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Jo Dowling,  
Lead Member of the Examining Authority,  
Dogger Bank South Offshore Wind Farm,  
National Infrastructure Planning,  
Temple Quay House,  
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Bristol. BS1 6PN.

16 December 2024

Dear Jo Dowling,

**Application for an order granting consent for the Dogger Bank South Offshore Wind Farms  
Rule 17 letter dated 26 November 2024**

**RSPB Registration ID: 20050122**

I am writing further to your letter dated 26 November 2024 requesting the views of Interested Parties on whether, having reviewed the new and updated documents submitted by the Applicant, they are satisfied that sufficient information to assess the effects of the Dogger Bank South offshore wind farm proposal have now been submitted or could be provided within the 6-month examination period. This follows on and takes account of our previous letter dated 29 October 2024 and earlier submissions.

Having reviewed the new documents, below we set out our response under the following headings:

- Offshore ornithology impact predictions;
- HRA compensation measures (general issues);
- Kittiwake compensation measures;
- Guillemot and Razorbill compensation measures, with specific reference to:
  - Isles of Scilly;
  - Worms Head;
  - Middle Mouse.

We consider each has different implications in respect of the Examining Authority's request. We have provided a summary on the following page.

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## Summary

Our summary position is as follows:

- **Offshore ornithology impact predictions:** based on the information provided to date, we consider it is probable that sufficient information to assess the effects of the Dogger Bank South offshore wind farm proposal will be available within the 6-month examination period. We would urge that this is targeted at the early stage of the examination so that agreement is reached in the first part of the examination on the nature/magnitude of impacts (and resulting compensation requirements) using the different parameters preferred by the Applicant, Natural England and the RSPB. This will help the ExA understand the range of compensation options to be considered and their capacity to meet the differing requirements.
- **HRA compensation measures (general):** in addition to agreeing the range of impacts and resulting compensation requirements, we consider it should be possible to agree success criteria for each compensation measure during the 6-month examination (subject to resolving detailed concerns with each);
- **Kittiwake compensation measures:** if the updates and information described in our detailed comments can be provided early in the examination, then the RSPB considers it is possible sufficient information will be available to the examination for review by Interested Parties and Examining Authority.
- **Guillemot and Razorbill compensation measures**
  - o **General issues:**
    - Availability of Second Generation Anti-Coagulant Rodenticides (SGARs): we bring to the attention of the Examining Authority and the Applicant a potentially significant risk factor that applies to all three possible predator eradication locations. We recommend advice is sought by the Applicant and submitted to the Examination as soon as practicable, once the Examination commences. This will enable the implications of this risk to be explored fully.
    - An overarching requirement remains the need for a clear timetable on when in 2025 the promised site survey reports for Worms Head and Middle Mouse will be made available for detailed review by Interested Parties. In the absence of this information, it is not practicable to advise on whether the relevant information could be provided within the 6-month examination period in sufficient time for review.
    - Timescale for identification of preferred location: Versions 2 and 3 of the Guillemot [and Razorbill] Compensation Plan differ on this point. Version 2 states a location will be secured prior to the end of the examination process (p52, para 129) while version 3 states that by the end of the examination it is anticipated a location will "substantially progressed" or a strategic approach agreed in principle (p65, para 154). Clarification on the Applicant's timings for securing its project-led options will be required.
  - o **Isles of Scilly:** given the strategic function of any proposed predator eradication on the Scillies, we consider information on the availability of TWTs costed programme, along with more definitive information relating to any proposed interim approach and, from Defra/DESNZ, on the timing and mechanisms related to an MRF as important to help determine whether sufficient information will be available to the examination.
  - o **Worms Head and Middle Mouse:** at this stage, without clarification on the availability and scope of the survey reports, we cannot be confident the relevant information would be available to the examination in sufficient time for review and detailed discussion.

## Detailed feedback

- **Offshore ornithology impact predictions:**
  - Based on the information provided to date, we consider it is probable that sufficient information to assess the effects of the Dogger Bank South offshore wind farm proposal will be available within the 6-month examination period.
  - We would urge that this is targeted at the early stage of the examination so that agreement is reached in the first part of the examination on the nature/magnitude of impacts (and resulting compensation requirements) using the different parameters preferred by the Applicant, Natural England and the RSPB. This will help the ExA understand the range of compensation options to be considered and their capacity to meet the differing requirements.
- **HRA compensation measures (general):** in addition to agreeing the range of impacts and resulting compensation requirements, we consider it should be possible to agree success criteria for each compensation measure during the 6-month examination (subject to resolving detailed concerns with each measure).
- **Kittiwake compensation measures:**
  - The Applicant states that it will select 1-2 Areas of Search for site investigation surveys as part of refining its site selection process (Kittiwake Compensation Plan version 2, page 63). Clarification of the likely timing of this stage and when the examination will be updated is relevant to the Examining Authority's request to Interested Parties, as are other proposed updates referred to in the changes contained in version 2 of the Kittiwake Compensation Plan;
  - Hornsea Four's change in approach to delivery of its kittiwake compensation – switching from offshore ANS to onshore ANS - due to "*...increasing risks to Orsted H4 regarding supply chain constraints and escalating costs for offshore construction...*"<sup>1</sup> underlines what we consider is a key issue for the Examination to explore. We consider the Applicant will need to demonstrate how it will address the risks associated with the supply chain and logistics for construction of an offshore ANS and implications for meeting implementation commitments ahead of first turbine operation e.g. securing specialist vessel access. We consider it should be practicable early in the Examination process for the Applicant to set out how it will address and manage these risks to avoid implementation delays. This issue applies equally to any proposal to deliver an offshore ANS via a Marine Recovery Fund;
  - Clarification from the Applicant and/or The Crown Estate on the interaction between the post-consent Crown Estate strategic process with any post-consent project level process is still required (see 29 October 2024 letter).
  - **If the updates and information described above can be provided early in the examination, then the RSPB considers it is possible sufficient information will be available to the examination for review by Interested Parties and Examining Authority.**

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<sup>1</sup> Paragraph 2.1.1.5 in: [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010098/EN010098-002394-Hornsea%20Four%20KCIMP%20Updated\\_Redacted.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010098/EN010098-002394-Hornsea%20Four%20KCIMP%20Updated_Redacted.pdf)

- **Guillemot and Razorbill compensation measures: general issues**
  - We welcome confirmation of the Applicant's reduced short list of potential predator eradication locations. We note that the Applicant proposes either a strategic measure (Isles of Scilly) or project-led measure (either Worms Head or Middle Mouse). We comment on each below in terms of the ExA's request, bearing in mind the questions posed in our 29 October 2024 letter.
  - **Risk factor – availability of Second Generation Anti-Coagulant Rodenticides (SGARs):** we wish to bring to the attention of the Examining Authority and the Applicant a potentially significant risk factor that would apply to all three remaining potential locations where rat eradication and/or control are being considered. Depending on how this issue develops, it could pose a significant risk to any eradication or control proposal.
    - Following a change in the legal uses of SGARs, their use in open areas (essential for any non-native mammal eradication/control measure and associated biosecurity measures) will become illegal in the UK as of 1 January 2025, except where a Critical Situation Permit is issued by the Health and Safety Executive.
    - The RSPB is aware of ongoing discussions to find a solution to enable their future use for conservation predator eradication/control and biosecurity schemes, however, this is still expected to be via the issuing of a Critical Situation Permit. Currently permits can only be issued for the management of Brown Rats (not Black Rats nor mice). As there is no guarantee that a permit will be issued for any given site, nor an understanding of how it might apply to compensation measures, we consider this a risk factor which needs to be explored at the examination. We recommend advice is sought by the Applicant and submitted to the Examination as soon as practicable, once the Examination commences. This will enable the implications of this risk to be explored fully.
  - **Site survey reports availability:** an overarching requirement remains the need for a clear timetable on when in 2025 the promised site survey reports for Worms Head and Middle Mouse will be made available for detailed review by Interested Parties. In the absence of this information, it is not practicable to advise on whether the relevant information could be provided within the 6-month examination period in sufficient time for review. We make specific comments on each location below.
  - As per our 29 October 2024 letter, in relation to proposed feasibility studies, it would be helpful to have confirmation what level of detailed, site specific eradication planning work will be presented to the examination, and when, as this bears on the ExA's questions. This information has not been provided by the Applicant.
  - **Timescale for identification of preferred location:** Versions 2 and 3 of the Guillemot [and Razorbill] Compensation Plan differ on this point. Version 2 states a location will be secured prior to the end of the examination process (p52, para 129) while version 3 states that by the end of the examination it is anticipated a location will "substantially progressed" or a strategic approach agreed in principle (p65, para 154). Clarification on the Applicant's timings for securing its project-led options will be required.

- **Guillemot and Razorbill compensation measures: site specific issues**

o **Isles of Scilly (strategic)**

- The RSPB notes and agrees with the position of The Wildlife Trusts (TWT) on auk compensation and the Isles of Scilly, specifically its view that its role is as a strategic compensation measure only. We welcome the feasibility work being undertaken by the Isles of Scilly Wildlife Trust (IoSWT) and others to develop a fully costed predator eradication programme, including assessment of its potential value to Guillemots and Razorbills. It would be helpful to know when this work might become available to inform deliberations at the Dogger Bank South examination.
- The Applicant's most recent documents have acknowledged the TWT position and, among other things, the vital role of community buy-in to any eradication programme. The RSPB reiterates the critical importance of getting community engagement consultation right and would defer to the IoSWT and their partners in the project in how this is carried out to secure community buy-in. This is likely to have implications for the timing of delivery of any predator eradication programme.
- The Applicant discusses the possible role of a Marine Recovery Fund (MRF) and/or interim measures. This raises a number of issues which we consider require clarification from Defra/DESNZ in respect of establishment of an MRF, appointment of an MRF Operator (MRFO), and the role of COWSC to inform discussions at the Dogger Bank South examination. We have set these out below.
- In respect of improving collective understanding of a MRF, we would recommend the ExA seeks clarification from Defra/DESNZ on:
  - The role of COWSC and the role of any future MRF Operator in respect of: developing implementation plans, as well as the implementation and delivery of specific measures;
  - Who will be responsible for deciding whether it is appropriate for a developer to deliver some or all of its compensation requirements via the MRF and the process by which a developer would discharge its compensation requirements;
  - The timetable for the MRF becoming operational (or at least when they will set out the timetable);
  - The timetable for the COWSC Implementation and Monitoring Plan for Predator Eradication to become publicly available, if this is to be relied on as part of a strategic compensation approach by the Applicant.
- We note the Applicant will also explore the possibility of an interim mechanism pending clarification of MRF timescales. The timings of updates to the examination on progress with and the substance of such discussions should be set out by the Applicant.
- **Given the strategic function of any proposed predator eradication on the Scillies, we consider information on the availability of TWTs costed programme, along with more definitive information relating to any proposed interim approach and, from Defra/DESNZ, on the timing and mechanisms related to an MRF as important to help determine whether sufficient information will be available to the examination.**

- **Worms Head (project-led)**
  - To advise on this location as a possible compensation location, it will be critical to establish the ecological need for, and benefit of, any proposed control to the impacted seabirds (see our letter of 29 October 2024). Establishing whether or not rats predate breeding seabirds and whether that is detrimental is essential. The Applicant refers to a survey in "Spring 2025", indicating Q2 2025. More precise details are needed on scope, timing and report availability to inform the possibility of full discussion and progress within an examination timetable.
  - A key area of discussion will be whether or not it is practicable to control (rather than eradicate) rats at this mainland location while not impeding public access. This will rely on the view of the National Trust being available to the Interested Parties following submission of the survey report.
  - **At this stage, without clarification on the availability and scope of the survey reports, we cannot be confident the relevant information would be available to the examination in sufficient time for review and detailed discussion.**
  
- **Middle Mouse (project-led)**
  - We agree with the Applicant that there is no definitive information on whether rats are present or not. Our knowledge of seabird populations on Middle Mouse is that they are increasing, including recent colonisation by Gannets. This indicates rats may not be present.
  - To advise on this location as a possible compensation location, it will be critical to establish the ecological need for, and benefit of, any proposed eradication to the impacted seabirds (see our letter of 29 October 2024). Critically, a comprehensive assessment of rat presence is required and evidence of detrimental predation of seabirds established. The Applicant refers to a survey in "early 2025". More precise details are needed on scope, timing and report availability to inform the possibility of full discussion and progress within an examination timetable.
  - **At this stage, without clarification on the availability and scope of the survey reports, we cannot be confident the relevant information would be available to the examination in sufficient time for review and detailed discussion.**

Overall, we consider it is possible to confirm that certain aspects of the proposal would be available to the examination in sufficient time for review and detailed discussion, but that further clarification is required from the Applicant on other key matters, particularly with regard to the timing and scope of information relating to the Guillemot and Razorbill compensation.

Yours sincerely,

Andrew Dodd  
Head of Casework