



**Summary of Relevant Representation  
for the  
Royal Society for the Protection of Birds**

**Submitted on 9 September 2024**

**for Pre-Examination Procedural Deadline of 19 September 2024**

**Planning Act 2008 (as amended)**

**In the matter of:**

**Application by Outer Dowsing Limited for an Order  
Granting Development Consent for the Outer Dowsing Offshore Wind Farm**

**Planning Inspectorate Ref: EN010130**

**RSPB Registration Identification Ref: 20049053**

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## 1. Summary

- 1.1. This document summarises the relevant representation of the RSPB on the following aspects of the Outer Dowsing application:
  - Onshore ornithology – export cable corridor
  - Offshore ornithology impacts
  - Derogation case with particular reference to compensation measures.
- 1.2. The RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.

### Onshore Ornithology – Export Cable Corridor

- 1.3. The export cable route passes close to a number of national and international protected areas, as well as the RSPB’s Frampton Marsh and Freiston Shore reserves and land within the Defra-funded Lincolnshire Wash Landscape Recovery Project (formerly known as the Greater Frampton Vision Landscape Recovery Project) and therefore has potential wildlife impacts.

#### *The Wash Special Protection Area/Ramsar site and the Greater Wash SPA*

- 1.4. We request the Applicant provides additional bird survey data for March and April 2024 to enable us to review the implications of disturbance on the breeding, wintering and passage birds in these protected areas based on two years’ complete data.

#### *Impacts on the RSPB’s Frampton Marsh and Freiston Shore reserves*

- 1.5. The route of the export cable and the works access route cross a water supply pipe providing water critical to the wetland management of the RSPB’s Frampton Marsh and Freiston Shore reserves that support many of the wetland birds protected by The Wash SPA/Ramsar site.
- 1.6. The RSPB seeks assurances that, should the DCO receive consent, the construction of the cable corridor has no impact on the operation of the mains water supply to the reserve.

#### *Impact on the Lincolnshire Wash Landscape Recovery Project (LWLRP)*

- 1.7. The Lincolnshire Wash Landscape Recovery Project is part of the pilot of Defra’s England-wide Landscape Recovery Programme that aims to use land to the south-east of Boston to expand the habitats that have developed so successfully at the RSPB’s Frampton Marsh and Freiston Shore reserves.
- 1.8. Should the DCO receive consent (and Defra provides the long-term project funding for the LWLRP) it will be necessary to consider the effects of cable route construction and we would welcome the Applicant’s commitment to deal with this in any detailed construction and implementation plan for the cable route.

### Offshore Ornithology Impacts - Summary of RSPB position

- 1.9. The RSPB’s has significant concerns regarding some of the impact assessments, primarily:
  - the application of a macro avoidance correction to gannet collision risk modelling
  - the approach to apportioning of kittiwakes to the Flamborough and Filey Coast SPA

- Digital Aerial Survey
  - a lack of consideration of the in-combination impact of collision mortality on the North Norfolk Coast SPA and Greater Wash SPA Sandwich tern populations
  - a lack of consideration of impacts compounded by Highly Pathogenic Avian Influenza.
- 1.10. As a result of the methodological concerns, the RSPB considers that the impacts have not been adequately assessed and therefore an adverse effect on the integrity (AEOI) on the following qualifying features of the Flamborough and Filey Coast Special Protection Area (SPA) cannot be ruled out.

*Project alone – RSPB AEOI conclusions*

- 1.11. We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:
- The impact of collision mortality on the kittiwake population
  - The impact of displacement mortality on the guillemot population
  - The impact of displacement mortality on the razorbill population
  - The impact of combined collision and displacement mortality on the seabird assemblage.

*Project in combination with other plans and projects – RSPB AEOI conclusions*

- 1.12. We cannot rule out in-combination impacts on the following features of the Flamborough and Filey Coast SPA:
- The impact of collision mortality on the kittiwake population (we therefore agree with the Applicant’s conclusion in this respect)
  - The impact of combined collision and displacement mortality on the gannet population
  - The impact of displacement mortality on the guillemot population
  - The impact of displacement mortality on the razorbill population
  - The impact of combined collision and displacement mortality on the seabird assemblage.
- 1.13. We are unable to reach a conclusion on an adverse effect on site integrity on the following features of the North Norfolk Coast SPA and Greater Wash SPA:
- The impact of collision mortality on the sandwich tern population.

- 1.14. The RSPB cannot rule out an adverse effect on the integrity of the Greater Wash SPA, arising through the project alone and in combination. This is due to the impact of displacement (from vessel movement during construction and decommissioning and operations and maintenance) on the SPA’s red-throated diver population. The Applicant has not fully considered the Conservation Objectives relevant to that population. The numbers of red throated divers, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are relevant to the SPA conservation objectives but are not considered by the Applicant. If red-throated divers are displaced from part of the SPA which would otherwise be suitable for them the effect is to reduce the functional size of the SPA, undermining the conservation objectives.

*In-Combination: treatment of consented projects required to provide compensation*

- 1.15. The RSPB strongly disagrees with the Applicant’s approach of excluding “compensated for” projects from the in-combination assessment for a number of fundamental reasons.

## Derogation case with particular reference to compensation measures

- 1.16. The RSPB considers a derogation case is required if the Secretary of State is to consider consenting a damaging project. As part of any derogation case, and based on our initial conclusions regarding adverse effects on integrity, the RSPB considers compensation measures would be required for the following species: gannet; kittiwake; guillemot, razorbill and red-throated diver should the Secretary of State decide to consent the Application as it is currently proposed.

## RSPB approach to assessing compensation proposals

- 1.17. In the RSPB's view there is still substantive work to be done with regards to the compensation proposals, based on agreement of the nature and scale of predicted adverse effects on integrity. This is critical to inform discussions on:
- what ecologically effective compensation for those impacts could comprise;
  - the options to be considered to provide such compensation; and
  - the detailed consideration of possible locations and designs to implement ecologically effective compensation with a reasonable guarantee of success.
- 1.18. Compensatory measures must be additional to existing obligations e.g. measures necessary to site management of an SPA or SAC to restore or maintain a designated feature to favourable status.
- 1.19. Proposed compensation measures must be sufficiently detailed in advance of the examination to enable interested parties to assess them fully and for proper scrutiny by interested parties and the Examining Authority. In the RSPB's view, the Applicant has not so far provided the necessary detail for that proper scrutiny of the compensation measures.
- 1.20. What is needed is more detail about the location, design, implementation, monitoring and review of any proposed compensatory measures in order to provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success so as to protect the coherence of the National Site Network.

## *Kittiwake compensation*

- 1.21. This application is unusual in that it, along with the Dogger Bank South scheme, is the first to come forward with an explicit lease requirement to adhere to a strategic compensation plan for kittiwakes developed by The Crown Estate and associated steering group.
- 1.22. The RSPB understands the Applicant is considering the following possible compensation measures:
- Offshore Artificial Nesting Structure (oANS): the primary measure under consideration in line with the KSCP.
  - Onshore Artificial Nesting Structure (ANS): an option to be kept under review should it be appropriate in the future.
- 1.23. Artificial nesting structures (onshore or offshore) are yet to be proven as an effective compensation measure. The preponderance of onshore ANS compensation measures at various locations on the east coast of England has taken place against a lack of evidence of

there being a sufficient pool of nest-limited kittiwake recruits. Therefore, of the options available at the current time the RSPB's preference is for oANS.

- 1.24. However, there remains considerable uncertainty at this stage over the consultative and consenting pathway by which any oANS will be designed, implemented and monitored. We have identified an initial series of questions to help understand, anticipate and reduce any potential foreseeable risks associated with any oANS.

*Guillemot and Razorbill compensation*

- 1.25. The Applicant's approach to its without prejudice compensation measures for guillemot or razorbill, can be summarised as follows:
- Primary measure: predator control measures at the Plemont Seabird Reserve, Jersey.
  - Additional measures (if required by the Secretary of State): potential measures at coastal locations in south-west England focused on disturbance reduction, habitat management and possibly additional predator control.
  - Other measures, e.g. bycatch reduction, are kept under review. We make specific comment on the current evidence on bycatch reduction.
- 1.26. The RSPB considers that these proposed compensation measures are inadequate either because there is insufficient evidence to support them or because they are unlikely to be effective in this case or a combination of both.