



Planning Inspectorate

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

Customer
Services: 0303 444 5000
e-mail: DoggerBankSouth@planninginspectorate.gov.uk

The Applicant, Natural England the Royal Society for the Protection of Birds (RSPB) and The Wildlife Trusts

Your Ref:

Our Ref: EN010125

Date: 3 March 2025

Dear Sir/ Madam,

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for further information

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

On Friday 28 February 2025, Natural England (NE) submitted the following documents, which the Examining Authority (ExA) has agreed to accept as late submissions:

- Appendix G2 – Natural England’s Advice on Offshore Ornithology Deadline 2 [[AS-159](#)];
- Appendix H2 – Natural England’s Advice on Offshore Ornithology Compensation Deadline 2 [[AS-160](#)]; and
- Dogger Bank South East and West – Natural England’s Risk and Issues Log Deadline 2.1 [[AS-161](#)].

The documents were unfortunately received after the ExA’s First Written Questions (ExQ1) [[PD-014](#)] had been sent for publication. As a result, some of the questions on offshore and intertidal ornithology and relevant Habitats Regulation Assessment (HRA) aspects in ExQ1 no longer reflect the most up to date positions. To maintain the timetable, the ExA has reviewed the submissions and updated and added to the questions where necessary. These questions, see **Annex A** of this letter, replace those in the offshore and intertidal ornithology and relevant Habitats Regulations Assessment (HRA) aspects in the original ExQ1.

Responses should be submitted by **Deadline 3 (19 March 2025)**.

Request for full Compensation Implementation and Monitoring Plans (CIMPs)

The ExA supports NE's position and statement in its Risk and Issue Log 2.1 [AS-161] that following the publication of the Written Ministerial Statement confirming that offshore Artificial Nesting Structure(s) should be delivered at a project level, that a populated kittiwake CIMP should be submitted into the Examination.

The ExA also notes NE's concern [AS-160] that leaving the CIMP for auks until site(s) for predator eradication have been confirmed, may not leave sufficient time within the Examination for a more detailed CIMP to be submitted. Whilst NE and the ExA accept that certain aspects of this CIMP could not be progressed until a site has been identified there are other elements that could be further developed and agreed at this stage.

Consequently, the ExA supports NE's position [AS-160] that full/ more detailed species-specific CIMPs should be submitted. Therefore, could the Applicants:

1. Further develop the outline kittiwake CIMP [APP-054] and submit a full outline kittiwake CIMP into the Examination at **Deadline 4**.
2. Further develop the outline CIMP for auks [APP-057] and submit a revised version into the Examination at **Deadline 4** which is developed as far as is possible at this stage for aspects that are site independent.
3. Review the drafting contained within Schedule 18 of the draft Development Consent Order [REP1-004] to reflect these changes.

Other Interested Parties may also wish to respond to these requests.

Finally, whilst the ExA appreciates the resourcing issues that NE is under, the ExA is also under a statutory deadline to complete the Examination by the 14 July 2025. Not providing the ExA with information at the agreed deadlines can delay the Examination and lead to unnecessary or wasted expense. The ExA wishes to remind Interested Parties that **documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties**. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour which could result in the awarding of costs.

Yours faithfully

Jo Dowling

Jo Dowling
Lead member of the panel of Examining Inspectors

Annex A Updated ExQ1 on offshore and intertidal ornithology and relevant Habitats Regulation Assessment (HRA) aspects

This communication does not constitute legal advice.
Please view our '[Privacy Notice](#)' before sending information to The Planning Inspectorate.

ExQ1	Question to:	Question
Offshore and intertidal ornithology and relevant Habitats Regulations Assessment (HRA) aspects		
OR.1.1	Natural England (NE)	<p>Impact on the razorbill feature of the Finchley and File Coast (FFC) Special Protection Area (SPA)</p> <ol style="list-style-type: none"> 1. What is your position in relation to the Applicants' conclusion of the razorbill assessment provided in the Report to Inform the Appropriate Assessment (RIAA) Part 4 of 4 [AS-085] for construction and operational displacement mortality impacts from the project alone, and in combination, and the Applicants' provision of a derogation case on a 'without prejudice' basis? 2. Do you agree with the Applicants' that when the Population Viability Analysis (PVA) is applied to the project alone and in combination, razorbill displacement would not represent an Adverse Effect on Integrity (AEol) of the FFC SPA? If not, why not?
OR.1.2	The Applicants	<p>Displacement, mortality and apportionment values for razorbill and guillemot on the FFC SPA</p> <ol style="list-style-type: none"> 1. Will you provide in-combination assessments for guillemot and razorbill at the FFC SPA with a displacement rate of 70% and a mortality rate of 5%, as advised by NE [AS-159] point G59)? 2. Will you provide a PVA based on 70% displacement and 10% mortality values as NE advises [AS-159, point G3)? 3. Will you run a population viability assessment for FFC SPA razorbill for the project alone and for guillemot at the Environmental Impact Assessment (EIA) scale as NE advises [AS-159, point G3)?
OR.1.3	NE and the Royal Society for the Protection of Birds (RSPB)	<p>Displacement, mortality and apportionment values for razorbill and guillemot on the FFC SPA</p> <p>For the assessment in the Guillemot [and Razorbill] Compensation Plan [AS-089] relating to the razorbill and guillemot features of the FFC SPA, which values of displacement, mortality and apportionment presented in the RIAA [AS-085], should the ExA rely on for its recommendation and ultimately the Secretary of State (SoS) rely on were they to decide AEol for razorbill and guillemot on the FFC SPA? Justify your response with evidence.</p>
OR.1.4	NE	<p>Displacement, mortality and apportionment values for auks</p> <p>Can you comment on whether applying rates greater than 50% displacement and 1% mortality to the auks at risk is justified in combination with the estimation of seasonal abundance and apportioning, as has been queried by the Applicants [AS-158)?</p>
OR.1.5	NE and the RSPB	<p>Seasonal abundance, apportioning and displacement risk for guillemot</p> <p>Can you respond to the Applicants' statement in the RIAA [AS-085, paragraph 236] that based on NE's guidance to estimate seasonal abundance and apportioning for guillemot?</p> <p><i>'...over 73% of the FFC SPA guillemot population is apparently present on all UK wind farms through the course of the year and at risk of displacement, despite the fact that offshore wind farms actually make up approximately 6% of the area within 300km of the FFC SPA.... It is not difficult to envisage</i></p>

ExQ1	Question to:	Question
		<i>that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population.'</i>
OR.1.6	NE and the RSPB	<p>Seasonal abundance, apportioning and displacement risk for razorbill</p> <p>Can you respond to the Applicants' comment in the RIAA [AS-085, paragraph 314] that based on NE's guidance to estimate seasonal abundance and apportioning for Razorbill?</p> <p><i>'...suggests that 40% of the FFC SPA razorbill population is apparently present on UK wind farms through the course of the year and at risk of displacement. This highlights the precautionary basis of the methods used to estimate seasonal abundance and apportioning since offshore wind farms make up approximately 6% of the area within 300km of the FFC SPA... Indeed, it is not difficult to envisage that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population.'</i></p>
OR.1.7	The Applicants	<p>Cumulative displacement impacts on auks</p> <p>Can you respond to NE's continued advice [AS-161] that you should provide an assessment of cumulative displacement impacts on auks between the arrays?</p>
OR.1.8	The Applicants	<p>Displacement matrices</p> <p>Will you follow NE's advice [AS-159] to update Appendix 7.12.12 [APP-115] to present all displacement matrices to reflect the updated figures including upper and lower confidence intervals?</p>
OR.1.9	The Applicants, NE and the RSPB	<p>PVAs</p> <ol style="list-style-type: none"> 1. Are NE and the RSPB satisfied with the PVAs undertaken for kittiwake from the FFC SPA and presented by the Applicants in the RIAA [AS-085]? Can you explain your response? 2. Can the Applicants respond to NE's advice [AS-159] that you should: <ol style="list-style-type: none"> a) Check the results of all PVA scenarios run for the assessment? b) Use the most recent population estimate for kittiwake at the FFC SPA as the starting population for PVAs run for this population? c) Clearly present the inputs and outputs for all PVA scenarios so that the specification and parameterisation of the models can be fully understood and assessed, including the log files for all PVA scenarios undertaken? d) Consider realistic assessments of current and future seabird population trends, considering all relevant evidence, when assessing the significance of the predicted impacts of the projects, such as the approach taken by Sheringham and Dudgeon Extension Projects Offshore Wind Farm (OWF) Development Consent Order (DCO) application in considering a range of potential future growth rates?
OR.1.10	The Applicants	In-combination totals for kittiwake at the FFC SPA

ExQ1	Question to:	Question
		Can you respond to NE's concern that in-combination totals for kittiwake at the FFC SPA appear to be lower than expected [AS-159] ?
OR.1.11	The Applicants	<p>FFC SPA seabird assemblage feature</p> <ol style="list-style-type: none"> 1. Can you signpost where in the RIAA [AS-085] and its Appendix A [APP-049] reference to the seabird assemblage qualifying feature, other than the puffin component feature, of the FFC SPA and the rationale for not screening it into the assessment is set out? 2. Can you respond to NE's request to check the calculations of displacement impacts on puffin at FFC SPA [AS-161]? 3. Can you comment on the RSPB's suggestion [RR-049] and Written Representation (WR) [REP1-087] that an AEoI of this feature could not be ruled out for the Proposed Development alone and in-combination through a combination of collision mortality and displacement mortality?
OR.1.12	NE and the RSPB	<p>Kittiwake and auk compensation quantum</p> <p>The Examining Authority (ExA) notes that Appendix H1 to NE's Deadline 1 Submission, NE's Advice on Seabird Compensation Calculations [REP1-065], maintains its advice that the Hornsea 3 Stage 2 method should be used for all compensatory measures where it is necessary to calculate the requirement in terms of the number of breeding pairs as it is considered the most ecologically realistic.</p> <ol style="list-style-type: none"> 1. Can you provide a response to the Applicants' statement [REP1-049] and [AS-158] that the Hornsea Three Stage 2 method recommended by NE to be used to calculate the scale of kittiwake and auk compensation required is unsuitable as: <ol style="list-style-type: none"> i) the method is not freely available in full such that it can be readily replicated; ii) it is unnecessarily complicated and extremely difficult to interpret; and iii) results in double-counting of the effects of mortality and thus an overestimation of compensation quantum? 2. Can you provide a response to the Applicants' concern in their Deadline 2 cover letter [AS-158] that the Hornsea 3 stage 2 method was developed for kittiwake, a species for which there is demographic information available which is not available for auks.
OR.1.13	The Applicants	<p>Kittiwake and auk compensation quantum</p> <p>Can you provide a response to NE's Appendix H1 to NE's Deadline 1 Submission, NE's Advice on Seabird Compensation Calculations [REP1-065], which states that the Hornsea 4 method could be used where it is not possible to populate the Hornsea 3 stage 2 method adequately due to limited demographic information regarding the species under consideration provided that the calculations are updated using philopatry data to account for the need of the colony to sustain itself.</p>
OR.1.14	The Applicants	Kittiwake and auk compensation quantum

ExQ1	Question to:	Question
		The ExA notes comments from NE in its Deadline 1 submission Appendix H1 [REP1-065] regarding the recommended use of the Hornsea 3 and 4 methods and the use of the 95% upper confidence limit predicted impact value as opposed to the central impact value. Can the Applicant submit a list into the Examination of OWFs for which kittiwake or auk compensation has been required, setting out the justification for the final compensation calculation method used which was accepted by the SoS, including whether the compensatory measures were scaled against the 95% upper confidence limit predicted impact value or the central impact value.
OR.1.15	The Applicants, NE and the RSPB	<p>Kittiwake and auk compensation quantum</p> <ol style="list-style-type: none"> 1. Can the Applicants provide compensation quanta at ratios of 1:1, 1:2 and 1:3 for kittiwake, guillemot and razorbill according to both the Hornsea 3 part 2 and Hornsea 4 approaches, as advised by NE [AS-160] and in its Risk and Issue Log [AS-161, point H6]? This is required so that the SoS has the complete information in order to make a decision on the compensation quanta required if they were to decide AEoI. 2. Which compensation ratio do NE and the RSPB believe should be applied for each of these species?
OR.1.16	NE	<p>Hornsea 3 Stage 2 methodology spreadsheet</p> <p>Does NE have access to the Hornsea 3 Stage 2 methodology spreadsheet? If so, could this be shared with the Applicants so the exact methodology can be replicated? If the spreadsheet cannot be shared, can NE provide an alternative way for the Applicants to ensure the methodology they have used correctly follows the Hornsea 3 Stage 2 methodology?</p>
OR.1.17	The Applicants	<p>British Trust for Ornithology review of existing approaches to compensation calculations</p> <p>NE states it will endeavour to keep current Examinations and prospective applicants updated on timescales for the recommendations from the review it has commissioned from the British Trust for Ornithology, of existing approaches to compensation calculations [AS-160] that is due March 2025. Would the Applicants amend relevant parts of the Proposed Development in light of this advice or not? If not, please explain why not. If so, what implications would this have for the Examination timescales?</p>
OR.1.18	NE and the RSPB	<p>Kittiwake compensation quantum</p> <ol style="list-style-type: none"> 1. Can you provide comment on the Applicants' apportioned impact as presented in the RIAA [AS-085] and Project-level Kittiwake Compensation Plan [REP2-010]? 2. Could NE elaborate on the evidence for the case of using the upper 95% upper confidence limit vs the mean, and 100% vs 53% adult apportionment?
OR.1.19	The Applicants	<p>Applicants' compensation proposals</p> <p>Can you respond to the detailed criteria for assessing compensation proposals, documented in section 5 of the RSPB's WR [REP1-087]? For each criteria the RSPB has set out, can you explain in full:</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. If it is required by law or is a recommendation? 2. Whether and how your proposed compensation would meet each criterion?
OR.1.20	NE	<p>Applicants' kittiwake compensation proposals</p> <p>Do you agree with the Applicants' statement in their Deadline 2 cover letter on page 5 [AS-158]: 'For Kittiwakes at the FFC SPA the principal compensation proposed by the Applicants in the Project-Level Kittiwake Compensation Plan [REP2-010], is the delivery of Artificial Nesting Structure(s) (ANS). This aligns with the primary measure identified by the Kittiwake Strategic Compensation Plan [APP-053] and with Department for Energy Security and Net Zero (DESNZ) guidance (DESNZ, 2025) which confirmed the inclusion of offshore ANS within the Library of Strategic Compensation Measures and the eligibility of Round 4 offshore wind projects to deliver this measure. Guidance also states that projects wishing to rely on this measure ahead of the Marine Recovery Fund (MRF) being operational need to deliver offshore ANS on a project led or collaborative basis, and that where possible developers should construct fewer and larger offshore ANS placed in optimal sites. As such the Applicants' believe that the compensation measure proposed is accepted by Natural England as a member of the kittiwake steering group. The delivery mechanism is confirmed by Department of Environment, Food and Rural Affairs (Defra) and DESNZ, hence this does not need further debate'. If not, explain why not.</p>
OR.1.21	The Applicants	<p>Applicants' kittiwake compensation proposals</p> <p>The ExA notes your response to the RSPB's questions from its Relevant Representation (RR) [RR-049] in The Applicants' Responses to Relevant Representations (Revision 1) [PDA-013]. You referred to updates due to be submitted at Deadline 1 for many of these. Can you now respond in full to the questions from the RSPB, documented in section 6 of the RSPB's WR submitted at Deadline 1 [REP1-087]? These are:</p> <ol style="list-style-type: none"> 1. Based on the Applicants' expert knowledge, its initial assessment of the Areas of Search and ongoing evaluation work, what does it consider are the likely engineering and manufacturing requirements of such a structure? 2. What would these requirements mean in terms of the supply chain and logistics pathways eg access to specialist installation vessels, and how might this be affected by each of the sequential and concurrent wind farm construction scenarios? 3. How might this translate into lead-in times for the installation of bespoke offshore ANS, and how does this relate to the Applicants' sequential and concurrent development scenarios? 4. What is the Applicants' understanding of when the organisation responsible for commissioning and construction of an offshore ANS under the Kittiwake Strategic Implementation and

ExQ1	Question to:	Question
		<p>Monitoring Plan (KSIMP) process would be identified and how might this affect the lead-in times?</p> <p>5. What is the Applicants' understanding of how these lead times would be affected by the different implementation routes it has identified e.g. via The Crown Estate KSIMP, the MRF or by the project alone?</p>
OR.1.22	The Applicants	<p>Applicants' kittiwake compensation proposals</p> <p>NE states in Appendix H2 [AS-160] that you have committed to delivering a single project-led ANS, (with a second ANS to be delivered by Outer Dowsing OWF if development consent is given) and that discussions are underway to secure a Memorandum of Understanding to allow resilience to be shared between the Proposed Development and the ANS that would be delivered by Outer Dowsing OWF if it gained development consent. NE is concerned [AS-160] that the single ANS would not provide sufficient quantum of compensation for kittiwake for the predicted impacts and that it cannot be assumed that a 'compensation envelope' of 5,500 nesting spaces would be sufficient given the higher impacts now predicted from the Proposed Development as NE states in point H7 of its Risk and Issue Log 2.1 [AS-161]. If the Outer Dowsing OWF was not to gain consent, can the Applicants confirm whether the single proposed ANS for the Proposed Development would be able to provide adequate kittiwake compensation for the full range of predicted impacts from the Proposed Development? Can you support your answer with evidence?</p>
OR.1.23	The Crown Estate and the Applicants	<p>Applicants' kittiwake compensation proposals</p> <p>Can you respond in full to the questions from the RSPB, documented in section 6 of the RSPB's WR [REP1-087]? These are:</p> <ol style="list-style-type: none"> 1. What steps has The Crown Estate taken to secure a marine licence for an offshore ANS in the alternative Areas of Search? 2. Assuming no steps have been taken as no decision has yet been taken on the preferred location for any offshore ANS under the KSIMP, what is the Applicants' and The Crown Estate's view on the implications of this for the implementation timeline for any such offshore ANS?
OR. 1.24	The Applicants	<p>Applicants' kittiwake compensation proposals</p> <p>The RSPB has highlighted [REP1-087] paragraph 6.14] Hornsea Four's change in approach to delivery of its kittiwake compensation, switching from offshore ANS to onshore ANS stated in their final Kittiwake Compensation Implementation and Monitoring Plan, paragraph 2.1.1.5. Can you evaluate the key, foreseeable risks to meeting the fabrication and installation programme for the offshore ANS and specify the measures the Applicants' plan to put in place to mitigate these risks, particularly in light of the recent Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance published by DESNZ on 29 January 2025?</p>

ExQ1	Question to:	Question
OR.1.25	NE, The Wildlife Trusts and the RSPB	<p>Kittiwake compensation proposals - offshore ANS</p> <p>Section 6.3 of the Applicants' Project-Level Kittiwake Compensation Plan [REP2-010] states that three candidate offshore ANS sites have been selected for progress to site investigation surveys to confirm suitability and that the Applicants are seeking to undertake geophysical surveys for the three candidate sites in April and May 2025, and geotechnical surveys later in 2025. The Applicants state that the outputs of these surveys would enable the selection of a project led offshore ANS site by the close of the Examination period. The Applicants go on to state that they anticipate that in Q2 2025, a Marine Licence application would be submitted to the Marine Management Organisation (MMO) and a Seabed Lease application to The Crown Estate would be submitted with ongoing consultation with fisheries organisations and other key stakeholders in the interim and that stakeholder engagement would continue throughout the site selection process. Do NE, The Wildlife Trusts or the RSPB have any concerns with this suggested approach?</p>
OR.1.26	NE, RSPB and The Wildlife Trusts	<p>Case for reduction in kittiwake breeding seasons for ANS installation</p> <p>Do you have any comments on the Applicants' proposal to reduce the number of breeding seasons ahead of operation of the proposed offshore ANS from three to two seasons, as proposed in the Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] and the Project-Level Kittiwake Compensation Plan [REP2-010]? Please signpost or add further evidence to support your position.</p>
OR.1.27	The Applicants	<p>Case for reduction in kittiwake breeding seasons for ANS installation</p> <p>You state in the Project-Level Kittiwake Compensation Plan [REP2-010] that you expect to deliver kittiwake compensation requirements in collaboration with Outer Dowsing OWF and that Outer Dowsing OWF submitted a change request into its Examination in February 2025 to amend its draft DCO wording to reduce the number of breeding seasons ahead of operation from three to two. If this proposed change from the Outer Dowsing Applicant is not accepted by the SoS, can you explain how that would impact on your proposals for the Proposed Development, given that the offshore ANS are planned to be delivered collaboratively with Outer Dowsing OWF?</p>
OR.1.28	The Applicants, NE and the RSPB	<p>Dealing with any accrued compensation deficit</p> <p>Section 6.3.6, paragraph 205 of the Project-Level Kittiwake Compensation Plan [REP2-010] refers to the concept of '<i>compensation deficit accrued</i>' should there be a delay to the delivery of the offshore ANS for kittiwakes. The Applicants suggest that this would be so small that it would be paid off over the lifespan of the Proposed Development, or that the scale of compensation could be increased, or alternative measures could be relied on to offset any deficit accumulated during the early years of operation.</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. Can the Applicants provide an update to refine their position on this and provide quantitative evidence to support their confidence for a worst-case delay between the commencement of operation of the Proposed Development and the availability of compensation measures? 2. Does the confidence equally apply to the scenario for the development of two offshore array sites simultaneously rather just one or the other, for one or two offshore ANSs, and if only two or three breeding seasons were stipulated in any Requirement to provide compensation ahead of operation, rather than four? If so, demonstrate why. 3. Do NE and the RSPB wish to provide anything further in relation to the timing of the implementation of compensation or the compensation deficit accrued?
OR.1.29	NE, RSPB and The Wildlife Trusts	<p>Suitability of predator eradication or reduction on the Isles of Scilly as strategic compensation for auks</p> <p>Can you comment on the Applicants' auk compensation proposals in general and particularly the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme as proposed by the Applicants in their Guillemot [and Razorbill] Compensation Plan [AS-089] and the latest update provided in the Applicants' Cover Letter at Deadline 2 [AS-158], taking into consideration The Wildlife Trusts' comments in its submission [REP1-088, section 2.4].</p>
OR.1.30	The Applicants	<p>Securing auk compensation</p> <p>Noting the SoS's clear indication in decision letters for other recent offshore wind farm DCO applications that potential derogation and compensation matters should reach a conclusion during the Examination, can you:</p> <ol style="list-style-type: none"> 1. Provide an update on the Auk Compensation Expert Topic Group discussion on predator eradication? 2. Provide further details and a schedule for the Collaboration in Offshore Wind Strategic Compensation study investigating effectiveness of predator eradication for guillemot and razorbill? 3. Detail how the compensation would be secured through any DCO under any scenario (site identified and secured; site identified but not secured; site not identified or secured)? 4. Confirm the locations of the two 'project-led' locations referred to in your Deadline 2 cover letter [AS-158] where survey work is being undertaken? 5. Provide an update on the survey work to determine suitability for a predator reduction scheme, including: <ol style="list-style-type: none"> a. determining predator (rat) presence; b. determining the amount of additional suitable available predator-free potential auk habitat that would be created, noting NE's statement [AS-160] that, if any of these

ExQ1	Question to:	Question
		<p>locations are already rat-free, the available habitat cannot be assumed to contribute to the compensation measure.</p> <ol style="list-style-type: none"> 6. State whether the proposed auk compensation sites under consideration would have sufficient compensation capacity if the upper confidence interval values were to be considered, as per NE's concern [AS-160]? 7. Provide estimated timescales for completion of this work and whether decisions on choice of either of these sites could be made by the close of the Examination?
OR.1.31	The Applicants, NE, RSPB and the Wildlife Trusts	<p>Connectivity between the proposed sites and the FFC SPA and the National Site Network</p> <p>Whilst welcoming the Applicants' assessment of connectivity with the National Site Network that was included in the Guillemot and Razorbill Compensation Plan [AS-089], NE states [AS-160] that, whilst there is a pathway from the potential sites of Worms Head and Middle Mouse for birds to recruit and contribute to the National Site Network, it is likely to be limited, and this uncertainty should be reflected in the level of compensation provision.</p> <ol style="list-style-type: none"> 1. Can the Applicants, RSPB and the Wildlife Trusts suggest a suitable factor to be applied to the compensation quanta to account for this level of uncertainty? 2. Can NE advise a factor to be applied to the compensation quanta to account for this level of uncertainty?
OR.1.32	The Applicants, NE and the RSPB	<p>Adaptive management measures</p> <p>If adaptive management measures beyond predator eradication became required to compensate for impacts on auks, section 5.4 of the Guillemot (and Razorbill) Compensation Plan [AS-089] considers artificial nesting sites, and bycatch reduction, which would rely on the Applicants successfully achieving the process set out in paragraph 204 [AS-089] to engage sufficient skippers to implement adequate compensation. What would be an adequate number of skippers? Is there any evidence that either approach would be achievable in practice?</p>
OR.1.33	The Applicants	<p>National Policy Statement (NPS) EN-3 in relation to offshore ornithology</p> <p>The ExA notes that section 12.4 of ES Chapter 12 [AS-057] gives incorrect paragraph numbers for many of the quoted paragraphs in NPS EN-3. For example, the following quoted text has been referenced in ES Chapter 12 as EN-3 Paragraph 2.8.91 when it is actually EN-3 Paragraph 2.8.101.</p> <p><i>'Applicants must undertake a detailed assessment of the offshore ecological, biodiversity and physical impacts of their proposed development, for all phases of the lifespan of that development, in accordance with the appropriate policy for offshore wind farm EIAs, HRAs and MCZ assessments (See sections 4.3 and 5.4 of EN-1).'</i></p> <p>Can you review and correct all references to the NPS as necessary?</p>

ExQ1	Question to:	Question
OR.1.34	The Applicants	<p>NPS EN-3 in relation to offshore ornithology</p> <p>The ExA notes that ES Chapter 12 [AS-057] section 12.4 does not reference the following paragraphs of NPS EN-3. Can you explain why the following paragraphs of NPS EN-3 have been omitted? If they were omitted in error, can you explain how the application fulfils these policy requirements in NPS EN-3?</p> <ul style="list-style-type: none"> a) <i>'In developing proposals applicants must refer to the most recent best practice advice originally provided by Natural England under the Offshore Wind Enabling Action Programme, and/or their relevant Statutory Nature Conservation Bodies (SNCBs)'. NPS EN-3 paragraph 2.8.105.</i> b) <i>'Applicants are expected to have regard to guidance issued in respect of Marine Licence requirements and consult at an early stage of pre-application with the Marine Management Organisation'. NPS EN-3 paragraph 2.8.108.</i> c) <i>'Applicants should have regard to duties in relation to Good Environmental Status of marine waters under the UK Marine Strategy and MPA target (including any interim target) in England, set under the Environment Act 2021'. NPS EN-3 paragraph 2.8.109.</i> d) <i>'Applicants should explain why their decisions on siting, design, and impact mitigation are proportionate and well-targeted considering real-world evidence gathered from previous deployments'. NPS EN-3 paragraph 2.11.38.</i> e) <i>'Applicants should assess the potential of their proposed development to have net positive effects on marine ecology and biodiversity as well as negative effects'. NPS EN-3 Paragraph 2.11.40.</i> f) <i>'Applicants are expected to have regard to guidance issued in respect of Marine Licence requirements'. NPS EN-3 paragraph 2.11.41.</i> g) <i>'Applicants should also have regard to Good Environmental Status under the UK Marine Strategy'. NPS EN-3 Paragraph 2.11.42.</i> h) <i>'Careful design and siting of the development is likely to be the primary form of impact mitigation, along with the choice of construction and installation techniques'. NPS EN-3 paragraph 2.11.45.</i> i) <i>'Applicants must always employ the mitigation hierarchy, in particular to avoid as far as is possible the need to find compensatory measures for coastal, inshore and offshore developments affecting designated sites'. NPS EN-3 paragraph 2.11.46.</i> j) <i>'Aviation and navigation lighting should be minimised and/or on demand (as encouraged in EN-1 Section 5.5) to avoid attracting birds, taking into account impacts on safety. Subject to other constraints, wind turbines should be laid out within a site, in a way that minimises collision risk'. NPS EN-3 paragraph 2.8.240.</i>

ExQ1	Question to:	Question
		<p>k) <i>'Turbine parameters should also be developed to reduce collision risk where the assessment shows there is a significant risk of collision (e.g., altering rotor height). 'Construction vessels and post-construction maintenance vessel traffic associated with offshore wind farms and offshore transmission should, where practicable and compatible with operational requirements and navigational safety, avoid rafting seabirds during sensitive periods and follow agreed navigation routes to and from the site and minimise the number of vessel movements overall'. NPS EN-3 paragraph 2.8.242.</i></p> <p>l) <i>'If, during the pre-application stage, SNCBs indicate that the proposed development is likely adversely to impact a protected site, the applicant should include with their application such information as may reasonably be required to assess potential derogations under the Habitats Regulations or the Marine and Coastal Access Act 2009'. NPS EN-3 paragraph 2.8.267.</i></p> <p>m) <i>'Applicants should work closely at an early stage in the preapplication process with SNCBs, and Defra, in conjunction with the relevant regulators, Local Planning Authorities, National Park Authorities, landowners and other relevant stakeholders to develop a compensation plan for all protected sites adversely affected by the development'. NPS EN-3 paragraph 2.8.273.</i></p> <p>n) <i>'Before submitting an application, applicants should seek the views of the SNCBs and Defra, as to the suitability, securability and effectiveness of the compensation plan to ensure that the overall coherence of the National Site Network for the impacted Special Areas of Conservation (SAC)/SPA/Marine Conservation Zone (MCZ) feature is protected. Consultation should also take place throughout the pre-application phase with key stakeholders (e.g. via the evidence plan process and use of expert topic groups)'. NPS EN-3 paragraph 2.8.27.</i></p> <p>o) <i>'Not every impact for every project will initially fall within the strategic compensation proposals, so applicants should continue to discuss with SNCBs and Defra the need for site specific or strategic compensation at the earliest opportunity' NPS EN-3 paragraph 2.8.282.</i></p>
OR.1.35	The Applicants	<p>NPS EN-3 in relation to offshore ornithology</p> <p>The ExA notes that section 12.4 of ES Chapter 12 [AS-057] does not reference paragraph 2.8.110 of NPS EN-3, which states, <i>'The British Energy Security Strategy contains a commitment to reviewing the Habitats Regulation Assessment process for offshore wind farm developments, and powers are included in the Energy Act 2023 to implement this through secondary legislation. Further guidance will be published as a separate document setting out what information assessments must contain. Once final guidance is published, applicants will be expected to comply'</i>.</p> <p>Can you explain whether the final guidance referred to has been published and therefore whether this paragraph is currently relevant to the application?</p>
OR.1.36	The Applicants	<p>NPS EN-3 in relation to offshore ornithology</p>

ExQ1	Question to:	Question
		<p>The ExA notes that section 12.4 of ES Chapter 12 [AS-057] omits reference to the last two bullet points of paragraph 2.8.136 of NPS EN-3 which state that, <i>'Offshore wind farms have the potential to impact on birds through: impacts upon prey species and prey habitat; and impacts on protected sites'</i>. Can you explain why these last two bullet points referring to prey species, prey habitat and impacts on protected sites were omitted and if they have any implications for your assessment and the Examination?</p>
OR.1.37	The Applicants, NE, the MMO and the RSPB	<p>NPS EN-3 in relation to offshore ornithology Looking at the evidence in front of the Examination at this time, what is your position in respect of the following tests in NPS EN-3 (which the ExA must consider in its recommendation to the SoS)?</p> <ol style="list-style-type: none"> a) <i>'The Secretary of State may consider that monitoring of any impact is appropriate owing to the complex nature of offshore wind development, and the difficulty in establishing the evidence base for marine environmental recovery'</i>. NPS EN-3 paragraph 2.8.296. b) <i>'The Secretary of State must be satisfied that displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor'</i>. NPS EN-3 paragraph 2.8.315. c) <i>'The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered'</i>. NPS EN-3 paragraph 2.8.316.
OR.1.38	The Applicants	<p>Relevance of NPS EN-5 ES Chapter 12 (section 12.4.1.1) [AS-057] includes NPS EN-5 as a policy consideration, but then makes no further reference to it. Can its relevance be clarified in the context of offshore ornithology?</p>
OR.1.39	NE	<p>Revised ES Chapter 12 Offshore Ornithology – connectivity Revised ES Chapter 12 [AS-057] indicates that one of the key embedded mitigation measures for offshore ornithology was site selection, with arrays being located at least 100km from the nearest nesting colonies at Flamborough Head and the Filey Coast and, as such, connectivity for most species would be relatively low.</p> <ol style="list-style-type: none"> 1. Do you agree that connectivity for most species would be relatively low? If not, explain why not. 2. Do you agree the site selection is an effective embedded mitigation measure for potential EIA offshore ornithological impacts?
OR.1.40	NE and the RSPB	<p>Consideration of Highly Pathogenic Avian Influenza (HPAI) in the assessment of effects on marine bird species The Applicants have added a section to consider how HPAI has been considered in the assessment of effects on marine bird species into Chapter 12 of the ES [AS-057, section 12.5.2]. Has this adequately</p>

ExQ1	Question to:	Question
		addressed your concerns on this issue? If not, what is outstanding and what could the Applicants do to address your remaining concerns?
OR.1.41	The Applicants, NE and the RSPB	<p>Seabirds of conservation concern</p> <ol style="list-style-type: none"> 1. Does the latest status assessment of breeding seabird species in the UK (the 2021 Birds of Conservation Concern 5 review and the update to the second International Union for Nature Red List review of extinction risk, published in British Birds, 2 September 2024, Stanbury <i>et al</i>) affect the marine ornithology assessment and results? 2. Are there implications for the HRA? If so, does the paper need to be made available to the ExA? 3. Do you have any comments on the paper's examination of HPAI to date that might be relevant to the Proposed Development?
OR.1.42	The Applicants	<p>Great black-backed gull and lesser black-backed gull cumulative totals</p> <p>Can you check the cumulative collision impacts for great black-backed gull and lesser black-backed gull as per NE's advice [AS-161]?</p>
OR.1.43	The Applicants	<p>Inconsistency between the cumulative and in-combination totals between the ES and the RIAA</p> <ol style="list-style-type: none"> 1. Can you provide an explanation for why the cumulative impact totals presented in ES Chapter 12 section 7.12 [AS-057] and the unapportioned in-combination totals presented in the RIAA [AS-086] do not always match? 2. Can you check the cumulative and in-combination totals for all species as per NE's advice [AS-161] and provide an explanation for the difference or update as necessary?
OR.1.44	The Applicants	<p>Ornithological mitigation</p> <p>NE stated in its RR [RR-039] that further ornithological mitigation should be considered for the Proposed Development Specific mention was made of the potential for:</p> <ol style="list-style-type: none"> a) Hotspot modelling of seabird densities and distributions in the study to identify areas where impacts are particularly high, which might be suitable for changes to array size or layout to mitigate impacts. b) Consideration of further mitigation such as: <ol style="list-style-type: none"> i. array reductions, ii. changes to the design or layout of arrays, and iii. increasing the hub height of turbines. <p>The ExA notes your response to this representation in Response to NE's Relevant Representations (Appendix G & H) (Revision 01) [PDB-006]. It appears from NE's representation and reasserted position on this in their Risk and Issue log [AS-161] and Appendix H [AS-160] that further mitigation could be feasible and should be considered beyond those measures referenced in your response</p>

ExQ1	Question to:	Question
		<p>[PDB-006], particularly in light of NE's statement that, to date, the Proposed Development would be the highest impacting project in English waters on FFC SPA kittiwake. Can you expand on what further mitigation you have considered in light of NE's representation on this matter and whether the mitigation hierarchy has been fully adhered to for ornithological impacts? Can you justify your response?</p>
OR.1.45	NE	<p>Decommissioning displacement impacts Your RR [RR-039] advised that an assessment of seabird displacement impacts during decommissioning would be necessary. The Applicants have said [PDB-006] that the decommissioning assessment was assumed to be equivalent to construction, in line with best practice. Your latest Risk and Issue Log [AS-161] advises it would be beneficial for decommissioning impacts to be explicitly quantified in the assessment as for construction impacts. Can you give examples of other OWF DCO applications for which this has been requested and for which the Applicants have provided this information?</p>
OR.1.46	The Applicants	<p>Conservation value in the derivation of significance ES Chapter 12 [AS-057, paragraph 32] explains that the assessment of significance takes account of conservation value and that, <i>'the narrative behind the assessment is important here; the conservation value of an ornithological receptor can be used where relevant as a modifier for the sensitivity (to the effect) already assigned to the receptor.'</i></p> <ol style="list-style-type: none"> 1. Can you signpost where this narrative is provided for each of the ornithological receptors considered for which the modified has been used? 2. Table 12-14 lists the bird species and their Birds of Conservation Concern colour listing. How were these accounted for in each species-impact assessment?
OR.1.47	The Applicants	<p>Comparative sea level benchmarks There appeared to be some confusion during pre-application consultation over the use of MSL when describing blade clearance height (rather than highest astronomical tide (HAT)). You have explained in the application documents and your post Preliminary Meeting adjournment submissions [PDB-006] why MSL is used. However, for full transparency, can you:</p> <ol style="list-style-type: none"> 1. Amend Table 5-2 in ES Chapter 5 – Project Description [REP1-009] to include values presented in Mean Sea Level (MSL), Highest Astronomical Tide (HAT) and Mean High Water Springs (MHWS), as per NE's advice [AS-159]? 2. Provide confirmation whether the use of MSL aligns with the requirements of The Crown Estate Record of the Round 4 Habitats Regulations Assessment 2, which specifies 'sea level' rather than 'mean sea level'?
OR.1.48	The Applicants	<p>Scope of PVA studies</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. Can you clarify the intended scope of information in Appendix 12-13, Population Viability Analyses [APP-116]? Paragraph 1 says that this provides details of PVA for the kittiwake breeding population at the FFC SPA, yet there are tables and figures referring to gannet, razorbill and guillemot. 2. In Appendix 12-13, Population Viability Analyses [APP-116], can you clarify the legends of the graphs in terms of the outputs of the various Population Viability Analyses, and what the hatched lines show?
OR.1.49	The Applicants	<p>Collision risk modelling and associated parameters in the draft DCO</p> <ol style="list-style-type: none"> 1. Can calculations be provided to support the statement in the ES Chapter 12, section 12.8.3 paragraph 720 [AS-057] that: <i>'For all species, the worst-case design was the more numerous small wind turbine scenario.'</i> Is this true for both Dogger Bank South (DBS) East and West individually and combined? Support your answer with further calculations. 2. The ES Project Description Table 5-2 [REP1-009] specifies a maximum number of wind turbines of 57-100 for DBS East and West individually and 113-200 combined. Can you explain how 100 smaller diameter wind turbines of 259m diameter would keep within the specified maximum rotor swept area (for small turbines) specified in Table 5-2 of 5.263 km²? Support your answer with calculations presented in both km² and m². 3. The ES Project Description Table 5-2 [REP1-009] specifies a maximum number of wind turbines of 57-100 for DBS East and West individually and 113-200 combined. Can you explain how 57 larger diameter wind turbines of 344.08m diameter would keep within the specified maximum rotor swept area (for large turbines) specified in Table 5-2 of 5.299 km²? Support your answer with calculations presented in both km² and m². 4. The control on the number of turbines of a particular diameter is often done by specifying the maximum rotor swept area in a DCO, (for example, see Sheringham and Dudgeon and Awel y Môr). Can you explain why the maximum rotor swept area is not currently included in the DBS draft DCO [REP1-004] and how the current drafting of the draft DCO would control the number and diameter of turbines permitted to be constructed?
OR.1.50	NE, RSPB and The Wildlife Trusts	<p>Collision risk modelling and associated parameters in the draft DCO</p> <p>Following on from written question OR.1.50, do you believe the rotor wind swept area should be included as a parameter in the draft DCO as per other made orders for other offshore windfarms such as Sheringham and Dudgeon and Awel y Môr?</p>
OR.1.51	The Applicants and the RSPB	<p>Digital aerial survey methodology</p>

ExQ1	Question to:	Question
		In its RR [RR-049] and again in its WR [REP1-087], the RSPB raised a number of concerns about a perceived lack of methodological detail in relation to the digital aerial survey, and further signposting was provided by the Applicants in response [PDA-013]. Are there any matters outstanding in relation to this? If so, please state what they are and how they could be resolved by the close of the Examination.
OR.1.52	The Applicants, NE and the RSPB	<p>New research findings</p> <p>At least two scientific research papers that may be relevant to the offshore ornithology assessment have been published since the submission of the application - do either of these or any other recent research have any implications for the assessments reported by the Applicant for the EIA and HRA? (1: Davies, JG <i>et al</i>, Influence of wind on kittiwake <i>Rissa tridactyla</i> flight and offshore wind turbine collision risk. Marine Biology 171, 191 (2024). 2: Pollock, CJ <i>et al</i>, Avoidance and attraction responses of kittiwakes to three offshore wind farms in the North Sea. Marine Biology 171, 217 (2024).)</p>
OR.1.53	NE	<p>Greater Wash SPA – qualifying features</p> <p>Along with red-throated diver, paragraph 5.2 and Table 5.1 of your RR [RR-039] identifies common scoter, little gull and little tern from the Greater Wash SPA as features for which outstanding concerns remain. Can you confirm your concerns in relation to these?</p>
OR.1.54	The Applicants	<p>Greater Wash SPA - red-throated diver</p> <p>Regarding potential impacts on red-throated diver in the Greater Wash SPA, NE noted that the avoidance of works during the over-wintering period (1st November to 31st March inclusive) has not been included as a mitigation measure [RR-039]. You are of the view that this measure is not required, but have proposed other measures including use of existing shipping lanes [AS-085]. NE has responded [AS-159], reiterating advice that you should commit to avoiding or restricting cable installation works within the Greater Wash SPA plus a 2km buffer during the over-wintering period (1st November to 31st March inclusive) to avoid adverse impacts on red-throated divers from the Greater Wash SPA. How do you intend to resolve this disagreement with NE by the close of the Examination?</p>
OR.1.55	The Applicants	<p>Cumulative assessment for impacts on red-throated diver</p> <p>Can you revisit the figures presented in your cumulative assessment and clarify how they have been arrived at, according to NE’s advice that that these figures should be presented with an appropriate range of mortality rates between 1% and 10% for array displacement, [AS-159]?</p>
OR.1.56	The Denmark Environmental Protection Agency	<p>Transboundary 32 response - Denmark</p> <ol style="list-style-type: none"> 1. Have the Applicants adequately addressed your concerns [OD-010] in the Applicants’ Responses to Regulation 32 Transboundary Consultation Responses [AS-117]? 2. Do you have any outstanding concerns? If so, please provide further detail and suggest how these could be resolved.

ExQ1	Question to:	Question
OR.1.57	The Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz (Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection)	<p>Transboundary 32 response - Germany</p> <p>Have the Applicants adequately addressed your concerns [OD-011] in the Applicants' Responses to Regulation 32 Transboundary Consultation Responses [AS-117]? If not, explain why not and suggest how these could be resolved.</p>
OR.1.58	The Netherlands Ministry of Infrastructure and Water Management	<p>Transboundary 32 response – The Netherlands</p> <ol style="list-style-type: none"> 1. Have the Applicants adequately addressed your concerns [OD-012] in the Applicants' Responses to Regulation 32 Transboundary Consultation Responses [AS-117] in relation to ornithology? If not, explain why not and suggest how these could be resolved. 2. In your Regulation 32 transboundary consultation response [OD-012], you stated that you '<i>expect considerable habitat loss for various bird species by this new development</i>'. Can you provide any more detail on this point, such as where the habitat loss would occur?

Abbreviations:

Abbreviation	Definition
AEol	Adverse Effects on Integrity
ANS	Artificial Nesting Structure
DCO	Development Consent Order
Defra	Department for Farming and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
EIA	Environmental Impact Assessment
ExA	Examining Authority

Abbreviation	Definition
FFC	Flamborough and Filey Coast
HAT	Highest Astronomical Tide
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessment
KSIMP	Kittiwake Strategic Implementation and Monitoring Plan
MCZ	Marine Conservation Zone
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MPA	Marine Protection Area
MRF	Marine Recovery Fund
MSL	Mean Sea Level
NE	Natural England
NPS	National Policy statement
OWF	Offshore Wind Farm
PVA	Population Viability Analysis
RIAA	Report to Inform the Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SNCBs	Strategic Nature Conservation Bodies
SoS	Secretary of State
SPA	Special Protection Area
WR	Written Representation