



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Outer Dowsing Offshore Wind Farm

Appendix H1 to the Natural England Deadline 1 Submission

Natural England's comments and updated advice on Onshore Ecology (Land Quality Assessment, Hydrology, Protected Species and Biodiversity Net Gain)

For:

The construction and operation of Outer Dowsing Offshore Wind Farm located approximately 54 km from the Lincolnshire Coast in the Southern North Sea.

Planning Inspectorate Reference EN010130

24th October 2024

Appendix H1 - Natural England's Advice on Onshore Ecology (Land Quality Assessment, Hydrology, Protected Species and Biodiversity Net Gain)

In formulating these comments, the following documents have been considered:

- [PD1-071] 15.3 The Applicant's Response to Representation Responses - Natural England
- [AS1-096] 7.1 Report to Inform Appropriate Assessment Redacted Tracked
- [AS1-059] 6.3.23.1 Chapter 23 Appendix 1 Preliminary Land Quality Risk Assessment
- [PD1-039] 8.1 Outline Code of Construction Practice V2 Tracked
- [PD1-056] 8.10 Outline Landscape and Ecological Management Strategy V3 Tracked
- [PD1-059] 8.13 Schedule of Mitigation V2 Tracked
- [AS-014] 14.3 Biodiversity Net Gain Assessment Report
- [AS-015] 14.3.1 Biodiversity Net Gain Assessment Report Figure 1 BNG Assessment Boundary
- [AS-016] 14.3.2 Biodiversity Net Gain Assessment Report Figure 2 Pre-development (Baseline) Habitats
- [AS-011] 14.3.3 Biodiversity Net Gain Assessment Report Figure 3 Habitat Retention and Loss Status
- [AS-017] 14.3.4 Biodiversity Net Gain Assessment Report Figure 4 Post Development Habitats
- [AS-018] 14.3.5 Biodiversity Net Gain Assessment Report Figure 5 OnSS Indicative Layout and Mitigation (BNG)
- [AS-019] 14.3.6 Biodiversity Net Gain Assessment Report Figure 6 Baseline Habitat Units
- [AS-020] 14.3.7 Biodiversity Net Gain Assessment Report Figure 7 Post Development Habitat Units

1) Introduction

1. The key points raised below focus on singular points in relation to land quality and hydrology raised from the Applicant's submission of documents since Relevant Representations. Further advice is provided in relation to protected species in paragraphs 7 to 11. Natural England's advice on the Biodiversity Net Gain

Assessment Reports [AS-014, AS-015, AS-016, AS-011, AS-017, AS-018, AS-019, AS-020], is presented in paragraph 12.

2) Detailed Comments

Preliminary Land Quality Risk Assessment [AS1-059] – Designated Sites

2. In the updated Chapter 23 Appendix 1 Preliminary Land Quality Risk Assessment [AS1-059], the assessment notes ecological receptors to include water dependent Sites of Special Scientific Interest (SSSIs), some of which underpin designated sites within the National Site Network. However, Table 23.6 is missing some relevant water-dependent designated sites including The Wash SSSI, and Sea Bank Clay Pits SSSI. In addition, the Applicant has given no indication that the impacts to Functionally Linked Land associated with the mobile designated species of these SSSI's has been considered.
3. Natural England advises that the Land Quality Risk Assessment is updated to include these designated sites to inform appropriate mitigation where impacts are identified in the Code of Construction Practice (CoCP) management plan.
4. Natural England also advises updates to the Land Quality Risk Assessment should ensure that designated sites within the National Site are included to inform the Report to Inform Appropriate Assessment [AS1-096] Habitat Regulations Assessment (HRA).

Outline Code of Construction Practice [PD1-039] - Water Quality Management and Mitigation Plan (WQMMP)

5. Natural England welcomes the addition of a Water Quality Management and Mitigation Plan (WQMMP) within the Outline Code of Construction Practice (CoCP) [PD1-039]. We note that this includes commitments by the Applicant for mitigation and monitoring to be implemented to manage any potential impacts to Sea Bank Clay Pits SSSI during construction. However, the Outline CoCP does not provide any details on the specific mitigation measures that will be implemented, if an impact is identified (e.g., pollution, de-watering). As such, Natural England is not able to assess the feasibility and suitability of any mitigation.

6. Whilst we note the Applicant intends to provide full details of mitigation measures within the CoCP prior to construction; we advise as the regulator for SSSIs that information outlining the mitigation should be provided at the consenting phase to demonstrate that mitigation measures can be implemented. As advised in our relevant representations, we would then expect to be consulted on this by the Local Planning Authority (LPA)/ Marine Management Organisation (MMO) on the final WQMMP in the CoCP prior to construction, with full details on the identified mitigation measures and designated sites listed to ensure the efficacy of the proposed mitigation measures.

Schedule of Mitigation v2 [PD1-059] - Bats

7. Natural England welcomes the commitments in the Schedule of Mitigation v2 [PD1-059] for the retention and protection from direct impacts for hedgerows 186, 1405, 1541 and 1931, in addition to Trees 4217 and 4954.
8. Furthermore, Natural England is pleased to see the Applicant has made a commitment to minimise impacts on migrating Nathusius and other bat species, by minimising night-time working. The Applicant states should night-time working be deemed necessary, all lighting will follow a sensitive lighting design as per the IPL and BCT Guidance Note 08/23 and avoid key bat habitat, e.g. hedgerows.
9. Within the Schedule of Mitigation [PD1-059], for commuting and foraging bats the Applicant has stated hedge gap filling will be done overnight between April and October to reduce impact to flights lines. However, it is important to note that depending on local weather conditions many bat species may be active through November and into early December and may emerge from hibernation in March. There are also species such as barbastelle that may be active for periods throughout the winter. If there are sections of hedgerows to be removed and evidence indicates (via remote detectors/activity surveys etc.) they may be used for commuting by bats throughout the seasons, then Natural England would expect to see overnight hedge gap filling continued. We advise the mitigation measures are updated as appropriate.

Outline Landscape and Ecological Management Strategy V3 [PD1-056] - Species
Licencing

10. Since our Relevant Representations [RR-045], Natural England has issued the Applicant with a Letter of No Impediment (LoNI) for Great Crested Newts (GCN) and water vole.

11. However, for both Otter and Badger, Natural England has not been asked by the Applicant to provide a LoNI. Instead, as stated within the Outline Landscape and Ecological Management Strategy (OLEMS), the Applicant is relying on a A45 licence for Otters only. Natural England agrees that avoidance measures should be applied in the first instance for both species. However, as the scheme progresses, and where the avoidance of impacts is not possible Natural England would welcome discussions over a licensed mitigation approach for both Otter and Badger. In addition, agreement on outline mitigation measure strategies which could be implemented if required, should be sought during the consenting phase to give the Secretary of State comfort that effective mitigation measures can be implemented.

Natural England's Advice on Biodiversity Net Gain (BNG)

12. We note the Applicant's additional submissions since application have specified they will follow standard best practice. Once the Applicant has secured their commitment to BNG in the OLEMS and thus the DCO, we consider our concerns raised at relevant representations resolved. Natural England has no further comment to make during application.