

# Outer Dowsing Offshore Wind

## The Applicant's Response to Transboundary Consultation Responses

Procedural Deadline 19 September

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## Acronyms & Definitions

### Abbreviations / Acronyms

Abbreviation / Acronym	Description
ADD	Acoustic Deterrent Devices
AEoI	Adverse Effects on Integrity
CRM	Collision Risk Modelling
DCO	Development Consent Order
DML	Deemed Marine License
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NRA	Navigational Risk Assessment
PEIR	Preliminary Environmental Information Report
SPA	Special Protected Area

## **1 The Applicant's to Transboundary Consultation Responses**

1. Transboundary responses were published to the Planning Inspectorate website on the 15<sup>th</sup> of August. The Applicant has responded to each Consultation response in the tables below.
2. The Applicant notes that Denmark has made representations both as an Interested Party via Relevant Representations and separately as a result of the Transboundary 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) as well as this document.

## 1.1 Netherlands

ID	Comment	Applicant Response
1.1.1	We have not been able to find whether any mitigating measures are taken for underwater noise. Whilst no direct effects of this are expected in Dutch waters, but there will be displacement potentially to Dutch waters. For this reason, it would still be good to consider at mitigating measures. Examples include the prior deployment of an Acoustic Deterrent Device (ADD) followed by a 'slow and soft' start, and measures such as a bubble curtain could also be used during pile driving.	A range of mitigation measures have been considered by the Applicant but the specific mitigation measures to be deployed will not be confirmed until post-consent during the pre-construction phase through the approval of the Marine Mammal Mitigation Protocol (MMMP) by the Marine Management Organisation (MMO) as secured in condition 13(1)(f) of Schedule 10 (Generation Assets Deemed Marine Licenses (DML)) of the draft Development Consent Order (DCO) (document reference 3.1). Details of the mitigation measures considered by the Applicant, including the use of Acoustic Deterrent Devices (ADDs), 'soft start', and Noise Abatement Systems (which may include bubble curtains) is set out the Outline MMMP for Piling Activities (document reference 8.6.1).
1.1.2	For birds, it is not (clearly) described whether species could be disturbed by the wind turbines during migrations.	The Applicant has undertaken an assessment of the potential impacts to migratory species within the ES Chapter 12 Offshore and Intertidal Ornithology chapter (AS1-040), including Chapter 12 Appendix 5 Migratory Collision Risk Modelling (APP-166). The impact assessment focuses on the risk of collision to migratory species, rather than whether they may be "disturbed", as set out within the Scoping Opinion (The Planning Inspectorate, 2022). For other seabirds, all impacts (e.g. displacement and collision risk) are considered throughout all relevant stages of the Project life cycle, as a Project alone, in combination and cumulatively. The results of these assessments and are also detailed within ES Chapter 12 Offshore and Intertidal Ornithology chapter (AS1-040), and Chapter 12 Appendix 5 Migratory Collision Risk Modelling (APP-166). The potential for Adverse Effects on Integrity (AEI) of any Special Protected Areas (SPA) and associated ornithological features and any proposed mitigation measures, are assessed and presented within the Report to Inform the Appropriate Assessment (AS1-95). Where an AEI cannot be ruled out or there is a difference in opinion on the potential for an AEI with the statutory advisor (Natural England), compensation proposals or without Prejudice compensation proposals are set out by the Applicant in documents (APP249-APP259 (inclusive)).
1.1.3	In the Netherlands, permits for wind turbines larger than 1000ft+ (305 meters) are not yet granted. We wonder whether there are any implications for any migratory birds, specifically due to the greater height.	As outlined above, the Applicant has undertaken migratory Collision Risk Modelling (CRM) as set out in Chapter 12 Appendix 5 Migratory Collision Risk Modelling (APP-166) which has informed the impact assessment. The Applicant is confident that impacts to migratory seabirds have been appropriately considered within the Application, with the uncertainties and limitations of the studies and assessments clearly set out and considered when drawing conclusions.
1.1.4	We are pleased to see that our earlier requests for a focus on commercial species and fishing gear relevant for the Dutch fleet have been further investigated. The focus on cumulative impact of wind energy and MPA measures on commercial fisheries is very important and contributes significantly to a transparent and thorough impact assessment. The Netherlands uses a similar approach but also focuses on the (cumulative) impact on the fishing communities and supply chain. The loss of specific fishing grounds may lead to an impact further on in the supply chain and/or fishing community. Further impact assessments and mitigation measures should also take these aspects into account.	The comment is noted by the Applicant.
1.1.5	We very much appreciate the systematic approach and the stakeholder process, and we would welcome the opportunity to stay involved in the remainder of the process on a regular basis.	This comment is welcomed by the Applicant.

## 1.2 Denmark

ID	Comment	Applicant Response
1.2.1	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 ODW project reducing the	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

ID	Comment	Applicant Response
	<p>northern extent of the OWF 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>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 Project reductions made post submission of the Preliminary Environmental Information Report (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 15th 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>

### 1.3 Germany (translated by the Applicant)

ID	Comment	Applicant Response
1.3.1	<p>I would like to thank you for your participation in the above-mentioned planning procedure and take the following position:</p> <p>The plans envisage the construction of an offshore wind farm plus ancillary facilities and grid connection in the UK's Exclusive Economic Zone about 30 nm off the east coast of England. The grid connections are to run in the direction of the east coast of England.</p> <p>As I understand it, the purpose of the notification at the present stage of the procedure is to inform the neighbouring states that may be affected about the project with the aim of examining the need for further participation.</p> <p>According to initial consideration, no adverse effects on or impairment of the safety and ease of shipping traffic in the German Exclusive Economic Zone or in traffic to and from the German seaports are discernible as a result of the project at issue in the proceedings. I do not consider further participation in the proceedings to be necessary</p>	<p>The comment is welcomed by the Applicant.</p>
	<p>Since the planning is located in the British exclusive economic zone off the north coast of England, it is unlikely that the microwave radio in Germany will be affected. There will be no further evaluation on our part.</p>	<p>The comment is welcomed by the Applicant.</p>

ID	Comment	Applicant Response
1.3.2	<p>After reviewing the documents submitted by the British applicant "GTR4 Ltd", I come to the following conclusion:</p> <p>Opinion Reference Documents</p> <p>[1] ANSCHREIBEN - Gesetzliche Vorabanhörung nach § 42 des Planungsgesetzes 2008; GT            [2] § 48 DES PLANUNGSGESETZES 2008 - VERORDNUNG 4, DIE INFRASTRUKTURPLANUNG (ANWENDBAR BEKANNTMACHUNG EINES VORGESCHLAGENEN ANTRAGS AUF ERTEILUNG EINER GENEHMIGUNGSANORDNUNG FÜR CONST WIND; GTR4 GmbH; London (Vereinigtes Königreich);</p> <p>Assessment            After examining the documents, it can be determined that the project area of the British offshore wind farm "Outer Dowsing" is located about 54 km east of the British city "Mablethorpe" is located in the British EEZ.</p> <p>The shortest distance to the German EEZ border (North Sea) is approx. 253.6 km.            Due to the very long distance to the German EEZ and the fact that the project area is completely covered by the Dutch EEZ, no direct effects can be assumed on the flight operations taking place in the German EEZ or on the operational usability of the air traffic infrastructure maintained in this area.</p> <p>Result            There are therefore no concerns. It is therefore not necessary for BSH aviation personnel to participate in the EIA procedure.</p>	<p>The comment is welcomed by the Applicant.</p>
1.3.3	<p>Thank you very much for your participation and for passing on the information about the two planned British OWPs. We have examined the documentation superficially and have come to the conclusion that there is no need for action either from the aviation technology or aviation law level, as things stand at present. This is due to the long distance (from an aviation point of view) to the German EEZ border or to the LF infrastructures we manage.</p> <p>Nevertheless, please keep us up to date when there is new information. We will check these and contact you if you have any concerns.</p>	<p>The comment is welcomed by the Applicant.</p>
1.3.4	<p>We do not see any concern for the interests of O1 due to the coastal location of the project (&gt; 250 km distance to our EEZ) and refrain from commenting on the planned "Outer Dowsing" OWP. I do not consider it necessary to participate in the EIA procedure.</p>	<p>The comment is welcomed by the Applicant.</p>
1.3.5	<p>Thank you for the participation. We are interested in continuing to participate in the EIA process. With regard to your second question on the scope of the assessment of the environmental impact of the project on Germany, it should be noted that the document "Environmental Protection Statement Non-Technical Summary" does not contain any statements or assessments on possible cross-border effects. In this respect, we cannot examine this point at this point at this time. The statements on possible effects on individual protected assets in the project area of the UK are very general and are difficult to understand without the actual USE report.</p>	<p>The Non-Technical Summary is intended to be a high level, easily accessible, summary of the conclusions of the ES. Detailed assessments of potential transboundary impacts are set out within separate sections in each of the technical aspect chapters. For example, the transboundary impact assessment for Marine Mammals is set out in section 11.9 of ES Chapter 11 Marine Mammals (APP-066), the transboundary assessment for Fish and Shellfish Ecology is set out in section 10.9 of ES Chapter 10 Fish and Shellfish Ecology (APP-065) and the transboundary impact assessment for Offshore and Intertidal Ornithology is set out in section 12.12 of ES Chapter 12 Offshore and Intertidal Ornithology (AS1-040).</p>

ID	Comment	Applicant Response
	Can the full USE report be requested? However, this would have to be supplemented by assessments of possible cross-border effects for further examination, if such statements are not already included in the full report.	
1.3.6	Due to absences (I had informed the RefL), we cannot give any feedback on the marine mammal conservation asset. Soil and benthos/biotopes is also not occupied. However, the project has no relevance for these protected interests anyway due to the distance.	The comment is noted by the Applicant.