THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Outer Dowsing Offshore Wind Farm

Appendix K1 to the Natural England Deadline 2 Submission

Natural England's Response to Examining Authority's First Written Questions (ExQ1) Q1 OR 1.2 – Summary of Disagreements in Offshore Ornithology Assessment Methodology

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

27th November 2024

Appendix K1: ExA Q1 OR 1.2 Summary of Disagreements in Offshore Ornithology Assessment Methodology

Ref	Issue	NE's position	Applicant's position		Now resolved?
			DCO Submission	19 Sept submission incl. Response to RR	
Apportioning for HRA					
1	Use of theoretical generalised stable age structure (from Furness 2015) for adult apportioning	Not appropriate. Natural England's (NE's) position is to assume 100% adults or calculate adult proportions from site-specific digital aerial survey (DAS) data.	Used stable age structure for guillemot, razorbill, puffin, lesser black-backed gull, Sandwich tern and common tern for apportioning of adults in the breeding season	The Offshore Restricted Build Area (ORBA) documents presents both Applicant's approach (stable age structure) and NE's, which is now corrected to not use stable age structure (SAS), as outlined in the Applicant's Response to NE's Relevant Representations [PD1-071].	Yes, for ORBA docs only.
2	Apportioning of Guillemot (GU) to Flamborough and Filey Coast (FFC)	100% in breeding season (March to July), bespoke chick rearing and moult (August & September) apportioning rate of 68.5% (please see Appendix 2 of our Relevant Representations [RR-045]), Biologically Defined Minimum Population Scales (BDMPS) approach (4.41%) for non-	57% adults (stable age structure) and 50% to FFC in breeding season, 4.4% in non-breeding season.	ORBA docs presents both Applicant's approach and NE's, as outlined in their Response to NE's Relevant Representations [PD1-071].	Yes, for ORBA docs only.

		breeding season (Oct to Feb).			
3	Apportioning of Razorbill to FFC	100% in breeding season (April to July), bespoke post-breeding migration (August to October) apportioning rate of 70.6% (please see Appendix 2 of our RR), BDMPS approach (3.4%) for pre-breeding migration (January to March), BDMPS approach (2.7%) for non-breeding season (Nov-Dec).	57% adults (stable age structure) and 100% to FFC in breeding season, 3.4% in pre-breeding and post-breeding migration, 0.91% in non-breeding/winter.	The ORBA documents present the Applicant's approach (stable age structure, 100% to FFC in breeding season) but does not present NE's full approach (BDMPS apportioning rate during the non-breeding season has been corrected from 0.91% to 2.74%, but the bespoke post-breeding migration rate of 70.6% to FFC has not been incorporated), despite the Applicant's response to our Relevant Representations [PD1-071], comment F36 and the statement within the Habitat Regulations Assessment (HRA) ORBA [PD1-091] paragraph 65 that "*The approach to non-breeding season apportioning is identical [for the Applicant and Natural England] with*	No.

				the exception of guillemot".	
4	Exact method of calculating adult proportions using DAS data (applicable to gannet (GA), Kittiwake (KI) & lesser black-backed gull (LBBG)).	Submitted at Deadline 1 (D1) (see F1.2 in Table 1 of Appendix F1 to NE's D1 submission [REP1-061]). Follow Morgan method of calculating proportion of adults from DAS data. This would produce adult apportioning rates of 90% for GA, 91% for KI and 66% for LBBG.	Method not described by Applicant. Rates of 91% for KI and 93% for GA, rate of 60% for LBBG based on stable age structure (Furness 2015).	ORBA documents describe how adult proportions have been calculated from DAS data (using a method we do not think is valid - see F1.2 in Table 1 of Appendix F1 to NE's D1 submission [REP1-061) and presents rates for GA (86%), KI (90%) and LBBG (50%).	No - ExQ requesting Applicant to provide an updated assessment using proportions submitted by NE at D1 (see NE's position column).
5	Inclusion of offshore breeders for KI - unclear what apportioning rate has been used (61.3% or 64%) and how it has been calculated.	Agree with inclusion of offshore breeders in apportioning calculations using NatureScot method but would like the Applicant to confirm rate used and how it has been derived.	Table 11 of the Report to Inform Appropriate Assessment (RIAA) Annex 1 (Apportioning) [AS1-099] shows 61.3%	The ORBA documents show conflicting rate. Table 8.1 in HRA ORBA Appendix A (Apportioning) [PD1-092] shows 61.3% (as per Table 11 of the RIAA [AS1-099]) however Table 6.2 and para 80 suggest a rate of 0.64. This discrepancy may be due to the exclusion/inclusion of the Filey 2 colony (excluded in Table 11 of the RIAA but included in Table 6.2 of the HRA ORBA).	No. However the differences in rates are unlikely to make a material difference to the overall predicted impact and conclusions of the assessment.

Population Viability Analysis (PVA)					
6	Burn in for PVA	Submitted at Relevant Representations (see F25 in Table 2 of Appendix F to NE's Relevant Representations [RR-045]) Burn in of 5 years for all species.	Burn in for all species except LBBG	The Applicant states that they had ran a preliminary PVA with and without burn in and found no difference, and therefore do not feel it necessary to update their PVA.	No - PVA has not been rerun. Whilst this may not make a substantial difference to the PVA outputs, this nonetheless represents a departure from Natural England's best practice advice.
Red-throated diver & common scoter					
7	Not assessing vessel impacts on red-throated diver and common scoter during the Operations and Maintenance (O&M) phase	Submitted at Relevant Representations (see F31 in Table 2 of Appendix F to NE's Relevant Representations [RR-045])) that full consideration should be given to the potential for displacement and disturbance to red-throated diver and common scoter within the Greater Wash Special Protection Area (SPA) during the O&M phase as a result of vessel movements.	RIAA Table 7.1 (LSE) [AS1-096] did not include direct disturbance and displacement within the Export Cable Corridor (ECC) as a result of vessel movements during the O&M phase for the Greater Wash SPA red-throated diver and common scoter features	No further detail provided within ORBA documents with regards to the potential for vessel movements during the O&M phase to cause disturbance and displacement to red-throated diver and common scoter.	No
8	Not assessing presence of ORCP within Greater Wash (GW) SPA during the O&M phase for red-	Submitted at Relevant Representations (see F31 in Table 2 of Appendix F to NE's Relevant Representations [RR-045]) that full consideration should	RIAA Table 7.1 (LSE) [AS1-096] did not include direct disturbance and displacement within the ECC as a result of the presence of the ORCP	Further detail provided within ORBA documents that consider the potential for the ORCPs to cause displacement to	This is no longer a disagreement re. assessment methodology as such, but rather the specific conclusions

	throated diver and common scoter	be given to the potential for displacement and disturbance to red-throated diver within the GW SPA due to the permanent presence of the ORCPs within the SPA. Alternative locations for the ORCP outside the SPA should be considered.	within the GW SPA during the O&M phase for the red-throated diver and common scoter features	red-throated diver (RTD) and common scoter, including comparison with static structures within the Outer Thames Estuary.	of that assessment, particularly that the ORCPs will be located in areas of low density of red-throated diver, and that a direct comparison can be made between the ORCPs and the static structures within the Outer Thames Estuary (OTE) referenced in the ORBA documents. Our remaining concerns are for impacts to red-throated diver; Natural England are satisfied that impacts to common scoter are likely to be minimal. We understand that the Applicant will be submitting further information on this matter in due course.

9	Only calculating impact to the red-throated diver feature of the Greater Wash SPA in terms of mortality not also area affected in both km and % of the SPA.	Submitted at D1 (see F1.9 in Table 1 of Appendix F1 to NE's D1 submission [REP1-061]). Assessment of the potential for the ORCP's to cause displacement to RTD should consider both the estimated mortality, and the area (km2) and the proportion of the SPA where RTDs have the potential to be displaced from by such a structure.	N/A. ORCP not scoped in (see item 9).	Further detail provided within ORBA documents that consider the potential for the ORCPs to cause displacement to RTD and common scoter, including comparison with static structures within the Outer Thames Estuary. This does not include an estimate of displacement mortality, or the area of the SPA from which RTDs are displaced.	No. Awaiting response/further documents from the Applicant following our request at Deadline 1.
Bioseasons					
10	Incorrect breeding seasons for Sandwich Tern (ST) and gannet (full breeding season not used)	Full breeding seasons should be used as set out in Furness 2015. For gannet this is March to September, for Sandwich tern this is April to August.	Table 12.7 within the Applicant's Environmental Statement (ES) presents a 'breeding' season of May to August for Sandwich tern. For gannet, only a 'migration-free breeding' season of April to Augustis is presented.	Applicant confirms within their response to our Relevant Representations that the full breeding season was used for gannet within the ES and RIAA, and that the ORBA documents present an assessment for Sandwich tern using the full breeding season.	Yes, for ORBA docs only (in the case of Sandwich tern).

Nocturnal Activity Factor (NAF)					
11	Incorrect NAFs used for little gull, Sandwich tern and common tern	Use NAFs set out in Garthe and Huppop (2004) and Joint Statutory Nature Conservation Body (SNCB) guidance (JNCC et al 2024) for Collision Risk Modelling (CRM), or present empirical evidence to inform an alternative rate.	NAF of zero for little gull, sandwich tern and common tern	ORBA documents present updated CRM using the NAFs advised by NE for Sandwich tern but migratory CRM for common tern and little gull has not been rerun.	No, the ORBA documents use the correct NAF for Sandwich tern, but CRM has not been rerun for common tern and little gull as these were considered within the migratory CRM, which has not been rerun.
Cumulative/in-combination					
12	Screening things out of the in-combination assessment due to the assessment 'alone' concluding a 'trivial and inconsequential level of effect', including Lesser black-backed gull at Alde-Ore Estuary SPA and Sandwich tern at North Norfolk Coast (NCC) SPA.	Where there is a prospect of a contribution to an in-combination adverse effects, small impacts need to be carried through to an in-combination assessment.	Lesser black-backed gull at Alde-Ore Estuary SPA screened out. ST at NNC SPA screened in but assessment not presented.	Applicant confirms within their response to our Relevant Representations that they do not consider it necessary to update the cumulative/in-combination assessment and confirms that Sandwich tern has not been assessed for in-combination impacts (see F41 in the Applicant's Response to Relevant Representations - Natural England [PD1-071]).	No

Presentation of displacement impacts					
13	Displacement matrices for mean abundance estimates only.	Natural England considers it best practice that matrices are also presented of the upper and lower confidence intervals for each species, so that the full range of impact scenarios can be understood.	Displacement matrices only presented for the mean abundance estimate values for all species	The ORBA documents present displacement matrices for the mean and upper and lower confidence intervals of the abundance estimates for all species.	Yes, for ORBA documents only.
14	Displacement matrices for Applicant's approach to apportioning of GU and RA to FFC SPA only.	Displacement matrices for guillemot and razorbill based on Natural England's preferred apportioning approach should be included in order to allow us to assess the predicted impacts using a range-based approach.	Displacement matrices only presented for the Applicant's approach to apportioning for GU and RA.	The ORBA documents present displacement matrices for GU according to NE's preferred approach to apportioning, however these are based on the model-based abundance estimates (see item 15). No displacement matrices have been presented for the design-based population estimates using NE's preferred approach to apportioning of GU to FFC SPA.	No
15	Displacement matrices for model-based estimates for GU and RA only.	Submitted at D1 (see F1.4 in Table 1 of Appendix F1 to NE's D1 submission [REP1-061]). Natural England requests that the Applicant presents an assessment for guillemot using both design-based and model-based	N/A.	ORBA documents present displacement matrices for GU at FFC SPA using NE's preferred approach to apportioning (see item 14), however this is for model-based estimates	No

		estimates and presents displacement matrices for both.		only. Displacement matrices not presented for design-based estimates.	
Highly Pathogenic Avian Influenza (HPAI)					
16	Limited consideration of HPAI within the HRA	There should be some consideration within the HRA process as to the potential for long-term implications of HPAI to reduce the resiliency of populations. See F7 within Table 1 and Appendix 1 of our Relevant Representations [RR-045, in addition to our answer to Ex Q1 HRA 1.1.	The Applicant discussed the recent outbreaks of HPAI within the Environmental Statement Offshore and Intertidal Ornithology Chapter (AS1-041) under Section 12.4.4 Future Baseline, with a general statement that "*the impact assessment will be carried out in a context of declining baseline population for a number of species*". Nonetheless, the Applicant has not set out how this has been done for individual species and colonies within the RIAA.	No further consideration of HPAI within the ORBA HRA. Applicant confirms in their response to our Relevant Representation that they do not propose to update the RIAA to include this.	No. Please see our response to Examiner's Questions Appendix K Q1 HRA 1.1.