

Date: 29 October 2024  
Our ref: 17503; 491646  
Your ref: EN010125



Department for Energy Security and Net Zero  
1 Victoria Street,  
London  
SW1H 0ET

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

T 0300 060 3900

BY EMAIL ONLY

Dear Jo Dowling,

**Planning Act 2008 (as amended) Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9 and Rule 17**

**Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order granting Development Consent for the Dogger Bank South Offshore Wind Farms**

The following constitutes Natural England's formal statutory response to the Secretary of State's Request for Information (RFI) dated 22<sup>nd</sup> October 2024 [PD-005]. To inform this response Natural England have reviewed the following documents alongside the RFI:

- Transcript of Preliminary Meeting (PM) - Session 1 - 22 October 2024 [EV2-004]
- Transcript of Preliminary Meeting (PM) - Session 2 - 22 October 2024 [EV2-006]
- Action Points from Preliminary Meeting Part 1 [EV2-002]
- RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank – Response to Rule 17 Letter [AS-006]

Natural England has been invited to comment upon:

**When sufficient information on the outstanding matters would be available such that the ExA can re-open the Preliminary Meeting, redraft the Examination timetable and commence the Examination**

Natural England do not consider it appropriate to specify a timeframe for restarting the Examination as only the Applicant can determine the time needed to provide updated submissions, however we provide a recommendation below of what we consider should be provided to enable issue resolution within the Examination period.

Ornithology Assessment

To fully address the matters raised in our Relevant Representations, we advise that a fully updated

Environmental Statement chapter, technical appendices (where relevant) and RIAA should be provided, rather than an addendum led approach being taken. For the Examination to progress smoothly, these should be available for Interested Party (IP) review at the re-start of the Examination.

We request that updated documents are provided with tracked changes where possible. If this is not possible and an alternative method of cataloguing or signposting changes is not provided, sufficient time will need to be factored into the Examination timetable for document review. We highlight that it is unlikely that we would be able to provide comments on a full, clean ornithology assessment within a single deadline.

Our understanding from the Applicant is that an updated assessment could be available mid-November, which could allow the Examination to re-start promptly. However, we note the Applicant's response to our Relevant Representations [RR-039] on offshore ornithology and related compensation will be submitted on 29<sup>th</sup> October 2024. Without seeing this response, we are unable to determine whether the Applicant intends to fully address all matters raised in RR-039, although informal discussions have been promising. It is important to note that we fully respect the Applicant's right to present their own assessment and that they might not agree with all SNCB advice provided. However, in instances where the Applicant maintains their approach, we request that assessment values in line with SNCB guidance are provided alongside the Applicant's approach, as has been done on other projects.

We note that the Applicant makes reference to additional guidance being provided by Natural England in March 2024 as the main reason for updates being required [AS-006, EV2-004, EV2-006]. Whilst new guidance was provided to all Extensions Round/Round 4 Applicants in March 2024, it was acknowledged at the time that it may not be possible to incorporate into Applicant DCO submissions given their timings, and that a discussion was therefore needed on when any updates to their assessment might be appropriate. This did not occur for Dogger Bank South. Further, there are several aspects of the assessment that deviate from SNCB advice that are unrelated to changes resulting from the March 2024 advice.

The Applicant has also stated that updates will not affect assessment conclusions. Natural England cannot comment on conclusions prior to seeing the updated assessments; however, even where conclusions do not change it is still important for updates to be made as they could affect the quantum of compensation required and inform future cumulative/in-combination assessments.

### Ornithology Compensation

The critical information regarding the guillemot/razorbill compensation, the measures for which were largely undeveloped at the point of Examination, is as follows:

- Evidence to demonstrate whether rats are present at the candidate sites;
- Evidence to demonstrate whether rats are having, or are likely to be having, an impact on

the abundance, productivity and/or distribution of guillemot and razorbill at the candidate sites;

- Evidence to quantify the amount of nest spaces that could be 'freed up' by the eradication of rats, excluding currently unoccupied areas which are unlikely to be subject to pressures from rodents (e.g. sheer cliffs);
- The extent to which the predicted amount of nest spaces being made available will allow the impacts of the development to be addressed, using appropriate calculations of the required compensation quantum;
- An assessment of potential connectivity between the candidate sites and Flamborough and Filey Coast Special Protection Area and/or the wider National Site Network for guillemot and razorbill;
- A roadmap for securing the candidate site(s).

Natural England understands from the Applicant that they intend to submit updated compensation plans with their 29<sup>th</sup> October 2024 response, to demonstrate progress on site selection work since Application. This is welcomed. Once the updated ornithology assessment is available, compensation documents will also be able to be updated with the predicted impacts, required scale of compensation and whether the measures can facilitate this. The Applicant's prediction for this updated submission is mid-November (*pers comm.*).

We consider these submissions have the potential to be a stronger starting point for progressing matters within Examination timeframes. We do note that further site surveys are also due to take place over winter 2024/2025. It is currently unclear when the results of these surveys will be available for submission, and to what extent meaningful progress with the measures depends on them. Every effort should be made to ensure these are submitted into the Examination, acknowledging that due to the timing of these surveys this may need to be in the latter stages.

### Change Request

Natural England understands from [EV2-004] that the Change Request is due to proceed as outlined in the Change Notification Letter [PDA-012] and the Applicant's Rule 17 response [AS-006]. Whilst we maintain the concerns raised in our Rule 17 response [AS-008], we acknowledge that the intention of the Change Request process, and particularly the first stakeholder consultation, is to provide the ExA with a view on whether proposed changes should be accepted into Examination. Natural England are content to provide our view on this now, as follows.

The changes outlined by the Applicant relate to reductions in Maximum Design Parameters in response to Interested Party concerns, that will primarily affect the marine processes and benthic assessments. Natural England highlights that aspects of these assessments already require updating due to problems with the initial assessments. Further updates will be required as a result

of the proposed changes. With this in mind, we consider the best way forward would be for the changes to be accepted into Examination and for relevant chapters and assessments to be updated in full for resubmission. We do not consider that these need to be provided prior to Examination restarting, however a restarted Examination timetable that accommodates the proposed updated ornithology assessment will allow these updates to be provided earlier within the Examination process, which would be welcomed.

**To confirm if Artificial Intelligence (AI) has been used to produce the evidence submitted to date [EV2-002].**

Natural England can confirm that AI has not been used to produce any part of our submissions into Examination to date.

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

Yours sincerely,

Emma John  
Senior Officer – Marine Sustainable Development  
E-mail: [REDACTED]@naturalengland.org.uk  
Telephone: [REDACTED]