

Date: 13 December 2024
Our ref: Case: 17783 Consultation: 495640
Your ref: EN010130



National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

BY WEBSITE PORTAL ONLY

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Dear Sir/Madam,

Application by GT R4 Limited (trading as Outer Dowsing Offshore Wind) for an Order Granting Development Consent for the Outer Dowsing Offshore Wind Project

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

1. Natural England's Deadline 3 Submissions

For Deadline 3, Natural England has reviewed the documents relevant to our statutory remit submitted by the Applicant at Deadline 2 on 27 November 2024. An update of Natural England's position regarding these documents is provided in Annex 1, including anticipated timing of responses where these are deferred. Natural England is also submitting the following Appendices, which include advice deferred from previous deadlines, as signposted from Annex 1:

- EN010130 495640 ODOW Appendix C2 - Natural England's Potential Evidence Based Approach to Defining Supporting Habitats for *Sabellaria spinulosa* Reef v1.0 Deadline 3
- EN010130 495640 ODOW Appendix C3 - Impacts on Supporting Habitats and Processes for Annex 1 *Sabellaria spinulosa* reef within Inner Dowsing Race Bank and North Ridge SAC Deadline 3
- EN010130 495640 ODOW Appendix E2 - Natural England's Advice on Marine Mammals Deadline 3
- EN010130 495640 ODOW Appendix F2 - Natural England's Advice on Offshore and Intertidal Ornithology Deadline 3
- EN010130 495640 ODOW Appendix G1 - Natural England's Advice on Seabird Compensation Calculations Deadline 3
- EN010130 495640 ODOW Appendix H2 - Natural England's Advice on Onshore Ecology - Noise and Vibration Management Plan [REP2-032] Deadline 3
- EN010130 495640 ODOW Appendix I2 - Natural England's Advice on Onshore

Ornithology Mitigation/Functionally Linked Land Deadline 3

- EN010130 495640 ODOW Appendix J3 - Natural England's NE Risk and Issues Log Deadline 3
- EN010130 495640 ODOW Appendix L - Natural England's Comments on the In Principal Monitoring Plan [APP-276] Deadline 3

2. Natural England's Engagement through Examination

Natural England continues to highlight to the Examining Authority (ExA) and the Applicant that the focus of our engagement during Examination will be on reviewing relevant updated Environmental Statement (ES) chapters/technical documents/outline plans or thematic clarification notes. We will not be responding to commentary on our submissions, other interested parties' representations/submissions or to comments from the Applicants or other stakeholders on the Risk and Issues Log, unless the ExA questions direct us to do so.

Where the Applicant considers their response to be sufficient, we reiterate that for issues to be considered resolved, an amendment or commitment will need to be included within the relevant secured named technical document or plan and reviewed within the wider context of the Application.

Natural England welcomes the resolutions of issues so far. However, we are keen to see the Applicant making further substantial progress earlier in Examination, rather than pushing back on aspects of our advice, which will leave outstanding issues unresolved until later in Examination.

3. Natural England's Advice Following Acceptance of the Offshore Restricted Build Area (ORBA)

Natural England welcomes the ExA's acceptance on 03 December 2024 for the Applicants Change Request to include an Offshore Restricted Build Area (ORBA) within the array area, given the primary mitigation aim was to reduce impacts on auks through restricting the area in which above water infrastructure can be installed. We note this is now secured in the DCO (including ORBA) [REP2-009].

In light of this acceptance, Natural England also welcomes the action from the Examining Authority at the December Issue Specific Hearings for the Applicant to update all HRA and ES documentation by Deadlines 4 and 5 respectively. In our Deadline 1 cover letter [REP1-057], we advised key ES chapters, in particular Offshore Ornithology and Marine Processes, should be updated to reflect the specific impacts of the 'post-ORBA' development, with clean and tracked change versions submitted into the Examination once the impact assessment has been significantly progressed. The Report to Inform Appropriate Assessment (RIAA) should also be updated in the same fashion. This will allow the ES to inform the post-consent phase as the key reference document for all parties and allow future developments to include an accurate quantification of the ODOW proposal in their cumulative and in-combination assessments, the ES being the standard source of such information. The Applicant's own cumulative and in-combination assessments should also be updated to reflect the post-ORBA development.

Following the ExA's acceptance of the ORBA, in our Deadline 3 submission Natural England sets out in Appendix F2 our initial advice regarding the impacts of the ORBA on Intertidal and Offshore Ornithology. It is important to note that there are still methodological issues that remain unresolved. These are set out in Annex 1 of Appendix F2, in the form of an updated table of the summary of disagreements for offshore assessment methodology provided as a response to ExA Q1 OR 1.2, from the First ExA Written Questions [REP2-095].

Natural England also refers the ExA and the Applicant to our Deadline 1 cover letter [REP1-047] and advice within Appendix B1 [REP1-058] regarding our concerns in relation to the potential implications of the ORBA on the Marine Processes impact assessment. Natural England's advice regarding Marine Processes remains unchanged.

4. Offshore Ornithology Compensation

Natural England understands, through correspondence with the Applicant, that it would be useful for Natural England's preferred approach to calculating the number of breeding pairs required for seabird compensation measures to be provided into Examination, in particular our position regarding species other than kittiwake. Appendix G1, sets out Natural England's current position that Hornsea 3 Stage 2 method should be used for all compensatory measures where it is considered necessary.

We note the Applicant's Deadline 2 submissions on Predator Control Evidence Base and Roadmap (Tracked) [REP2-026], Levels of precaution in the assessment and compensation calculations for offshore ornithology [REP2-057] and Lead-in periods for kittiwake breeding on Artificial Nesting Structures [REP2-060]. As indicated in Table 1 of Annex 1, due to our focus on offshore ornithology impacts with the introduction of the ORBA, Natural England defers our advice on these documents to Deadline 4, or a later deadline for REP2-060 depending on the status of the change request application.

5. Benthic Ecology – Impacts on Supporting Habitats and Processes for Annex I *Sabellaria spinulosa* Reef

In our Deadline 1 advice, Natural England advised our position remains as set out 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 remains the risk of lasting change/loss of supporting habitat for Annex I *Sabellaria spinulosa* reef from the placement of cable protection. We advise that the loss of supporting habitat will hinder the designated sites restore conservation objectives. Unless mitigation measures can be identified and secured we advise that adverse effect to the Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC) can't be excluded. We advised that an updated a derogations case for Annex I reef would be required.

As per our Deadline 1 commitment to provide further advice on this matter; Appendix C2 to Natural England's Deadline 3 submission, sets out a potential evidence-based approach to defining Supporting habitats for Annex I *Sabellaria spinulosa* reef. Appendix C3 provides further context in relation to the IDRBNR SAC Conservation Advice package, including guidance on supporting processes attributes on which qualifying natural habitats and the habitats of qualifying species rely. The intention is that the advice in both documents will

assist the Applicant in their assessment of impacts on supporting habitats and processes for Annex I *Sabellaria spinulosa* Reef.

6. Potential for a Lincolnshire Heritage Coast

When responding to the ExA's first set of Written Questions, Natural England did not have sufficient information to be able to provide an answer to question Q1 SV 1.2, concerning the status of the proposed Heritage Coast.

Natural England has been informed that the proposed Lincolnshire Heritage Coast designation is currently on hold and there is no timeframe for when further progress will be made. We will advise if there is any further update during the timeframe for examination.

7. Soil Management Plan

Natural England welcomes the commitment to provide a Soil Management Plan (SMP) within the DCO [REP2-009]. However, Natural England queries the Applicant on the reasoning behind its removal from the list of secured plans within the Code of Construction Practice (CoCP) in the updated Outline CoCP [REP2-030].

Natural England acknowledges the new requirement as part of Schedule 1 Part 3 Requirement 31 [REP2-009], which requires submission of a SMP, which must accord with the Outline SMP. Nevertheless, Natural England requests the requirement is amended to include a condition to consult the relevant Statutory Nature Conservation Body (SNCB), as it does not stipulate that the relevant Local Planning Authority (LPA) should consult the relevant SNCB on the submitted document prior to its approval.

8. Development Consent Order – Design Plan

Natural England acknowledges and welcomes the amendment as per our request to enable us as consultees on the Design Plan, in Schedule 10 Part 2 Condition 13 (1)(a).

9. Onshore Ornithology

As advised at Deadline 1, Natural England has reviewed the Applicant's documentation with respect to mitigation for onshore ornithology. Our advice is set out in Appendix I2.

10. Water Quality Management and Mitigation Plan

Natural England welcomes that a Groundwater Risk Assessment will be included within the Water Quality Management and Mitigation Plan, as highlighted in the Outline Code of Construction Practice [REP2-030]. Natural England will review the Groundwater Risk Assessment once it is submitted into Examination.

For any queries relating to the content of this letter please contact us using the details provided below.

Yours sincerely

Polly Mills and Ellie Casey
Norfolk and Suffolk / Sussex and Kent

E-mail: E-mail: [REDACTED]

Telephone: [REDACTED]

Annex 1: Natural England's Response/Summary Position to the Applicant's Documents Submitted at Deadline 2 and those deferred from Previous Deadlines		
REP2-001	1.2 Guide to the Application	Natural England has no comments to make on this document.
REP2-002	2.0 Schedule of Changes for Plans	Natural England has no comments to make on this document.
REP2-004	2.18 Onshore Crossing Plan	Natural England has no comments to make on this document.
REP2-005	2.5 Land Plans (Part 1 of 2)	Natural England has no comments to make on this document.
REP2-006	2.5 Land Plans (Part 2 of 2)	Natural England has no comments to make on this document.
APP-276	8.3 Offshore In Principle Monitoring Plan	Natural England's response to this document is provided in Appendix L
REP2-056	19.7 Array Layout Yield Study	Natural England has no comments to make on this document.
REP2-040	8.13 Schedule of Mitigation (Tracked)	Natural England's response to this document is provided in Appendix I2 and within this cover letter.
PD1-059	8.13 Schedule of Mitigation V2 (Tracked)	Natural England's response to this document is provided in Appendix I2 and within this cover letter.
REP2-049	18.14 Draft Statement of Common Ground with Natural England	Natural England has no comments to make on this document. As set out in our Rule 6 letter response, Natural England intends to engage with the Applicant on the final SoCG.
REP2-051	19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1)	Natural England has no comments to make on this document.
REP2-053	19.4 The Applicant's Comments on Deadline 1 Submissions	Natural England has no comments to make on this document.
REP2-055	19.6 Inter-relationship with other infrastructure projects	Natural England has no comments to make on this document.
REP2-064	19.15 The Applicant's Change Notification dated 27 November 2024	Natural England has no comments to make on this document.
REP2-065	19.16 The Applicant's Change Request dated 27 November 2024	Natural England has no comments to make on this document.
DCO		
REP2-007	3.1 Draft Development Consent Order (excluding ORBA)	Natural England has no comments to make on this document.
REP2-009	3.1 Draft Development Consent Order (including ORBA)	Please refer to Section 8 of this cover letter.

	(Tracked)	
REP2-010	3.1 Draft Development Consent Order (showing addition of the ORBA)	Please refer to Section 8 of this cover letter.
REP2-011	3.1.1 Schedule of Changes to the Draft Development Consent Order	Please refer to Section 8 of this cover letter.
REP2-013	3.2 An updated Explanatory Memorandum (including ORBA) (Tracked)	Please refer to Section 8 of this cover letter.
REP2-014	3.2 Explanatory Memorandum (excluding ORBA)	Natural England has no comments to make on this document.
REP2-015	3.2 Explanatory Memorandum (showing addition of the ORBA)	Please refer to Section 8 of this cover letter.
Onshore Ecology		
REP2-024	6.3.3.2 Chapter 3 Project Description Volume 3 Appendices Appendix 3.2 Onshore Crossing Schedule (Tracked)	Natural England has no comments to make on this document.
REP2-030	8.1 Outline Code of Construction Practice (Tracked)	Please refer to Sections 7 and 10 of this cover letter. Natural England has also provided an update in our Risks and Issues log in relation to this document.
REP2-032	8.1.1 Outline Noise and Vibration Management Plan (Tracked)	Natural England's response to this document is provided in Appendix H2.
Offshore and Intertidal Ornithology		
REP2-026	7.7.5 Predator Control Evidence Base and Roadmap (Tracked)	Natural England defers a response on this document to the next suitable deadline.
REP2-057	19.8 Levels of precaution in the assessment and compensation calculations for offshore ornithology	Natural England defers a response on this document to the next suitable deadline.
REP2-058	19.9 Consideration of bioseasons in the assessment of guillemot	Natural England defers a response on this document to the next suitable deadline.
REP2-059	19.10 Rates of displacement in guillemot and razorbill	Natural England defers a response on this document to the next suitable deadline.
REP2-060	19.11 Lead-in periods for kittiwake breeding on Artificial Nesting Structures	Natural England defers a response on this document to the next suitable deadline.
AS-001	Ornithology Population Viability Analysis Parameter Log.pdf	With the introduction of the ORBA Natural England has not

		reviewed this document.
AS-005	Chapter12 Appendix 5 Migratory Collision Risk Modelling.pdf	With the introduction of the ORBA Natural England has not reviewed this document.
AS1-041	6.1.12 Chapter 12 Offshore and Intertidal Ornithology Tracked.pdf	Natural England's response to this document is provided in Appendix F2.
AS1-100	7.1.1 Offshore and Intertidal Ornithology Apportioning Tracked.pdf	With the introduction of the ORBA Natural England has not reviewed this document.
Benthic		
REP2-044	8.22 Outline Biogenic Reef Mitigation Plan (Tracked)	Natural England welcomes the addition of the commitment in the Outline Biogenic Reef Mitigation Plan [REP2-043] to " <i>ensure that no infrastructure is installed, and no ancillary works are to be undertaken within the defined MMO Byelaw area within the SAC</i> ". We also welcome this being secured in the Schedule of Mitigation [REP2-040]. This issue is resolved.
REP2-034	8.5 Outline Cable Specification and Installation Plan (Tracked)	Natural England notes the CSIP is updated to reflect that "cables will be installed to a target burial depth of at least 1m, informed by the findings of a CBRA.". We have no further comment on this document.
Marine Mammals		
REP2-036	8.6.1 Outline Marine Mammal Mitigation Protocol for Piling Activities (Tracked)	Natural England's response to this document is provided in Appendix E2. Natural England has also provided an update in our Risk and Issues log in relation to this document.
REP2-038	8.6.2 Outline Marine Mammal Mitigation Protocol for Unexploded Ordnance Clearance (Tracked)	Natural England's response to this document is provided in Appendix E2. Natural England has provided an update in our Risks and Issues log in relation to this document.
Offshore Restricted Build Area (ORBA)		
PD1-087	15.9E ORBA and Revision to the Offshore ECC Appendix E Collision Risk Modelling.pdf	Natural England's response to this document is provided in Appendix F2.
PD1-088	15.9F ORBA and Revision to the Offshore ECC Appendix F Offshore Ornithology Displacement Assessment.pdf	Natural England's response to this document is provided in Appendix F2.

PD1-089	15.9G ORBA and Revision to the Offshore ECC Appendix G MRSea Modelling for Offshore Ornithology.pdf	Natural England's response to this document is provided in Appendix F2.
PD1-091	15.10 HRA for the ORBA and Revision to the Offshore ECC.pdf	Natural England's response to this document is provided in Appendix F2.
PD1-092	15.10A HRA for the ORBA and Revision to the Offshore ECC Appendix A Offshore and Intertidal Ornithology Apportioning.pdf	Natural England's response to this document is provided in Appendix F2.