



Written Submission
for the
Royal Society for the Protection of Birds
Response to the Examining Authority's First Written Questions
(ExQ1)

Additional Submission

3 April 2025

Planning Act 2008 (as amended)

In the matter of:

**Application by Dogger Bank South (West) Limited and Dogger Bank South
(East) Limited for an Order**

**Granting Development Consent for the Dogger Bank South Offshore Wind
Farms**

Planning Inspectorate Ref: EN010125

RSPB Registration Identification Ref: 20050122

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1. Introduction

- 1.1. The RSPB's response to the Examining Authority's First Written Questions (ExQ1), as updated by its Rule 17 letter (dated 3 March 2025) are set out in the table below. This submission is further to our letters of 14 March 2025 and 1 April 2025 and additional to our REP3-066.
- 1.2. Below we provide answers to the following questions: OR.1.12, OR.1.15, OR.1.28, OR.1.31, OR.1.40 and OR.1.51.

Responses to the Examining Authority's First Written Questions

ExQ1	Question to:	Question	RSPB response
Offshore and intertidal ornithology and relevant Habitats Regulations Assessment (HRA) aspects			
OR.1.12	NE RSPB	<p>Kittiwake and auk compensation quantum</p> <p>The 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"> 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"> the method is not freely available in full such that it can be readily replicated; it is unnecessarily complicated and extremely difficult to interpret; and results in double-counting of the effects of mortality and thus an overestimation of compensation quantum? 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. 	<p><u>Answer to (1) and (2)</u></p> <p>The RSPB has reviewed Natural England's answer to question OR.1.12 (REP3-057) and agrees with its response that:</p> <ul style="list-style-type: none"> - the Hornsea 3 Part 2 method is the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact; and - In respect of calculating the compensation requirements for auks, the RSPB notes that it is a member of the COWSC Offshore ANS Implementation Group and, through this, has had sight of a draft of the BTO report on compensation calculations referred to by Natural England. They conclude that the approaches reviewed for Kittiwake could be applied for other species but note that the demographic information available to construct models will vary between species. Given this the RSPB is content that the NE response be followed here i.e. using the Hornsea 4 method with associated stipulations (based on upper 95% confident limit impact values and with an appropriate compensation ratio to address uncertainty in success of the measure).

ExQ1	Question to:	Question	RSPB response
OR.1.15	The Applicants NE RSPB	Kittiwake and auk compensation quantum 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 AEol 2. Which compensation ratio do NE and the RSPB believe should be applied for each of these species?	<p>The RSPB's general position on ratios is set out under "Extent" in Table 1, Section 5 of its Written Representation (REP1-087) i.e.:</p> <p>"Any identified uncertainty in success should be factored in to increased ratios.</p> <p>Ratios need to be used where they make ecological sense and will help secure a successful outcome by providing more of something. Simply multiplying capacity to address uncertainty risks giving a false level of confidence."</p> <p>Therefore, the RSPB supports the response to this question provided by Natural England (REP3-057) that a compensation ratio should be set on a case-by-case basis following the considerations set out by them.</p> <p>We particularly highlight NE's point:</p> <p>"We further note that ratios are only one way of addressing the uncertainty associated with measuring success, and consider that well-designed and located measures based on agreed targets, with appropriate associated monitoring plans, may be a surer way to achieve success."</p> <p>The RSPB strongly agrees that ratios are not an alternative to well thought out, well evidenced and carefully designed compensation measures. Uncertainty in likelihood of ecologically successful</p>

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			<p>delivery should be reduced as far as is practicable first, then ratios set based on any residual uncertainty.</p> <p>Ratios will usually need to be more than 1:1, as there will remain some uncertainty even when this has been minimised as far as possible.</p> <p>Given the lack of specific details associated with either the Kittiwake or Auk compensation measures, we cannot advise on an appropriate ratio for either species at this time. For example, we refer to our answer on OR.1.29 (REP3-066) in respect of the current lack of evidence in respect of the Applicant's auk compensation measures.</p>
OR.1.28	The Applicants NE 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> <p>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?</p>	<p>The RSPB refers to its response to OR.1.26 (REP3-066) and notes that the Applicant did not set out any further detail in respect of the foreseeable risks in its response to OR.1.24 and how it would mitigate those in order to avoid the need for further changes as experienced by Hornsea Four.</p> <p>As we noted in our response to OR.1.26, four full breeding seasons is an acknowledgement of the need to mitigate <u>some</u> of the risk arising from the predicted adverse impact occurring immediately upon first operation and of there being both an inherent delay in the compensation working, and the risk of it not working or not working successfully. It does not remove all risk. Even if successful it is likely to take many years for the ANS population to grow</p>

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		<p>2. Does the confidence equally apply to the scenario for the development of two offshore array sites simultaneously rather than 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.</p> <p>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?</p>	<p>to sufficient size that it begins to offset fully the predicted annual mortality of kittiwakes.</p> <p>Therefore, the RSPB remains of the view that the offshore ANS should be provided four full breeding seasons before operation of the first turbine.</p>
OR.1.31	The Applicants NE RSPB 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> <p>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?</p> <p>2. Can NE advise a factor to be applied to the compensation quanta to account for this level of uncertainty?</p>	<p>Please see our answer to OR.1.15 above.</p> <p>We agree with Natural England's answer to this question (REP3-057) in respect of the critical questions with respect to both Worms Head and Middle Mouse i.e. (i) are rats present at each location? and (ii) if they are, are they having any meaningful impact on Guillemot and/or Razorbill populations?</p> <p>This aligns with the concerns relating to each location set out in section 6 the RSPB's Written Representation (REP1-087), which also adds whether control of any rats present would have a beneficial impact on the populations of Guillemot and/or Razorbill, and whether that would be sufficient to compensate for the impacts of the Dogger Bank South project.</p>

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			<p>Therefore, the RSPB is not in a position to advise on a suitable factor (ratio) to be applied to the compensation quanta to account for the level of uncertainty associated with the connectivity of each site with the UK National Site Network for each species.</p> <p>As a general principle, and in line with our response to OR.1.15 above, consideration of ratios in this context should consider what proportion of birds resulting from the compensation are expected to recruit into the National Site Network. If this is considered to be low and is highly uncertain, then more compensation should be delivered. We set this against our general approach to ratios set out in our Written Representation and repeated in our answer to OR.1.15 above.</p>
OR.1.40	NE RSPB	<p>Consideration of Highly Pathogenic Avian Influenza (HPAI) in the assessment of effects on marine bird species</p> <p>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 addressed your concerns on this issue? If not, what is outstanding and what could the Applicants do to address your remaining concerns?</p>	<p>The RSPB set out three key points to consider with respect to how HPAI could affect the assessment (REP1-087, para 4.30):</p> <ul style="list-style-type: none"> - “Consideration of how the HPAI outbreak will influence the representativeness of the baseline characterisation. This should include the direct influence of population size and through changes in space use; - Alterations of the extent of interactions with wind farms, potentially related to physiological changes, and in the lethal and sub-lethal consequences of those interactions; and - Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.”

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			<p>The Applicant has considered the first point above with the additional section to the revised relevant ES chapter (Chapter 12 of the ES [AS-057, section 12.5.2]). Their analysis sets the survey results in the context of other datasets on seabird abundances in this region and compares their survey data between pre- and post- HPAI outbreak.</p> <p>The second two points are not considered in this section and will still need to be considered when evaluating the assessment.</p> <p>In their response to question OR.1.41 Part (3) (see page 48, REP3-057) NE have set out their concerns to the Examining Authority on how HPAI impacts are considered. We agree with them that “...the impacts of HPAI and the potential for future population impacts highlights the need for precaution when assessing the significance of impacts of additional pressures such as offshore wind farms.”</p>
OR.1.51	The Applicants RSPB	<p>Digital aerial survey methodology</p> <p>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.</p>	<p>The RSPB welcomes the Applicant’s detailed responses to the points raised. While these go some way to addressing our original points, we have these remaining concerns:</p> <ul style="list-style-type: none"> - The Applicant asserts that their DAS methods used follow those that have been standard “over the last >10 years and have followed the statutory guidance in these matters”. The NatureScot review (https://www.nature.scot/doc/offshore-wind-ornithological-impact-assessment-review-digital-

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			<p>aerial-survey-methods) was published January 2023. Therefore, it was produced after the most recent version of NE's guidance around baseline site characterisation (Parker et al. 2022, v1.1. published July 2022¹). As such, current statutory guidance in England does not yet reflect the findings of the NatureScot review. The review was published after the majority of the Applicant's Digital Aerial Survey's had been completed (conducted between March 2021 – February 2023), however, it is still relevant in interpretation of the data collected and how methods are presented.</p> <ul style="list-style-type: none"> - We noted "Insufficient consideration of potential biases in the survey and analysis methods." The Applicant details the Quality Assurance (QA) process used by the survey operator (APEM). This goes some way to addressing our concerns around analysis methods. However, this QA process only accounts for potential biases or inconsistencies between those processing the images (from what we understand this is a manual process with analysts tagging birds on images then adding metadata such as species identity). As such the Applicant has not addressed potential biases in the survey methods themselves, e.g. if resolution or image quality are insufficient for high detection rates

¹ Parker, J., Banks, A., Fawcett, A., Axelsson, M., Rowell, H., Allen, S., Ludgate, C., Humphrey, O., Baker, A. & Copley, V. (2022). Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase I: Expectations for pre-application baseline data for designated nature conservation and landscape receptors to support offshore wind applications. Natural England. Version 1.1. 79 pp.

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			<p>for small or more cryptic species. As such this point is outstanding.</p> <ul style="list-style-type: none"> - Regarding spatial autocorrelation, the Applicant refers to an analysis presented within the Five Estuaries application and states that “the method used for the Projects is identical to this”. While this provides useful context, the level and nature of autocorrelation will be site and species specific. As such this does not fully address this point: “The assessment should explicitly demonstrate an analysis of the data showing whether spatial autocorrelation is present or not.” The RSPB request clarification on the point that methods used are identical: from what we understand Five Estuaries used strip transect surveys rather than the grid approach used here. - We noted that while the data undergoes internal QA by the survey provider, there is “no detail of any independent external quality assurance appears to have been carried out”. The Applicant accepts this and notes the NE guidance (Parker et al. 2022²) does not include a requirement for external quality assurance. We think this statement does not fully reflect the NE guidance which notes: “Increasing clarity on the validation of data and results would increase overall confidence in the dataset and provide assurance in the interpretation, which could reduce the need for precaution during examination.” While that does not specifically suggest a need for

² Ibid

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			<p>external QA it does raise the need for increased clarity on QA and data validation – an obvious way of doing this would be to introduce independent external QA.</p> <ul style="list-style-type: none"> - We welcome inclusion of the survey timings (Table 1-2). The surveys are primarily conducted during late morning and the middle of the day. As such this does raise concerns on the extent that any diel variation in bird activity was sufficiently captured in the survey data. Particularly for the Summer months there does not appear to be data collected in the hours around sunrise and sunset, which are periods when foraging activity is often at its highest for seabirds. Therefore, we consider it would be helpful for the Applicant to set out its views of the implications of this for how ES (and HRA) findings should be interpreted and what level of precaution should be applied.