



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

The Wildlife Trusts Interested Party Reference 20050046

27 January 2025

Dear Ms Dowling

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 Wildlife Trusts Written Representation

1. Introduction

- 1.1. The Wildlife Trusts are a federation of 46 individual Wildlife Trusts and a central charity, the Royal Society of Wildlife Trusts. Together we have more than 900,000 members, 39,000 volunteers and 3,600 staff across the UK. We share a vision of nature in recovery, with abundant, diverse wildlife and natural processes creating wilder landscapes where people and nature thrive.
- 1.2. The Wildlife Trusts support action to tackle climate change and recognise the serious threat to nature if action is not taken. However, we also face an ecological emergency with 41% of species in decline in the UK. All infrastructure projects aiming to reduce emissions to meet our net zero targets must also mitigate their impacts on the environment, to ensure net zero and nature recovery can be delivered in tandem.
- 1.3. The Wildlife Trusts has extensive experience in offshore wind farm development and has engaged in examinations for over 10 years. During the evidence plan process for Dogger Bank South (DBS), our engagement focused on The Crown Estate's plan level assessment and strategic compensation for impacts to Dogger Bank SAC. Since January 2024, The Wildlife Trusts have had observer status on The Crown Estate Dogger Bank Strategic Compensation Steering Group. Since the application was entered, The Wildlife Trusts and the Isles of Scilly Wildlife Trust have engaged with the applicant on auk compensation due to interest in the delivery of this measure on the Isles of Scilly.

2. Summary of Wildlife Trust concerns

2.1. Site extension as compensation

2.1.1. The Wildlife Trusts would like to engage throughout examination to ensure a strategic approach to compensation is secured in relation to the impacts of DBS on Dogger Bank Special Area of Conservation (SAC). In order to meet the governments targets for an ecologically coherent network of Marine Protected Areas (MPAs), we see site extension to the Dogger Bank SAC as the only viable compensation option. This is the only option that we consider will provide like-for-like with respect to the habitat impacts this project will have, and one which also prevents a no net loss to the UKs MPA network. This is provided that the compensation package sits within a wider framework of measures. For further details, please see Appendix table 1.1.

2.2 Physical damage to sandbank feature

2.1.2. Sandeel serve as an essential prey source for fish, seabirds and marine mammals within the ecosystem of Dogger Bank SAC. They are a benthic, burrowing species with high site fidelity that inhabits the sandy substrates of Dogger Bank, where they also spawn (Lindegren et al. 2018). Sandeel are also a key target species heavily exploited by the fishing industry, which has recently been restricted under the site's management plan. The Joint Nature Conservation Committee (JNCC) has stated that despite the recent removal of certain types of damaging fishing pressures from the site, the full recovery of this ecosystem would be severely hindered by additional pressures (JNCC Dogger Bank SAC SACO, 2022).

2.1.3. The Wildlife Trusts do not agree with the applicant's position of no Adverse Effects on Integrity (AEoI) on the Dogger Bank SAC due to physical damage to the subtidal sandbank feature. Recent findings by the Crown Estate (2022) in their Round 4 plan-level HRA assessment, supersedes previous casework decisions identified by the applicant to support their position and has been signed of by the Secretary of State for the Department of Energy Security and Net Zero (DESNZ, 2021).

2.3 Underwater noise impacts (UWN) on the Southern North Sea SAC

2.3.1 The project lies within the Southern North Sea SAC which has protections in place for harbour porpoises with regards to UWN. The Wildlife Trusts have concerns that the project has the potential for significant adverse effects in isolation and in combination with other renewables projects in the area (Dogger Bank A, B, C, D and Sofia). There are mitigation measures that could be implemented that have not been discussed in this proposal, specifically regarding noise abatement systems (NAS). On 21st January 2025 Defra published the Marine Policy Paper – Reducing Marine Noise which states that *“From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance.”* The applicant must therefore strengthen their commitment to employ mitigation to reflect this change in policy.

2.4 Flamborough and Filey coast SPA Auk compensation plan

2.4.1 The Isles of Scilly Wildlife Trust has been working since early 2023 with a number of stakeholders on the development of a predator eradication programme on the Isles of Scilly. The applicant has identified the Isles of Scilly as a potential location for the delivery of predator eradication as compensation to impacts of Auks. The Wildlife Trusts and the Isles of Scilly Wildlife Trust have held a number of discussions with the applicant regarding this. After careful consideration, The Wildlife Trusts and Isles of Scilly Wildlife Trust have decided that we can only take predator eradication forward on the islands as a strategic compensation measure, to be funded by the Marine Recovery Fund. We are happy to work with industry to explore what an interim approach could look like in lieu of the Marine Recovery Fund being established, but we cannot take individual payments from developers to deliver the programme on the Isles of Scilly. Being associated with rigid planning conditions associated with individual projects could put the delivery of a long-term conservation measure at risk.

2.4.2 The Wildlife Trusts welcome that the applicant agrees that the strategic compensation is the most appropriate approach to deliver a predator eradication scheme on the Isles of Scilly. We also welcome the applicant's openness to find a pragmatic solution in advance of the Marine Recovery Funding being established.

2.4.3 The Wildlife Trusts have now secured further funding until the end of March 2025 to begin to develop the programme as a strategic compensation measure. We are in the process of developing a further funding package to allow us to develop a programme of predator eradication on the Isles of Scilly which can be adopted onto the Library of Strategic Compensation measures. We are happy to provide further updates throughout the examination period.

2.5 Concerns around the quality of the application and the lack of completeness surrounding key sections

2.5.1 We have concerns that a number of items are yet to be fully discussed, such as UWN mitigation and auk compensation. We would expect these issues to be largely settled at prior to examination. This sentiment has been reflected by the ExA in their recent decision to delay examination until these issues can be substantially rectified. Previous Secretaries of State have made it clear that the Nationally Significant Infrastructure Project examination process is not designed for consultation on complex issues (DESNZ, 2021). Incomplete applications result in planning delays and increased costs to both the applicant and stakeholders, wasting valuable resources and clogging up valuable examination time.

2.5.2 We have also made a request for confirmation that a review of consents report for the Dogger Bank SAC as required by the Competent Authority under Section 33 of the Offshore Habitats Regulations. This is yet to be made available in the Documents Library.

The Wildlife Trusts is happy to provide further views and information to the Examining Authority as the application progresses.

Yours sincerely

A black rectangular box redacting the signature of Joan Edwards.

Joan Edwards
Director, Policy and Public Affairs

Appendix 1: Summary of The Wildlife Trusts concerns regarding DBS

1.1 Site extension as Dogger Bank SAC compensation

Ref	Issue	Recipient	Concern grade
	<p>The Wildlife Trusts approves of site extension only as a compensation measure.</p> <p>Dogger Bank SAC has particular significance within the biogeographical region in which it is located due to the size, structure, function and supporting processes for which it has been designated (JNCC, 2022). In fact, Dogger Bank is a unique SAC within the MPA network due to its glacial formation and position as a major upwelling site within the offshore North Sea. Its features allow it to support multiple fish, seabird and marine mammal species. The Wildlife Trusts only support site extension as compensation for the habitat impacts on the SAC. This is the only measure that will ensure that recovery of Dogger Bank SAC will not be hindered and will meet legal obligations including:</p> <ul style="list-style-type: none"> • The coherence of the UK National Sites network, as required under 36 of the Offshore Habitats Regulations. • A well-managed and ecologically coherent network of Marine Protected Areas as required under Section 123 and 126 of the Marine and Coastal Access Act and international agreements such as OSPAR. • Environment Act MPA targets of 70% of protected features in favourable condition by 2042, with the rest in recovering condition. 	Applicant	
6.2.3	<p>The Department for Environment, Food and Rural Affairs (DEFRA) should lead any site extension designations. The outcome of impact assessments conducted by the applicant, though welcome submissions, will not be the sole decision-making documents.</p> <p>We require confirmation that DEFRA will take the lead as the responsible body in the development of any site extensions.</p>	Applicant, DEFRA	
Offshore Wind Leasing Round 4	<p>To be effective, site extension as a compensation must sit within a wider package of measures including:</p> <ol style="list-style-type: none"> 1. The implementation of the management of activities within any site extension. 		

<p>Dogger Bank Strategic Compensation Plan.</p>	<p>2. The development and implementation of a Dogger Bank SAC Site Recovery Plan which should include:</p> <ul style="list-style-type: none"> • A moratorium on all future development on Dogger Bank SAC and any site extension in the future. <p>The SAC is in unfavourable condition, has reached carrying capacity and requires space to recover. Actions need to be taken in line with the Secretary of State's duties under the Offshore Habitats Regulations (section 12) to ensure that the site contributes towards legally binding Government targets of sites being in a favourable condition by 2042, as set out in the Environment Act 2021 and the Environmental Improvement Plan.</p> <p>The site encompasses Flamborough Front, an area of major upwelling site, where colder northern North Sea waters mix with cooler southern North Sea waters, increasing primary productivity. Dogger Bank is an important feeding and spawning area for many North Sea species. The prevention of any further development on this site would be a step towards meeting:</p> <ul style="list-style-type: none"> - the UK Marine Strategy targets of productive and biologically diverse oceans and seas. - The UK Biodiversity action plan to enhance the quality of wildlife habitats and ecosystems, as well as ecosystems that are characteristic of local areas. - The OSPAR agreement (2021) to protect and conserve marine biodiversity and ecosystems to achieve 'good' ecological status. <ul style="list-style-type: none"> • Enhanced protection to ensure there will not be a chain of compensation requirements in the future. <p>We appreciate that this action is outside of the scope of this project. However, this will greatly help The Wildlife Trusts gain confidence that the SAC and any extensions will be appropriately managed to meet site conservation objectives.</p>	<p>1. Marine Management Organisation (MMO)</p> <p>2. MMO, Crown Estate, relevant authorities</p>	
<p>N/A</p>	<p>We seek confirmation that a Review of Consents as required by the Competent Authority under Section 33 of the Offshore Habitats Regulations has been undertaken for Dogger</p>	<p>Department for Energy Security</p>	

	Bank SAC. If a Review of Consents has not been undertaken, this must be delivered urgently.	and Net Zero (DESNZ)	
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1.2 Physical damage to sandbank feature

Ref	Issue	Recipient	Concern grade
Environmental Statement (ES) Chapter 9. 9.6.2.1	The Wildlife Trusts do not agree with the applicant's position on no Adverse Effect on Integrity (AEOI) on Dogger Bank SAC due to the impact of physical damage on the subtidal sandbank feature from DBS. The plan level assessment undertaken by The Crown Estate in April 2022 (The Crown Estate, 2022) and signed off by the Secretary of State in July 2022 (DESNZ, 2022) concluded habitat damage of 32.209km ² which would delay recovery to favourable condition, contrary to the conservation objectives of the SAC. This is based on analysis against the conservation objectives of the SAC to meet the requirements of The Conservation of Offshore Marine Habitats and Species Regulations 2017 "that [The competent authority must ensure] appropriate steps are taken for the avoidance of the disturbance of [protected] species ... and the deterioration of [protected] habitat[s] or habitat types". This decision supersedes previous casework decisions (ES Chapter 9 – Benthic and intertidal ecology 9.6.2.1) which the applicant has identified. Therefore, the DBS application can only be approved provided compensation is included within the Development Consent Order (DCO) for loss and damage to Dogger Bank SAC.	Applicant	
7.09: Table 9-9	We do not agree with the applicant that "habitats or species that provide prey items for other species of conservation value" should be considered of low value. The ecosystem of Dogger Bank supports significant populations of protected seabirds, marine mammals and elasmobranchs. The government's obligations to protect these species in designated areas such as Dogger Bank SAC or Southern North Sea SAC	Applicant	

	includes the protection of ecosystems. The impacts on these prey items will have indirect effects on the predator species that have conservation objectives in place.		
6.2.3	The Wildlife Trusts welcome the information which has been provided by the applicant on Dogger Bank SAC compensation. However, the delivery of this measure will be led by government and therefore decisions on ratio and where the compensation will be delivered should not be led by the applicant. Discussions on ratios at this stage will complicate examination and cause risk of delays.	Applicant	
ES Chapter 9. 9.7 285-287	The Wildlife Trusts do not agree that the presence of multiple industries and activities on the Dogger Bank SAC negates the need for ongoing monitoring. The knowledge of the current habitats and sediments does not negate the need for the study of the effects of activities without additional active monitoring. Long term monitoring is the best way of ensuring that future decisions on mitigation are as effective as possible.	Applicant	

1.3 Flamborough and Filey Coast SPA auk compensation plan

Ref	Issue	Recipient	Concern Grade
N/A	Throughout the pre-application process, a number of individual Wildlife Trusts have been approached by the applicant in relation to the delivery of predator eradication as a compensation measure for impacts to razorbills and guillemots (auks). We ask that The Wildlife Trusts be included on any communications with individual trusts. As this aids transparency and coordination.	Applicant	
	The Wildlife Trust cannot accept any payment direct from the applicant as funding for the IoS compensation program. We believe that rigid planning conditions associated with individual projects could put the delivery of long term conservation objectives in jeopardy. The Wildlife Trusts and Isles of Scilly Wildlife Trust have decided that we can only take predator eradication forward on the islands as a strategic compensation measure, to be funded by the Marine Recovery Fund. We are happy to work with industry to explore what an interim approach could look like in lieu of the Marine Recovery Fund being established,	Applicant	

	<p>but we cannot take individual payments from developers to deliver the programme on the Isles of Scilly.</p> <p>We welcome the applicants willingness to engage with strategic implementation of this compensation and encourage further discussion as to how this may be structured in light of the MRF not yet being implemented.</p>		
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1.4 UWN impacts on the Southern North Sea SAC

Ref	Issue	Recipient	Concern Grade
ES Vol 7, Chap 11. 11.6.1.1.8	<p>We are happy with the applicant's commitment to no concurrent piling within the array area per array. However, the applicant seems to suggest that concurrent piling may occur between the two arrays.</p> <p>With the arrays in such close proximity, this would create a significant exclusion zone for marine mammals.</p> <p>The Wildlife Trusts requires a strong commitment to the use of NAS in the case of concurrent piling and would ideally like to see a commitment to no concurrent piling between the East and West array unless this can be demonstrated to reduce overall UWN impacts. On 21st January Defra (2025) published the Marine Noise Policy Paper – Reducing Marine Noise which states that <i>“From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions using primary and/or secondary noise reduction methods in the first instance.”</i> RWE must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p>	Applicant	

Mammal Mitigation Protocol (MMMP)	<p>The applicant has committed to the use of Acoustic Deterrent Devices (ADDs). TWT agrees with the limited use of ADDs, as prolonged use can cause habituation (McGarry et al. 2022). However, ADDs alone are not sufficient mitigation measures as:</p> <ul style="list-style-type: none"> - The evidence on their effectiveness is not conclusive. - Their reported area effect is not sufficient to cover the impact of the piling in this instance. - ADDs do not lower the source energy dissipated into the environment. As such if an animal is unresponsive to ADDs, their risk of injury is not lowered. <p>While TWT approves of ADDs as an additional measure, this should only form part of a larger underwater noise mitigation package that includes NAS.</p>	Applicant	
ES, Vol 7, Chap 11. 11.3.3	<p>The Wildlife Trusts are recommending that the applicant implement NAS to further mitigate the noise impacts during the construction phase of this project. The applicant has committed to “consider the use of NAS” and that this will be an optional element of the Projects procurement strategy (Response to Natural Englands Relevant Representations, RR-039: NE14). On 21st January Defra (2025) published the Marine Noise Policy Paper – Reducing Marine Noise which states that <i>“From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance.”</i> RWE must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p> <p>The piling activities proposed in this project can have significant effects on marine mammals and key prey and predator fish species within the Dogger Bank SAC ecosystem. Whilst standard procedures such as a soft start have been proposed by the applicant to mitigate impacts on marine mammals, species that do not react with such avoidance behaviours will remain affected by the UWN inputs. Studies have shown that key species on Dogger Bank such as Cod (<i>Gadus morhua</i>) and sole (<i>Solea solea</i>) can show responses to UWN from wind</p>	Applicant	

	<p>farms at up to 70km away (Andersson 2011). Noise abatement technologies could be implemented to reduce the impact of UWN on all species.</p> <p>The construction of wind turbines through piling produces UWN which can have adverse effects on the health and behaviour of marine mammals (of which the harbour porpoise (<i>Phocoena Phocoena</i>) is a protected feature of the Southern North Sea SAC). Though the applicant has committed to soft start procedures, noise abatement systems have not been considered. JNCC guidelines recommend operators should always look to use methods or equipment that will result in the lowest practical noise levels. This also follows obligations to follow the mitigation hierarchy, in which avoiding or minimising the input of UWN should be the priority.</p> <p>The implementation of bubble curtains or shell-in-shell systems could significantly diffuse and reduce the sound emitted into the marine environment. The applicant could also consider the use of alternative piling techniques such as vibrational, hydraulic or screw piling if feasible.</p>		
Cumulative Effects Assessment (CEA) Screening Table 11-5-1	<p>The applicant has identified Hornsea 4 as a project in the area that would contribute to cumulative UWN impacts (CEA methodology 5.2.1). However, other upcoming projects that may have overlapping construction windows, such as Dogger Bank D, have not been considered. As Dogger Bank D has now entered pre-application consultations, information should be available that allow it to be scoped into this assessment.</p> <p>We will await the updated cumulative assessments from the applicant. However, the additional submission by the applicant still does not mention Dogger Bank D.</p>	Applicant	
CEA Screening Table 11-5-10	We do not agree that the cumulative UWN impacts from operational windfarms should be considered negligible.	Applicant	

	<p>Though operational UWN outputs are lower compared to construction UWN, operational noise could cause behavioural reactions if the animals are in the immediate vicinity of the wind turbines (Tougaard et al., 2009; Sigray & Andersson, 2011; PrePARED 2023). Local effects on marine mammals (ie. Local area avoidance) are more frequent than larger population scale effects (Middel & Verones 2017). However, as the local area for this project is an important feeding ground for harbour porpoises, local exclusion is potentially more impactful. As Dogger Bank is an area highly frequented by harbour porpoises (Cucknell et al. 2017), the addition of the turbines in the DBS arrays increased what is an already large cumulative impact zone for foraging mammals throughout Dogger Bank. Studies simulating porpoise avoidance from wind turbines commonly use deterrence halos around individual turbines of hundreds of metres (Nabe-Nielson, 2011), generating exclusion zones for the combined array of DBS to be at least 9km². A recent study found porpoise detection within a turbine array decreased 17.7% after the construction of a wind farm (PrePARED 2023). These localised impact zones are acknowledged in the applicants own environmental statement (ES Marine Mammals 11.6.2.1.3. 699, ES Underwater Noise Modelling Report 6.2). This Barrier effect can impact the energy usage of individuals by altering their movement to navigate around turbines.</p> <p>Dogger Bank SAC, upon the completion of the DBS arrays, will host 6 large turbine installations totalling 677 operational turbines. This is over three times the size of wind farms which have had long term studies referenced by the applicant (Nysted and Horns Rev 1999-2006).</p> <p>Due to the scale of development on Dogger Bank, we are requesting that a long-term monitoring program be developed to monitor the impacts of UWN from operational turbines on harbour porpoises.</p>		
ES Chap 11. 11.6.1.1.7	The Wildlife Trusts do not agree that no long-term monitoring of the site is required.	Applicant	

	<p>The applicant has committed to monitoring around active piling rigs but makes no commitment to monitoring the ongoing effects of the operation of such a large wind farm.</p> <p>The Licence Holder must make provision during the construction phase of the wind farm to install facilities to enable subsea noise and vibration from the turbines to be assessed and monitored during the operational phase of the wind farm (MMO, 2014)</p> <p>The Wildlife Trusts are of the opinion that Dogger Bank SAC, a site heavily used by harbour porpoise for feeding, is reaching a level of wind infrastructure density that has not been seen previously. The scale of developments on this site is more reason for ongoing long-term monitoring of the effects of operational turbines on marine mammal behaviour.</p>		
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References

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