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Our ref: 17503 Case: 496748
Your ref: EN010125



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BY EMAIL ONLY

Dear Sir/Madam,

Planning Act 2008 (as amended) Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – 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 26 November 2024 [PD-008]. To inform this response Natural England have reviewed the following documents from the Applicant's Additional Submissions provided at Draft Deadline 1 (29 October 2024) and Draft Deadline 2 (22 November 2024):

- 10.43 Offshore Ornithology Assessment Cover Letter [AS-084]
- 6.1 RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3) [AS-086]
- 6.2.1 Appendix 1 - Project-Level Kittiwake Compensation Plan - Report to Inform Appropriate Assessment (RIAA) - Habitats Regulations Assessment (Revision 03) [AS-088]
- 6.2.2 Appendix 2 Guillemot and Razorbill Compensation Plan (Revision 3) [AS-090]
- 7.12 ES Chapter 12 - Offshore Ornithology (Revision 2) [AS-058]
- 7.12.12.4 ES Appendix 12-4a-c - Monthly Densities - All, Sitting, Flying (Revision 2) [AS-063]
- 7.12.12.5 ES Appendix 12-5a-c - Seasonal Peak Abundance - All, Sitting, Flying (Revision 2) [AS-065]
- 7.12.12.6 ES Appendix 12-6a-c - Seasonal Peak Density - All, Sitting, Flying (Revision 2) [AS-067]
- 7.12.12.7 ES Appendix 12-7a-c - Survey Abundancies - All, Sitting, Flying (Revision 2) [AS-069]
- 7.12.12.8 ES Appendix 12-8a-c - Survey Densities - All, Sitting, Flying (Revision 2) (tracked) [AS-071]
- 10.19 Project Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report [PDB-007]
- 10.18 Response to Natural England's Relevant Representations - Appendix G & H [PDB-006]

- 10.20 DBS Guillemot and Razorbill Compensation Site Refinement Report [PDB-008]

Natural England has been invited to comment upon:

The new and updated documents, and comment on whether sufficient information has been provided to address the concerns outlined at the Preliminary Meeting, in some Relevant Representations and in the ExA's letter of 22 October 2024 [PD-005].

Natural England thank the Examiners for the opportunity to review the Applicant's updated submissions prior to the restart of Examination. As acknowledged in the Rule 17 Letter [PD-008] it has not been possible to undertake a detailed review of the submissions, however, following a high-level review we are satisfied that the updated documents include sufficient information to assess the effects of the Proposed Development within Examination timeframes, and have a productive discussion regarding the proposed compensation measures. We therefore support the Examining Authority in proceeding with the restart of Examination. Whilst our full comments will be provided into Examination following detailed review, we have provided some key points for your consideration below.

Ornithology Assessment

Natural England have reviewed the Applicant's Response to Natural England's Relevant Representations - Appendix G & H [PDB-006] and cross-referenced these with the updated assessment documents where possible. We acknowledge and welcome that the Applicant appears to have made considerable efforts to provide an updated assessment in line with SNCB advice and Best Practice Guidance. We consider that on the whole our advice appears to have been incorporated into the updated assessment, noting some further work regarding displacement matrices for upper and lower confidence intervals appears to be warranted. Our current view however is that any need for further amendments is unlikely to affect the ability of the Examining Authority to conduct the Examination within the required timeframe.

Natural England advises that we will not be able to comment on conclusions or confirm that we agree with all of the updates made until we have completed our detailed review. We therefore reserve the right to provide further advice and/or request additional amendments as needed.

Ornithology Compensation

The compensation plans have been updated to reflect the updated impact assessment values. As above, we will not be able to confirm agreement with these until we have completed our detailed review, but we welcome that the updated assessment has been carried through into the plans.

- **Kittiwake**

Regarding the proposed Kittiwake compensation, the documents provided by the Applicant show

further refinement of potential Areas of Search (AoS) and consideration of Natural England's comments made during Relevant Representations, alongside the Applicant's expanded route to delivery. We understand from discussions with the Applicant that the Areas of Search (AoS) will likely be refined down to two in the near future, with further survey work to support Marine License Applications also possible within Examination timeframes.

Natural England welcome that the Applicant has presented compensation quantum calculated according to both the Hornsea 3 and Hornsea 4 approaches within the Project-Level Kittiwake Compensation Plan, as this presents Natural England's preferred values. Further discussion will be needed within Examination to confirm that the scale of ANS provision is sufficient to meet the predicted impacts, but we do not consider this to be a barrier to the Examination restarting.

- **Auks**

The critical information regarding the guillemot/razorbill compensation requested in our response [PD-011] to the Secretary of State's Request for Information (RFI) has been provided to some extent, though we highlight that some key elements will require further discussion and development during Examination for the measure to be considered secured.

Site selection

The DBS Guillemot and Razorbill Compensation Site Refinement Report [PDB-008] provides an update on the current status of each potential location for an eradication campaign. Following refinement work, only two of the original locations remain. For these remaining two sites (Middle Mouse and Worms Head), there are currently no specific project led surveys or evidence to demonstrate rat presence or absence, or whether rats are having, or are likely to be having, an impact on the abundance, productivity and/or distribution of guillemot and razorbill. However, following a meeting with the Applicant (5th December 2024) we understand that surveys to look at habitat suitability and predator presence on Middle Mouse are also intended for this Winter/Spring, followed by a colony count in May. The Applicant's approach to evidence gathering at Middle Mouse and Worms Head will be outlined in a Survey Programme due to be submitted at Deadline 1 of Examination, and we advise that every effort should be made to ensure the outputs are submitted into the Examination as soon as possible. Without this information it will not be possible to determine if predator eradication is feasible at these locations.

Natural England welcomes that the Applicant has pursued our recommendations to further investigate the Isles of Scilly. In terms of evidence, the Site Refinement Report [PDB-008] indicates a site history of rat presence and eradication efforts at the Isles of Scilly, and we acknowledge that there is a broad acceptance of rat presence on a number of islands and likely implications for breeding seabirds, though we note that no supporting evidence has been included in the report. We consider it would be beneficial if the Applicant could, in due course, bring forward the most up-to-date evidence for rat presence/absence on an island-by-island basis, where known, to support the proposals. Nevertheless, Natural England consider the proposal to eradicate rats from the 'off

islands' in the archipelago has considerable merit and is worth pursuing.

With respect to a delivery mechanism, there is broad agreement that further work will be needed during Examination to develop a proposal to the satisfaction of all parties. The Wildlife Trust (TWT) is currently developing proposals for an eradication campaign that the Applicant has indicated they are willing to support, however TWT's preference is for this to be delivered at a strategic level rather than being constrained to project specific requirements. The Applicant is therefore investigating ways they could assist the development of the proposals and an interim strategic measure prior to the establishment of the Marine Recovery Fund (MRF), which is welcome.

Scale of measure

Natural England welcomes that amendments have been made regarding nest provision estimates and assessments as per our Relevant Representations. The Applicant has also provided Natural England with an unredacted copy of PDB-008 to evidence the amount of nest spaces that could be 'freed up' by the eradication of rats at each location, excluding currently unoccupied areas which are unlikely to be subject to pressures from rodents (e.g. sheer cliffs).

Natural England are currently unable to agree with the amended calculations and methodologies around scale of measure, noting that the Applicant's calculation method appeared to be a variant of the 'Hornsea 4 method'. To assist the Applicant in advance of the Examination starting, we offer the advice that the 'Hornsea 3 stage 2' method should be used for all compensatory measures where it is necessary to know the requirement in terms of the number of breeding pairs. This is because the Hornsea 3 method is considered the most ecologically realistic. Where it is not possible to adequately populate the Hornsea 3 stage 2 method due to limited demographic information regarding the species, the Hornsea 4 method could be used, provided that the calculations use philopatry data to account for the need of the colony to sustain itself. We also advise that calculations for displacement rates other than 50% displacement/1% mortality and ratios greater than 2:1 should be presented. We will provide further advice on compensation calculations into the Examination following our detailed review.

Connectivity

A high-level 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 has been provided as part of the Guillemot and Razorbill compensation plan. Again, detailed comments on the information provided will be provided by Natural England during Examination.

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

Yours faithfully,

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