



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Outer Dowsing Offshore Wind Farm

Appendix C1 to the Natural England Deadline 1 Submission
Natural England's comments on Benthic Ecology Documents
[PD1-059, PD1-067, PD1-081, PD1-091, PD1-095, PD1-097]

For:

The construction and operation of Outer Dowsing Offshore Wind Farm located approximately 54 km from the Lincolnshire Coast in the Southern North Sea.

Planning Inspectorate Reference EN010130

24th October 2024

Appendix C1 - Natural England's Advice on documentation submitted and updated related to Benthic Ecology.

1) Introduction

In formulating our advice, the following documents have been considered:

- [AS-004] 6.3.9.2 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) v2
- [PD1-043] Outline Cable Specification and Installation Plan
- [PD1-059] 8.13 Schedule of Mitigation V2 Tracked
- [PD1-067] 8.22 Outline Biogenic Reef Mitigation Plan Tracked
- [PD1-069] 9.2 Cable Statement
- [PD1-081] 15.9 Environmental Report for the Offshore Restricted Build Area (ORBA) and Revision to the Offshore Export Cable Corridor (ECC)
- [PD1-082] 15.9A ORBA and Revision to the Offshore ECC Appendix A Figures_Part 1
- [PD1-083] 15.9A ORBA and Revision to the Offshore ECC Appendix A Figures_Part 2
- [PD1-091] 15.10 HRA for the ORBA and Revision to the Offshore ECC
- [PD1-095] 15.13 Envision Offshore Export Cable Corridor Sabellaria Imagery Analysis
- [PD1-097] 15.15 Disposal Site Characterisation Report

2) Summary of Advice

1. Natural England welcomes the submission of the above documents in relation to benthic ecology. Given the volume of documents submitted, for Deadline 1 Natural England has primarily focussed our review on the updated technical reports [AS-004 and PD1-095] which inform the impact assessments.
2. Natural England advises our position remains as advised in our relevant representations [RR-045] 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 supporting habitat for Annex I *Sabellaria spinulosa* reef which we consider will be adverse effect to the Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC) and would require compensation. Natural England intends to provide further advice on our position regarding impacts to *Sabellaria spinulosa* supporting reef habitat at Deadline 2.

3. Natural England provides the following advice to the documents submitted into examination since our relevant and written representations [RR-045] were provided.

3) Baseline Characterisation and ECC *Sabellaria* Imagery Analysis [PD1-095 and AS-004]

4. We welcome the Applicant's response [PD1-071] to Natural England's concerns raised in our relevant representations [RR-045] in relation to the transparency in methods and analytical techniques used to determine the extent and distribution of *Sabellaria spinulosa* Annex I reef presented in the Appendix 2 Benthic Ecology Technical Report (ECC) v2 [AS-004] and the Envision ECC *Sabellaria* imagery analysis report [PD1-095].
5. However, these clarifications and commitments have not been incorporated into the technical documents and are therefore not sufficient in themselves to be relied upon both during the consenting phase and post consent for this project and any subsequent projects wishing to reference the reports. Natural England, therefore, advises that for the scientific technical reports to be relied upon, the clarifications provided by the Applicant prior to Deadline 1, should be incorporated into the documents, for example as a forward note or appendix, if not within the relevant sections themselves.
6. While these clarifications (once included within the technical documents) address the majority of our concerns regarding the analytical approach to the determination of Annex I *S. Sabellaria* reef, the Applicants' response does not address our concerns regarding supporting reef habitat. Natural England intends to provide further detailed advice on this matter at Deadline 2.

4) Removable Cable Protection within IDRBNR SAC

7. Natural England notes from the Applicant's response [PD1-071] that the Applicant is committing to using removable cable protection within the Annex I Sandbank feature of the IDRBNR SAC.
8. The Applicant has cited Peritus International Ltd (2022) as a reference to support their conclusion of high confidence that cable protection can be removed.

However, the reference paper has not been provided for review so Natural England is unable to comment on whether we agree with sufficient level of confidence, that cable protection can be removed. Natural England advises that the Peritus International Ltd (2022) paper is submitted into examination for review.

9. While the Applicant has committed to installing removable cable protection within sandbank features within the SAC, Natural England advises that this commitment is extended to the whole of IDRBNR SAC.

5) Outline Biogenic Reef Mitigation Plan [PD1-067]

10. Natural England welcomes the inclusion of pre-application advice within the Outline Biogenic Reef Mitigation Plan Rev 2 [PD1-067].
11. Natural England welcomes the commitment within the Outline Benthic Mitigation Plan [PD1-067] and the Schedule of mitigation [PD1-059] to avoid cable installation within the Marine Management Organisation (MMO) fisheries byelaw area. The Applicant has stated that ancillary works may be undertaken within the MMO byelaw area. Natural England advises that the mitigation should commit to no works including ancillary works within the byelaw area.
12. The commitment within the Outline Benthic Mitigation Plan [PD1-067] and Outline Cable Specification Installation Plan (CSIP) [PD1-043] to microsite boulders around biogenic reef is welcomed. However, to resolve this issue the Applicant should set out how the placement of boulders will not adversely impact marine physical processes and within the SAC ensure that they are deposited in similar habitat, whilst also replicating the structure and function of the interest feature.

Evidence Used

13. The Biogenic Reef Mitigation Plan [PD1-067] paragraph 9 references the Envision *Sabellaria* Analysis Report [PD1-095]. The Envision report includes a generic statement relating to the evidence used to underpin the report conclusions: "*Project specific data, along with any relevant third-party data (e.g. national datasets and archives), were reviewed to assess the likely location and probabilities of Sabellaria reef within the cable corridors*".

In the absence of more detailed information relating to the methods used (i.e. targeted/untargeted surveys), age and spatial coverage of Annex I reef data within the ECC, we cannot agree that the evidence presented within the Envision Report (Appendix 9.5; document reference 6.3.9.5) can be used to conclude “*no historical presence of S. spinulosa reef*”.

14. Natural England advises the statement “*no historical presence of S. spinulosa reef occurring within the offshore ECC*” either needs to be removed altogether, or further evidence is required (which dates back to the point in time of IDRBNR SAC designation) to support the statement.

Mitigation Approach

15. As previously advised [RR-045], Section 5 of the Outline Benthic Mitigation Plan has insufficient level of detail. The Applicant is required to present a robust and well considered approach to benthic mitigation that demonstrates that mitigation is secured and feasible, particularly in relation to Annex I *S. spinulosa* reef.
16. Noting the importance of potentially supporting habitat, and areas of 'potential reef' in maintaining the total feature extent, Natural England advises that micro-siting as mitigation, particularly within the IDRBNR SAC, should be extended to include areas where evidence suggests there is a risk of potentially supporting reef habitat being impacted in the longer term. Therefore, Natural England advises that mitigation measures and commitments made, need to appropriately consider sediments with the potential to support Annex I *S. spinulosa* reef. Detail on how these habitats will be identified and avoided, should be included within the relevant mitigation plans and documents.
17. We continue to advise that the details within the updated mitigation plan are insufficient to provide the necessary level of confidence that the pre-construction surveys be appropriately designed and targeted to provide the data to effectively implement mitigation measures relevant to Annex I reef and supporting habitats.
18. We note the Applicants response to our Relevant Representations [RR-045] “*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)." However, this commitment has not made its way into the relevant plans and documents as a requirement to inform mitigation for Annex I reef and/or supporting sediments and therefore we advise that no reliance can be placed on this. We advise this is incorporated within the appropriate plans and documents to secure this approach.

6) Disposal Site Characterisation Report [PD1-097]

19. Natural England welcomes the characterisation of disposal areas [PD1-097] and advises that this information should be used to inform the mitigation measures within the Schedule of Mitigation V2 [PD1-059]. More specifically, the characterisation information should be used to ensure that "dredged material will be deposited within an area of similar sediment characteristics" as detailed in Table 1.1 of the Schedule of Mitigation [PD1-059].

20. We maintain our advice provided in our Relevant Representations [RR-045] that disposal sites within the IDRBNR SAC should be upstream of the Annex I sandbank feature and be deposited using a fall pipe to help facilitate recovery and minimise wider environmental impacts. We advise this is included within the Disposal Site Characterisation Report.

21. Natural England defers to the MMO and CEFAS to agree the proposals for sediment samples in terms of contaminants.

7) Environmental Report and Habitats Regulation Assessment for the ORBA and Revision to the Offshore ECC [PD1-081, PD1-082, PD1-083, PD1-091]

22. As outlined within our Deadline 1 Cover Letter, it is recognised the ExA has set out within the Rule 8 Letter [PD-011] that responses to submissions from the Applicant which relate to the inclusion of an Offshore Restricted Build Area (ORBA) proposed as mitigation and the revision to the Export Cable Corridor (ECC) are not required for Deadline 1. As Natural England had already taken the opportunity to begin our review, we can provide the following high-level advice to the benthic aspects of the proposed changes, with more advice to follow (where necessary) at a later deadline.

23. Natural England agrees that the proposed inclusion of the ORBA and the removal of the optionality for a northern route from the offshore ECC will not result in a material difference in the impacts upon benthic receptors in comparison to those which were assessed within the Applicant's Environmental Statement [APP-064] and RIAA [AS1-096], and included within the HRA for the ORBA and Revision to the Offshore ECC [PD1-091].

However, Natural England highlights that the removal of the northern route optionality, also removes the option to avoid impacts occurring on Inner Dowsing Annex I Sandbank, which would have been a key mitigation measure.

24. Thus, Natural England continues to disagree with the Applicants RIAA conclusion and reiterates our advice provided in our relevant representations [RR-045]. 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 will have an adverse effect and would require compensation. Until this is resolved Natural England does 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 implications for compensation requirements.