub-soil (where required) must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.
Stand off area	0.5m	1m stand off area between the transitional sub-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.
Sub-soil storage	3m	The sub-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow

ID	Relevant Representations	Applicant Response	
	<p>soil that is excavated, to create the four cable trenches, will be stored at either side of the working width. Paragraph 75 of the Outline Soil Management Plan (Document 8.1.3, version 2) states that stripped topsoil will be stored to the side/s of the working width in a manner that provides sufficient separation from subsoil and vehicles. Paragraph 76 states that topsoil will be stored in bunds that will typically be 2m in height and no more than 3m in height, and subsoil will be stored in bunds no more than 3m to 5m in height (dependent on whether there is space to have a bund either side of the working width/ECC during construction, or whether a single taller bund will be used for storage in narrower working areas) in order to minimise compaction and the impact of storage on biological processes. While bund height details are given, no details appear to have been given of the anticipated volumes of soil to be stored and the 'footprint' (including width/circumference) of the bunds.</p> <p>Based on the above, it appears that the 'working width' would comprise a central haul road typically 6.8m in width (9m only at passing places- there is no justification for this greater width along the whole of the ECC) with a 2m 'buffer' either side between the outermost edges of the haul road and the nearest cable trench (NB: As noted above, this 2m 'buffer' is not shown on the schematic/diagram comprising Plate 8.1 but is described in the accompanying text).</p> <p>There would be two 5m wide cable trenches on either side of the haul road.</p> <p>This would leave a significant distance (circa 23.5m either side of the cable trenches for soil storage (i.e. 47m in total). In reality, we anticipate that the overall 80m width allows for flexibility/micro siting of the cables to avoid unexpected obstacles/ground conditions and will not all be used for soil storage. However, even allowing flexibility for a reasonable worst case scenario associated with unexpected obstacles/ground conditions, an 80m wide working width appears excessive when compared to other similar projects of this type, including for example the Rampion 2 Wind Farm project, which will also involve the installation of four cable circuits, each containing three High Voltage Alternate Current (HVAC) power cables and two fibre optic cables (20 cables in total, which is more than ODOW's 12). The 'standard' Rampion 2 'temporary construction corridor' (working width) is 40m as opposed to ODOW's 80m. (See section 6 of the Rampion 2 Statement of Reasons-ODOW Application Document 4.1). In the circumstances of this Project, ODOW has not demonstrated that the working width proposed as part of the DCO Application is necessary. That is a fundamental failure in the context of compulsory acquisition of land and where the land is used for agriculture, all land loss has a direct impact on the business.</p> <p>If the Order is made as currently drafted, ODOW would be granted powers to compulsorily acquire permanent rights for the purpose of constructing (as well as retaining, operating and maintaining) the onshore electricity cables over an 80m 'working width' between landfall and the OnSS. That would result in the burdening of an up to 80m wide corridor of land with permanent rights, which does not appear to be properly justified, particularly when compared to the 'working widths' that other projects involving installation of very similar infrastructure are proposing. The DCO Application does not therefore appear to meet the test set out in paragraph 11 of the CA Guidance that <b>the land in question is needed for the development for which consent is sought, or to facilitate it, or is incidental to it</b>, and... <b>that the land to be acquired is no more than is reasonably required</b> (our emphasis).</p>		for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.
Stand off area	1m		1m stand off area between the sub-soil bund and the trench edge to prevent the bund from slipping into the open trench.
Trench – circuit 1	1.8m from edge to centre		Open cut trench to facilitate the installation of the cables. 3.6m width based on trench slope at 27 degrees due to the nature and angle of repose for the silty soils in the locality
Cable circuit separation	10m		A 10m distance between circuits in a trenched configuration is provided to ensure adequate safe separation for the cables to allow a safe installation (land drainage, excavation, off haul road vehicles access, etc), thermal separations, appropriate management of sub-soil and enable safe and efficient access in case of maintenance/replacement (for a single circuit) during windfarm operation period.
Circuit 2 centre	n/a		Centre point of circuit 2
Trench – circuit 2	1.8m from edge to centre		Open cut trench to facilitate the installation of the cables. 3.6m total trench width, width based on trench slope at 27degrees due to the nature of the silty soils in the locality
Stand off area	1m		1m safety zone between the edge of the haul road and the trench
Haul road	9m		Typical haul road width of 6.8m but worst case shown to allow for passing bays as outlined in Paragraphs 222-228 of Chapter 3 (Project Description) (App doc 6.1.3).
Stand off area	1m		1m safety zone between the edge of the haul road and the trench
Trench – circuit 3	1.8m from centre to edge		Open cut trench to facilitate the installation of the cables. 3.6m total trench width based on trench slope at 27degrees due to the nature of the silty soils in the locality
Circuit 3 centre	n/a		Centre point of circuit 3
Cable circuit separation	10m		10m distance between circuits in a trenched configuration is provided to ensure adequate safe separation for the cables to allow a safe installation (land drainage, excavation, off haul road vehicles access, etc), thermal separations, appropriate management of sub-soil and enable safe and efficient access in case of maintenance/replacement (for a single circuit) during windfarm operation period.
Trench – circuit 4	1.8m from centre to edge		Open cut trench to facilitate the installation of the cables. 3.6m total trench width based on trench slope at 27 degrees due to the nature of the silty soils in the locality
Stand off area	1m		1m stand off area between the sub-soil bund and the trench edge to prevent the bund from slipping into the open trench.
Sub-soil storage	3m		The sub-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.
Stand off area	0.5m		1m stand off area between the transitional sub-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.

ID	Relevant Representations	Applicant Response																			
	<p>In addition, Article 28(1)(a)(ii)(f) of the draft Order (ODOW Application Document Reference 3.1) contains a widely drawn ‘general’ temporary possession power which would enable ODOW to take temporary possession of Order Land and to construct such works on that land as are described in Part 1 of Schedule 1 (i.e. any of the authorised development, which includes onshore cable installation works), although we note that Section 5 of the Statement of Reasons (ODOW Application Document Reference 4.3) is not express about that.</p> <p>Constructing the proposed Project onshore would have the same physical and environmental impacts and deprive landowners and occupiers of the same amount of land, regardless of whether it was legally authorised by temporary possession powers or permanent rights. In reality, therefore, the need for temporary possession powers over an 80m wide ‘working width’ must be justified in the same way as the need for powers to compulsorily acquire rights, and for the reasons explained above, the proposals do not appear to meet that test.</p>	<table border="1"> <tr> <td data-bbox="1332 243 1555 415">Transitional sub-soil storage</td> <td data-bbox="1555 243 1857 415">4m</td> <td data-bbox="1857 243 2781 415">The transitional sub-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.</td> </tr> <tr> <td data-bbox="1332 415 1555 489">Stand off area</td> <td data-bbox="1555 415 1857 489">1m</td> <td data-bbox="1857 415 2781 489">1m stand off area between the top-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.</td> </tr> <tr> <td data-bbox="1332 489 1555 667">Top-soil storage bund</td> <td data-bbox="1555 489 1857 667">11m</td> <td data-bbox="1857 489 2781 667">The top-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.</td> </tr> <tr> <td data-bbox="1332 667 1555 741">Stand off area</td> <td data-bbox="1555 667 1857 741">0.5m</td> <td data-bbox="1857 667 2781 741">1m stand off area between the fence and the toe of the top-soil storage bund to ensure that soil does not leave the working corridor.</td> </tr> <tr> <td data-bbox="1332 741 1555 814">Fence</td> <td data-bbox="1555 741 1857 814">n/a</td> <td data-bbox="1857 741 2781 814">The placement of suitable fencing to be positioned to demarcate the working corridor to the adjacent land area.</td> </tr> <tr> <td data-bbox="1332 814 1555 856">TOTAL WIDTH</td> <td data-bbox="1555 814 1857 856">80.2m</td> <td data-bbox="1857 814 2781 856"></td> </tr> </table>	Transitional sub-soil storage	4m	The transitional sub-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.	Stand off area	1m	1m stand off area between the top-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.	Top-soil storage bund	11m	The top-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.	Stand off area	0.5m	1m stand off area between the fence and the toe of the top-soil storage bund to ensure that soil does not leave the working corridor.	Fence	n/a	The placement of suitable fencing to be positioned to demarcate the working corridor to the adjacent land area.	TOTAL WIDTH	80.2m		<p>The Applicant notes the example provided by T.H. Clements for Rampion 2 offshore wind farm. The Applicant cannot make direct comparisons to other projects, as each project will have its own specific electrical and civil engineering requirements and constraints, the Applicant notes that there are also examples available of offshore windfarm projects utilising a similar working width to the Project. For example:</p> <ul style="list-style-type: none"> <li>• Mona Offshore Windfarm’s project description includes a typical working width of 74m for four circuits;</li> <li>• Fives Estuaries Offshore Windfarm’s project description includes a typical working width of 60m for two circuits and;</li> <li>• North Falls Offshore Windfarm’s project description includes a typical working width of 72m for two circuits.</li> </ul> <p>The justification for seeking compulsory acquisition powers over the Order Limits is set out in Section 6.2 of the Statement of Reasons (Document 4.3, version 3). In accordance with the provisions of the Planning Act 2008, the Applicant considers that they are justified in seeking compulsory acquisition powers to secure land, acquire rights over land, impose new restrictions and temporarily use land. These compulsory acquisition powers are required to enable the construction, operation, maintenance and decommissioning of the Project within a reasonable timeframe. The land take, rights over land (including restrictions) and land for temporary use is no more than is required to enable the Project. As set out in the above table, the typical working width of 80m is necessary to enable the construction of the Project.</p> <p>The Applicant has taken every measure to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored, including modifications to the scheme following consultation events, stakeholder responses, and negotiations with landowners and occupiers.</p> <p>As set out in the Explanatory Memorandum (APP-304) Article 28 enables the Applicant, in connection with the carrying out of the authorised project, to take temporary possession of land listed in column (2) of Schedule 9 (land of which temporary possession may be taken) and any other Order land which is subject to compulsory acquisition under the Order provided the compulsory acquisition process has not begun in relation to it. This follows the approach adopted in a large number of development consent orders, including the East Anglia ONE North, East Anglia TWO, Hornsea Four, Norfolk Vanguard and Norfolk Boreas Orders. It allows greater flexibility in the event that following further detailed design of the works it is decided that only temporary occupation rather than permanent acquisition of land is required. A benefit of structuring the Order powers in this way is also to limit the amount of land that needs be ultimately acquired, or over which new rights are acquired, from landowners.</p>
Transitional sub-soil storage	4m	The transitional sub-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.																			
Stand off area	1m	1m stand off area between the top-soil bund and the sub-soil bund to prevent cross contamination of top and sub-soils.																			
Top-soil storage bund	11m	The top-soil must be suitably managed and placed to be safe (for passing operations) and arranged for long-term storage. The soil storage width will vary depending on the soil type and the depth of topsoil to be stored, and it will allow for suitable separation to adjacent elements to prevent safety hazards and potential cross-contamination.																			
Stand off area	0.5m	1m stand off area between the fence and the toe of the top-soil storage bund to ensure that soil does not leave the working corridor.																			
Fence	n/a	The placement of suitable fencing to be positioned to demarcate the working corridor to the adjacent land area.																			
TOTAL WIDTH	80.2m																				

ID	Relevant Representations	Applicant Response
RR-067.012	<p><b>Justification for permanent cable rights corridor</b></p> <p>The typical corridor over which permanent rights and a restrictive covenant will be sought for the retention, operation, protection and maintenance of the ODOW onshore export cables is expected to be 60m according to paragraphs 25 and 75 of the Statement of Reasons (ODOW Application Document 4.3). Based on the schematic/diagram comprising Plate 8.1 above, the cables will be installed within four 5m wide trenches. The land that will be used as a temporary haul road (located in the centre of the ‘working width’ and up to 9m in width, with a 2m ‘buffer’ either side) will separate the four trenches (two trenches will be located on one side and two on the other). This would result in a permanent cable corridor of 33m. It is not clear therefore, why ODOW consider that a 60m permanent rights corridor will be required, nor how the compulsory acquisition of, and burdening of land with, rights and restrictive covenants over that width is justified.</p> <p>By way of comparison, the typical corridor over which permanent rights and a restrictive covenant will be sought for the retention, operation, protection and maintenance of the Rampion 2 onshore cables is likely to be 20m. A maximum width of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst-case scenario. (See section 6 of the Rampion 2 Statement of Reasons- Application Document 4.1).</p> <p>By way of a further example, The Viking Link Compulsory Purchase Order (The National Grid Viking Limited (Viking Link Interconnector) Compulsory Purchase Order 2019) (which is available online at Viking Link Interconnector (viking-link.com)) – places limits on the width of land over which permanent rights for retention and maintenance of the High Voltage Direct Current (HVDC) and HVAC cables installed in Lincolnshire could be acquired.</p> <p>The rights could be acquired over a maximum width of 50m where Horizontal Directional Drilling (HDD) cable installation techniques had been used to install the HVAC cables beneath obstacles such as roads or rivers, and over a maximum width of 25m in all other cases (i.e. where the cables had been installed in trenches). The rights could be acquired over a maximum width of 25m where HDD cable installation techniques had been used to install the HVAC cables beneath obstacles such as roads or rivers, and over a maximum width of 15m in all other cases (i.e. where the cables had been installed in trenches).</p> <p>Even if a 60m permanent rights corridor were considered to be justified, there does not appear to be a restriction in the draft Order to ensure that permanent cable rights can only be compulsorily acquired over a width of 60m.</p>	<p>The Applicant notes that plate 8.1 is indicative and does not contain all parameters considered when considering the requirement for the 60m permanent cable easement. The Applicant submits with this response an updated cross section outlining all components of the 60m permanent cable easement.</p> <div data-bbox="1329 367 2754 829" data-label="Diagram"> </div> <p>The cross section is based on a four circuit, flat formation installation type that is typical when installing cables via trenchless techniques, which will be common on this Project due to the presence of numerous Internal Drainage Board drains which the Applicant has committed to going under when installing the cables.</p> <p>In this flat formation each cable in a circuit is installed with a 5m separation between each of the three cables meaning each circuit is 10m wide – totalling 40m for four circuits. Each circuit is then separated by a 5m gap - meaning a total width of 15m across the four circuits. A 2.5m buffer/exclusion zone on either side of the corridor is then considered to protect the cables from third parties and to ensure the cables can be safely operated – this adds another 5m to the corridor. Adding these components together (40m + 15m + 5m) gives the 60m easement width outlined by the Applicant in paragraphs 25 and 75 of the Statement of Reasons.</p> <p>It is possible that in areas where cables are installed via open cut methodology that the width between the outer edges of each circuit is reduced to ~40m however for cable installed in this manner it will be necessary for the buffer to be wider than 2.5m to allow for access with machinery and the storage of soil in the event that the cables need to be renewed, repaired or replaced. A 10m working width on either side of the corridor will allow the Applicant to exercise their rights safely and without compromising the other circuits.</p> <p>As noted above, the Applicant cannot make direct comparisons to other projects as each project will have its own specific electrical and civil engineering requirements, different ground conditions and constraints. The permanent easement required for the onshore export cables is anticipated to be a typical 60m wide corridor. The Applicant will not exercise powers of compulsory acquisition over an area which is larger than necessary. However, it is not possible to identify the location or precise width of the permanent easement area until precise cable positions are known.</p>
RR-067.013	<p><b>Adverse impacts on farming during construction of the proposed Project</b></p> <p>As set out above, the need for the proposed 80m ‘working width’ does not appear to be properly justified by ODOW as required by the CA Guidance. This is of great concern to T.H. Clements given that during the proposed Project’s construction period (anticipated to be four years (Plate 11 of Chapter 3 (Project Description) of the ES (ODOW Application Document 6.1.3)), it would not be possible to grow any crops on the significant area of land that is purportedly (but not properly demonstrated to be) needed for installation of</p>	<p>The Applicant notes these comments and has responded to the specific points raised above and below.</p>

ID	Relevant Representations	Applicant Response
	<p>the onshore electricity cables, nor the temporary accesses or compounds (please refer to our comments above regarding the robustness of the justification for the 'working width'). Crop losses will also occur on land not directly affected/required for construction of the onshore electricity cables, as a result of severance (as explained in more detail below) and the adverse impacts of the construction activities themselves.</p>	
<p>RR-067.014</p>	<p><b>Nature of the soils comprised in the land that THC farm and proposed to be used for the cable route for the Project</b></p> <p>T.H. Clements farms land across Lincolnshire. However, the soils within the proposed stretch of cable for the Project which are shown on the aerial view below are of particular significance.</p> <p>[Photographs cannot be included the online form. The photograph is included in the letter version of this Relevant Representation submitted by e-mail.]</p> <p>The soils along this stretch of the proposed cable for the Project are deep, predominantly fragile silty, and coarse silt loam soils. These soils have drainage managed by ditches, pumps, and installed field drainage pipe schemes. The soils are at regular risk of machinery "falling through" (after becoming bogged down- often to significant depth) as a result of normal farming practices employed when growing vegetable crops intended for fresh supermarket sale in the UK. Please see below for further detail.</p>	<p>The Applicant notes these comments, and has responded to the specific points raised in the sections below.</p>
<p>RR-067.015</p>	<p><b>Predominant soil types</b></p> <p>The predominant soil types affected by the proposed cable route in the following locations (shown on the above map) are as follows:</p> <ul style="list-style-type: none"> <li>• <b>WISBECH:</b> The soil in this locality comprises deep stoneless, calcareous, coarse, silty soils and is flat with low ridges and at risk of wind erosion locally. Groundwater levels are usually controlled by ditches or pumps.</li> <li>• <b>TANVATS:</b> The soil in this locality comprises deep stoneless, fine and coarse silty and clayey soils and is flat. Groundwater levels are usually controlled by ditches or pumps.</li> <li>• <b>ROCKCLIFFE:</b> The soil in this locality comprises deep stoneless silty and sandy soils and is flat. It is variably affected by groundwater depending on the artificial underground drainage systems in place.</li> </ul> <p>As explained above, the predominant soils in this area of Lincolnshire are deep, stoneless with unsupportive, fragile and deep silt based characteristics. Where the silt is also combined with a coarser, fine sand, which is the case in Rockcliffe, for example, this increases the risk of 'running'/movement of the soils, hence their being referred to colloquially as 'running silts'. All the soils in this area of Lincolnshire are deep, which results in an increased risk of machinery 'sinking' into/ dropping through, the profile until 'grounded' by the chassis being in contact with the ground surface, as explained in further detail below.</p> <p>Fields being farmed for vegetable crops intended for supermarket fresh produce sale need to be accessed at various times including when the soil condition is wet, and consequently very vulnerable to damage. Such soils are also prone to surface waterlogging at wetter times of year. To avoid significant crop loss (and mitigate against the yield, quality, and</p>	<p>The Applicant notes and agree that Wisbech, Tanvats, and Rockcliffe associations may be present.</p> <p>The Applicant has addressed the matters raised here in detail in the following responses.</p>

ID	Relevant Representations	Applicant Response
	<p>delivery penalties imposed by retailers), surface waterlogging is addressed by digging deep channels to move such water off the surface and into surrounding watercourses. Such channels can often exceed depths of 1m below the ground surface.</p> <p>It is noteworthy that the proposed depth of the Project's proposed onshore cables (1.2m below ground surface level, with a safe maximum depth of remediation above these of less than 0.75m) is shallower than the depths of potential damage caused by routine farming practices (please see below for further detail). Additionally, the intervention which would be needed for soil repair does not appear to have been considered as part of the proposed mitigation for the Project.</p>	
RR-067.016	<p><b>Potential contamination and degradation of high quality, highly fertile top soil within T.H. Clements farmed plots during construction of the Project</b></p> <p>As explained above, the silty soils within T.H. Clements farmed plots (through which the Project's onshore cable corridor is routed) are largely unique to this particular area of Lincolnshire. They are deep, predominantly fragile silty and coarse loam silts. They are highly fertile and productive for agricultural farming, comprising a shallow layer (approximately 300-600mm deep) of highly fertile 'top soil', below which is a 'sub soil' or relatively sterile 'running silt' which has reduced fertility, but provides a reserve of water. These soils are delicate, and susceptible to structural change, particularly in the event of heavy rainfall. Effective, and unrestricted drainage of these soils is therefore of paramount importance.</p> <p>During the proposed construction phase for the Project, ODOW proposes to strip the top soil in this location to enable installation of the underground electricity cables and store it in soil bunds. The storage bunds will be susceptible to weed growth and contamination, and, during the stripping phase, there is a high risk of the top soil and sub soil being mixed. This risk would be particularly acute should the appointed contractors not to be cognisant of the unique nature of the soils. Any mixing of the soils would have a negative impact on soil quality and thus crop growth and yield in the future.</p> <p>Soil quality may also be compromised as a result of field conditions during cable installation. The soils on land used to construct haul roads and construction compounds may also be compromised by compaction, and crop consistency (quality) issues may occur as a result.</p> <p>Notably, the Outline Soil Management Plan submitted with the DCO application (ODOW Application Document 8.1.3) is a high level document. T.H. Clements does not currently have any confidence that the special nature of the silts (soils) in this location of Lincolnshire have been properly understood and assessed by ODOW such that the mitigation measures are sufficient to prevent soil quality from being compromised.</p>	<p>The Applicant notes the points are addressed in the oSMP (document reference APP-271]) as follows:</p> <ul style="list-style-type: none"> <li>• Weed growth and contamination – addressed in section 5.9</li> <li>• Topsoil and Subsoil mixing – addressed in section 5.1 and 5.7 and the Applicant has committed to a soil Clerk of works to oversee soil handling as outlined in section 2.3.</li> <li>• Soil quality – the Applicant has committed to undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that the survey outlines degradation of soil an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</li> </ul> <p>The Applicant is aware of these soil types and will ensure that these soils are handled correctly during the construction of the Project. Whilst the Outline Soil Management Plan (oSMP) is high level at this stage, the Applicant welcomes any additional detailed comments regarding the oSMP for their consideration.</p>
RR-067.017	<p><b>Potential contamination of high quality, highly fertile top soil with stones</b></p> <p>As explained above, the Lincolnshire Fens are renowned as some of the very best food growing soils in the Country and indeed the World, being characterised by a number of factors including the complete absence of naturally occurring stone.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>

ID	Relevant Representations	Applicant Response
	<p>Stoneless soils are of significant benefit to farmers growing vegetable crops, as they allow uniform growing throughout the soil profile, and minimise the amount of crop rejection by retailers, who are often unwilling to purchase (or will only purchase at a significant discount), vegetable crops that have been distorted by stone-on-root contact. Stoneless soils therefore give growers confidence that they will be able to produce the quality of crop that their consumers require.</p> <p>A number of underground electricity cables have been installed across Lincolnshire in recent years, such as the onshore export cables comprising part of the Viking Link Interconnector, and the cables connecting the Triton Knoll Offshore Wind Farm to the National Grid. T.H. Clements appointed land agents, Brown &amp; Co, have been involved with all of those projects (acting for affected landowners) and have advised that in every case, without exception, there has been residual stone contamination resulting from the construction process, such as the laying and use of gravel haul roads in particular.</p> <p>Section 8.1.5.6 (paragraphs 222- 228) of Chapter 3 (Project Description) of the ES (ODOW Application Document 6.1.3) discusses the haul road. Paragraph 222 states that <i>“the haul road, typically 6.8m wide (Plate 8.1) (see above) (and up to 9m at passing places) including verges and drainage channels (where required) will extend the entire length of the Project onshore ECC and 400kV cable corridor (except where the Project has committed to not construct a haul road, such as in locations where trenchless techniques will be adopted)....It will be utilised throughout the installation of the export cables and 400kV cables and for the duration of the onshore ECC construction activities.”</i> We note that paragraph 190 of Chapter 3 of the ES states that <i>“Installing the onshore cable ducts and export cables is anticipated to take up to 42 months.”</i>)</p> <p>Paragraphs 226 to 228 of Chapter 3 state that:</p> <p><i>“The haul road will comprise a maximum thickness of 1m (average 0.6m) of suitable aggregate placed on top of a heavy-duty terram membrane or similar where required. The exact specification of the road will be determined upon the appointment of a principal contractor at detailed design stage.</i></p> <p><i>Depending upon the ground conditions, it may not be necessary to undertake works to construct the designated haul road. Where the ground is sufficiently firm enough it may be acceptable to use significantly less granular sub-base material. Consideration will also be given to alternatives such as a specialist trackway if appropriate. The final decision will depend upon ground conditions and the contractor’s preferred construction strategy and will not be confirmed until the detailed design stage.</i></p> <p><i>Any aggregate and/or geotextile membrane installed will be removed, and the land reinstated upon completion of the construction phase.”</i></p> <p>It is notable that reference is made to “suitable aggregate material” but there is no assessment of the impacts attributable to the types of aggregates which may be used. Type 2 aggregate for example is typically made from crushed rock and has a higher dust content than Type 1 aggregate.</p>	<p>The Applicant is unable at this stage to commit to the use of trackway as the primary methodology for haul roads, however, the Applicant will endeavour at the detailed engineering stage to progress with variable haul road design and methodologies that best favour the nature of the ground and the surrounding areas, with the intent to ensure the best methods for removals at the demobilisation and the reinstatement stage.</p>

ID	Relevant Representations	Applicant Response
	<p>Constant use of a haul road constructed from “suitable aggregate” by large vehicles and equipment, particularly in wet conditions, could lead to crushed limestone, stones and rock being washed onto the adjacent land (outside of the ‘working width’) contaminating the top soil of adjacent fields.</p> <p>Stone contamination is a very significant concern to T.H. Clements as, for the reasons set out above, it would have a direct adverse impact on their ability to grow top quality vegetables on the Plots of land affected, which in turn would be likely to result in a higher percentage of crop rejections by retailer customers, associated financial losses and unnecessary food waste.</p> <p>We note that paragraph 227 states that, “Consideration will also be given to alternatives such as a specialist trackway if appropriate.” The use of aluminium trackway would remove the requirement to use aggregate (stone) at all, ensuring that there is no residual stone left on the land post construction. The use of aluminium trackway (or equivalent) should at least be secured in replacement of aggregate in the Code of Construction Practice.</p>	
RR-067.018	<p><b>Contamination of and damage to growing crops by dust from construction activities</b></p> <p>As explained above, during the construction of the onshore electrical cables, subsoil and topsoil will be excavated and stored in bunds, which will typically be 2m in height and no more than 3m in height in the case of topsoil, and no more than 3m to 5m in height in the case of subsoil, and located at either side of the ‘working width’. The soil stored in these bunds will gradually dry out, particularly during the warmer Spring and Summer months. Due to the fine, silty nature, of the top-soils that will be excavated, the fact that the raised storage bunds will have little, if any, vegetation cover (making them susceptible to wind erosion); and that the surrounding land is generally flat, means that the soils will be highly susceptible to air borne dispersion.</p> <p>The soil description (Cranfield University 2024. The Soils Guide. Available: <a href="http://www.landis.org.uk">www.landis.org.uk</a>. Cranfield University) of the Wisbech Association soils farmed by TH Clements, for example, specifically refers to these being “at risk of wind erosion locally”. This is when in their natural state, not in raised bunds which will dry out and be at even greater levels of risk as a result.</p> <p>While the above example relates to the Wisbech Association soils, the other predominant soil types referred in the ‘Predominant soil types’ section above are also extremely susceptible to wind erosion when stored in bunds and driven over by vehicles.</p> <p>Haulage roads will also be created along the entirety of the onshore cable route and used extensively by heavy machinery and vehicles, which will also create air borne dust, particularly in drier Spring and Summer months. Factors such as wind direction, will affect the direction in, and distance over which the soil particles will be dispersed. The number (frequency of trips) and nature of machinery and vehicles using the haul road will also affect the amount of air borne dust.</p> <p>Whilst T.H. Clements are in the process of carrying out more detailed analysis in relation to dust dispersion, it is clear that there is potential for air borne dust (soil particles) to be dispersed in multiple directions and over significant distances (which could extend up to or beyond 100m) and to contaminate growing crops far beyond the working width assessed as part of the EIA of the Project.</p>	<p>The Applicant has included within the Outline Code of Construction Practice (APP-238), methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Air Quality Management Plan (APP 270) Table 2.1 also refers to construction dust mitigation measures.</p> <p>The Outline Soil Management Plan (document 8.1.3, version 2) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> <li>• Effective programming will ensure soil is stored for the minimum time possible. Where soil is to be stored for over 6 months it will be covered or sown over the top and sides with an agreed seed mix to protect the soil against erosion, minimise soil nutrient loss, and maintain soil biological activity.</li> </ul> <p>The Applicant welcomes and will consider any further suggestions for reasonable additional mitigation measures that T.H. Clements considers would assist in dust management. The Applicant is aware that practical measures employed by TH Clements on a day to day basis could have merit in being incorporated into the dust management plan.</p>



ID	Relevant Representations	Applicant Response
	<p>As explained above, T.H. Clements customers have very exacting quality standards and will not accept vegetable produce contaminated by dust. It would not be possible for T.H. Clements to try to remove the dust contamination as washing vegetables impacts their shelf life, as well as their appearance, contravening service level requirements meaning they will not be accepted by retailers.</p> <p>There is therefore a significant risk that, as a direct result of the Project construction activities, T.H. Clements will not be able to fulfil its retailer contracts and could incur significant penalties and potentially lose these strategically important contracts, which it would struggle to regain once lost.</p>	
RR-067.019	<p><b>Severance</b></p> <p>During construction of the proposed Project it would not be possible to farm the land occupied/being utilised for that purpose by ODOW (i.e. the ‘working width’, construction compound areas and temporary accesses). T.H. Clements are concerned that, as a result of the occupation/use of the ‘working width’, compound areas and temporary accesses, parts of fields that they farm that are not directly affected by the working width, compounds and accesses (i.e. land out with the Order land) may become inaccessible or be too small to farm by itself.</p> <p>Order Land Plots 27-015/27-019; 27-021; 27-027; 27-030; and 29-013/30-002) will result in severance and it would be impractical to farm the retained areas of land during the Project’s construction phase due to their small size, shape and high headland percentage (i.e. the parts of fields where farm machinery turns/changes direction whilst undertaking cultivation, harvesting etc.).</p> <p>While shapefiles for the Land Plans have not been made available to T.H. Clements, they estimate that the amount of growing land sterilised will be in the region of 85 acres.</p>	<p>The Applicant’s Land Agents have reviewed areas of land which may be severed as a result of construction activities. Land which has been highlighted as severed during the Applicant’s initial assessment includes land which would become difficult for machinery to access to complete necessary works through planting, establishment and harvesting. Currently, the Applicant’s land agents have identified that across land occupied by TH Clements, 23.9 acres of land could be severed.</p> <p>Where land is severed, the applicant will compensate the landowner for losses incurred as a direct result.</p> <p>The Applicant would seek to agree any severance with TH Clements prior to construction when a detailed design is available.</p>
RR-067.020	<p><b>Insufficient cable burial depth</b></p> <ul style="list-style-type: none"> <li>• The ‘standard’ depth at which ODOW intends to install the majority of the onshore cable (1.2m to the protective tile above the cables, save where trenchless construction techniques are used to ‘cross’ obstacles such as roads and water courses at a greater depth) is insufficient to enable normal farming practices to safely resume post construction, for the following reasons:</li> <li>• Location (depth) of field drainage systems - As explained above, the soils along the stretch of the cable route that T.H. Clements farm are deep, predominantly fragile silty, and coarse silt loam soils. Being permeable, these soils are able to absorb and store a significant amount of water, which makes them excellent soils for growing the very best vegetable crops. While these soils are highly permeable, drainage of excess surface water is managed by way of underground field drainage systems comprising networks of pipes, and associated pumps feeding into ditches/watercourses.</li> <li>• Field drainage systems are often installed in excess of 1.2m deep (depth from ground surface to installed pipes). Silty soils are also particularly susceptible to structural change, and have a tendency to move/shift, especially during periods of heavy rainfall (hence their often being colloquially being referred to as ‘running</li> </ul>	<p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC , onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are</p>

ID	Relevant Representations	Applicant Response
	<p>silts’ as noted above). As such, the depth of burial cover of underground features, including potentially underground electricity cables, can change.</p> <ul style="list-style-type: none"> <li>• If the proposed ODOW cable burial depth is only 1.2m from the surface of the land, the cables would very likely cut through, or potentially even pass above, existing underground drainage systems. This would seriously compromise the existing field drainage systems installed at these depths, and likely result in serious technical and health and safety challenges for ODOW to manage.</li> <li>• Where existing drains are cut through (severed) in order to install cables, reinstatement must ensure the functioning of the drain system is restored. If this were not possible, water table depths would be affected, and as a direct result, the soil strength and support capability (for all future field operations) would be compromised. Clearly, where existing drainage systems are cut through (severed) by cables running at similar depth, such restoration to maintain drain grades and drain spacings (which determine water table depth) cannot be achieved.</li> </ul>	<p>installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. On this basis, the Applicant is confident that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revised plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-067.021	<p><b>Waterlogging of land and ‘sinking’ of farm machinery</b></p> <ul style="list-style-type: none"> <li>• As noted above, while the soils along the stretch of the cable route that T.H. Clements farm are able to absorb and store a significant amount of water, and a certain amount of excess water can be successfully managed by way of underground field drainage systems, during periods of heavy rainfall (which are increasingly frequent), the fields comprising of silty soils can become waterlogged and surface waterlogging must be promptly addressed by T.H. Clements to ensure the preservation of crops.</li> <li>• Digging deep channels/trenches (1-1.5 metres in depth from the original surface of the land) to allow the standing water to run off into surrounding watercourses/ditches is the accepted method of mitigating the effects of water logging on growing crops.</li> <li>• It is vital to T.H. Clements’ business that trenching and other deep soil interventions are made as soon as waterlogging occurs to avoid damage/deterioration, and ultimately loss of, growing crops.</li> <li>• Should the ODOW cable be installed at a depth of only 1.2m, the trenching operations could not be safely completed by T.H. Clements, which would result in damage/deterioration, and ultimately loss of, growing crops.</li> <li>• Furthermore, it is not uncommon for farming machinery to ‘sink’ into (become bogged down in), and have to be retrieved from, silty soils, particularly during periods of heavy rainfall. In those circumstances, deep, intensive soil movement is required to extract the machinery and repair the damage incurred. The depth of the soil affected is often well in excess of 1m below the surface of the ground when machinery becomes bogged down, sinking down to the axles and loads imposed by sunken farming machinery can exceed 6 tonnes per axle at depth. The spraying machinery operated by T.H. Clements, for example, has a high potential to sink through the soil (under wet conditions) to depths (from the ground surface to the wheels) in excess of 1.3m. Furthermore, these sprayers have a “high ride” capability to increase their ground clearance (and therefore potential sinkage depth) up to 2m. This is because they are used to farm potato and Brussel sprout crops usually between August through to January, at which times, ground is at, or</li> </ul>	<p>The Applicant acknowledges the expressed concerns with regard to digging deep channels and sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand on TH Clements property as well as witnessing the removal of the ruts at a later date. It is noted from the site visit that the typical subsoiling depth was between 300mm and 400mm. The Applicant noted that the subsoiler did reach a maximum depth of 700mm, however, it was evident at this depth the machinery was struggling to pull through the soils and the machine operator had to lift the subsoiler and reverse before lowering again into the soil.</p> <p>The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to dig deep channels, recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant does not agree with the statement that normal agricultural activities would be undertaken at a depth of 1.2m or deeper. The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable for optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. In practice and based on observations made by the Applicant, it is considered that day-to-day farming would be carried out at a depth of no greater than 0.75m, which is the depth permitted within the voluntary option agreement being offered.</p>

ID	Relevant Representations	Applicant Response
	<p>beyond, its water absorption capacity and therefore most vulnerable to sinkage risk.</p> <ul style="list-style-type: none"> <li>Consequently, the proposed cable burial depth of 1.2m below ground surface level, will be far shallower than the depths of routine farming practices which would put the installed cables at high risk of damage and farmers at high risk of physical harm.</li> <li>The potential for movement of silty soils, due to natural erosion and ground shrinkage, and consequent risk of reduced depth of cover over the cables, would exacerbate an already significant health and safety risk to T.H. Clements, especially as monitoring ground levels/changes in levels is difficult.</li> <li>In order to retain the ability for T.H. Clements to safely farm these highly productive fields post construction of the proposed Project, the cables would need to be buried at appropriate depths which the appointed cable installation contractor is confident will allow usual farming practices, including those described above, to be safely carried out.</li> </ul>	
RR-067.022	<p><b>Adverse impact of electromagnetic radiation and heat from the cables on the soil and its microorganisms</b></p> <p>T.H. Clements has heavily invested in soil management to ensure that its soil/the soil it farms is of the highest quality, which includes creating a healthy environment for soil microorganisms. T.H. Clements are particularly concerned about the adverse impact that electromagnetic radiation and heat emanating from buried cables could have on the quality and productivity of the soils on the land it farms.</p> <ul style="list-style-type: none"> <li>Heat emanating from underground cables could also cause some crops (those planted in the vicinity of the cables) to develop more quickly than others.</li> <li>It would not be feasible to harvest crops within the same field at different times, meaning that crops that matured early would have to be discarded upon harvesting as they would be over-ripe and unsaleable.</li> </ul>	<p>The Applicant has been made aware of concerns over a local large infrastructure project and localised issues with crop growth. It should be noted that there has been no substantiated claim that the localised issues are caused by cable heating. The Applicant notes that there are likely hundreds or thousands of high voltage underground cables around the country and there have been no other reported instances that the Applicant is aware of where cables have heated crops and caused issues.</p> <p>Scientific studies conducted by soil ecologist Prof. Dr. Peter Truby of Freiburg University and field experiments carried out by Amprion, show there is a low or negligible impact on agricultural production and soil properties from cable heating.</p>
RR-067.023	<p><b>Funding</b></p> <p>Paragraph 17 of the CA Guidance, states that any application for a development consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. Such statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. If a project is not intended to be independently financially viable, or financing details cannot be finalised until there is certainty about the assembly of the necessary land, the applicant (in this case ODOW) should provide an indication of how any potential shortfalls are intended to be met, including the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the scheme, and on what basis such contributions or underwriting is to be made.</p> <p>As explained above, the construction of the Project would result in the loss of a vast amount of highly productive farming land, including a significant amount of the land currently being farmed by T.H. Clements. The loss of that land would have such a detrimental impact on T.H. Clements farming operations including production capacity and</p>	<p>Following on-going discussions with the representative it is noted that TH Clements have concerns around the impact the proposed works could have on their business and therefore the Applicant will endeavour to maintain communication with T.H. Clements to ensure that when devising the programme for the main works, losses and impacts as a whole can be mitigated where possible. It should be noted that during recent discussions with T.H. Clements, they have taken on an extra block of land circa 1,000 acres in order to mitigate their losses and to ensure they can continue to meet the demands of their contracts whilst the main works are undertaken.</p> <p>It is suggested that by working with and through mutual understanding with the Applicant, crop rotations could be temporarily modified to ensure that contract requirements are met. Changes to rotations, even if one off, are not outside of standard agricultural practice, where plans may need to be changed due to environmental, pest, disease, or other outside influences.</p> <p>Having reviewed the amount of land occupied by T.H. Clements and the land which is likely to be severed against the total area farmed by TH Clements in the locality, The Applicant feels it is unrealistic to suggest the loss of the whole business and their contracts. Working on the current land area impacted, including severed land, being 195.4 acres, this equates to 1.95% of T.H. Clements farmable area without the additional 1,000 acres which have been taken on.</p> <p>In light of the above the Applicant's position is therefore that the PCE [APP-030] is fit for purpose and accurately reflects the potential losses that could be incurred as a result of the Works.</p>

ID	Relevant Representations	Applicant Response
	<p>service level requirements for retailers, that it would be near impossible for T.H. Clements to fulfil its supply contracts with its customers (retailers).</p> <p>The loss of supply contracts with key retailers, including Tesco Plc, (which, if lost, would be very difficult to regain in the foreseeable future) could be so significant that the business could be extinguished as a result.</p> <p>T.H. Clements current annual turnover is £80 million and it is anticipated that this will increase to circa £100 million within the next three years. Notably, the proposed Project's Property Cost Estimate (ODOW Application Document Reference 4.2.4) is only just over £51 million.</p> <p>Compensation for the extinguishment of a circa £100m/year business would be significant and of such order of magnitude that it could comfortably exceed the Project's Property Cost Estimate on its own. While Article 44 of the Order, as currently drafted, would require ODOW to put in place a guarantee or other form of security in respect of its liability to pay compensation under the Order, before exercising any compulsory acquisition or temporary possession powers, ODOW would at present appear to fail to meet one of the key considerations which must be demonstrated to the satisfaction of the Secretary of State in order to meet the overriding test for making of the Order including compulsory acquisition powers in the first place (i.e. that there is a compelling case in the public interest to justify interference with the private rights of those who have interests in the land included in the Order).</p>	
RR-067.024	<p><b>Conclusion</b></p> <p>T.H. Clements will continue to engage constructively with ODOW in an effort to resolve the above outlined issues of concern during Examination. However, given that the proposed Project has the potential to devastate T.H. Clements' business, pending satisfactory resolution of its concerns, T.H. Clements must strongly object to the Order and reserves its right to make further representations during the course of the Examination should that be necessary.</p> <p>Should the Examining Authority require any additional information in relation to this representation, please contact Fiona Barker or Melanie Grimshaw of Mills &amp; Reeve at [REDACTED].</p>	<p>The Applicant continues to engage with TH Clements with a further meeting being schedule for the end of September.</p> <p>The Applicant is hopeful that with further discussion, T H Clements will be able to withdraw their objection.</p>

### 1.68 RR-068 Representation by UK Chamber of Shipping (UK Chamber of Shipping)

ID	Relevant Representations	Applicant Response
1	<p>The UK Chamber of Shipping is the trade association for the UK shipping industry, representing some 200 members, operating 900 vessels equalling 18 million GT in capacity, trading around the UK and globally. The Chamber represents the full breadth of the industry, including dry and wet trades, passenger transport (cruise &amp; ferry), offshore supply and construction, towage, and specialist, as well as professional service providers with shipping interests. The Chamber fully supports the Government's obligations to achieve Net Zero Carbon by 2050 and welcomes the development of offshore renewable energy to succeed in this obligation. The ports and shipping industries play an essential in enabling those targets to be achieved by providing bases and vessels for construction, operation &amp; maintenance, and decommissioning. The</p>	<p>The Applicant's approach to site selection is set out at Chapter 4 Site Selection and Alternatives of the ES (APP-059).</p> <p>As the UK Chamber of Shipping sets out in its Relevant Representation (RR-068), the Applicant has undertaken extensive consultation with shipping and navigation stakeholders throughout the NRA process. A key outcome of this engagement was a significant reduction in northern and western sections of the Array Area made post PEIR, as shown on Figure 4.9 of the ES Chapter 4 Site Selection and Consideration of Alternatives Volume 2 Figures (APP-090) with shipping and navigation being a key driver behind the reductions. Feedback from key</p>

ID	Relevant Representations	Applicant Response
	<p>Chamber also asserts that the planning process and framework must support the wider shipping industry through site selection which avoids or minimises disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries, as stated within Paragraph 2.8.328 of NPS EN-3.</p>	<p>shipping and navigation stakeholders has been positive on the changes made as set out within ES Chapter 15 Shipping and Navigation (APP-070) and ES Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171).</p> <p>Table 15.1 of 6.1.15 Chapter 15 Shipping and Navigation (APP-070) provides details as to how key policy including NPS EN-3 has been considered, including reference to how the RLB reductions have been applied to mitigate impacts to shipping and navigation. All impacts to shipping and navigation have been assessed as being within As Low As Reasonable Practicable (ALARP) parameters in ES Chapter 15 Shipping and Navigation (APP-070) and at section 4 of ES Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171).</p>
2	<p>The Chamber seeks to ensure navigational safety is upheld and that developments are appropriately positioned to enable existing and future commercial navigation to continue safely and efficiently. Shipping is the greenest form of cargo transport and proposed offshore renewable developments must take fully into consideration the routeing and operations of commercial shipping to enable this to continue. The Chamber has been closely involved in the planning process for Outer Dowsing OWF prior to DCO application, through Scoping, PEIR, and Hazard Workshops in the development of the Navigational Risk Assessment, advocating for enhanced mitigation measures for navigation safety and environmental efficiency of commercial shipping. The Chamber has welcomed constructive manner the Red Line Boundary (development area) has been amended to take in account of navigational safety concerns and routeing efficiencies for national and international scheduled services. The Chamber therefore may wish to provide further detailed representation in the area of navigational safety and impact upon commercial routeing upon review of the examination documents submitted.</p>	<p>Shipping and navigation stakeholder input including from the Chamber of Shipping has been a driving factor behind the significant RLB changes that were made post PEIR. Feedback from key shipping and navigation stakeholders including the Chamber of Shipping has been positive on the changes made as set out within ES Chapter 15 Shipping and Navigation (APP-070) and at section 4 of ES Chapter 15 Appendix 1 Navigational Risk Assessment (APP-171).</p> <p>The Chamber of Shipping have been consulted with throughout the NRA process to ensure their input has fed into the assessment. This includes dedicated meetings pre and post PEIR, and attendance by the Chamber of Shipping at the second hazard workshop.</p> <p>As detailed in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (document reference 15.9) in the most recent meeting held on the 15<sup>th</sup> August 2024, the CoS stated that the introduction of the Offshore Restricted Build Area (ORBA) and refinement of the offshore ECC were both positive from a shipping and navigation perspective. The CoS also confirmed in subsequent email correspondence (dated 4<sup>th</sup> September 2024) that the ferry operator DFDS who utilise routes in the area had “no issues and find the changes positive”.</p>

### 1.69 RR-069 Brown & Co Property and Business Consultants LLP on behalf of VER Limited

ID	Relevant Representations	Applicant Response
RR-069.001	<p>Brown &amp; Co LLP are retained by VER Limited, Manor House, Holme Next The Sea, Hunstanton, Norfolk, PE36 6LW and have been instructed to make this Relevant Representation objecting to ODOW’s DCO application on their behalf. VER Limited have met with the Scheme and the Scheme’s agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	
RR-069.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two</p>

ID	Relevant Representations	Applicant Response
	<p>does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p>pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not</p>

ID	Relevant Representations	Applicant Response
		<p>see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-069.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing.</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-069.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul>

ID	Relevant Representations	Applicant Response
		<p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-069.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-069.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>



ID	Relevant Representations	Applicant Response
RR-069.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-069.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-069.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-069.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>
RR-069.011	<p>Objection: VER Limited will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business VER Limited must strongly object to the Development Consent Order application. VER Limited reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED].</p>	

### 1.70 RR-070 Water Management Alliance

ID	Relevant Representations	Applicant Response
RR-070.001	The Water Management Alliance represent several Internal Drainage Boards in the area for this project.	The Applicant acknowledges the role of the WMA in providing support to South Holland Internal Drainage Board (SHIDB). The Applicant has included the WMA in its engagement plans with the IDBs and will continue to engage with the WMA to finalise the Protective Provisions. The Applicant has reviewed its proposals for cable installation in SHIDB's area with the WMA and has also engaged regarding access works in close proximity to drains or other IDB assets. The WMA was included in the update presentation given to all IDBs in July 2024 and the applicant will continue to engage throughout the process to finalise the Protective Provisions for the benefit of the drainage authorities.
RR-070.002	We are likely involved with regards to Byelaw Consent and any pertaining land legal agreements.	The Applicant notes that the Byelaw Consent process referred to by WMA is disapplied by Article 7 of the draft DCO (document 3.1) which disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the relevant drainage authorities to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination.

### 1.71 RR-071 Welland & Deepings Internal Drainage Board

ID	Relevant Representations	Applicant Response
RR-071.001	The Outer Dowsing Offshore Wind Farm project infrastructure runs into the catchment area of Welland & Deepings Internal Drainage Board (W&DIDB) and ultimately terminates within our area with the erection of the associated substation.	The Applicant has engaged with W&DIDB regarding cable crossings, construction access arrangements, temporary and permanent drainage at the substation site and landscape planting alongside drains. The Applicant has also engaged with W&DIDB regarding the discharge arrangements from the substation, the storm water attenuation proposed and the development levy due to the IDB in respect of the permanent discharge. The drainage proposals are laid out in the Outline Operational Drainage Management Plan (application document 8.12, APP-286). The Applicant would point out that while the 275kv cable route terminates in the W&DIDB area as stated, 400kv cables will extend into the South Holland IDB region, where the grid connection will be made.
RR-071.002	The proposed national infrastructure project is likely to impact upon the Board's byelaws with the most pertinent ones being: • The 9 metre byelaw (byelaw No.10), • Alteration of a watercourse (byelaw No.6), • Surface water discharge (byelaw No.3).	Article 7 of the draft DCO (document 3.1) disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the relevant drainage authorities to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination. The Applicant has engaged with W&DIDB regarding the range of works required in its area. The layout of the offsite landscaping proposal for the ONSS includes planting strips alongside field boundaries and has been designed to avoid the IDB's 9m maintenance easement alongside IDB owned / maintained drains. The Onshore Works Plans (document 2.1) Sheets 45-49 show the landscaping proposals (Work No. 23) which include the necessary offset, where appropriate. The Project includes the installation of a haul road, and the creation of a culvert bridge is the Applicant's preferred methodology for creating a temporary crossing. The Applicant appreciates that culverting works are likely to be of greater concern to the IDB, compared with trenchless cable installation because it involves placing a structure in the channel of the watercourse which could be constitute alteration of a watercourse. General parameters for the IDBs acceptable standards for culverting works have been established through consultation with Witham Fourth District IDB (acting on behalf of the drainage authorities), with pre-construction approval of details by the relevant drainage authority being secured through the protective provisions.

		In addition to the permanent discharge from the ONSS (referred to in the response above), the Project will make temporary discharges of surface water into drains during the construction period. The Applicant has produced an Outline Surface Water Drainage Strategy relating to the management of surface water during construction (document 8.1.5 (APP-273)). A final Surface Water Drainage Scheme will be submitted to the relevant planning authority for approval prior to construction works commencing in accordance with requirement 18 of the draft DCO.
RR-071.003	Please note that these are not the only W&DIDB byelaws that may be impacted upon by the project, and I include the following link for both ease of reference and to raise awareness of our byelaws in their entirety: S25C-0i22090609400 (REDACTED) I am happy to elaborate further or answer questions on how W&DIDB's byelaws may affect the project infrastructure if required as necessary.	<p>See response to RR-071.002 above regarding disapplication of byelaws made under section 66 of the Land Drainage Act 1991.</p> <p>The Applicant is confident that the Protective Provisions included in Part 5 of Schedule 18 to the draft DCO provide the IDB with the necessary protection for its assets and its statutory functions and the Applicant is engaging with the IDBs and their solicitor to finalise these.</p> <p>The applicant appreciates the offer of further engagement by the IDB and will continue to engage to agree the PPs and other arrangements.</p>

### 1.72 RR-072 Westermost Rough Limited

ID	Relevant Representations	Applicant Response
1	Westermost Rough Limited wishes to register as an Interested Party in relation to the Outer Dowsing Offshore Wind Farm DCO Application, due to the proximity of the projects and the potential for cumulative effects. Westermost Rough Limited may wish to respond to any questions from the Examining Authority or comment on responses submitted by the Applicant or others.	The comment is noted by the Applicant.

### 1.73 RR-073 Will Barker & Co (Will Barker & Co) on behalf of Will Barker & Co

ID	Relevant Representations	Applicant Response
RR-073.001	Im a local Land Agent and member of the LIG representing a handful of local farmers in the area.	The Applicant notes these comments.

### 1.74 RR-074 Witham Fourth District Internal Drainage Board

ID	Relevant Representations	Applicant Response
RR-074.001	We are an operating authority established in an area a of special drainage need in the Lincolnshire Fens, we have with permissive powers to undertake work to secure clean water drainage and water level management within drainage district.	The Applicant acknowledges the special drainage requirements of the Lincolnshire Fens and the essential role of the Board in maintaining the drainage infrastructure
RR-074.002	Our work involves supervising over all drainage and flood risk activities in our area and our work involves the maintenance of some rivers, drainage channels, ordinary watercourses, pumping stations and other critical infrastructure, facilitating drainage of new developments, the ecological conservation and enhancement of watercourses, monitoring and advising on planning applications and making sure that any development is carried out in line with legislation.	The Applicant acknowledges the role of the IDB and the breadth of its responsibilities, which are not limited to drainage but include the management of an important ecological resource.
RR-074.003	This project will have a significant impact on our district, its land drainage infrastructure and management team. The planned capable route will intersect a number of privately owned and Board maintained ordinary watercourses and established agricultural land drain schemes	The Applicant appreciates that the Project will involve a large number of crossings for the IDB. The Applicant also acknowledges the IDB's experience in dealing with other major projects which led to it representing the group of 5 IDBs in discussions with the Applicant. Watercourse crossings are listed in the Onshore Crossings Schedule (document 6.3.3.2) and shown on the Onshore Crossings Plan (document 2.18).
RR-074.004	Supervising the flood risk and land drainage elements of this project will have a significant impact on the Board's recourses. Additional resource have to be employed to manage this supervising and consenting activity.	Article 7 of the draft DCO (document 3.1) disapplies section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of works. Instead, approval of detailed plans will be sought through the protective provisions for the benefit of the

		<p>drainage authorities contained in Part 5 of Schedule 18 to the draft DCO. The Applicant has engaged with the relevant drainage authorities (with W4DIDB leading the engagement on behalf of the IDBs) to discuss and develop the protective provisions which are now at an advanced stage.</p> <p>The Applicant has also developed a draft agreement with W4DIDB, on behalf of the group of 5 IDBs to allow the drainage authorities to put the necessary resources in place to carry out their functions as the approver under the protective provisions, when the current licence application fee system is disapplied. The agreement, once completed, will allow the IDB to recharge its costs for the approval process, including inspections and supervision where necessary. The Applicant has also engaged with the IDB to develop the principles of an approval management system to streamline the administrative effort, allowing the IDB to focus its attention on important aspects.</p>
RR-074.005	Annually the Board maintain 700km of ordinary watercourse with tractors and excavators, the capable route site will cause an obstruction to the smooth running of our watercourse maintenance operations.	The Applicant appreciates the need for the IDB to carry out its maintenance works during the Project's construction period, and this is not expected to be a problem, because all IDB maintained drains will be crossed by HDD, keeping the 9m maintenance corridor clear.

### 1.75 RR-075 Savills (UK) Limited on behalf of Woodlands Farm (Kirton) Limited and Andrew Peter Dennis

ID	Relevant Representations	Applicant Response
RR-075.001	<p>The Planning Inspectorate Ref EN010130 APPLICATION FOR A DEVELOPMENT CONSENT ORDER BY THE PLANNING INSPECTORATE (ON BEHALF OF THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO) UNDER SECTION 56 OF THE PLANNING ACT 2008 OUTER DOWSING OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER EXAMINATION BY THE PLANNING INSPECTORATE: PRE-EXAMINATION STAGE REPRESENTATIONS ON BEHALF OF : WOODLANDS FARM (KIRTON) LIMITED and ANDREW PETER DENNIS Executive Summary We wish to register our objections to the proposed Outer Dowsing Offshore Wind Farm Development Consent Order. Our concerns are summarised below:</p> <ul style="list-style-type: none"> <li>• The applicant has not adequately addressed the potential impact on organic farming and how they will go about mitigating this.</li> <li>• We are concerned at the potential adverse impact on the organic system of production from: <ul style="list-style-type: none"> <li>o the damage to the soil structure,</li> <li>o damage to soil biology,</li> <li>o damage to soil organic matter</li> <li>o loss of fertility and nutrients,</li> <li>o potential contamination from non-organic soils,</li> <li>o potential contamination from pesticides or other chemicals,</li> <li>o increased weed burden</li> </ul> </li> <li>• The potential impact on the soil in an organic system may persist for far longer than the applicant has contemplated.</li> <li>• To date the representatives of the ODOW scheme have been unable to satisfy us that they understand the particular issues specifically relating to organic land, that they have taken this in to account, and that appropriate steps will be taken to mitigate these impacts.</li> <li>• The application documentation submitted by the applicant does not sufficiently address the specific concerns caused by the potential impact of the scheme on an organic farming system.</li> <li>• Detailed written management plans, protocols and monitoring are required to minimise any impacts, and these must be monitored and complied with.</li> <li>• We are concerned that such a protocol may not be properly observed or adequately enforced. When non-intrusive survey work way undertaken for the project, a protocol was agreed prior to access being taken, but this was then not observed on the ground. Therefore, we lack confidence that the project is able to deliver an adequate level of compliance.</li> </ul>	<p>The Applicant notes the summary of the issues raised in this Relevant Representation by Savills (UK) Limited on behalf of Woodlands Farm (Kirton) Limited and Andrew Peter Dennis. The Applicant responds to each detailed point in turn below.</p>

ID	Relevant Representations	Applicant Response
	<ul style="list-style-type: none"> <li>• If the project must cross our client’s land then it would be much preferred for this to be undertaken by directional drilling under the land.</li> <li>• The severance of our client’s land leaves relatively small, irregularly shaped fields which are not suitable for cropping with high value intensive crops. This causes a problem with cropping and rotation.</li> <li>• Our negotiations with the project have left us with the impression that they have not fully taken in to account the special nature of the organic farming system being practiced.</li> </ul>	
RR-075.002	<p>Introduction</p> <p>1.1 These representations are being submitted by Jonathan Charles Wood BSc (Hons) MRICS FAAV, who is a Director of Savills (UK) Limited (“Savills”). Savills are the firm of land agents acting on behalf of Woodlands Farm (Kirton) Limited and Mr Andrew Peter Dennis in respect of the Outer Dowsing Offshore Wind Farm project (ODOW).</p> <p>1.2 Savills are responsible for negotiations with the representatives of ODOW on behalf of Woodlands Farm (Kirton) Limited and Andrew Peter Dennis. Savills have acted in this role on behalf of this client since 2022. We have been instructed to make these representations on behalf of Woodlands Farm (Kirton) Limited and Andrew Peter Dennis.</p> <p>1.3 Jonathan Wood is a Chartered Surveyor (Member of the Royal Institution of Chartered Surveyors), a Fellow of the Central Association of Agricultural Valuers, and has a BSc. (Hons) degree in Land Management from Reading University. He has more than twenty years’ experience of dealing with infrastructure projects and the management of rural estates.</p> <p>1.4 Jonathan Wood was born at Boston Pilgrim Hospital and up until commencing his university studies, lived in east Lincolnshire in the vicinity of the proposed route of the ODOW cables. He returned to practice in Lincolnshire more than twenty years ago and again lives in east Lincolnshire. Prior to acting on behalf of Woodlands Farm (Kirton) Limited and Mr Dennis, he has been involved in several other infrastructure projects in the local area, including NSIP projects, such as Triton Knoll Offshore Wind Farm, the Viking Link, road schemes and water pipelines. He has for many years managed other rural estates and properties in Lincolnshire, several of which are located in the area which is subject to the ODOW proposals. Therefore, in addition to professional knowledge he has a strong and intimate personal knowledge of the local area, its particular landscape and the unique local characteristics.</p>	The Applicant notes the appointed agent’s comments on their remit and experience.
RR-075.003	<p>1.5 Our client owns land which is affected by the proposed ODOW scheme and these areas are identified in the applicant’s application, (i.e. documents 2.5 Land Plans (APP-009), 4.1 Book of Reference (APP-025), and 4.3 Statement of Reasons (APP-031)), and within those documents are referred to by way of reference to No.s 40-009 (4,982 sq.m.) (temporary rights); 40-010 (58,240 sq.m.) (permanent rights); and 41-001 (904 sq.m.) (temporary rights). There is also reference within the application to an assumed (we assume riparian) ownership of 41-002 (499 sq.m.) (permanent rights). These areas are shown with the associated references on Drawing No. PP1-ODOW-DEV-CS-MAP-0005/Drawing 41 of 51 within document APP-009. The total area of these land parcels affected by the proposed scheme is approximately 15.97 acres with permanent rights proposed over more than 14.51 acres.</p> <p>1.6 These land parcels are located in the parish of Fosdyke, within the Boston Borough Council area. Andrew Peter Dennis is the freehold owner of these areas of land. The land, in common with other land owned by Mr Dennis, is farmed by his company Woodlands Farm (Kirton) Limited.</p>	The Applicant confirms agreement with the extent of Woodlands Farm (Kirton) Limited and Andrew Peter Dennis’ interest in the Order Limits as noted by their agent and as set out in the Book of Reference [doc ref 4.1].
RR-075.004	<p>1.7 Mr Andrew Dennis owns and operates Woodlands Farm as a 3,000 ac mixed arable and livestock organic farm. The farm was established in the 1870s by the current owner’s Great Grandfather Mr William Dennis (the son of a farm labourer, who became known as the Potato King). By 1910 he was growing 1,500 acres of potatoes supplying markets throughout the UK. William’s sons took over the estate which by the mid 1920s had increased in size to approximately 22,000 acres throughout Lincolnshire. Andrew’s father Peter Dennis took over half of the estate around 1960, followed by Andrew who inherited the Kirton farm in the mid 1990s. Andrew Dennis had an aversion to the use of pesticides and artificial fertilisers and started converting the farm to organic production in 1997 and by 2000 the entire farm was farmed organically. Many miles of hedgerows were planted along with 40 acres of woodland and shelter belts. Pure Lincoln Red cattle were introduced to</p>	The Applicant notes these comments.

ID	Relevant Representations	Applicant Response
	<p>utilise legume leys which are part of a diverse seven year rotation growing a range of combinable crops, brassicas, potatoes and beetroot. Today the farm is a wildlife haven and produces high quality organic produce supplied to all leading supermarkets and artisan bakers. The soils on the farm are highly fertile and farmed in a sustainable way to benefit wildlife and the environment and provide full time employment to seven full time members of staff and up to nine part time.</p>	
RR-075.005	<p>1.8 The applicant's document 4.3 Statement of Reasons (APP-031), incorrectly states that the temporary rights for access over 40-009 and 41-001 are secured by the Heads of Terms. This is not the case, as the Heads of Terms in respect of these areas are not agreed and have not been signed by the landowner. We wish to object on behalf of Woodlands Farm (Kirton) Limited and Mr Dennis to the proposals for the ODOW project. Set out below are written representations which set out our concerns in respect of the implications and impacts that this scheme will have. The potential impact of the proposed scheme on this organic farming business is of great concern to our client. These concerns are further set out in details below.</p>	<p>The Applicant acknowledges this error was included in Appendix 4 (Appendix 4 Current status of negotiations with Landowners and Occupiers) of the Statement of Reasons submitted with the Application [APP-031]. The Statement of Reasons submitted with the Applicant's response to the section 51 Advice [AS1-032] was updated to correct this error and set out the status of negotiations at the date of that submission.</p> <p>The Applicant has had and continues to have productive discussions with Woodlands Farm (Kirton) Limited and Andrew Peter Dennis and it is still the Applicant's preference to reach a voluntary agreement.</p>
RR-075.006	<p><b>Adverse Impact on Land use, Agriculture and Soils – Organic Farming</b></p> <p>The practice of organic farming is based on a sustainable system of farming with a minimum of external inputs. Production is free of artificial fertiliser or chemicals, and relies on a wide crop rotation to build fertility and control weeds, the use of organic matter to enhance and maintain healthy soils, and mechanical weed control. The preservation of soil structure and microorganisms, and the maintenance of ecological balance are vital. Sector bodies, such as the Soil Association certify that food is produced to minimum standards so that it can be marketed and sold as "organic". In order to be certified as organic, land must undergo a period of conversion, usually a minimum of two years, during which time organic practices have to be followed, but produce cannot be sold as organic. The ODOW project proposals have the potential to have a very serious negative impact on the organic farming enterprise operated at Woodlands Farm. This is agricultural land which has been farmed organically since the later 1990s. Over that time through the careful use of fertility building leys, a diverse cropping rotation, timely cultivations and organic manures an extremely fertile, healthy living soil has been built up that grows productive healthy crops. The farm produces very high quality produce, which is expected by the customers. The disturbance of the living topsoil and subsoil, and compaction from heavy machinery will destroy what has taken more than 24 years to achieve. We are gravely concerned at how long it will take for soil fertility and microbial life to recover. When the farm first converted to organic production the first ten years, which represented a three year conversion period and the first full crop rotation of seven years, proved difficult even on undisturbed soil. The farm relies upon producing high quality produce, and cannot risk producing an inferior quality product. The disturbance of a small proportion of the farm creates many complications as it is not possible to market small quantities of inferior produce, or to separate and store these small quantities.</p> <p>2.1 We are concerned at the potential adverse impact on the organic system of production from the damage to the soil structure, damage to soil biology, loss of fertility, potential contamination from non-organic soils, potential contamination from pesticides or other chemicals, increased weed burden. The length of timing of this impact will depend on the conduct of the physical works, the extent of the damage to the soil and drainage, and the adequacy of restoration. The possibility of contamination is significant as neighbouring land is farmed conventionally, and contractors undertaking operations during the construction of the scheme could transfer chemicals from neighbouring land. Organic produce sold by the farm is checked and tested, including testing down to parts per billion in the export market to Germany. Any adverse testing result could have major implications through rejections of produce, destruction of trading relationships and goodwill, reputational damage, and loss of organic status.</p>	<p>The Applicant met with Andrew Dennis and/or his land agent, Jonathan Wood, on 25th October 2022, 25th January 2024, 23rd May 2024 and 18<sup>th</sup> July 2024 to discuss the Project and the interaction of organic farming. The Applicant is understanding of the nature of the farming enterprise as this is one of a handful of other organic farms which is affected by the Onshore ECC.</p> <p>As noted in the relevant representation, Andrew Dennis has provided a report by organic farm consultant, Mark Measures outlining his view and expectation that it will take 7 years for the soil to fully recover in terms of structure, nutrients and moisture.</p> <p>Through regular consultation with the landowner and his land agent, the applicant intends to take additional actions to safeguard the economic and organic integrity of this business.</p> <p>An Organic Land Protocol will be appended to the CoCP, this protocol will include a range of options that will be developed in consultation with the landowner in order to safeguard the organic integrity of the land, addressing the impacts on soil structure and biology, contamination risks, and the timeframe for soil recovery.</p> <p><b>Impact on Soil Structure and Biology:</b></p> <p>To minimise potential damage to soil structure, biology, and fertility, the applicant in consultation with the landowner and the applicants agricultural consultant, who has been selected through a specialism and working experience of organic farming practices, will implement several key practices through the Soil Management Plan (SMP) (which will be submitted post-consent for approval (and which must accord with the outline SMP (Document 8.1.3, version 2) under requirement 19 (Code of construction practice) of the draft DCO (document 3.1, version 3)) and/or the Organic Land Protocol to be appended to the CoCP, aimed at protecting the integrity built up over 24 years of organic farming.</p> <p>Proven best practice measures adopted through the SMP are intended to ensure that soils are handled, stored, and replaced in a way that soil profiles and condition are maintained, which, in discussion with the landowner, through options within the Organic Land Protocol, will have no impact on the organic status, and ensure that soils are returned to an optimum soil health and condition to ensure full organic agricultural production commences within as short a timescale as possible.</p>

ID	Relevant Representations	Applicant Response
		<p>Options within the SMP will include limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>To address any potential loss of soil fertility and microbial activity, additional measures may include applying organic compost, cover cropping to replenish nutrients, and using organic-approved inputs to encourage microbial activity. Soil testing will be conducted prior to construction to establish a baseline soil health and fertility, prior to restoration, and after restoration to ensure that restoration efforts are effective in maintaining the organic integrity of the land. Testing requirements are detailed in “monitoring” below. If inputs are required to recover soil fertility and microbial activity, these will be selected in consultation with the landowner and his agent using the Soil Association Inputs Directory to ensure they do not compromise the farm’s organic certification.</p> <p><b>Potential Contamination Risks:</b></p> <p>To address the risk of contamination from non-organic soils, pesticides, or other chemicals due to the proximity of conventionally farmed land and contractor operations, several measures will be implemented. These include creating buffer zones between the organic fields and conventionally farmed areas, using physical barriers where necessary, and ensuring that all equipment is clean before entering organic fields to prevent cross-contamination. Contractors will be trained on organic standards and contamination risks, and strict protocols will be enforced to prevent the introduction of non-organic materials. A statement confirming measures taken and equipment cleaning records will be provided to the landowner to be available as part of the Organic Inspection process.</p> <p><b>Timeframe for Soil Recovery:</b></p> <p>It is anticipated that through the careful mitigation measures taken through the soil management plan, the recovery period will be minimal. With proven methods adopted through the SMP and the organic land protocol in place, soils will be handled, stored, and replaced in a way to have a minimal impact on full organic production. Through the implementation of the organic land protocol (to be appended to the outline CoCP), there will be no impact on the land’s organic certification status, with organic sales being able to continue as normal.</p>
RR-075.007	<p>2.2 Our clients have commissioned advice in respect of the potential impact of the scheme from their organic farming consultant Mark Measures BSc. Hons, Agric., FRAgS., IOTA Accredited. Mark Measures is the leading UK adviser in organic farming; he is an agriculture consultant specialising in provision of on farm advice and training in farm business and environmental management, soil, crop and animal husbandry. Formerly head of the Organic Advisory Service and the Institute of Organic Training and Advice and visiting lecturer at Scotland’s Rural College. He has worldwide experience of organic farming and is director of an education and conservation trust operating an estancia in Argentina. He provides policy advice to Government, technical advice to research and joint editor of the 12th edition (2023) of the “Organic Farm Management Handbook”. A partner in a 150-acre farm in the Shropshire Hills. In 2018 he completed a Winston Churchill Fellowship studying soil management in the US and Europe. Mr Measures has worked with Woodlands Farm since the conversion to organic production in the late 1990s and has intimate knowledge of the farm and its soils. The excerpts from the advice provided by Mr Measures are set out below:</p>	<p>To address the potential soil disturbance impact, the applicant will carefully evaluate the effects on soil biology, including earthworms, bacteria, fungi, and arthropods, as well as soil structure, organic matter, and nutrient availability, which are essential for maintaining soil health in organic farming. Assessments will be conducted (as described in “monitoring” below) to establish baseline soil health and condition, soil health and condition prior to restoration, and ongoing annual assessment until a state of equilibrium is met. Full details of these assessments will be outlined in the Organic Land Protocol to be drafted and appended to the Outline Soil Management Plan.</p> <p>To manage the susceptibility of clay and silt soils to compaction and prevent long-term damage, strategies will be employed through the SMP (as addressed within 2.1 above). The applicant plans to implement a monitoring programme (as outlined in the Outline SMP (8.1.3, version 2)</p>

ID	Relevant Representations	Applicant Response
	<p><b>Background information</b> It is expected that the operators will require an 80m wide strip across 2 fields, total area 14.4 acres. Six individual cables will be laid to a depth of 1.2m over a total width of 60m. Full protocols have yet to be set but it is proposed that the topsoil and the subsoil will be stored and kept separately. A roadway will be laid along the length of the strip for vehicles and machinery to travel on. It is expected the operators will have possession for 4 years, 2027-2030. Soil restoration The period required for full recovery of the land to its previous cropping potential under organic farm management is dependent on several factors related to soil type and management of the site and management of the stored soil during the period of pipeline installation. These are summarised below, and references provided for studies on the restoration period required. Effects of soil disturbance</p> <p>The principal effects of soil disturbance are on:</p> <ol style="list-style-type: none"> <li>1. soil biology (including earthworms, bacteria, fungi and arthropods)</li> <li>2. soil structure and any mixing of top with sub soil</li> <li>3. soil organic matter</li> <li>4. soil nutrients, particularly nitrogen and nutrient availability.</li> </ol> <p>Particularly for organic farming it is essential that soil structure, biological activity and organic matter are optimised; soil structure is fundamental to biological functioning of the soil as the main means of nutrient availability to the crop. Reference: Measuring Soil Health <a href="https://farmcarbontoolkit.org.uk/toolkit-page/measuring-soil-health/">https://farmcarbontoolkit.org.uk/toolkit-page/measuring-soil-health/</a> .</p> <p>This is significantly different to conventional farming where nutrients can be supplied by the application of externally sourced fertilisers. The soil type is relevant as clay and silt soils, characteristic of Woodlands Farm, are particularly susceptible to compaction. Reference: Soil Susceptibility to Compaction 2008 <a href="https://esdac.jrc.ec.europa.eu/themes/soil-susceptibility-compaction">https://esdac.jrc.ec.europa.eu/themes/soil-susceptibility-compaction</a></p> <p>The effects of soil disturbance will depend to some extent on ensuring dry conditions of work, traffic frequency, type and weight and how and for how long topsoil is stored.</p> <p><b>Duration of the effects of soil disturbance</b> It may take many years for soil biomass populations and functioning to recover. A report reviewing the restoration of soil on several sites states that it takes longer than 5 years. Reference: The Impact of Land Use Practices on Soil Microbes, page 287 <a href="https://www.researchgate.net/publication/225222623_The_Impact_of_Land-Use_Practices_on_Soil_Microbes">https://www.researchgate.net/publication/225222623_The_Impact_of_Land-Use_Practices_on_Soil_Microbes</a> .</p> <p>A review of international reports on the effects of pipeline installation in agricultural land found that “after 10 years corn yields were still suppressed”. Reference: Pipeline installation effects on soils and plants: A review and quantitative synthesis Para. 3.5 <a href="https://access.onlinelibrary.wiley.com/doi/full/10.1002/agg2.20312#:~:text=">https://access.onlinelibrary.wiley.com/doi/full/10.1002/agg2.20312#:~:text=</a></p> <p>Pipelines cause sustained soil degradation, decreased plant biomass following installation A 2022 study of post pipeline restoration following implementation of current “best practice” found “Widespread disturbance persisted 5 years following pipeline installation in soil physical, chemical, and biological properties. Current best management practices of pipeline installation and remediation employed by three companies were insufficient to combat widespread soil degradation and crop yield loss”. Reference: Soil degradation and crop yield declines persist five years after pipeline installations. 2022 Abstract page 1. <a href="https://www.researchgate.net/publication/365656726_Soil_degradation_and_crop_yield_declines_persist_five_years_after_pipeline_installations">https://www.researchgate.net/publication/365656726_Soil_degradation_and_crop_yield_declines_persist_five_years_after_pipeline_installations</a></p> <p>Based on this evidence and my personal experience of restoration of organic farmland following pipeline installation, restoration of farmland on similar land to Woodlands following harvest damage and engagement with industrial land reclamation the best estimate is that it will take at least 7 years to recover the cropping potential of the land at</p>	<p>in order to ensure that restored soils return to their previous condition, with ongoing discussions in place with the landowner until this occurs.</p>



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RR-075.008	<p>Woodlands, possibly more. That is even with best current restoration practice, which is likely to include long diverse leys, and possibly appropriate cultivations and green manures after the cable installation is completed.</p> <p>Monitoring</p> <p>Monitoring using consistent monitoring procedures (sampling methods, frequency and sample site layout and analysis) before the work commences and during and after the restoration work will be required in order to indicate best management practices and whether the restoration has been fully effective. General information on monitoring is provided by Farm Carbon Toolkit <a href="https://farmcarbontoolkit.org.uk/toolkit-page/measuring-soil-health/">https://farmcarbontoolkit.org.uk/toolkit-page/measuring-soil-health/</a> .</p> <p>The following monitoring is required for the Woodlands site: 1. Earthworms 2. Soil fungi and bacteria 3. Soil structure – field assessment throughout the soil profile to half a meter below excavation depth 4. Compaction 5. Aggregate stability 6. Bulk density 7. Soil nutrient and organic matter of the topsoil e.g. NRM Soil Analysis service specification for topsoil Suite A882 <a href="https://cawood.co.uk/services/laboratory-testing/?cwquery=soil">https://cawood.co.uk/services/laboratory-testing/?cwquery=soil</a> 8. Soil nutrient and organic matter of the Sub soil. e.g. NRM Specification for subsoil NRM Suite A883 This monitoring of soil structure, biological activity and nutrient availability is essential to ensure that the soil is returned in suitable condition for organic farming. Analysing only for nitrogen, phosphorus and potassium is absolutely insufficient. Analysis will need to be undertaken before the work commences, immediately after the work is completed and after the restoration work has been undertaken. Assessment of any top and sub soil mixing should be undertaken at the end of the installation work, this cannot be undone but may require a longer restoration period. If there is risk of any pollution e.g. vehicle oil or cable remains, this should be monitored and remedied. [End of Report Excerpts]</p>	<p>The applicant plans to implement a monitoring programme (as outlined in the Outline SMP (8.1.3, version 2) in order to ensure that restored soils return to their previous condition, with ongoing discussions in place with the landowner until this occurs.</p> <p>Soil sampling and assessment will be carried out following recognised industry guidance published by AHDB Soil health scorecard protocol and benchmarking. The Organic Land protocol, once drafted, will include this additional sampling and assessment.</p> <p>Sampling and assessment will be undertaken by an experienced agriculture / soils consultant, registered with the British Institute of Agricultural Consultants and / or the British Society of Soil Science.</p> <p>Additional monitoring measures could be undertaken prior to site work (to establish baseline health and condition), prior to remediation, and annually until baseline conditions are restored..</p> <p>This could consist of:</p> <ul style="list-style-type: none"> <li>- Visual assessment of Soil Structure (VESS).</li> <li>- Earthworm count (following AHDB guidance).</li> <li>- Laboratory analysis of: <ul style="list-style-type: none"> <li>o PH.</li> <li>o Routine nutrients (N,P,K,Mg).</li> <li>o Soil Organic Matter.</li> <li>o Microbial activity.</li> </ul> </li> </ul>
RR-075.009	<p>2.3 To date the representatives of the ODOW scheme have been unable to satisfy us that they understand the particular issues specifically relating to organic land, that they have taken this into account, and that appropriate steps will be taken to mitigate these impacts.</p>	<p>The Applicant fully appreciates the sensitivity of the land affected at Woodlands Farm.</p> <p>The Applicant has detailed in response to 2.4 the measures they will be taking to mitigate impacts.</p>
RR-075.010	<p>2.4 The applicant’s document 8.1 Outline Code of Construction Practice (APP-268) at paragraph 5.10 states “The Applicant will follow best practice guidelines and measures set out by Defra or similar to avoid cross contamination between non-organic and organic fields. These will be outlined in the final Soil Management Plan submitted as part of the final CoCP.”. It is not clear what this means, we have queried this and have not been provided with any further detail by way of explanation. The project have asked us whether we would be prepared to draft a protocol document for them to consider. This suggests to us that they do not themselves fully understand the issues at hand. There is no further mention of organic land in that document. This statement at paragraph 5.10 is insufficiently vague to provide any reassurance.</p>	<p>A non-intrusive survey protocol drafted by Andrew Dennis was utilised by the Applicant when undertaking the non-intrusive surveys. Following that, it has been agreed that the Applicant will develop an organic land protocol in consultation with Andrew Dennis and other affected organic farmers which will then form the basis for main works construction on Andrew Dennis’ land. An intrusive survey protocol is being used on other organic land holdings at present.</p> <p>The protocol currently being used on other organic land holdings includes the following measures:</p> <ul style="list-style-type: none"> <li>• All Plant and Machinery to be washed down prior to access being taken on the land</li> <li>• Proof of vehicle washing to be sent to the agent prior to entry (method of communication to be agreed with agent eg. WhatsApp, email, RoC document).</li> <li>• All footwear worn on site is to be new or thoroughly cleaned with absolutely all soil residue removed prior to accessing site.</li> <li>• The Licensee is to provide a list of all chemicals to be used on site.</li> </ul>

ID	Relevant Representations	Applicant Response
		<ul style="list-style-type: none"> <li>Contractors may be stopped when on site and should be willing to have their footwear inspected and provide this 'Record of Soil Contamination Prevention' if requested.</li> <li>The Applicant and their contractors are also required to complete a daily record of soil contamination prevention carried out on site and this is appended to the protocol.</li> </ul> <p>The Applicant is in the process of arranging further meetings with Andrew Dennis to collaborate in the drafting of an organic land protocol for the construction works. This organic land protocol will be appended to the oCoCP [APP-268].</p>
RR-075.011	2.5 The applicant's document 8.15 Outline Construction Traffic Management Plan (APP-289) at paragraph 65 states "Vehicle cleaning would also be undertaken to avoid transfer from non-organic to organic land parcels.". There is a lack of detail here in terms of precisely how, where and when this would be undertaken.	The Applicant understands the stringent cleaning protocols that are required when entering organic land. The Applicant will work with Andrew Dennis and the Applicants organic land specialist to ensure that the finer detail on vehicle cleaning is included within the organic land protocol which will form part of the COCP. The CoCP will be submitted post-consent for approval (and must accord with the outline CoCP [APP-268] under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 2)).
RR-075.012	2.6 The applicant's document 6.1.23 Environmental Statement Chapter 23 Geology and Ground Conditions Volume 1 Chapters (APP-078) discusses the impact on soils at paragraph 348 onwards, and covers agricultural soils, but this document makes no reference to organic land. The applicant's document 6.1.25 Environmental Statement Chapter 25 Land Use Volume 1 Chapters (APP-080) refers to organic environmental stewardship schemes, but not organic land per se, and does not identify the land at Woodlands Farm as such. Notwithstanding that omission, for the reasons set out above, we would disagree with the assessment that the impact on organic land would necessarily be "minor (not significant)". The above omissions add to our concern that the applicant has not properly considered the particular impact on organic land.	As detailed within this response, the Applicant intends to take all necessary steps to meet the continuing requirements for organic certification, retaining the lands eligibility for OT3 (Organic Land Management – rotational land) payment, whilst putting robust actions into place to protect organic soils, with an ongoing commitment to return this land to its original state without compromising the organic integrity of the land or the business.
RR-075.013	2.7 The applicant's document 8.1.3 Outline Soil Management Plan (APP-271) includes no reference to organic land. We are very concerned that the required special treatment of organic land is not mentioned in this important document. This provides no reassurance that the project adequately understands the distinction between conventional land and organic land, and will treat organic land with the necessary sensitivity.	<p>The Applicant has appointed an agricultural consultant who is a specialist in organic farming from a regulatory, certification and practical experience, who will be involved in ongoing discussions with the landowner, and their agent where required, in the implementation of specific SMP and Organic Land Management Protocol measures. Alongside a depth of knowledge of organic agricultural practice, the applicant's consultant is also a Member of the British Institute of Agricultural Consultants and a Member of the British Society of Soil Science.</p> <p>The Applicant is in the process of arranging further meetings with Andrew Dennis to collaborate in the drafting of an organic land protocol for the construction works. This organic land protocol will be appended to the oCoCP [APP-268].</p>
RR-075.014	2.8 The application documents, including the Outline Code of Construction Practice and Outline Soil Management Plan, make reference to an appointed Agricultural Liaison Officer (ALO) and Soil Clerk of Works (SCoW). It is essential that these roles are delivered by suitably qualified and experienced people, and the documentation is vague on this point. Furthermore if they are to deal with organic land and to be responsible for ensuring that the works are undertaken in accordance with the plans and any agreed protocols then they must have an adequate understanding of organic farming.	The Applicant has committed, in the outline SMP [APP-271], that the role of an Agricultural Liaison Officers will be filled by a person with sufficient soil science experience or will work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the outline SMP [APP-271]). The Applicant has also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the outline SMP [APP-271]) to provide specialist advice and monitoring regarding soils.
RR-075.015	2.9 The documentation submitted by the applicant assumes that the land will be restored back to production, and does not seem to adequately consider the reduction of productivity over subsequent years. Damage to the soil structure could take many years to remedy. There are numerous local examples of engineering schemes through the Lincolnshire which have had longstanding adverse impacts that have failed to be mitigated adequately. To quote an example, another client	The Applicant has reviewed the cropping rotations which were included in the report drafted by Mark Measures. The Applicant is continuing to engage with Andrew Dennis and his land agent to agree a strategy for cropping post-construction works. This is all subject to change, dependent on the start date for the works. The Applicant will agree an aftercare programme to ensure that

ID	Relevant Representations	Applicant Response
	<p>of Savills Lincoln office owns land in Digby Fen, Lincolnshire, where British Gas PLC laid the Hatton to Silk Willoughby line, which was a considerably smaller scale gas pipe installation than the subject scheme. Rights were granted for the scheme to be undertaken in 1994, yet 17 years later in 2011 problems were still being experienced with the standard of restoration. In 2011 a final settlement was reached with a capital payment, following annual compensation having been paid throughout the intervening period. This capital payment was made in lieu of any further restoration works or compensation being paid, as the operator was ultimately unable to adequately restore the land, even after this considerable time since installation. It was effectively determined that the damage to the soil structure, and fertility, was irreparable.</p> <p>2.10 The aforementioned site at Digby Fen was not organically farmed land, but land which was farmed conventionally, with the use of artificial fertiliser inputs. Restoration of fertility was impossible in a conventional farming system, and hence the risk of such damage being irremediable will inevitably be significantly greater in any organic farming system where it is not possible to rely on artificial fertiliser.</p> <p>2.11 The information submitted by the applicant does not adequately address the possibility for similar damage to occur to these complex and fragile soils, within an organic farming system, and neither does it adequately deal with the necessary associated mitigation measures which may be required.</p>	<p>soil fertility is reinstated back to its pre-construction condition as set out within section 5.11 of the outline SMP.</p> <p>There is precedent of comparable projects successfully installing and operating cables and pipelines in sensitive soils in Lincolnshire. Specifically, there is the National Gas Feeder Main gas pipeline running north to south with a feeder to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils.</p> <p>Other projects crossing land certified as organic have been regularly undertaken across the UK in recent years, with no impact on organic certification. The Applicant commits to discussions with the landowner to implement an SMP and organic land protocol in order to protect the organic integrity of the land and maintain organic productivity.</p>
RR-075.016	<p>2.12 If the works are to go ahead, we would agree that a detailed protocol to be followed when works are undertaken on organic land are required. This would help to make it clear that for example, no chemicals can be brought on to the land, no soil is to be moved on to the land from neighbouring land, and measures to prevent any "spray drift". Spray drift is a particular concern as in the past our client has had to put two fields back through organic conversion for a second time, due to spray drift from neighbouring land. However, we are concerned that such a protocol may not be properly observed or adequately enforced. When non-intrusive survey work was undertaken for the project, a protocol was agreed prior to access being taken, but this was then not observed on the ground. Therefore, we lack confidence that the project is able to deliver an adequate level of compliance.</p>	<p>The applicant has appointed an agricultural consultant who will be involved in discussions with the landowner, their land agent (where required), to consult on the SMP and protocol practices to be adopted in order to safeguard the farms organic status. An Agricultural Liaison Officer (ALO) will be appointed by the applicant to ensure that all established mitigations are followed at all times during site works.</p> <p>The Applicant notes the concern around the protocol being adhered to however the Applicant would like to confirm that the issue during non-intrusive surveys referred to related to one incident where notification of the contractor attending site was not provided, and was not an issue of organic land management measures in the protocol not being followed. The Applicant has apologised for the error and will ensure that all contractors are fully briefed on the requirements set out in the SMP and CoCP prior to entry being taken.</p>
RR-075.017	<p>2.13 If the project must cross our client's land then it would be much preferred for this to be undertaken by directional drilling under the land. We have had some discussions with the project on this subject, and they have committed to drilling under the northern field, but not the longer southern field. They would also apparently still very probably require a haul road, which would still sever the farm and involve physical intrusion across the land.</p>	<p>The Applicant will be utilising Horizontal Directional Drilling (HDD) in the northern field (known as 'Ying Yangs'). The Applicant will look to minimise impacts through micro siting during detailed design as much as practicable alongside measures to be implemented through the SMP and Organic Land Protocol in consultation with the landowner.</p>
RR-075.018	<p>2.14 The severance of our client's land leaves relatively small, irregularly shaped fields which are not suitable for cropping with high value intensive crops. This causes a problem with cropping and rotation. The representative of the project are yet to take on board the potential impact of this disruption.</p>	<p>See Response to 2.13.</p>
RR-075.019	<p>2.15 Our negotiations with the project have left us with the impression that they have not fully taken in to account the special nature of the farming system being practiced.</p>	<p>The Applicant fully appreciates the sensitivity of these soils. The applicant has committed to ongoing discussions with the landowner and has appointed an agricultural consultant experienced in the organic sector to finalise mitigation measures to be followed with a specific focus on organic certification and productivity, this will be included in the Organic Land Protocol which will be appended to the CoCP.</p>
RR-075.020	<p>Conclusion 3.1 For the reasons set out above we wish to register our objections to the proposed Outer Dowsing Offshore Wind Farm Development Consent Order. Jonathan Wood Savills (UK) Limited 12th June 2024</p>	<p>The Applicant is hopeful that with further discussion Andrew Dennis and Woodlands Farm (Kirton) Limited will be able to withdraw their objection.</p>

**1.76 RR-076 Hub Rural Limited on behalf of W T Taylor & Sons**

ID	Relevant Representations	Applicant Response
RR-076.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:            Interested Party - Steven William Taylor and Trevor Andrew Taylor and The Executor of the Estate of the Late William Thomas Taylor            Project - Outer Dowsing Offshore Wind Project Property            Land - on the east side of Grovefield Lane, Freiston, Boston</p> <p>The Interested Party is required by the Project to:</p> <p>Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project. Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations:</p> <p>The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed. At the current time, the following has not been agreed:</p>	
RR-076.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m’s, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p>

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		<p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-076.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-076.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-076.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-076.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	<p>The Applicant and the Interested Party have now agreed the terms of the option agreement and cable easement, and the option agreement has been signed. The Applicant understands that this matter has therefore been resolved.</p>

ID	Relevant Representations	Applicant Response
RR-076.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.77 RR-077 William Barker

ID	Relevant Representations	Applicant Response
RR-077.001	<p>I am a Land Agent, practicing my business in Lincolnshire, I am a member of the Lincolnshire Association of Agricultural Valuers (LAAV) Outer Dowsing Land Interest Group (LIG) and I have attended many live and virtual meetings with Agents for the scheme since June 2022 where we have successfully negotiated and agreed compromises and terms to most of the issues arising from the proposed cable affecting our client's land.</p> <p>My objection to the scheme is in connection with the future liability for the cables which will only be buried to the industry standard 1.2m deep on Grade 1, silty soils. These are tidal flat deposits of marine alluvium; the former Ministry of Agriculture Fisheries and Food commissioned the commonly referred to Land Classification maps to protect our best and most versatile/productive soils from development. The issue of cable depth on Grade 1 land is compounded by the intensive use of these soils to grow high value vegetables and root crops. These crops usually require harvesting in late autumn or winter months when the soils can be saturated and unstable. Modern agricultural machinery has grown in size and weight and albeit not common, it's not unheard of for farm machinery to sink to depths similar to the proposed cable depth. This makes installing interconnector cables to only 1.2m on these silty soils an impact problem waiting to happen. It will only be a matter of time until the cable is impacted. Frequently harvesting machinery leaves ruts to alleviate the soil compaction from those ruts a deep tine subsoiler is pulled through the field in preparation for the next crop. (photos of ruts on this land and subsoilers as readily available). In my opinion, the 1.2 meters has not been adequately researched to confirm that this industry standard depth which may be applicable on grassland more stable soil types is appropriate for these Grade 1 silty soils. The Boston silts that the cable must cross are tidal flat deposits and have a variable thin firm "crust" but with the presence of soft and very soft ground condition below. This is commonly referred to as "running silts", being the type of subsoil which is saturated and unstable. It is often found in ditches where the bank profile of the ditch or dyke is difficult to maintain. These soils have little or no structural stability, behaving more like a liquid than a solid. House builders building in this locality understand the subsoils and cannot use standard strip foundations to meet with National House Building Council guidelines. Builders can use the cheaper foundations on firmer soils, likewise this is where the standard cable depth of 1.2m would be appropriate. The cable depth issue is then further compounded the ongoing</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p>

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	<p>liability for impacting the cables. The terms offered by the scheme place the liability for damage on the landowner. A £4billion scheme based on a 10% return on capital it will generate income of £400 million per annum. None of the landowners affected by the proposed scheme can afford that level of liability. It is not appropriate for the landowners to have to hope they are not the unlucky ones whom have a future employee or Farm Contractor impact a cable and to have to accept the future liability after they have continually argued the cable is not being installed into the most appropriate soils, (the shortest route has been taken for least cost), nor installed to an appropriate depth and the landowners are then liable for its inadequate construction. Grantors need to have assurances that they and their farming businesses will not have to cover the liability costs of impacting a cable which they are forced to accept. My suggestions are the cable should either: 1.) Avoid this area of grade one silts, it should be moved onto firmer ground. Or 2.) Where it must cross silty soils, it should be inserted to a greater depth. or 3.) To avoid grade 1 farmland (and road and local infrastructure) it should have been routed along on the landward side of the outer Sea Bank. In the grassed outer Sea Bank, it will not be impacted by arable cultivations. Furthermore, the proposed scheme could also provide additional community benefits with greater flood protection from sea level rises by adding to the height of the Environment Agency Sea Defences.</p>	<p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with</p>



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		<p>the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p> <p><b>Liability</b> The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p> <p>The Applicant notes your comments with regard to cable routing. The Applicant has provided detailed reasoning on site selection within the Site Selection and Consideration of Alternatives chapter [APP – 059].</p>

### 1.78 RR-078 Brown & Co Property and Business Consultants LLP on behalf of Doreen Belton

ID	Relevant Representations	Applicant Response
RR-078.001	<p>Brown &amp; Co LLP are retained by Doreen Belton, [REDACTED] have been instructed to make this Relevant Representation objecting to ODOW’s DCO application on their behalf. Doreen Belton has met with the Scheme and the Scheme’s agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	
RR-078.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don’t exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p>

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		<p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with</p>

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		the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.
RR-078.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.
RR-078.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-078.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to

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		<p>the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-078.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-078.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement unreasonable. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOV's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>

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	individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.	
RR-078.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-078.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	The Applicant notes the position.
RR-078.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-078.011	<p>Objection: Doreen Belton will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Doreen Belton must strongly object to the Development Consent Order application. Doreen Belton reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED].</p>	

### 1.79 RR-079 Brown & Co Property and Business Consultants LLP on behalf of Steve Belton

ID	Relevant Representations	Applicant Response
RR-079.001	<p>Brown &amp; Co LLP are retained by Steve Belton, 118 Horncastle Road, Boston, PE21 9HX and their occupying farming business of D &amp; S Belton have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. Steve Belton has met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:</p>	

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RR-079.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The</p>

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		<p>option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-079.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-079.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul>

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		<p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
RR-079.005	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
RR-079.006	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul>



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		<p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-079.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-079.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-079.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-079.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>

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RR-079.011	<p>Objection: Steve Belton will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Steve Belton must strongly object to the Development Consent Order application. Steve Belton reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED].</p>	

### 1.80 RR-080 Barry Cooper

ID	Relevant Representations	Applicant Response
RR-080.001	<p>The project will impact me due to the close proximity to my property. Noise, vibration and site lighting could be an issue</p>	<p>The Applicant notes the concerns identified in this representation and would like to assure the Interested Party that a comprehensive assessment has been undertaken which is presented in ES Chapter 26 Noise and Vibration [APP-081]. Table 26.81 in ES Chapter 26 Noise and Vibration [APP-081] summarises the effects from noise and vibration and the Applicant can provide assurance that no significant effects were identified with the implementation of additional mitigation measures and the implementation of the NVMP.</p> <p>Noise and vibration would be carefully controlled by a Noise and Vibration Management Plan (NVMP). An Outline NVMP which sets out a range of control measures that would be implemented to minimise the impact of noise and vibration has been prepared and submitted with the Development Consent Order (DCO) application.</p> <p>In addition to the above and with reference to Table 26.49 in ES Chapter 26 Noise and Vibration [APP-081], residential properties located at a distance greater than 80m from the extents of the Export Cable Corridor (ECC) boundary would be subject to a predicted noise level from ECC construction operations below the midweek Category A threshold limit of 65 dB <math>L_{Aeq,T}</math> and residential properties located at a distance greater than 261 m from the extents of the Export Cable Corridor (ECC) boundary would be subject to a predicted noise level from ECC construction operations below the weekend (13:00 to 19:00) Category A threshold limit of 55 dB <math>L_{Aeq,T}</math>.</p> <p>Analysis of the distance between Mr Cooper's property and the ECC shows that during the midweek period the predicted noise levels would be below the Category A threshold values. With reference to Tables 26.36, 26.38 and 26.43 in ES Chapter 26 Noise and Vibration [APP-081] this would equate to a 'Minor Adverse Level of Effect' which is not considered significant in terms of the EIA regulations.</p> <p>During the weekend period the predicted noise level from ECC construction operations would be slightly above the Category A threshold value, approximately 56 dB <math>L_{Aeq,T}</math>; however, with reference to Tables 26.36, 26.38 and 26.43 in ES Chapter 26 Noise and Vibration [APP-081] this would also equate to a 'Minor Adverse Level of Effect' which is not considered significant in terms of the EIA regulations.</p> <p>With regards to vibration, with reference to Paragraphs 325, 326, 327, 341, 342, 343 and 344 in ES Chapter 26 Noise and Vibration [APP-081] residential properties located at a distance greater than 140 m from minor and major drill operations would be subject to a predicted vibration level from underground drilling which would equate to a temporary 'Minor Adverse Level of Effect' which is not considered significant in terms of the EIA regulations.</p> <p>With reference to Paragraphs 361, 362 and 363 in ES Chapter 26 Noise and Vibration [APP-081] residential properties located at a distance greater than 190 m from major drill operations (including the landfall) would be subject to a predicted vibration</p>

ID	Relevant Representations	Applicant Response
		<p>level from vibratory piling which would equate to a temporary <i>Minor Adverse Level of Effect</i> which is not considered significant in terms of the EIA regulations.</p> <p>Mr Coopers property is located a great enough distance away from the nearest minor drill operation and over 5 kilometres from the nearest major drill operation, therefore it is considered that there would no significant level of effect from vibration levels generated by construction operations at Mr Coopers property.</p> <p>DCO Requirement 18(2)(j) stipulates that the Code of Construction Practice must include an 'Artificial Light Emissions Plan, also referred to in section 5.12 of the Outline Code of Construction Practice [APP-268], 'Artificial Light Emissions Management' containing a number of mitigation measures which will be developed in line with detailed design for the final plan, which the Applicant requires to submit and have approved by the relevant planning authority prior to any onshore transmission works commencing.</p>
RR-080.002	Also HGV routes will affect access to my property,	<p>A scheme of passing places has been proposed on the local construction vehicle access route between the A52 and the onshore cable corridor on Low Road / Yawling Gate Road / Howgarth Lane to mitigate the impact of construction traffic and allow two HGVs to pass should they meet along the route, as shown in Chapter 27 Appendix 1 Transport Assessment Annex N Passing Place Proposals (document 6.3.27.1, APP-229). The passing place scheme has been agreed in principle with Lincolnshire County Council (LCC) highways and the confirmed scheme would be agreed with LCC at detailed design stage, should the Development Consent Order (DCO) application be consented.</p> <p>Construction traffic would also be managed through the implementation of a Construction Traffic Management Plan (CTMP). An Outline CTMP (document 8.1.5, APP-289) was submitted with the DCO application setting out the types of measures that would be implemented during the construction period, which would be confirmed and agreed with LCC highways should the DCO application be consented.</p>

### 1.81 RR-081 Brown & Co Property and Business Consultants LLP on behalf of Messrs A, J & R Daubney

ID	Relevant Representations	Applicant Response
RR-081.001	Brown & Co LLP are retained by Messrs A, J & R Daubney – [REDACTED] have been instructed to make this Relevant Representation objecting to ODOW's DCO application on their behalf. Messrs A, J & R Daubney have met with the Scheme and the Scheme's agents on a number of occasions to discuss the proposed development. The below concerns have been clearly raised and documented with Outer Dowsing however they have not been properly addressed by the scheme leading to the submission of these representations. Grounds of Objection:	
RR-081.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main</p>

ID	Relevant Representations	Applicant Response
	<p>be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don't exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p>(National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not</p>

ID	Relevant Representations	Applicant Response
		<p>see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-081.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-081.004	<p><b>Soil Management Plan</b></p> <p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p> <ul style="list-style-type: none"> <li>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</li> <li>ii) a request for further detail on the design of the haul road.</li> <li>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</li> <li>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</li> </ul> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <ul style="list-style-type: none"> <li>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</li> <li>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</li> <li>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</li> <li>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</li> </ul>

ID	Relevant Representations	Applicant Response
		<p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
<p>RR-081.005</p>	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-081.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> <li>• Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>• Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>• Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>• The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>• In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>

ID	Relevant Representations	Applicant Response
RR-081.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-081.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-081.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant notes the position.</p>
RR-081.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	<p>The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.</p>
RR-081.011	<p>Objection: Messrs A, J &amp; R Daubney will continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Messrs A, J &amp; R Daubney must strongly object to the Development Consent Order application. Messrs A, J &amp; R Daubney reserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED]</p>	

### 1.82 RR-082 Hub Rural Ltd on behalf of Gerald Hicks

ID	Relevant Representations	Applicant Response
RR-082.001	<p>Relevant Representation The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning: Interested Party Gerald Hicks Project Outer Dowsing Offshore Wind Project Property Land on the east side of Wash Road, Fosdyke</p> <p>The Interested Party is required by the Project to: Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project have negotiated a model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Occupiers Consent specific to the Interested Party. The legal terms for an Occupiers Consent remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Occupiers Consent being agreed. At the current time, the following has not been agreed: Occupiers and Crop loss Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p>

### 1.83 RR-083 Hub Rural Ltd on behalf of Paul Cameron Holmes

ID	Relevant Representations	Applicant Response
RR-083.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:            Interested Party - Paul Cameron Holmes of [REDACTED]            Project - Outer Dowsing Offshore Wind Project            Property - Land on the north east side of Marsh Road, Boston, PE20</p> <p>The Interested Party is required by the Project to:</p> <p>Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under “Representations of the Interested Party” for those terms which are being recognised between the interested Party and the Project.</p> <p>Representation of the Interested Party</p>	



ID	Relevant Representations	Applicant Response
RR-083.002	<p>The Interested Party would like to make the following representations: The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed. At the current time, the following has not been agreed:</p> <p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that</p>

ID	Relevant Representations	Applicant Response
		<p>the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-083.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-083.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of</p>

ID	Relevant Representations	Applicant Response
	<p>up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
<p>RR-083.005</p>	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
<p>RR-083.006</p>	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	<p>The landowner has signed Heads of Terms with the extent of the Option clearly defined. The Applicant has liaised with the landowner's solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p>
<p>RR-083.007</p>	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.84 RR-084 Anthony Kindred

ID	Relevant Representations	Applicant Response
RR-084.00 1	Access from A17 along Wash road is single track.	<p>The Applicant appreciates the comments made in this representation and would like to provide assurance that detailed surveys and ground truthing exercises have been undertaken for all proposed construction accesses to ensure suitability. Potential impacts on Traffic and Transport have been assessed in Chapter 27 Traffic and Transport (APP-082) in terms of the potential effects on community severance, pedestrian amenity, road safety and vulnerable road users and dust and dirt and the Applicant can confirm no significant effects have been identified.</p> <p>With reference to Wash Road in particular, the Applicant intends to use Wash Road as local construction vehicle access (“AC”) route between the A17 (core construction vehicle access route) and AC-44 (Craven’s Lane) and AC-45/AC-46 (Wash Road).</p> <p>A scheme of passing places has been proposed on Wash Road to allow two Heavy Goods Vehicles (HGVs) to pass if required, as shown in ‘Location 013 - Wash Road / Craven’s Lane Indicative Passing Places’ in Chapter 27 Appendix 1 Transport Assessment Annex N Passing Place Proposals (APP-229), which has been discussed and agreed in principle with Lincolnshire County Council (LCC) highways. The final location, number and design of passing places would be discussed and agreed with LCC highways as part of the detailed design process.</p> <p>Construction traffic would be controlled through a Construction Traffic Management Plan (CTMP), as outlined in the draft DCO (AS1-024) Requirement 21 (a) which must accord with the Outline CTMP (APP-289) and be approved by the relevant highway authority in consultation with the relevant planning authority. The CTMP sets out the types of control measures that would be implemented to minimise the impacts of construction traffic.</p> <p>As set out in the outline Code of Construction Practice (Document reference 8.1 (Version 2)) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community and will ensure local residents are able to contact and discuss any concerns during construction directly with the Project.</p>
RR-084.00 2	Wash Road will be closed off during certain times, access to my house.	<p>The only time when access on Wash Road may be restricted during the construction period would be for the construction and subsequent reinstatement of the temporary construction access . Should a temporary closure be required, local residents would be notified, this would be for a very short period and access to and from the A17 would be possible via Puttock Gate and Old Main Road.</p>
RR-084.00 3	Middlecott Almshouses are 17th century listed building. Shallow foundations.	<p>The Applicant appreciates the concerns made in this representation and would like to provide assurance that potential impacts from vibration have been assessed in detail in ES Chapter Noise and Vibration (AS1-052) and no significant effects were identified.</p> <p>The British Standard utilised for guidance on the levels of groundborne vibration required to cause damage to structures is BS 7385-2 1993 <i>Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration</i>.</p> <p>The guidance states that to cause damage to residential type buildings a Peak Particle Velocity (PPV) of approximately 15mm/s<sup>-1</sup> (at 4Hz) is required. With regards to heritage buildings, which are considered more sensitive to vibration the guidance does not specify a limit; however, it is considered a lower limit for these buildings would be required.</p> <p>For example, other large infrastructure projects such as Crossrail imposed a precautionary PPV limit of 3mm/s<sup>-1</sup> for heritage buildings which is consistent with the German Standard DIN 4150-3:1999 Effects of vibration on structures.</p> <p>The project is committed to reduce construction noise and vibration levels and, at worst, a ‘minor level of effect’ is predicted at residential receptors which is based on the human response to vibration rather than damage to buildings. With regards to vibration this equates to a PPV level of 0.9mm/s<sup>-1</sup> during the daytime and below 0.3mm/s<sup>-1</sup> during the night-time.</p> <p>As can be deduced from the above, PPV levels from construction operations which the project is committed to are below the level where damage could occur to buildings.</p>

ID	Relevant Representations	Applicant Response
		Chapter 30 Human Health [AS1-054] considered the impacts of construction noise and vibration (Section 30.7.1) and concluded no impacts as a result of vibration.
RR-084.004	Fosdyke already a flooding problem area	The Applicant appreciates the concerns of residents regarding flooding and can confirm that an assessment on the Flood Risk associated with the Export Cable Corridor and 400kV Cable (APP-211) has been undertaken and can confirm the Project is not expected to have any impact upon the Flood Risk of the Fosdyke area, either during construction or the operational phase. The Applicant has also provided an outline Surface Water Drainage Strategy (APP-273) which sets out principles for the management of surface water during construction. The pre-construction approval of this strategy is secured through DCO Requirement 18(2)(b) of the draft DCO (AS1-024). The strategy will be part of a code of construction practice which will require to be approved by the relevant planning authority after consultation, as appropriate, including with the Environment Agency. Only after approval will onshore transmission works commence.

### 1.85 RR-085 Lisa Kindred

ID	Relevant Representations	Applicant Response
RR-085.001	Concern over impact of using single track lanes with no passing places for access to staging depot situated on Cravens Lane	<p>The Applicant appreciates the comments made in this representation and would like to provide assurance that detailed surveys and ground truthing exercises have been undertaken for all proposed construction accesses to ensure suitability. Potential impacts on Traffic and Transport have been assessed in Chapter 27 Traffic and Transport (AS1-052) in terms of the potential effects on community severance, pedestrian amenity, road safety and vulnerable road users and dust and dirt and the Applicant can confirm no significant effects have been identified.</p> <p>With reference to Wash road and Cravens Lane in particular, the Applicant intends to use Wash Road as local construction vehicle access (“AC”) route between the A17 (core construction vehicle access route) and AC-44 (Craven’s Lane) and AC-45/AC-46 (Wash Road).</p> <p>A scheme of passing places has been proposed on Wash Road to allow two Heavy Goods Vehicles (HGVs) to pass if required, as shown in ‘Location 013 - Wash Road / Craven’s Lane Indicative Passing Places’ in Chapter 27 Appendix 1 Transport Assessment Annex N Passing Place Proposals (APP-229), which has been discussed and agreed in principle with Lincolnshire County Council (LCC) highways. The final location, number and design of passing places would be discussed and agreed with LCC highways as part of the detailed design process.</p> <p>Construction traffic would be controlled through a Construction Traffic Management Plan (CTMP), as outlined in the draft DCO (document 3.1, version 3) Requirement 21 (a) which must accord with the Outline CTMP (APP-289) and be approved by the relevant highway authority in consultation with the relevant planning authority. The CTMP sets out the types of control measures that would be implemented to minimise the impacts of construction traffic.</p> <p>As set out in the outline Code of Construction Practice (Document reference 8.1, Version 2) a designated Local Community Liaison Officer (CLO) will be appointed to act as the main focal point with the community and will ensure local residents are able to discuss any concerns during construction directly with the Project.</p>
RR-085.002	Concerns about large lorries on single track lane outside our 17th century grade 2 listed property causing vibration damage as we have very little in the way of foundations.	<p>The Applicant appreciates the concerns made in this representation and would like to provide assurance that potential impacts from vibration have been assessed in detail in ES Chapter Noise and Vibration (APP-081) and no significant effects were identified.</p> <p>The British Standard utilised for guidance on the levels of groundborne vibration required to cause damage to structures is BS 7385-2 1993 <i>Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration</i>.</p>

ID	Relevant Representations	Applicant Response
		<p>The guidance states that to cause damage to residential type buildings a Peak Particle Velocity (PPV) of approximately 15mm/s<sup>-1</sup> (at 4Hz) is required. With regards to heritage buildings, which are considered more sensitive to vibration the guidance does not specify a limit; however, it is considered a lower limit for these buildings would be required.</p> <p>For example, other large infrastructure projects such as Crossrail imposed a precautionary PPV limit of 3mm/s<sup>-1</sup> for heritage buildings which is consistent with the German Standard DIN 4150-3:1999 Effects of vibration on structures.</p> <p>The project is committed to reduce construction noise and vibration levels and, at worst, a ‘<i>minor level of effect</i>’ is predicted at residential receptors which is based on the human response to vibration rather than damage to buildings. With regards to vibration this equates to a PPV level of 0.9mm/s<sup>-1</sup> during the daytime and below 0.3mm/s<sup>-1</sup> during the night-time.</p> <p>As can be deduced from the above, PPV levels from construction operations which the project is committed to are below the level where damage could occur to buildings.</p> <p>Chapter 30 Human Health [AS1-054] considered the impacts of construction noise and vibration (Section 30.7.1) and concluded no impacts as a result of vibration.</p>
RR-085.003	Noise and dust	<p>Potential impacts from noise and dust have been of key consideration to the Project and were assessed in detail within the Applicants Environmental Statement (ES) submitted as part of the DCO Application. A comprehensive noise and air quality assessment was undertaken as part of this and the assessment details and results are presented in ES Chapter 26 Noise and Vibration (APP-081) and ES Chapter 19 Air Quality (AS1-046) The Applicant can confirm that no significant effects were identified with the implementation of additional mitigation measures, the Noise and Vibration Management Plan (NVMP) and Air Quality Management Plan (AQMP).</p> <p>These documents outline the mitigation measures the Applicant must accord with during the construction of the Project. Outline versions of these plans have been submitted and the measures detailed therein (the Outline NVMP (APP-269) and Outline AQMP (APP-270)) and the final plans must accord with these.</p>
RR-085.004	Concerns about damage to Medieval Sea Bank	<p>The Applicant would like to provide assurance that the Applicant has committed to the avoidance or adoption of trenchless techniques at these locations which means the Applicant will be drilling underneath to avoid impacts to this receptor. he Applicant acknowledges that there are upstanding sections of seawall which may be medieval in date exist within or in the immediate vicinity of the Order Limits as follows:</p> <p>ECC-1 – sea bank in Anderby within the Order Limits (HER reference MLI88782). This abuts a construction compound and will not be breached by the construction works. Access will be gained to the construction compound via an extant breach (APP-089 figure 3.4.5)</p> <p>ECC-11 – two sections of sea wall earthworks including the Roman Bank (MLI97710) crossing the northern part of the segment and another section to the south of Multon Hall Scheduled Monument abutting the Order Limits. The former will be crossed by trenchless techniques to avoid physical breach (APP-089 figure 3.4.41). The latter does not intersect with the Order Limits.</p> <p>ECC-12 — two sections of sea wall/drain earthworks at Hundred Acre Farm and through the southern part of the segment – within the Order Limits. The earthworks at Hundred Acre Farm which accord with Kirton Drain will be crossed by trenchless techniques to avoid breach (APP-089 figure 3.4.46). The earthworks further down (east of Fosdyke) will also be crossed by trenchless techniques to avoid breach (APP-089 figure 3.4.48).</p> <p>ECC-13 —sea wall earthworks (site observations) – abutting the Order Limits. This sea wall abuts the Order Limits and would not be physically disturbed (APP-089 figure 3.4.49). This figure also shows the avoidance of a sea wall to the west of Fosdyke by trenchless techniques.</p>

ID	Relevant Representations	Applicant Response
RR-085.005	Concerns about speed of works traffic as Wash Road is popular with walkers with children and dogs, horse riders and is also National Cycle route No 1	<p>The Applicant acknowledges the concerns raised regarding the safety of other road users and can confirm that measures will be put in place to ensure the traffic will be effectively and suitably controlled and can provide assurance that other road users have been taken into account in the development of these measures.</p> <p>Construction traffic would be controlled by a Construction Traffic Management Plan (CTMP) which must accord with the Outline CTMP. An Outline CTMP (APP-289) setting out the types of control measures that would be implemented to minimise the impacts of construction traffic has been submitted. This includes driving and speed restriction measures (Section 4.1.2) and walking, cycling and horse-rider management (Section 4.1.4). While the cycle route along Wash Road is no longer part of National Cycle Route 1, the Applicant is aware it is still utilised by cyclists, pedestrians and horse riders and therefore the appropriate management measures would be implemented on Wash Road as part of the final CTMP.</p>
RR-085.006	Flooding as a result of disturbance /damage to existing drainage dykes	<p>The Applicant has committed to installing the cables by trenchless techniques under all Internal Drainage Board (IDB) owned / IDB maintained drains (which means the Project will be drilling underneath the drains instead of open cut trenching through them) and will also use trenchless techniques for riparian drains where practicable.</p> <p>The Applicant has engaged extensively with landowners, the IDBs and the EA to ensure suitable techniques and measures will be adopted to avoid or minimise potential impacts. Any watercourses or drains that will not be subject to trenchless techniques will be reinstated as soon as practicable.</p> <p>The Applicant will construct haul road crossings at most dykes and the relevant IDB will be responsible for the approval of the technical details. High level parameters for the crossing of drains are included in the Outline Code of Construction Practice (CoCP) (document 8.1, Version 2) Section 5.10 'Watercourse Crossings'. The approval of the final version of the CoCP is secured through the draft DCO (AS1-024), Requirement 18.</p> <p>The role of the IDB(s) will be protected through the Protective Provisions of the Development Consent Order (DCO) (AS1-024, Schedule 18 Part 5 'Protection for the Drainage Authorities'). In addition to approving technical details, the IDBs have advised the Applicant that where drains are considered sensitive, they will also carry out inspections of the work and the reinstatement.</p>

### 1.86 RR-086 Andrew Malkin

ID	Relevant Representations	Applicant Response
RR-086.001	My principle concern is Lincolnshire being used as a conduit for power generated offshore which is required in other parts of the country - mainly London and the South East.	National Grid Electricity Transmission (NGET) is the system operator for the National Electricity Transmission System (NETS). The Applicant has engaged with NGET throughout the Offshore Transmission Network Review (OTNR) and Holistic Network Design (HND) process designed to set out the strategic network infrastructure in order to deliver 2030 offshore wind targets and subsequently entered into a grid connection agreement. However, NGET rather than electricity generators such as the Applicant, has the responsibility for designing the NETS. Further details can be found in ES Chapter 4 Site Selection and Consideration of Alternatives [APP-059] particularly in Section 1.2.
RR-086.002	The offshore cables from the wind farms should remain offshore, making landfall closer to where the power is needed, on brownfield sites if possible.	<p>See Response to RR-086.001.</p> <p>The Applicant has undergone an iterative design and site selection process, to ensure the Applicant can make the greatest contribution to renewable energy targets as possible, whilst minimising environmental impacts and following principles of good design. Further detail is described in ES Chapter 4 'Site Selection and Consideration of Alternatives' (APP-059) and in particular for the landfall in Appendix 1, Landfall Selection and Offshore ECC Routing (APP-145)</p>
RR-086.003	Prime arable land in Lincolnshire should not be used for power generating, storage or transmission infrastructure. It should be preserved and protected to improve the nation's food security.	As detailed in Section 8.4 and Section 9.4.1.2 of the Site Selection and Consideration of Alternative ES Chapter (APP-059) the Applicant had due consideration of the relevant policies in respect of Best and Most Versatile

		<p>(BMV) land during their site selection work. As discussed in Section 8.4 of APP-059, it was not possible to locate the onshore substation (OnSS) outside of Grade 1 Land, however the Applicant made a significant alteration to the onshore ECC in response to feedback (as set out in Section 9.4 of APP-059) which significantly lowered the amount of BMV Grade 1 land that would be temporarily impacted by the construction of the onshore ECC.</p> <p>The Applicant has also assessed the impact and cumulative impact of the Project's infrastructure on the UK's vegetable market in Chapter 29 Socioeconomics (APP-084) which concluded that there will be no significant impacts (in EIA terms) resulting from the Project alone or cumulatively.</p>
RR-086.004	Energy infrastructure can be placed anywhere.	As outlined in Chapter 4 Site Selection and Consideration of Alternatives (APP-059) the location of the offshore array was dictated by the Round 4 Leasing process with the siting of the offshore ECC, landfall and onshore infrastructure heavily influenced by this and the outcomes of National Grid's OTNR & HND Processes as described in Section 1.2 of APP-059.
RR-086.005	There is no better land than that found in Lincolnshire, especially along the East Side, that is better for growing food.	See Response to RR-086.003.
RR-086.006	The cost of offshore, and an integrated offshore grid, is minimal when spread between all households and over its lifetime. It is worth this little extra expense to preserve top-quality arable land.	See Response to RR-086.003.

### 1.87 RR-087 Fraser Dawbarns LLP on behalf of Alan Harold Naylor

ID	Relevant Representations	Applicant Response
RR-087.001	<p><b>Relevant Representation</b></p> <p>This comment is a relevant representation by the Interested Party in connection with the Project. Terms defined in this comment shall have the following meaning:            Interested Party: Alan Harold Naylor c/o Naylor Farms, Roman Bank, Moulton Seas End, Spalding Lincolnshire PE12 6LG            Project: Outer Dowsing Offshore Wind Project            Property: Land located at Wash Road Hodgman's Farm, Fosdyke CP, Fosdyke, Boston Lincolnshire PE20 2DD</p> <p>The Interested Party is required by the Project to enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this Representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out in the table paragraph (a) of "Representations of the Interested Party" for those terms which are being negotiated between the Interested Party and the Project.            Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations:            a) The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed. At the current time, the following has not been agreed:</p>	
RR-087.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cable should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted</p>



ID	Relevant Representations	Applicant Response
		<p>that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-087.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-087.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water does not flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>

ID	Relevant Representations	Applicant Response
RR-087.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-087.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	<p>The landowner has signed Heads of Terms for the onshore ECC with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p>
RR-087.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT’s) over an extended period, which are too detailed to include here. These HoT’s include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT’s is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant. This representation is made by Fraser Dawbarns LLP of 1-3 York Row, Wisbech, Cambridgeshire PE13 1EA for and on behalf of and with the consent of the Interested Party</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party’s relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

**1.88 RR-088 Fraser Dawbarns LLP on behalf of Ann Naylor**

ID	Relevant Representations	Applicant Response
RR-088.001	<p><b>Relevant Representation</b></p> <p>This comment is a relevant representation by the Interested Party in connection with the Project. Terms defined in this comment shall have the following meaning:  Interested Party: Ann Naylor [REDCATED]  Project: Outer Dowsing Offshore Wind Project  Property: (1) Land located at Surfleet Bank, Raston Leigh, Surfleet, South Holland, Lincolnshire PE11 4DP.</p>	

ID	Relevant Representations	Applicant Response
	<p>The Interested Party is required by the Project to: 1. Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property; and 2. To enter into an Option Agreement to convey the freehold of the Property (part) to provide an access to the Project to obtain access to a new sub-station.</p> <p>The current position. a. Option Agreement for Cable Easement. The Interested Party and Project have agreed commercial heads of terms for an Option Agreement to lay cables. The Interested Party and the Project are in negotiations as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out in paragraph (a) of "Representations of the Interested Party" for those terms which are being negotiated between the Interested Party and the Project. b. Option Agreement to Acquire the Freehold The Interested Party is agreeable to granting all necessary rights over the Property to provide the Project with access to the sub-station. The proposed terms for the easement to access the sub-station would be at market value. The Project has refused to accept the Interested Party's offer to provide an easement for all purposes connected with the Project's use of the sub-station at market value. The Project is insisting on the acquisition of the freehold.</p> <p>The Interested Party is not agreeable to selling the freehold as the freehold is required to gain access to other parts of the Property which are the subject of planning applications submitted by the Interested Party for development. The access is required by the Interested Party to ensure all necessary rights of access and services are capable of being for the benefit of those other developments.</p> <p>Representation of the Interested Party The Interested Party would like to make the following representations: a) The Interested Party is agreeable to proceeding with the Option Agreements for Cable Easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested Party and the Project to be agreed. At the current time the following has not been agreed:</p>	
RR-088.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cable should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p>

ID	Relevant Representations	Applicant Response
		<p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b></p> <p>The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at</p>

ID	Relevant Representations	Applicant Response
		<p>some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-088.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-088.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to re-drain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-088.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-088.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land</p>	<p>The landowner has signed Heads of Terms for the onshore ECC with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p>

ID	Relevant Representations	Applicant Response
	<p>equal to 560 metres in width. b) The Interested Party is not agreeable to entering into an Option Agreement to dispose of their freehold interest in the Property to create an access for the Project to the sub-station. However, the Interested Party is agreeable to granting a legal easement to the Project over the Property to allow access to the sub-station on reasonable commercial terms. c) The Project has rejected the Interested Party's offer to provide an all-purposes easement for the benefit of the Project without justification for acquisition of the freehold.</p>	<p>Following a meeting with the Land Interests professional representative on 1st August 2024, The Applicant has confirmed they will agree to a permanent right as oppose to a freehold acquisition for the creation of an access. The Applicant is working with their legal representatives to draft the revised HoTs.</p> <p>There are on-going discussions between the Land Interest, their legal representative and the Applicant. The Applicant is hopeful that a voluntary agreement can be achieved.</p>
RR-088.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant. This representation is made by Fraser Dawbarns LLP of 21 Tuesday Market Place, King's Lynn Norfolk PE30 1JW for and on behalf of and with the consent of the Interested Party.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

**1.89 RR-089 Fraser Dawbarns LLP on behalf of Brian Douglas Naylor**

ID	Relevant Representations	Applicant Response
RR-089.001	<p><b>Relevant Representation</b></p> <p>This comment is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:  Interested Party: Brian Douglas Naylor of [redacted]  Project: Outer Dowsing Offshore Wind Project  Property: (1) Land located at Surfleet Bank, Raston Leigh, Surfleet, South Holland, Lincolnshire PE11 4DP; and (2) Land located at Wash Road Hodgman's Farm, Fosdyke CP, Fosdyke, Boston Lincolnshire PE20 2DD</p> <p>The Interested Party is required by the Project to: 1. Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property; and 2. To enter into an Option Agreement to convey the freehold of the Property (part) to provide an access to the Project to obtain access to a new sub-station. The current position. a. Option Agreement for Cable Easement. The Interested Party and Project have agreed commercial heads of terms for an Option Agreement to lay cables. The Interested Party and the Project are in negotiations as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out in paragraph (a) of "Representations of the Interested Party"</p>	

ID	Relevant Representations	Applicant Response
	<p>for those terms which are being negotiated between the Interested Party and the Project. b. Option Agreement to Acquire the Freehold The Interested Party is agreeable to granting all necessary rights over the Property to provide the Project with access to the sub-station. The proposed terms for the easement to access the sub-station would be at market value. The Project has refused to accept the Interested Party's offer to provide an easement for all purposes connected with the Project's use of the sub-station at market value. The Project is insisting on the acquisition of the freehold. The Interested Party is not agreeable to selling the freehold as the freehold is required to gain access to other parts of the Property which are the subject of planning applications submitted by the Interested Party for development. The access is required by the Interested Party to ensure all necessary rights of access and services are capable of being for the benefit of those other developments. Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations:</p> <p>a) The Interested Party is agreeable to proceeding with the Option Agreements for Cable Easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested Party and the Project to be agreed. At the current time the following has not been agreed:</p>	
RR-089.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cable should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date</p>



ID	Relevant Representations	Applicant Response
		<p>are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b>  The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b>  The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>

ID	Relevant Representations	Applicant Response
RR-089.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-089.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to re-drain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-089.005	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier’s Consent.</p>
RR-089.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width. b) The Interested Party is not agreeable to entering into an Option Agreement to dispose of their freehold interest in the Property to create an access for the Project to the sub-station. However, the Interested Party is agreeable to granting a legal easement to the Project over the Property to allow access to the sub-station on reasonable commercial terms. c) The Project has rejected the Interested Party’s offer to provide an all-purposes easement for the benefit of the Project without justification for acquisition of the freehold.</p>	<p>The landowner has signed Heads of Terms for the onshore ECC with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p> <p>Following a meeting with the Land Interests professional representative on 1st August 2024, The Applicant has confirmed they will agree to a permanent right as oppose to a freehold acquisition for the creation of an access. The Applicant is working with their legal representatives to draft the revised HoTs.</p> <p>There are on-going discussions between the Land Interest, their legal representative and the Applicant. The Applicant is hopeful that a voluntary agreement can be achieved.</p>
RR-089.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party’s</p>

ID	Relevant Representations	Applicant Response
	<p>of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant. This representation is made by Fraser Dawbarns LLP of 21 Tuesday Market Place, King's Lynn Norfolk PE30 1JW for and on behalf of and with the consent of the Interested Party.</p>	<p>relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

### 1.90 RR-090 Fraser Dawbarns LLP on behalf of Simon Brian Naylor

ID	Relevant Representations	Applicant Response
RR-090.001	<p><b>Relevant Representation</b></p> <p>This comment is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:            Interested Party: Simon Brian Naylor of [redacted] and Brian Douglas Naylor and Ann Naylor of [redacted]            Project: Outer Dowsing Offshore Wind Project            Property: (1) Land located at Surfleet Bank, Raston Leigh, Surfleet, South Holland, Lincolnshire PE11 4DP; and (2) Land located at Wash Road Hodgman's Farm, Fosdyke CP, Fosdyke, Boston Lincolnshire PE20 2DD</p> <p>The Interested Party is required by the Project to: 1. Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property; and 2. To enter into an Option Agreement to convey the freehold of the Property (part) to provide an access to the Project to obtain access to a new sub-station. The current position. a. Option Agreement for Cable Easement. The Interested Party and Project have agreed commercial heads of terms for an Option Agreement to lay cables. The Interested Party and the Project are in negotiations as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out in paragraph (a) of "Representations of the Interested Party" for those terms which are being negotiated between the Interested Party and the Project. b. Option Agreement to Acquire the Freehold The Interested Party is agreeable to granting all necessary rights over the Property to provide the Project with access to the sub-station. The proposed terms for the easement to access the sub-station would be at market value. The Project has refused to accept the Interested Party's offer to provide an easement for all purposes connected with the Project's use of the sub-station at market value. The Project is insisting on the acquisition of the freehold. The Interested Party is not agreeable to selling the freehold as the freehold is required to gain access to other parts of the Property which are the subject of planning applications submitted by the Interested Party for development. The access is required by the Interested Party to ensure all necessary rights of access and services are capable of being for the benefit of those other developments.</p>	

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	<p><b>Representation of the Interested Party</b></p> <p>The Interested Party would like to make the following representations: a) The Interested Party is agreeable to proceeding with the Option Agreements for Cable Easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested Party and the Project to be agreed. At the current time the following has not been agreed:</p>	
RR-090.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cable should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the</p>

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		<p>rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-090.003	<p><b>Limitation of Liability</b></p> <p>The Project are aware of the above concern and not withstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-090.004	<p><b>Reinstatement of land Drainage</b></p> <p>Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction</p>

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	<p>up hill, and so where this issue arises, it will be necessary to re-drain fields as reinstatement will not be possible.</p>	<p>drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
<p>RR-090.005</p>	<p><b>Occupiers and Crop loss</b></p> <p>Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
<p>RR-090.006</p>	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width. b) The Interested Party is not agreeable to entering into an Option Agreement to dispose of their freehold interest in the Property to create an access for the Project to the sub-station. However, the Interested Party is agreeable to granting a legal easement to the Project over the Property to allow access to the sub-station on reasonable commercial terms. c) The Project has rejected the Interested Party's offer to provide an all-purposes easement for the benefit of the Project without justification for acquisition of the freehold.</p>	<p>The landowner has signed Heads of Terms for the onshore ECC with the extent of the Option clearly defined. The Applicant has liaised with the landowner's solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.</p> <p>Following a meeting with the Land Interests professional representative on 1st August 2024, The Applicant has confirmed they will agree to a permanent right as oppose to a freehold acquisition for the creation of an access. The Applicant is working with their legal representatives to draft the revised HoTs.</p> <p>There are on-going discussions between the Land Interest, their legal representative and the Applicant. The Applicant is hopeful that a voluntary agreement can be achieved.</p>
<p>RR-090.007</p>	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT's) over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party's relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>

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	process at a later date as relevant. This representation is made by Fraser Dawbarns LLP of 21 Tuesday Market Place, King's Lynn Norfolk PE30 1JW for and on behalf of and with the consent of the Interested Party.	

### 1.91 RR-091 Nicola Ann Pearson

ID	Relevant Representations	Applicant Response
RR-091.001	The concerns I have are to the house regarding structural damage to my cottage caused by the vibrations from the heavy plant and vehicles that are laying the cables and using the haul road as it appears to be in very close proximity of the cottage. I fear that this could cause land movement affecting the structure of the Cottage as it is an old property.	<p>The Applicant appreciates the concerns made in this representation and would like to provide assurance that potential impacts from vibration have been assessed in detail in ES Chapter Noise and Vibration (APP-081) and no significant effects were identified.</p> <p>The British Standard utilised for guidance on the levels of groundborne vibration required to cause damage to structures is BS 7385-2 1993 <i>Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration</i>.</p> <p>The guidance states that to cause damage to residential type buildings a Peak Particle Velocity (PPV) of approximately 15mm/s<sup>-1</sup> (at 4Hz) is required. With regards to heritage buildings, which are considered more sensitive to vibration the guidance does not specify a limit; however, it is considered a lower limit for these buildings would be required.</p> <p>For example, other large infrastructure projects such as Crossrail imposed a precautionary PPV limit of 3mm/s<sup>-1</sup> for heritage buildings which is consistent with the German Standard DIN 4150-3:1999 Effects of vibration on structures.</p> <p>The project is committed to reduce construction noise and vibration levels and, at worst, a 'minor level of effect' is predicted at residential receptors which is based on the human response to vibration rather than damage to buildings. With regards to vibration this equates to a PPV level of 0.9mm/s<sup>-1</sup> during the daytime and below 0.3mm/s<sup>-1</sup> during the night-time.</p> <p>As can be deduced from the above, PPV levels from construction operations which the project is committed to are below the level where damage could occur to buildings.</p> <p>Chapter 30 Human Health [AS1-054] considered the impacts of construction noise and vibration (Section 30.7.1) and concluded no impacts as a result of vibration.</p>
RR-091.002	The noise the dust during the day along with the security lights used at night as these were used extensively on the Viking link as my daughter saw from some distance from where she lives. I am [redacted]. Will I be compensated if this has an adverse effect and to what extent?	<p>A comprehensive noise assessment has been undertaken and is presented in ES Chapter 26 Noise and Vibration [APP-081]. Table 26.81 in APP-081 summarises the effects from noise with no significant effects identified with the implementation of additional mitigation measures and the implementation of the Noise and Vibration Management Plan (NVMP).</p> <p>Impacts from noise and dust will be carefully controlled by the NVMP and Air Quality Management Plan (AQMP) which will form part of the final Code of Construction Practice and be drafted in accordance with the Outline NVMP (APP-269) and Outline AQMP (APP-270) which have been submitted as part of the Outline Code of Construction Practice (APP-268).</p> <p>An Artificial Light Emissions Management Plan (as per Requirement 18 of the draft DCO (AS1-024)) will be submitted to the local planning authorities prior to construction works commencing which will set out location,</p>

		<p>height, design and luminance of all flood lighting together with measures to limit obtrusive glare to nearby residential properties.</p> <p>Those who may be able to claim compensation under statutory provisions, including those set out in Section 44 of the Planning Act 2008, are advised to seek legal and valuation advice. The Applicant has consulted all persons identified under section 44 who are known to the Applicant after making diligent inquiry. The Applicant notes that matters relating to compensation are beyond the scope of Examination under Chapter 4 of the Planning Act 2008.</p>
RR-091.003	Could you consider compulsory purchase as I don't know how I will cope with all this going on.	<p>The Applicant appreciates the concerns made in this representation and would like to provide assurance that the project has been designed to minimise impacts on residential properties, in compliance with Government policy and legislation.</p> <p>The Applicant adopted the approach to avoid residential properties as part of the Project's design. This ensured that the Project's Environmental Statement (ES) identified no significant effects on residential properties and therefore the Applicant is not in a position to consider compulsory purchase on residential properties.</p>

### 1.92 RR-092 Mr Andrew Roberts

ID	Relevant Representations	Applicant Response
RR-092.001	I am very interested in, and concerned by, the choice of generating and transmitting AC power	<p>The Applicant has confirmed that HVAC will be used as the transmission technology type on the Project.</p> <p>As outlined in Section 5.1 of Chapter 3 Project Description [APP- 058] HVDC type transmission will not be utilised for a number of reasons including supply chain constraints and regulatory and technical restrictions.</p> <p>HVAC is a tried and tested method of energy transmission that has been successfully adopted throughout the UK and globally.</p>
RR-092.002	Also, the location of the landfall site and the choice of connection point to the grid. For various technical, environmental and economic reasons I am very concerned about National Grid's nominated landfall sites. These appear to be sites that will be of significant benefit to National Grid plc and/or its regulated and unregulated subsidiaries but are ones which are highly detrimental to the areas where significant infrastructure will be required and elsewhere if, because of this project, an upgrade of the transmission grid is required.	<p>The iterative site selection process undertaken by the Applicant is set out in Chapter 4 Site Selection and Alternatives [APP-059] including the identification of the Landfall options which is detailed in Appendix 1 Landfall Assessment Offshore ECC Route Optioneering [APP-145], which were determined by the initial study area identified by the Holistic Network Design for the east coast Round 4 projects.</p> <p>The landfall location has been determined by both environmental and engineering consideration, including the constraints of the nearby SSSI, SAC and Ramsar designations.</p>
RR-092.003	I challenge the choice of AC (over DC) generation and transmission for various technical, economic and integration reasons.	Please see the response to RR-092.001.
RR-092.004	I am concerned about the coincidental timing of the project's proposals and consultations in the context of a very uncertain future national energy policy.	<p>The Applicant was awarded Preferred Bidder status for the Project Array Area in February 2021 following the conclusion of the Offshore Wind Leasing Round 4 which was launched in October 2019.</p> <p>The Applicant has undertaken several phases of consultation with both stakeholders and the local community as part of the iterative design process carried out to date.</p> <p>The Project is Nationally Significant Infrastructure (NSIP) and is therefore subject to the policy and compliance regulations as required by the Development Consent Order (DCO) Application Process. The Applicant's consideration of local and national energy and planning policy has been set out in the Policy Compliance Document [AS-012] including National Policy Statements, the National Planning Policy Framework and local development plans.</p> <p>The Applicant has had due regard to changes in policy throughout the development of the Project.</p>



ID	Relevant Representations	Applicant Response
RR-092.005	As it stands, this proposal is of such significance and has so many potentially harmful and long-term effects that it should be, at the very least, paused if not required to be withdrawn for later resubmission.	The Applicant has carried out an Environmental Impact Assessment and Habitats Regulations Assessment (HRA) which are set out in the Environmental Statement which identifies any potential impacts that may occur as a result of the Project and sets out the proposed mitigation to reduce the identified impact.
RR-092.006	Our short and medium term energy policy has become an incoherent political football and the imminent involvement of NESO should be given an appropriate time to reconsider this project along with other related projects that should be considered in a much more holistic manner.	See Response to RR-092.004.

### 1.93 RR-093 Nicholas Alexander Sermon

ID	Relevant Representations	Applicant Response
RR-093.001	The project will be immensely impactful to my house, with one of the trenches being dug close to my property, a compound created around 100 metres of my house, and a key route for construction traffic almost opposite my house front.	<p>The applicant appreciates the concerns raised in this representation.</p> <p>The Applicant would like to provide assurance that the potential impacts on local residents has been assessed in detail with no significant effects identified. The Applicant has assessed Traffic and Transport in Chapter 27 of the Environmental Statement (APP-082) and in relation to the routes referred to in the representation and construction access points AC40 and 41, the maximum number of daily Heavy Goods Vehicles (HGVs) anticipated to access AC-40/AC-41 is 77 (two-way, which is the total of the arrivals and departures), as set out in Table 27.27 in Chapter 27 Traffic and Transport (ASI-052), with a large proportion of these to AC-41 only, which would not pass the property. AC-40 services the relatively short section between the River Witham (The Haven) and Wyberton Roads and will be used for a relatively short period, primarily during the cable installation under the Haven.</p> <p>The position of AC-40 has been selected in order to utilise an existing farm access across a vegetated strip of land and by using it the Applicant is avoiding the need to remove trees and vegetation or the creation of a new track over the flood defence at this location.</p> <p>The maximum number of construction HGVs to AC-40/AC-41 is anticipated to occur for a maximum period of four months, with the average number of daily HGVs across the construction programme to AC40/AC-41 forecast to be 11 two-way. The location of the construction accesses referred to are shown in the Access to Works Plan (ASI-012), Sheets 34-35.</p>
RR-093.002	This key route is using an existing footpath for construction traffic which will impact hikers, dog walkers, bird watchers, and access to Frampton Marsh by the RSPB.	<p>The Applicant acknowledges the use of the footpath and route to Frampton Marsh and this is assessed in Chapter 27 Traffic and Transport (ASI-052) – see Table 27.47 – with no significant effect identified. Users of the footpath (Wybe/2/4) would be warned of construction vehicles using Wyberton Roads through signage, the proposals for which would be set out in the final Construction Traffic Management Plan (CTMP).</p> <p>An Outline CTMP (APP-289) setting out the types of control measures that would be implemented to minimise the impacts of construction traffic for the users of the footpath (Wybe/2/4) has been prepared and submitted with the DCO application. This is also set out in the Outline Public Access Management Plan (PAMP) (APP-291). A final CTMP and PAMP would be prepared prior to construction in accordance with the principles outlined in the Outline management plans.</p> <p>The requirement to obtain approval for the final CTMP and PAMP is secured through the Requirements of the DCO (ASI-024) Requirement 21 (Traffic) and 22 (Public Rights of Way) which also ensures that all plans must be submitted to and approved by the relevant highway authority in consultation with the relevant planning authority</p>

**1.94 RR-094 Brown & Co Property and Business Consultants LLP on behalf of Roseanna Skelham, Elizabeth Schweikhardt & Victoria Jane White**

ID	Relevant Representations	Applicant Response
RR-094.001	Brown & Co LLP are retained by Roseanna Skelham, Elizabeth Amy Schweikhardt & Victoria Jane White – c/o Bayholme Farm, Wainfleet Road, Old Leake, Boston, PE22 9HT have been instructed to make this Relevant Representation objecting to ODOW’s DCO application on their behalf. Grounds of Objection:	
RR-094.002	<p><b>Insufficient cable burial depth</b></p> <p>Cropping in the Lincolnshire silts comprises almost entirely of vegetable and root crops supplying predominantly supermarket retailers. Continuity of supply requires access to land throughout the year and in all conditions. These requirements are unusual in agriculture and unique in Lincolnshire. The industry standard installation depth of 1.2 metres (to the top of the tile) may be deemed sufficient in typical combinable cropping soils with good structure and stability not requiring the year round access of the silt lands. Unfortunately, these conditions are not present on the Fen silts. The silt soils in question are structurally weak, suffering from failure on regular basis. It is not uncommon for farm machinery to sink to depths in excess of the proposed cable depth. As a result there is a risk that normal agricultural operations will not be able to take place unless the cable is at a depth where agricultural operations will not come in contact with the cables. Despite the issue being raised early in the negotiation process, inadequate, scientific evidence has been provided to act as assurance to landowners and occupiers that the cable can be maintained at the proposed depth, largely on account of the lack of practical testing to date. Not only does this raise concerns surrounding liability in the event of damage to the cable (expanded below), it also poses a serious health and safety threat which is impossible to fully mitigate against if the location of the infrastructure cannot be assured. Deep cultivations are often required to assist in reinstating damage caused by accessing land during wet periods and while these cultivations generally don’t exceed 750mm issues do occur with soft ground and sinking machines leading to cultivations in excess of this depth. With the changing climate and the longer, more intense periods of rainfall the fragility of these soils will be exposed to a greater extent. It has also been raised by the wider LIG that the monitoring of the cable depth needs to be carried out on a regular basis to ensure that the infrastructure does not come into conflict with normal agricultural operations. This has not been accepted by the project which exposes the land owners and occupiers to potential risk.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link’s interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the</p>

ID	Relevant Representations	Applicant Response
		<p>rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-094.003	<p><b>Soil profile</b></p> <p>The proposed Outer Dowsing Offshore Wind Farm onshore cable route runs through high quality, Grade 1 agricultural land. The silt soils are unique in their characteristics and almost unmatched in terms of productive capacity. The Lincolnshire Fen silts benefit from stoneless composition, allowing for uniform growth and production of top quality root and vegetable crops which, in turn minimises rejections of crops by the customers and ensures supply contracts are fulfilled. Stone contamination during the construction phase of the scheme will have significant, widespread and long-term negative impacts on crop quality, production and packhouse processing</p>	<p>The Applicant acknowledges that the Grade 1 land is stone-free in the outline Soil Management Plan (oSMP) (APP-271). This will be ratified on a field-by-field basis by undertaking pre-construction Agricultural Land Classification soil surveys inline with MAFF Agricultural Land Classification 1988 – Revised Guidelines and Criteria for Grading Agricultural Land. Post-construction soil surveys will be undertaken and compared to the baseline surveys. In the event that stones are present in the post-construction surveys where the land was stone-free in the pre-construction surveys, an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.</p>
RR-094.004	<p><b>Soil Management Plan</b></p>	<p>A draft of the oSMP (APP-271) was circulated for comment to the LIG prior to submission of the application. The following comments were received from the LIG:</p>

ID	Relevant Representations	Applicant Response
	<p>The Soil Management Plan produced by ODOWF is a high level document and fails to capture the specifics of the soil and sub-soil qualities of land impacted by the proposed route. Handling, storage and reinstatement of silty soils gives rise to individual challenges that the scheme have not demonstrated they are capable of managing and mitigating.</p>	<p>i) Ensuring any Agricultural Liaison Officers who will be overseeing the works should have relevant experience and qualifications.</p> <p>ii) a request for further detail on the design of the haul road.</p> <p>iii) Soils – it is not only Wisbech soils which are under drained it is all soils.</p> <p>iv) The LIG noted that a lot of their points have been identified such as running silts and specialist soils however they felt the detail is lacking on how they will be dealt with.</p> <p>Following this feedback, the Applicant made the following amendments to the oSMP:</p> <p>i) The Applicant confirmed that the role of an Agricultural Liaison Officer would be filled by a person with sufficient soil science experience or would work in cooperation with a Soil Clerk of Works with soil science capability (section 2.2 of the oSMP). The Applicant also committed to appointing a Soil Clerk of Works (detailed in section 2.3 of the oSMP) to provide specialist advice and monitoring regarding soils.</p> <p>ii) The Applicant confirmed that until detailed design is complete, and a contractor is on board full details on haul road design will not be available. General soil handling principles as outlined in section 5.1 of the oSMP will be applied for haul roads.</p> <p>iii) Section 3.4 of the oSMP was updated to remove reference to only Wisbech soils being drained</p> <p>iv) The Applicant notes section 5.2 of the oSMP outlines the management of “running sand” and this was outlined to the LIG with no further comments received at that stage. Measures include identifying areas of running sand and using land-type specific engineering measures to ensure there is no risk of trench collapse, erosion or water pollution.</p> <p>The Applicant arranged to meet with the LIG on the 4th of September to discuss the concerns surrounding the oSMP and take on board any further comments they may have in relation to the oSMP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oSMP.</p>
<p>RR-094.005</p>	<p><b>Running Sand &amp; Running Silt</b></p> <p>Sub-soils in the locality often comprise running silts or running sands being highly unstable and unpredictable. Not only will this exacerbate the issue of the insufficient cable burial depth as outlined above, it is also unknown how the soils will behave during construction (trenching, storage), reinstatement and retaining the cable in the installed position. Silts can also lose structure easily and silt failure would be a significant issue in the silts soils along the route. In addition, there is a lack of detail relating to the approach for handling and the conditions that could present during and post-installation.</p>	<p>The Applicant is fully cognisant of the potential of running sand and silts and the associated challenges. To ensure comprehensive preparation, the Applicant undertook ground investigations in Q2 and Q3 2023 and Q2 of 2024, and will undertake further ground investigations in Q3 2024 along the length of the onshore ECC and 400kV cable corridor, including in areas with the potential to include silts in the grade 1 land. The results of the ground investigations will provide valuable insights to facilitate the detailed design. Following feedback from 19 trial pits along the onshore ECC and 400kV cable corridor in the grade 1 areas in 2023, there were no observed free-flowing running sand or silts. However, it is important to note that this does not rule out the possibility of encountering running sand or silt pockets along the onshore ECC. Ground investigations undertaken in 2023 to the south of the A52 did encounter running sand/silts at one location. This location is not affected by the order limits for the onshore ECC.</p> <p>At the detailed design and installation stage, in partnership with the contractor (not appointed at this stage), the Applicant will develop a mitigation strategy to address instances should running silt/sand be encountered. This work method will be reviewed to facilitate the suitable management of the ground and adopt the most appropriate technologies that best suit the situation. The technology/methods are subject to the detailed engineering appointment of a contractor.</p>
<p>RR-094.006</p>	<p><b>Dust Contamination</b></p> <p>Cropping in the grade 1 silt land comprises predominantly of vegetables being particularly susceptible to dust contamination. Even low levels of dust contamination will discolour vegetable crops resulting in rejection by retailers and total loss of crop for growers. These losses may result in some producers being unable to satisfy their retail contracts and potentially incur contractual penalties. Silts are light and frangible when dry, being particularly susceptible to wind blow.</p>	<p>The Applicant understands the damage that dust can cause to the produce grown across the onshore ECC and 400kV cable corridor and have therefore included within the Outline Code of Construction Practice (APP-238) methods to reduce dust. These include the following mitigation measures:</p> <ul style="list-style-type: none"> <li>• Wheel washers and dust suppression measures to be used as appropriate to prevent the migration of pollutants (SuDS Manual)</li> <li>• Covers will be used by lorries transporting materials to/ from site to prevent releases of dust/ sediment to watercourses or drains.</li> </ul>

ID	Relevant Representations	Applicant Response
		<ul style="list-style-type: none"> <li>Implementation of a Dust Management Plan which will contain controls to minimise or remove impacts</li> <li>Storage of sand and other aggregates in bunded areas and ensuring these are not allowed to dry out unless required for a particular process</li> <li>Ensuring bulk cement and other fine powder materials are delivered in enclosed tankers and stored with suitable emission control systems to prevent the escape of material during delivery</li> </ul> <p>The Outline Construction Traffic Management Plan [APP-289] paragraph 58 includes the following detail on speed limits on haul roads:</p> <ul style="list-style-type: none"> <li>The site speed limit shall be 15mph on all haul roads and must be adhered to at all times. Appropriate speed limits within the TCCs would be set. Speed limit signs shall be installed on haul roads.</li> </ul> <p>The Outline Soil Management Plan (APP-271) also addresses dust via wind erosion in Section 5.9. It states that:</p> <ul style="list-style-type: none"> <li>In the period when grass cover is establishing on the stockpiles, and where required during dry weather, the stockpiles will be watered to prevent wind erosion (generation of dust) and to ensure that the seeds establish.</li> </ul> <p>The Applicant arranged to meet with the LIG on the 4<sup>th</sup> of September to discuss the concerns surrounding the oCOCP and take on board any further comments they may have in relation to the oCOCP. The Applicant awaits specific feedback from the LIG and if applicable the Applicant will update the oCOCP.</p>
RR-094.007	<p><b>Liability</b></p> <p>The terms offered by the scheme place liabilities for damage on the landowner which in addition to the above issues make entering into a voluntary agreement irresponsible. All of the above contributes to an overall failure to reassure landowners/stakeholders that ODOW's cable can and will be installed and maintained at the proposed depth, that the industry standard depth is adequate, and that reinstatement will be sufficiently successful to allow agricultural operations to resume following hand-back of the land. The behaviour of soils and the nature of agriculture in the silt land in particular means that Grantors need indemnifying by the project against accidental damage to the cable. Accidents involving such infrastructure have the capacity to extinguish even the most successful and well-established farming businesses on account of the potential scale of costs/losses that it could result in and therefore, assurances that individuals or businesses will not be expected to cover these provided they were acting reasonably is not satisfactory protection.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-094.008	<p><b>Occupiers Consent</b></p> <p>As part of the negotiation process the Occupier's Consent has been discussed with a view to protect seasonal occupiers from the potential risks that will arise from the scheme however the final wording of this document remains unnegotiated days before landowners are meant to sign the documentation of which the 'Occupiers Consent' forms part. As a result the deadline imposed for the signing of the documentation is unreasonable unless it is signed on the basis that the Occupier's Consent will continue to be negotiated after the deadline imposed by the scheme.</p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier's consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-094.009	<p><b>Preservation of terms agreed under the Heads of Terms [HOT's]</b></p> <p>The parties have negotiated Heads of Terms over an extended period, which are too detailed to include here. These HoT's include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained</p>	<p>The Applicant notes the position.</p>

ID	Relevant Representations	Applicant Response
	within the HoT's is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.	
RR-094.010	<p><b>The provision of incorrect documentation</b></p> <p>A significant number of the engrossments have been issued to some solicitors with errors with only a matter of days before the deadline for signing resulting in landowners and occupiers not being in a position to meet the deadlines imposed by the scheme.</p>	The Applicant understands that errors in the engrossments referred to have been rectified and this matter is resolved.
RR-094.011	<p>Objection: Roseanna Skelham, Elizabeth Amy Schweikhardt &amp; Victoria Jane Whitewill continue to engage with ODOW in an attempt to constructively resolve the issues highlighted and endeavour to reach a voluntary agreement. However, given the potential scope and extent of the concerns outlined above to negatively impact the agricultural operations on the affected land indefinitely and in turn, the wider business Roseanna Skelham, Elizabeth Amy Schweikhardt &amp; Victoria Jane White must strongly object to the Development Consent Order application. Roseanna Skelham, Elizabeth Amy Schweikhardt &amp; Victoria Jane Whitereserves the right to continue to make representations throughout the Examination process if necessary to protect their position. It is not felt that at this stage the representatives of the scheme have provided the necessary assurances and undertakings that that the design of the scheme will differ to address the specific issues that will arise where the scheme crosses silt land Should the Examining Authority require any additional information in relation to this representation, please contact Daniel Jobe of Brown &amp; Co LLP [REDACTED]</p>	

### 1.95 RR-095 Hub Rural Ltd on behalf of Mark Skipworth and Betty Skipworth

ID	Relevant Representations	Applicant Response
RR-095.001	<p><b>Relevant Representation</b></p> <p>The content below is a relevant representation by the Interested Party in connection with the Project. Terms defined in this letter shall have the following meaning:  Interested Party - Betty Skipworth and The Executor of the Estate of the Late William Garfield Skipworth  Project - Outer Dowsing Offshore Wind Project  Property - Land on the east side of Southfield Lane, Fishtoft</p> <p>The Interested Party is required by the Project to:  Enter into an Option Agreement and Deed of Grant of Easement to lay cables on part of the Property. The current position. Option Agreement for Cable Easement. The Interested Party and Project have agreed heads of terms for the Option Agreement to lay cables. The Interested Party and the Project are in negotiation as to the model form of Option Agreement for the laying of cables for the benefit of the Project. At the time of this representation the Interested Party has not received a form of Option Agreement and Easement specific to the Interested Party. The legal terms for an Option Agreement remain to be agreed. Please refer to the list set out under "Representations of the Interested Party" for those terms which are being recognised between the interested Party and the Project. Representation of the Interested Party</p> <p>The Interested Party would like to make the following representations:</p>	

ID	Relevant Representations	Applicant Response
	<p>The Interested Party is agreeable to proceeding with the Option Agreements for cable easements subject to the form of Option Agreement and Cable Easement being agreed. The legal wording remains with the respective solicitors for the Interested party and the Project to be agreed. At the current time, the following has not been agreed:</p>	
RR-095.002	<p><b>Cable Depth</b></p> <p>The Project has ignored representations about how deep the cables should be. Concerns are with running silts, wet winter weather and rutting caused by the need to travel under all ground conditions due to need to deliver against supermarket contracts. With the cable only at 1.2 m's, and ruts being up to 1m deep [as seen this winter just gone], there will be very little cover over the cable.</p>	<p><b>Cable Depth</b></p> <p>The Applicant understands the concerns regarding the silts and cable depths. The Applicant has therefore taken upon themselves to deviate from the industry standards as set out for UK transmission assets (as detailed in the Energy Networks Association, Engineering Recommendation G57. Issue 2, 2019 clause 4.2) of a minimum cable depth of 0.9m and agreed a deeper minimum burial depth of 1.25m. There is precedent of comparable projects successfully installing and operating cables and pipelines at a similar depth in south Lincolnshire. It is also noted that comparable projects have successfully installed and operate cables in the same soil type in south Lincolnshire.</p> <p>Triton Knoll offshore wind farm, which is situated approximately 6.5km and 10km north of the ECC, onshore export cables were buried at a depth of 1.1m from Ground level to top of tile in conditions with land drainage, similar and the same ground conditions and land classifications to the North and West of Boston. The Viking Link's interconnector cables were buried to a depth of 1.25m. There also is the National Gas Feeder Main (National Gas – Feeder Main 7 – Gosberton to Tydd St. Giles) gas pipeline running north to south with two pipelines to Spalding power station (South of the River Welland) which is installed in grade 1 silt soils and the same soil classification as the Onshore ECC. Upon review of the terms agreed (these are publicly available via HM Land Registry), it is clear that the gas pipeline is installed at a depth of 1.1m from the original surface to the crown of the pipe, which includes a restriction on the depth of agricultural operations to 0.577m. During consultation the Applicant has received no reports from the owner of the land above the gas pipelines that the depth has caused any issues.</p> <p>The Applicant notes, from land drainage consultation undertaken by the Applicant and plans obtained from landowners along the route, that generally the land drainage schemes along the onshore export cable corridor (ECC) and 400kV cable corridor are installed at a depth of between 0.9m-1.0m to enable optimal land drainage and to avoid damage to the drainage schemes from farming operations that are being carried out on the land above the drainage apparatus. The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p>The Applicant has recently completed extensive ground investigations (campaigns in Q2 and Q3-2023 and Q2 and Q3-2024) along the onshore ECC and 400kV cable corridor including the Fenland silts. The results of these ground investigations provide factual data on the ground conditions. This will allow the Applicant to confirm, at the detailed design stage with the contractor (not appointed at this stage), that the assumptions made to date are correct and determine the appropriate installation methodology. The Applicant is assessing the results and will utilise this data to understand the specific mitigation measures that will be set out in the final plans submitted to discharge the requirements in the draft Development Consent Order (document 3.1, version 3) post-consent.</p> <p><b>Sinking Machinery</b></p> <p>The Applicant acknowledges the expressed concerns with regard to sinking machinery in periods of heavy/prolonged rainfall. The Applicant has been made aware of instances during the winter of 2023 and 2024 (regarded as the 8th wettest winter in history with one of the wettest areas being eastern England (MetOffice, 2024) where machinery has sunk and has caused rutting. There have been instances where the Applicant has been invited to see the depth of these ruts first hand. The Applicant notes from site inspections that the rutting was, at its deepest, between 0.6m and 0.7m from ground level. The voluntary option agreements that the Applicant is seeking with all landowners along the onshore ECC and 400kV cable corridor permits farming to resume over the installed cables to a depth of 0.75m. The depth of the ruts caused by machinery sinking that have been observed by the Applicant would therefore be within this permitted depth. The Applicant understands that rutting will need to be removed by lifting at a greater depth, however this is likely to be undertaken in the Spring when weather conditions permit and the ground conditions are more</p>

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		<p>preferable. The option agreements have a mechanism whereby the landowner/occupier is permitted to work at a depth of greater than 0.75m with the Applicants approval. This process is in place to maintain the integrity of the cable and safety of those working the ground. The Applicant therefore feels that even in these circumstances a landowner/occupier shall still have the ability to recover machinery and remove rutting but it will be conducted in a safe and controlled manner.</p> <p>The Applicant is of the opinion that the cable being buried at a depth of 1.25m will not interfere with day-to-day farming operations.</p> <p><b>Infrastructure monitoring</b> The export and 400kV cables will be installed to at least the minimum depth of 1.25m. Provided agricultural operations above the cables are carried out in accordance with the restrictions set out, there would be no risk that the cable would come into conflict with normal agricultural operations. The Applicant therefore does not see any reason to complete long-term monitoring of the buried asset for the purpose of ensuring that no such conflict exists.</p> <p>The Applicant, through discussions with the LIG, understands that there is a concern that the cables could rise from where they are placed in the ground and interfere with agricultural operations. The Applicant is unaware of any instances of buried electricity cables of this nature coming to the surface and has yet to be made aware of any such cases by the LIG or landowners. We note that Triton Knoll and Viking Link have cables buried at some locations in similar and the same silty soils, and no issues have been reported with these cables rising within the land once buried.</p> <p>The installed cables shall be designed and installed to remain at their determined burial placement in the ground. This will be done at the detailed engineering stage through the review of the cable arrangement and associated bedding materials concerning the location and nature of the ground (following the ground investigation data and through discussions with stakeholders). The cross-section area of the cable infrastructure consists of homogenous and dense materials that shall allow for a harmonious interaction with the native material and thus ensure natural balance within the ground. The Applicant is therefore confident that the cables will remain at their burial depth.</p>
RR-095.003	<p><b>Limitation of Liability</b> The Project are aware of the above concern and notwithstanding have refused to enter a reasonable cap of liability in the event of damage to cables. The liability is currently unlimited. Any damage to the cable will result in a claim for value in excess of the typical farming operation. Food security is of national interest and should be balanced against this countries energy security which is also of national interest. The Project has refused to put in place adequate insurance to protect against possible damage to cables by Farming Operations.</p>	<p>The Applicant has confirmed to the LIG that it would only anticipate any liability arising if damage is caused to infrastructure as a direct result of negligent/wilful behaviour.</p>
RR-095.004	<p><b>Reinstatement of land Drainage</b> Drainage impacts – the suggested depth of the cables may make it impossible to reinstate the drainage system due to both the cables and the land drainage being in the same depth profile – water doesn’t flow up hill, and so where this issue arises, it will be necessary to redrain fields as reinstatement will not be possible.</p>	<p>The Applicant is fully aware of the importance of drainage in the locality which is why it has procured the services of a local land drainage expert to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. The pre and post construction drainage schemes will also address the diversion or interruption of any water supplies and the management of irrigation systems. This is set out within the oCOCP, [APP-268, paragraph 104]. Prior to commencement of construction of any stage of the onshore works, a code of construction practice (which must accord with the oCOCP) must be submitted to the relevant planning authority for approval under requirement 18 (Code of construction practice) of the draft DCO (document 3.1, version 3).</p> <p>Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revise plans.</p> <p>The Applicant is aware that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained.</p>
RR-095.005	<p><b>Occupiers and Crop loss</b></p>	<p>The Applicant has produced a document which enables occupiers who are not party to the Option Agreement but occupy land within the order limits, to claim compensation for losses directly from the Applicant. This document</p>



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	Occupiers other than landowners - specifically, the process of acknowledging their existence and rights the third party has to compensation and other protections – in the absence of reasonable binding agreements on all parties, the landowner will be commercially disadvantaged if the potential third parties do not wish to risk taking land that is impacted without adequate compensation protections.	<p>replicates the compensation terms which are included within the Option Agreement for a Deed of Easement. There have been on-going negotiations of the occupier’s consent with the relevant legal representatives.</p> <p>72% of landowners, for landfall and the Onshore ECC, have signed Option Agreements incorporating a draft Occupier's Consent.</p>
RR-095.006	<p><b>Encumbering Land</b></p> <p>The extent of the areas to be encumbered by the Option Agreement are to be approximately 560 metres in width. The Interested Party cannot agree to encumber land beyond that which is required for the implementation of the Project. The Option width is 60 metres for the laying of cable and undertaking works within the easement strip. The Interested Party has agreed this but cannot be expected to encumber land equal to 560 metres in width.</p>	The landowner has signed Heads of Terms with the extent of the Option clearly defined. The Applicant has liaised with the landowner’s solicitor to agree the extent of the Option for a voluntary agreement and the extent of temporary possession required.
RR-095.007	<p><b>Summary</b></p> <p>The agents and lawyers for the various interested parties involved with the Project have acted in good faith in trying to meet the deadlines set by the Project, to preserve the negotiated deals per the agreed Heads of Terms that exist in each case. By the Projects own delays in agreeing the legal documentation, the Project has created a situation where it will not be possible for documents to be signed in time, thus losing the incentives offered under the heads of terms. One interpretation of this situation is that it is deliberate, such that by a combination of the dates, the interested parties neither has a binding agreement and is therefore without the consequential financial settlement nor the opportunity to make representations clearing the way for unchallenged CPO application. Should the Project revert with a reasonable proposal that deals with the points made in this Representation, and this is legally contracted, the Interested Party will be agreeable to the withdrawal of the Representation. The parties have negotiated Heads of Terms (HoT’s) over an extended period, which are too detailed to include here. These HoT’s include agreements on multiple commercial, practical and legal issues which were deemed pertinent, and agreed, by both sides in the process. If the ability to rely on the terms contained within the HoT’s is removed consequent to the failure to complete legal documentation, we reserve the right to bring these points back into the representation process at a later date as relevant.</p>	<p>The Applicant has not prevented any person from making representations to the Examining Authority. The Applicant has stipulated within the Heads of Terms that parties to those Heads of Terms are free to make representations regardless of whether the landowner signed the Heads of Terms. As evidenced by this party’s relevant representations to the Examining Authority they have not been prejudiced or prevented from making such a representation.</p> <p>The Applicant has honoured the commitment to incentive payments set out in the Heads of Terms.</p>