

**RWE Renewables UK Dogger Bank  
South (West) Limited**

**RWE Renewables UK Dogger Bank  
South (East) Limited**

**Dogger Bank South Offshore  
Wind Farms**

**Royal Society for the Protection of Birds  
Statement of Common Ground (Revision 2)  
Submission for Deadline 4**

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## Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Habitats Regulation Assessment (HRA)	The process that determines whether or not a plan or project may have an adverse effect on the integrity of a European Site or European Offshore Marine Site.
National Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the Applicants and is reasonably required to assess the environmental effects of the development
Project Change Request 1	The changes to the DCO application for the Projects set out in <b>Project Change Request 1 - Offshore &amp; Intertidal Works</b> [AS-141] which was accepted into Examination on 21 <sup>st</sup> January 2025.

Term	Definition
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Section 42 Consultee	Organisations and individuals that are required to be consulted by the Applicants under Section 42 of the Planning Act 2008. Non-prescribed Section 42 consultees may be included by Applicants if identified as being of significance.
Special Protection Area (SPA)	Strictly protected sites designated pursuant to Article 4 of the Birds Directive (via the Habitats Regulations) for species listed on Annex I of the Directive and for regularly occurring migratory species.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

## Acronyms

Acronym	Definition
AEoI	Adverse Effects on Site integrity
CEA	Cumulative Effects Assessment
CRM	Collision Risk Modelling
DBS	Dogger Bank South
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitat Regulation Assessment
ExA	Examining Authority
MCZA	Marine Conservation Zone Assessment
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
SPA	Special Protection Area

# 1 Introduction

## 1.1 Background

1. The Application is for development consent for the Applicants to construct and operate the proposed Projects under the Planning Act 2008. Further description of the Projects is available in **Chapter 5 Project Description (Revision 3)** [REP1-009].
2. This Statement of Common Ground (SoCG) has been prepared between RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd, ('the Applicants') and the Royal Society for the Protection of Birds (RSPB) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Dogger Bank South ('DBS') West Offshore Wind Farm and DBS East Offshore Wind Farm, collectively known as DBS Offshore Wind Farms (herein 'the Projects').
3. In drafting this SoCG, the Applicants have had regard to the Planning Act 2008 Guidance: Examination stage for Nationally Significant Infrastructure Projects (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 2024).
4. The need for a SoCG between the Applicants and the RSPB has been set out within the **Rule 6** letter [PD-002] issued by the Planning Inspectorate post-application of the Projects DCO.
5. This SoCG is intended to provide the Examining Authority (ExA) with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to the RSPB, and which have been raised within the **RSPB's Relevant Representation** [RR-049 and **Written Representations** [REP1-087] to the Dogger Bank South Offshore Wind Farms DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.
6. It is the intention that this document will facilitate further discussions between the Applicants and the RSPB and will provide the ExA with a clear overview of the level of common ground between both parties. This document will be updated throughout the Examination process.
7. It should be noted that some topics included in this SoCG that remain under discussion are primarily related to differences in methodological approach between the RSPB and Natural England. The Applicants and RSPB have agreed this aspect will be expanded upon in future revisions of this SoCG to ensure these points are characterised as accurately as possible.
8. The following application documents have informed the discussions with the RSPB and address the elements of the Projects that may affect the interests of the RSPB (**Table 1-1**):



**Table 1-1 - Application Documents of interest to the RSPB**

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Draft Development Consent Order	APP-027 (superseded by Revision 6 – REP3-004)
Chapter 4 Site Selection and Assessment Alternatives	APP-067 (superseded by Revision 2 - AS-017)
Chapter 12 Offshore Ornithology	APP-103 (superseded by Revision 2 - AS-057)
Chapter 12 Offshore Ornithology - Figure 12-1	AS-059
Appendix 12-1 Offshore Ornithology Consultation Responses	APP-104
Appendix 12-2 Technical Appendix	APP-105
Appendix 12-3a-c Monthly Abundance - All, Sitting, Flying	APP-106 (superseded by Revision 2 – AS-060)
Appendix 12-4a-c Monthly Densities - All, Sitting, Flying	APP-107 (superseded by Revision 2 – AS-062)
Appendix 12-5a-c Seasonal Peak Abundance - All, Sitting, Flying	APP-108 (superseded by Revision 2 - AS-064)
Appendix 12-6a-c Seasonal Peak Density - All, Sitting, Flying	APP-109 (superseded by Revision 2 – AS-066)
Appendix 12-7a-c Survey Abundances - All, Sitting, Flying	APP-110 (superseded by Revision 2 – AS-068)
Appendix 12-8a-c Survey Densities - All, Sitting, Flying	APP-111 (superseded by Revision 2 - AS-070)
Appendix 12-9 Collision Risk Modelling Outputs	APP-112
Appendix 12-10 Species Distribution Figures	APP-113
Appendix 12-11 Review of Turbines Lighting - Furness 2018	APP-114
Appendix 12-12 Seasonal Displacement Matrices Upper Lower C.I. Abundance	APP-115
Appendix 12-13 Population Viability Analyses	APP-116

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 4 of 4	APP-048 (superseded by Revision 3 - AS-085)
Habitats Regulations Derogation: Provision of Evidence	APP-051
Appendix 1 - Project Level Kittiwake Compensation Plan	APP-052 (superseded by Revision 4 - REP2-010)
Outline Kittiwake Compensation Implementation and Monitoring Plan	APP-054
Collaborative Delivery of Kittiwake Compensation: Letter of Intent	APP-055
Appendix 2 - Guillemot [and Razorbill] Compensation Plan	APP-056 (superseded by Revision 3 - AS-089)
Annex A - Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan	APP-057
Annex B - Guillemot [and Razorbill] Compensation Predator Eradication / Control Site Longlist	APP-058
The Applicants' Responses to Relevant Representations	PDA-013
Project Change Request 1 - Offshore & Intertidal Works	AS-141
Ornithological Mitigation Option Report	AS-118
Response to RSPB comments on Digital Aerial Surveys	REP3-029
Guillemot and Razorbill Compensation Site Refinement Report	PDB-008 (Superseded by Revision 2 – REP3-019)
Precaution in the Ornithology Assessment and Implications for Compensation Quantum	REP3-030

9. The RSPB and the Applicants have been working together to minimise possible impacts of the Projects on the RSPB's operations, and so the RSPB may influence and enhance the design of the Projects where appropriate.

## 1.2 Approach to SoCG

10. This SoCG has been developed during the pre-examination and examination phases of the Projects. In accordance with discussions between the Applicants and the RSPB, this SoCG is focused on matters of material interest and relevance to the RSPB, namely matters covered in the Application Documents outlined in **Table 1-1** and related topics.
11. The structure of this SoCG is as follows:
- **Introduction:** background to the development of the SoCG.
  - **Consultation:** a summary of consultation and engagement to date.
  - **Agreement Log:** a record of the Applicants' position alongside the RSPB's position in **Table 3-2 - Table 3-3** sets out those areas agreed in relation to the application documents set out in **Table 1-1**. Where a matter is 'not agreed' or 'under discussion' this is described in further detail in **Table 3-4**.
12. It is agreed that this SoCG is an accurate description of the areas agreed and under discussion between the parties, and that this SoCG accurately records key meetings and consultation with the RSPB.

## 2 Consultation and Engagement

### 2.1 Introduction to Consultation

13. The RSPB have been consulted on the proposed development throughout the pre-application stage, having engaged in Site Selection and Assessment Alternatives, and Offshore Ornithology Expert Topic Group (ETG) Meetings under the Evidence Plan Process (EPP), as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.

### 2.2 Consultation Summary

14. **Table 2-1** summarises the consultation and engagement that the Applicants have undertaken with the RSPB both as part of statutory and non-statutory consultation processes during the pre-application and post-application phases.

**Table 2-1 - Summary of pre-application and post-application consultation with the RSPB**

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
<b>Pre – Application</b>			
14/09/2021	ETG Meeting	Onshore Ecology and Ornithology Pre-scoping	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>DBS update;</li> <li>EPP;</li> <li>Scoping report and Approach to EIA; and</li> <li>Site Selection Methodology.</li> </ul>
13/10/2021	ETG Meeting	Offshore Ornithology Pre-Scoping	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project Update;</li> <li>Evidence Plan Process;</li> <li>Scoping report and Approach to EIA;</li> <li>Approach to HRA; and</li> <li>Site Selection Methodology.</li> </ul>
25/02/2022	Email	Onshore Ecology	RHDHV issues the Ecology Survey Method Statement.
04/05/2022	ETG Meeting	Site Selection	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project Update; and</li> <li>Review the Site Selection work for Creyke Beck.</li> </ul>

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
08/06/2022	Email	Onshore Ecology	RHDHV issued an update to the ecology method statement.
07/02/2023	ETG Meeting	Offshore Ornithology	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project Update; and</li> <li>Summary of the baseline environment for offshore ornithology – following site-specific surveys.</li> </ul>
09/05/2023	ETG Meeting	Offshore Ornithology Non-Kittiwake compensation	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Compensation measures for non-kittiwake species.</li> </ul>
06/06/2023	Email	General Scoping for PEIR.	Provided stakeholders link to HRA Screening and Marine Conservation Zone Assessment (MCZA) Screening reports.
12/09/2023	Email	Export cable corridor and site selection report.	Issued a report on Offshore Export Cable Corridor & Landfall Site Selection, (Requesting comments by 10/10/23).
20/09/2023	Email	DBS Offshore Export Cable Corridor and Landfall Site Selection Report	Issued GIS Shapefiles for Offshore export cable corridor and landfall location.  Informing of amended date for return of comments to 17th October 2023.
25/01/2024	Email	Offshore Ornithology	CC issued a summary report detailing the collision and displacement numbers of key species that were used to inform the Offshore Ornithology ES chapter.
06/02/2024	ETG Meeting	Offshore Ornithology	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project update;</li> <li>PEIR comments;</li> <li>Preliminary ES results; and</li> <li>Preliminary HRA results (project alone key SPAs).</li> </ul>
01/02/2024	Email	Offshore Ornithology	CC issued draft versions of appendices 12.9, 12.13 and other early modelling results following NE query on materials sent previously.

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
29/02/2024	ETG Meeting	Offshore Ornithology Auk Compensation	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project updates; and</li> <li>Long-list of Auk compensation measures.</li> </ul>
10/04/2024	ETG Meeting	Offshore Ornithology Auk Compensation	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project Updates;</li> <li>Predator eradication/reduction; and</li> <li>Bycatch and ANS.</li> </ul>
25/04/2024	ETG Meeting	Offshore Ornithology Kittiwake Compensation	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> <li>Project updates;</li> <li>Conclusions for FFC SPA Kittiwake;</li> <li>Overview of the approach to compensation; and</li> <li>Offshore ANS proposal.</li> </ul>
21/05/2024	Email	General	CC confirmed DBS DCO submission date had been revised to the 10 <sup>th</sup> June 2024.
29/05/2024	Email	Offshore Ornithology	CC queried if RSPB could provide a copy of the Filey Bay: Safe Seas for Seabirds RSPB report.
04/06/2024	Email	Offshore Ornithology	AD issued copy of Filey Bay: Safe Seas for Seabirds to RHDHV.
13/06/2024	Email	Offshore Ornithology	CC confirmed DCO submitted 12/06/24, queried if stakeholders would wish for meetings later in summer to discuss application docs.
20/06/2024	Email	Auk compensation	JL emailed AD to inform about boat based survey of St Bees Head.
22/07/2024	Email	Auk compensation	AD provided information on lack of suitability of St Bees Head as location for an auk predator eradication scheme for compensation.
Post – Application			

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
16/09/2024	Email	Relevant Representation	Received RSPB's Relevant Representation via the Planning Inspectorate.
30/09/2024	Meeting	Offshore Ornithology	ETG meeting where DBS presented a summary of the site selection work undertaken since submission for both Kittiwake and auk compensation.
04/10/2024	Email	Draft SoCG	Issued draft SoCG for RSPB to review prior to meeting on the 14 <sup>th</sup> October 2024.
08/10/2024	Email	Relevant Representation	The Applicants issued their responses to the RSPBs Relevant Representation via the Planning Inspectorate.
14/10/2024	Meeting	Draft SoCG	Meeting to discuss the draft SoCG issued to RSPB on the 4 <sup>th</sup> October 2024.
18/10/2024	Email	Draft SoCG	Updated draft SoCG following meeting on the 14 <sup>th</sup> October 2024 issued to RSPB for comment.
24/10/2024	Email	Draft SoCG	RSPB returned draft SoCG with comments and amendments.
15/11/2024	Email	Project Change Request 1	<b>Project Change Request 1 - Environmental Assessment Update</b> [AS-141] issued to RSPB for comment.
18/12/2024	Email	Draft SoCG	Revised draft SoCG issued to RSPB for comment.
17/01/2024	Email	Draft SoCG	RSPB returned draft SoCG with comments and amendments.
22/01/2025	Email	Draft SoCG	Revised draft SoCG issued to RSPB for comment.
27/01/2025	Email	Draft SoCG	RSPB confirmed agreement of the Draft SoCG for submission into Examination at Deadline 1.

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
29/01/2025	Document Publication	Written Representation	RSPB's Written Representation was published by the Planning Inspectorate (PINS).
14/02/2025	Document Publication	Written Representation	The Applicants' responses to the RSPB's Written Representation were published by PINS.
01/04/2025	Email	SoCG (Revision 2)	Revision 2 of the SoCG issued by the Applicants to RSPB for review.
15/04/2025	Email	SoCG (Revision 2)	RSPB returned comments and updates on revision 2 of the SoCG.
23/04/2025	Email	SoCG (Revision 2)	The Applicants issued the updated revision 2 of the SoCG to RSPB for final approval.
23/04/2025	Email	SoCG (Revision 2)	RSPB confirmed agreement for revision 2 of the SoCG to be submitted into Examination at Deadline 4.



## 3 Agreement Log

### 3.1 Overview

15. The following sections of this SoCG summarise the level of agreement between the parties for each relevant offshore topic.
16. To easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green is used respectively within the 'position status colour' column as set out in **Table 3-1**.

**Table 3-1 Agreement logs position status key**

Position Status	Position Status Colour
The matter is considered to be agreed between the parties.	Agreed
The matter is considered to be agreed between the parties, with minor caveats.	Agreed, with caveats.
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Under discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicants or the RSPB is not considered to result in a material impact to the assessment conclusions. Discussions have concluded.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicants or the RSPB is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

## 3.2 General

Table 3-2 General Topics agreed, in discussion or not agreed with the RSPB

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
EIA – Consultation			
1	The Applicants have adequately consulted with the RSPB throughout all stages of the Projects to date and the summary of Consultation (section 2.2 of this SoCG) is a fair and accurate record of pre-application consultation.	RSPB to review section 2.2 and provide any updates if necessary. Agreed	
2	The RSPB have been adequately consulted on the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] which was provided to the RSPB as part of a targeted non-statutory consultation exercise on 14 <sup>th</sup> November 2024 by the Applicants.	The Project Change Request 1 was under consultation until the 16/12/2024. The RSPB did not respond to the Project Change Request given that the main implications fell outside its remit.	
EIA – Site Selection and Assessment of Alternatives			
3	The site selection and route refinement outlined in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> (Revision 2) [AS-017] has properly considered the alternatives for the relevant elements of the Projects (Landfall, Offshore Export Cable Corridor and Array Areas).	RSPB to review this topic and provide an update in the next revision of this SoCG.	
Project Change Request 1			
4	<b>Project Change Request 1: Offshore and Intertidal Works</b> [AS-141] is appropriate and acceptable.	The RSPB did not respond to the Project Change Request given that the main implications fell outside its remit and therefore takes no position on the appropriateness of the Project Change.	

## 3.3 Offshore Ornithology

Table 3-3 Topics agreed, in discussion or not agreed in relation to Offshore Ornithology

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
EIA – Baseline Environment			
5	The ES adequately characterises the baseline environment as detailed in section 12.5 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057].	RSPB to review this topic and provide an update in the next revision of this SoCG.	
6	Sufficient survey data has been collected to inform the assessment as presented within section 12.5 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] and <b>Appendix 12-3 to 12-8</b> (Revision 2) [AS-060 – AS-071]. The baseline data obtained by the DAS is robust and reliable. See full response in <b>The Applicants' Responses to Written Representations</b> [REP2-057] under REP1-087: 4.27 and the <b>Response to RSPB comments on Digital Aerial Surveys</b> [REP3-029] submitted at Deadline 3	The RSPB considers that insufficient methodological detail for the digital aerial surveys conducted for the Projects has been provided within the application.  The RSPB confirmed in the RSPB Written Representation [REP1-087] that they are content that digital aerial surveys can provide useful data in order to inform baseline characterisation of an offshore wind farm footprint. However, they considered that the full methodological detail had not been provided by the Applicants. The RSPB has welcomed the Applicants' detailed responses to the points raised by the	

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
		<p>RSPB on DAS in its <b>Response to RSPB comments on Digital Aerial Surveys</b> [REP3-029] submitted at Deadline 3.</p> <p>In the RSPB's answer to the Examining Authority's ExQ1 OR.1.51, the RSPB set out its remaining concerns, summarised here:</p> <ul style="list-style-type: none"> <li>Current statutory guidance in England does not yet reflect the findings of the NatureScot review (2023). The review was published after the majority of the Applicants' 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.</li> <li>The Applicants detail the Quality Assurance (QA) process used by the survey operator (APEM). This goes some way to addressing our concerns around analysis methods. However, the Applicants have not addressed potential biases in the survey methods themselves, e.g. if resolution or image quality are insufficient for high detection rates for small or more cryptic species.</li> <li>Regarding spatial autocorrelation, the Applicants refer to an analysis presented within the Five Estuaries application and states that "the method used for the Projects is identical to this". 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.</li> <li>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 Applicants accept this and notes the NE guidance (Parker <i>et al.</i> 2022<sup>1</sup>) does not include a requirement for external quality assurance. We think this statement does not fully reflect the NE guidance, which we consider 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.</li> <li>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. Therefore, we consider it would be helpful for the Applicants 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.</li> </ul>	
<b>EIA – Assessment Methodology</b>			
7	The study area identified in section 12.3.1 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] is appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
8	The realistic worst case scenario presented in the assessment for the development scenarios, as outlined in Table 12-2 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] is appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
9	The embedded mitigation measures in Table 12-4 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	

<sup>1</sup> 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.

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
10	<p>The impact assessment methodologies used for the EIA, as presented in section 12.4 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057], provide an appropriate approach to assessing potential impacts on the Projects.</p> <p>The Applicants provided a further response on these points in <b>The Applicants' Responses to Written Representations</b> [REP2-057].</p>	<p>The RSPB has noted in the RSPB Written Representation [REP1-087] the following concerns regarding the impact assessment methodology:</p> <ul style="list-style-type: none"> <li>• The application of a macro avoidance correction to Gannet collision risk modelling.</li> <li>• Approach to the apportioning of Gannets to the Forth Islands SPA.</li> <li>• Digital Aerial Survey.</li> <li>• An inadequate consideration of impacts compounded by Highly Pathogenic Avian Influenza.</li> <li>• In-combination: treatment of consented projects required to provide compensation.</li> <li>• Approach to non-measurable "de minimis" impacts.</li> </ul>	
11	<p>The collision risk modelling (CRM) undertaken for the Projects (as detailed in <b>Appendix 12-9 - Collision Risk Modelling Outputs</b> [APP-112]) has been undertaken using appropriate input parameters and avoidance rates for key species (Arctic skua, Arctic tern, commic tern, common gull, common tern, fulmar, great black-backed gull, great skua, herring gull, kittiwake, lesser black-backed gull).</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p>	
12	<p>The CRM undertaken for the Projects (as detailed in <b>Appendix 12-9 - Collision Risk Modelling Outputs</b> [APP-112]) has been undertaken using appropriate input parameters and avoidance rates for gannet.</p> <p>The Applicants are aware of the RSPB's position on this matter, and it is correct that the Applicants calculated gannet collision risk incorporating 65%-85% macro avoidance. However, this approach was that advised by Natural England and therefore follows statutory guidance. The Applicants highlight Natural England's agreement on the matter as detailed in <b>Appendix G2 - Natural England's Advice on Offshore Ornithology Deadline 2</b> [AS-159].</p>	<p>The RSPB acknowledges that the Applicants have followed the approach to Gannet collision risk advised by Natural England. The RSPB does not agree with the application of 70% macro-avoidance for Gannet recommended by Natural England. Our reasons are set out at paragraphs 4.18-4.24 of our Written Representation (REP1-087).</p> <p>In summary, the RSPB does not agree that the use of a 70% macro-avoidance rate for gannet is appropriate as:</p> <ul style="list-style-type: none"> <li>• It does not take into account the likely seasonal variation in macro-avoidance;</li> <li>• By basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that gannets will have the same 'within wind farm' reactive flight response as gulls.</li> </ul> <p>Therefore, the RSPB does not agree with the use of this correction factor, a position in alignment with that NatureScot in the assessment of Gannet collision mortality. Therefore, the RSPB considers this will have a material impact on resulting impact assessments.</p>	
13	<p>The significance of effects presented in section 12.7 to 12.9 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] is consistent with the agreed assessment methodologies.</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p>	
14	<p>Section 12.7 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] represents a comprehensive list of the potential effects during construction.</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p>	
15	<p>Section 12.8 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] represents a comprehensive list of the potential effects during operation.</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p>	
16	<p>The assessment of cumulative effects, as detailed in section 12.10 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] is consistent with the agreed methodologies.</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p>	
EIA - Assessment Conclusions			

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
17	<p>The conclusions of the assessment of significance as detailed in sections 12.7, 12.8, and 12.9 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] are appropriate and are considered not significant in EIA terms.</p> <p>The Applicants provided a further response regarding HPAI in <b>The Applicants' Responses to Written Representations</b> [REP2-057], and noted that additional consideration of HPAI was provided in the revised assessments that were submitted in November 2024 (<b>Chapter 12 - Offshore Ornithology (Revision 2)</b> [AS-057] and <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085].</p> <p>The Applicants also highlight their recent response to Natural England on the matter in <b>The Applicants' Responses to Deadline 2 Documents</b> [REP3-028] which stated that:</p> <p><i>'(The Applicants) agree that for some species and some colonies declines have been significant, however for those of primary interest here such as gannet at FFC SPA the consequences have been much less concerning than feared. Butcher et al. (2024) report on the gannet counts at FFC SPA in 2022, 2023 and 2024 and note that 'Despite the influence of avian influenza, the colony has grown by 21.6% since 2022.' Thus, while the Applicants do not seek to dismiss the ongoing risk of HPAI to seabird colonies, this should be countered by consideration of the status of focal populations, rather than being treated as an over-arching risk to all species.'</i></p>	<p>The RSPB does not consider that concerns regarding Highly Pathogenic Avian Influenza (HPAI) have been adequately considered in the assessment.</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"> <li>• "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;</li> <li>• 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</li> <li>• Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms."</li> </ul> <p>In its response to ExQ1 OR.1.40, the RSPB updated its position having reviewed AS-057. The Applicants have considered the first point above with the additional section to the revised relevant ES chapter (<b>Chapter 12 Offshore Ornithology (Revision 2)</b> [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. The second two points are not considered in this section and will still need to be considered when evaluating the assessment.</p> <p>The RSPB noted its agreement with Natural England's response to OR.1.41 Part 3 (REP3-057) 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."The RSPB also notes that the guidance given by NatureScot to support the assessment of offshore wind farm impacts in Scotland states that the threshold for triggering a PVA is a 0.02 percentage point change in adult mortality rate is considerably lower than that advised by Natural England, and demonstrating a higher degree of precaution. Therefore, the RSPB does not consider a complete assessment has been carried out and therefore are unable to reach conclusions as to the significance of impacts.</p>	
<b>EIA – Cumulative Effects Assessment (CEA) Conclusions</b>			
18	<p>The conclusions of the CEA as detailed in section 12.10 of <b>Chapter 12 Offshore Ornithology</b> (Revision 2) [AS-057] are appropriate and are considered not significant in EIA terms.</p> <p>The Applicants provided a further response regarding HPAI in <b>The Applicants' Responses to Written Representations</b> [REP2-057], and noted that additional consideration of HPAI was provided in the revised assessments that were submitted in November 2024 (<b>Chapter 12 - Offshore Ornithology (Revision 2)</b> [AS-057] and <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085].</p>	<p>The RSPB does not consider that concerns regarding HPAI have been adequately considered in the assessment.</p> <p>In our Written Representation [REP1-087] the RSPB set out three key points to consider with respect to how HPAI could affect the assessment:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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</li> </ul> <p>Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.' (REP1-087:4.30).In its response to ExQ1 OR.1.40, the RSPB updated its position having reviewed AS-057. The Applicants have considered the first point above with the additional section to the revised relevant ES chapter (<b>Chapter 12 Offshore Ornithology (Revision 2)</b> [AS-</p>	



SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
		<p>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. The second two points are not considered in this section and will still need to be considered when evaluating the assessment.</p> <p>The RSPB noted its agreement with Natural England's response to OR.1.41 Part 3 (REP3-057) 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>	
Draft DCO / Outline Management Plans / Mitigation and Monitoring			
19	The Kittiwake Compensation Measures and Guillemot [and Razorbill] Compensation Measures outlined in Schedule 18, Part 2 and Part 3 of the Draft Development Consent Order provide sufficient detail to allow for these compensation measures to be implemented should the Projects receive consent.	<p>The RSPB's comments in relation to the Draft DCO are set out in paragraphs 5.22-5.26 of our Written Representation [REP1-087] and include reference to commitments to maintain Kittiwake and Guillemot/Razorbill compensation measures, as well as the timescale for implementation of each compensation measure in relation to when damage is predicted to occur.</p> <p>The RSPB has reviewed the Applicants' responses to these comments (REP2-057) but continues to hold the same concerns (see SOCG IDs 33 and 37 below).</p>	
Report to Inform Appropriate Assessment / Compensation Strategy			
20	The sites screened in for assessment within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
21	<p>The potential adverse effects on site integrity (AEoI) screened in for assessment within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] are appropriate.</p> <p>The Applicants provided a further response regarding HPAI in <b>The Applicants' Responses to Written Representations</b> [REP2-057], and noted that additional consideration of HPAI was provided in the revised assessments that were submitted in November 2024 (<b>Chapter 12 - Offshore Ornithology (Revision 2)</b> [AS-057] and <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085].</p>	<p>The RSPB does not consider that concerns regarding HPAI have been adequately considered in the assessment (REP1-087: 4.28).</p> <p>In our Written Representation [REP1-087] the RSPB set out three key points to consider with respect to how HPAI could affect the assessment and requested these be explicitly considered in the Applicants' subsequent submissions to the examination (REP1- 087:4.30):</p> <ul style="list-style-type: none"> <li>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;</li> <li>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</li> <li>Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.</li> </ul> <p>In its response to ExQ1 OR.1.40, the RSPB updated its position having reviewed AS-057. The Applicants have 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. The second two points are not considered in this section and will still need to be considered when evaluating the assessment.</p>	

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
		The RSPB noted its agreement with Natural England's response to OR.1.41 Part 3 (REP3-057) 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."	
22	<p>The worst case scenario for ornithological features detailed in Table 9-12 of the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] sufficiently details the Projects activities that may affect ornithological features assessed in the report.</p> <p>The Applicants provided responses and updates to each of RSPB's concerns in <b>The Applicants' Responses to Written Representations</b> [REP2-057] at Deadline 2.</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p> <p>The RSPB note their concerns in the RSPB Written Representation [REP1-087] in respect in respect of offshore ornithology impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>• In some cases, as a result of scale of impacts; and</li> <li>• in other cases as a result of methodological concerns.</li> </ul> <p>They have summarised their current position with respect to adverse effect on the integrity (AEOI) on different Special Protection Areas (SPAs). The conclusions are based on a worst-case scenario of both Dogger Bank South East and West being developed.</p> <p>See REP1-078:4.1-4.5 for a list of the RSPB's key concerns with the impact assessment methodology</p>	
23	The conclusions reached in Assessment of potential effects of the Projects alone within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for kittiwake from the Flamborough and Filey Coast SPA are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
24	The conclusions reached in Assessment of potential effects of the Projects alone within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for guillemot are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
25	The conclusions reached in Assessment of potential effects of the Projects alone within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for razorbill are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	
26	<p>The conclusions reached in Assessment of potential effects of the Projects alone within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for gannet are appropriate.</p> <p>The Applicants are aware of the RSPB's position on this matter, and it is correct that the Applicants calculated gannet collision risk incorporating 65%-85% macro avoidance. However, this approach was that advised by Natural England and therefore follows statutory guidance (REP1-087:4.12) and highlight Natural England's agreement on the matter as detailed in <b>Appendix G2 - Natural England's Advice on Offshore Ornithology Deadline 2</b> [AS-159].</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p> <p>The RSPB stated in their Written Representation [REP1-087] that they ...'cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <p><i>The impact of combined collision and displacement mortality on the Gannet population. This is because the Applicants have applied a correction factor to gannet densities taken forward for assessment to account for macro-avoidance, The RSPB disagrees with this approach, for reasons given below, and are therefore unable to reach conclusions with regard to the significance of impacts'.</i> (REP1-087:4.13)</p>	
27	The conclusions reached in the assessment of potential effects of the Projects alone within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for all other bird species assessed (red-throated diver, common scoter and puffin) are appropriate.	RSPB to review this topic and provide an update in the next revision of this SoCG.	

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
28	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for kittiwake are appropriate.</p> <p>The RSPB has correctly stated the results from the kittiwake Population Viability Analysis (PVA), however the Applicants disagree with the interpretation of the counterfactual of population size (CPS) advocated here by the RSPB for the critical reason that the predictions are obtained from density independent population projections. Such projections over-state the difference between a baseline and impact projection because the growth curves are exponential and unconstrained. This means that the two populations will diverge by an ever increasing margin and generate wholly unrealistic predictions. For this reason the Applicants consider the counterfactual of population growth rate to be the more reliable and robust output from density independent PVA. The Applicants provided a detailed explanation of this in the assessment (e.g. <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085], paragraphs 157-161).</p>	<p>The RSPB confirm that they agree with the Applicants' conclusions in the Written Representation [REP1-087], but added that...' <i>Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising through collisions associated with Dogger Bank South East and West in combination with other offshore wind farms are predicted to result in the annual population growth rate of Kittiwake at the Flamborough and Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.9955 and 0.9961. This means that after a period of 30 years, the population size of the SPA is expected to be between 86.88 and 88.65% of what it would have been in the absence of the development. Therefore, we consider there is an AEOI due to the impact of collision mortality on the Kittiwake population of the Flamborough and Filey Coast SPA.</i>' (REP1-087:4.13)</p> <p>The RSPB highlight that this is not an "interpretation" of the results, but the quoted results of the modelling carried out by the Applicants and presented in their Assessment. They were presented in the Written Representations in the manner recommended in a review of PVA output metrics commissioned by the Joint Nature Conservation Committee (JNCC), following work by the RSPB<sup>2</sup>, and carried out by the British Trust for Ornithology (BTO)<sup>3</sup></p> <p>The RSPB disagree with reliance on a single output metric of Population Viability Analysis (PVA), the Counterfactual of Population Growth Rate (CPGR). This is contrary to a specific recommendation of the BTO review. That review recommended that the ratio of growth rates were presented to quantify the consequence of impacts at a population level and the ratio of population sizes (the Counterfactual of Population Size, CPS) to present these impacts in an easily understandable context. Subsequent to this, a further review was commissioned by Marine Scotland Science and undertaken by the UK Centre for Ecology and Hydrology<sup>4</sup>, and the conclusions as to utility of output metrics was similar.</p> <p>The ease of understanding of the CPS is crucial to its utility; the numbers given by the CPGR are less understandable without a population modelling context. To use the theoretical example quoted by the BTO, a CPS of 0.515 means the population size of a breeding colony is expected to be 51.5% (i.e. half) of what it would have been in the absence of the development after 25 years, which is easy to understand. Whereas the corresponding CPGR, 0.973, means that the annual population growth rate at the breeding colony declines from 0.994 to 0.967. The actual scale of the consequence of this is hard for a non-specialist to comprehend, that of the CPS is not. This issue of comprehension is crucial in reducing uncertainty, as lack of clarity in presenting results acts to increase uncertainty, and the consequent need for precaution (Masden <i>et al.</i>, 2015<sup>5</sup>, Seale <i>et al.</i>, 2021<sup>6</sup>).</p> <p>The Applicants are wrong in disassociating the two metrics, arguing that this is necessary because of the use of density independent formulations. The two metrics are very similar, the only key difference is that CPGR does not include the length of time that the wind farm will be operational. They are both outputs of the same modelling process and will therefore both be equally affected if density dependence is included or not in the formulation. The only difference is that because CPGR is a smaller number, the relative</p>	

<sup>2</sup> Green, R. E., Langston, R.H. W., McCluskie, A., Sutherland, R., & Wilson, J. D. (2016). Lack of sound science in assessing wind farm impacts on seabirds. *Journal of Applied Ecology*, 53(6), 1635-1641

<sup>3</sup> Cook, A.S.C.P. & Robinson, R.A. (2016) Testing sensitivity of metrics of seabird population response to offshore wind farm effects, JNCC Report No. 553, JNCC, Peterborough, ISSN 0963-8091

<sup>4</sup> Jitlal, M., Burthe, S., Freeman S. and Daunt, F. (2017) Testing and Validating Metrics of Change Produced by Population Viability Analysis (PVA). *Scottish Marine and Freshwater Science* Vol 8 No 23, 210pp. DOI: 10.7489/2018-1

<sup>5</sup> Masden, E. A., McCluskie, A., Owen, E., & Langston, R. H. (2015). Renewable energy developments in an uncertain world: the case of offshore wind and birds in the UK. *Marine Policy*, 51, 169-172

<sup>6</sup> Searle, K.R., Jones, E.L., Trinder, M., McGregor, R., Donovan, C., Cook, A., Daunt, F., Humphries, L., Masden, E., McCluskie, A. & Butler, A. 2021. JNCC Report on the Correct treatment of uncertainty in ornithological assessments. JNCC Report No. 677, JNCC, Peterborough, ISSN 0963-8091



SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
		change between density independent and density dependent formulations will appear to be small. The consequent change to the impacted population will be identical with both metrics.	
29	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for guillemot are appropriate.</p> <p>The RSPB has correctly stated the results from the guillemot Population Viability Analysis (PVA), however the Applicants disagree with the interpretation of the counterfactual of population size (CPS) advocated here by the RSPB for the critical reason that the predictions are obtained from density independent population projections. Such projections over-state the difference between a baseline and impact projection because the growth curves are exponential and unconstrained. This means that the two populations will diverge by an ever increasing margin and generate wholly unrealistic predictions. For this reason the Applicants consider the counterfactual of population growth rate to be the more reliable and robust output from density independent PVA. The Applicants provided a detailed explanation of this in the assessment (e.g. <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085], paragraphs 157-161).</p>	<p>In the RSPB's Written Representation (REP1-087), we concluded there is an in-combination AEOI on the guillemot feature of the FFC SPA (and therefore welcomed the Applicants' adopted position on this).</p> <p>See SOCG ID 28 for the RSPB's position on the use of PVA outputs.</p>	
30	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for razorbill are appropriate.</p> <p>The RSPB has correctly stated the results from the razorbill Population Viability Analysis (PVA), however the Applicants disagree with the interpretation of the counterfactual of population size (CPS) advocated here by the RSPB for the critical reason that the predictions are obtained from density independent population projections. Such projections over-state the difference between a baseline and impact projection because the growth curves are exponential and unconstrained. This means that the two populations will diverge by an ever increasing margin and generate wholly unrealistic predictions. For this reason the Applicants consider the counterfactual of population growth rate to be the more reliable and robust output from density independent PVA. The Applicants provided a detailed explanation of this in the assessment (e.g. <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085], paragraphs 157-161).</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p> <p>The RSPB consider in the RSPB Written Representations [REP1-087] that the 'impact of displacement mortality on the Razorbill population' (REP1-087:4.9-4.11) is an in-combination AEOI on the following features of the FFC SPA.</p>	
31	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for gannet are appropriate.</p> <p>The Applicants are aware of the RSPB's position on this matter, and it is correct that the Applicants calculated gannet collision risk incorporating 65%-85% macro avoidance. However, this approach was that advised by Natural England and therefore follows statutory guidance.</p>	<p>The RSPB consider in the RSPB Written Representations [REP1-087] that the impact of combined collision and displacement mortality on the Gannet population' (REP1-087:4.9-4.11) is an in-combination AEOI on the following features of the FFC SPA. The RSPB add that 'due to the methodological concerns, in particular with the Applicants' approach to a de minimis, background mortality threshold, but also the application of a macro-avoidance correction factor to Gannet densities, we are unable to reach conclusions as to the significance of in-combination impacts on the following SPAs and listed features'. See REP1-087:4.9-4.11 for full list.</p>	

SoCG ID	The Applicants' Position	The RSPB's Position	Position Status
		<p>The RSPB acknowledges that the Applicants have followed the approach to Gannet collision risk advised by Natural England. The RSPB does not agree with the application of 70% macro-avoidance for Gannet recommended by Natural England. Our reasons are set out at paragraphs 4.18-4.24 of our Written Representation (REP1-087).</p> <p>The RSPB have noted in the RSPB Written Representation [REP1-087] that the...<i>'Approach to the apportioning of Gannets to the Forth Islands SPA.</i>  <i>For the assessment of impacts on the Gannet population of the Forth Islands SPA in the RIAA (APP-048), the Applicant has excluded any impacts during the breeding season, arguing that 100% of the birds present will originate from the Flamborough and Filey Coast SPA. In support of this, the Applicant cites tagging studies included in Wakefield et al., (2013). However more recent studies have tagged Gannets from the Bass Rock, (e.g. Lane et al., 2019) part of the Forth Islands SPA, and recorded Gannets breeding on the Bass Rock flying into the Application footprint.</i>  <i>Due to this exclusion, the RSPB are unable to reach conclusions as to the significance of impacts on the Gannet component of the Forth Islands SPA. '(REP1-087:4.25 - 4.26).</i></p> <p>The RSPB also note in the RSPB Written Representation [REP1-087] that the <i>'Applicant incorrectly uses 1% as a threshold of detectability, whereby if an impact on a SPA population through the project alone is below 1% adult mortality rate, the impact is not to be considered in-combination with other projects.'</i> (REP1-087:4.35)</p>	
32	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features</b> (Revision 3) [AS-085] for all other bird species for all other bird species assessed (red-throated diver, common scoter and puffin) assessed are appropriate.</p> <p>The Applicants note that no further mention of red-throated diver or common scoter was raised in the <b>RSPB Written Representation</b> [REP1-087] or the <b>RSPB's Response to Examining Authority's First Written Questions</b> (ExQ1) [REP3-066].</p>	<p>RSPB to review this topic and provide an update in the next revision of this SoCG.</p> <p>The RSPB note that they are unable to reach conclusions in the RSPB Written Representation [REP1-087] as the significance of in-combination impacts on the following SPAs and listed features due to the methodological concerns. See REP1-087:4.9-4.11 for list of concerns to do with puffins.</p>	
33	<p>The Project-level compensation measures detailed in <b>Appendix 1 - Project-Level Kittiwake Compensation Plan</b> (Revision 3) [AS-087] are sufficient to compensate for any potential impacts to kittiwake that may occur as a result of the operation of the Projects. Revision 3 of the <b>Appendix 1 - Project-Level Kittiwake Compensation Plan</b> (Revision 3) [AS-087] was issued to the Planning Inspectorate on 25<sup>th</sup> November 2024 which provides further updates to the Applicants plans regarding kittiwake compensation.</p> <p>The Natural England checklist has been included in each of the Project Level plans from the outset:</p> <ul style="list-style-type: none"> <li>Table 9-1 of <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [REP2-010]; and</li> <li>Table 7-1 of <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089].</li> </ul> <p>As stated above the final details of any ornithological compensation measure will be provided in the CIMP, for which a timetable for preparation must be signed off by the Secretary of State as part of the plan for the Kiitiwake Steering Group, before commencement of any works in relation to Work Numbers 1A and 1B (i.e. the Array Areas) . In addition, any turbine forming part of the authorised</p>	<p>The RSPB have requested additional information from the Applicants in their relevant representation to provide further clarification on the proposed kittiwake compensation measures.</p> <p>The RSPB note in the RSPB Written Representation [REP1-087] that ...<i>' Based on experience, we consider it important that work to agree detailed compensation objectives informs draft wording of any DCO Schedules in order to avoid subsequent ambiguity post-consent.</i>  <i>We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed, workable and ecologically effective measure "on the ground" at a later date and all the necessary consents and agreements successfully secured. At Annex H1 of Appendix H to its relevant representation (RR-039) Natural England has included a checklist it has developed for compensatory measure submissions. We fully support Natural England's advice especially the approach and level of detail considered to be required as part of the application documentation.'</i> (REP1-087:5.12-5.15).</p> <p>The RSPB note in the RSPB Written Representation [REP1-087] that ...<i>'Any implementation timetable must ensure that the compensation measure is in place and ecologically functional before the damage occurs. Factors that need to be taken in to account in developing the required timeline include:</i></p>	

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	<p>development must not begin operation until the specified number of full breeding seasons in the approved plan following the implementation of the measures set out in the Kittiwake CIMP have elapsed (secured within Schedule 18, Part 2 of the <b>Draft DCO (Revision 7)</b> [document reference: 3.1]). Hence the public interest is protected by the draft DCO wording, without all details being agreed during the DCO examination. This approach has been accepted previously by the Secretary of State for numerous offshore wind farm projects where compensation measures have been required.</p> <p>Lead in times are discussed in both of the relevant project level plans:</p> <ul style="list-style-type: none"> <li>Section 6.3.6 of <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [REP2-010]; and</li> <li>Section 5.3.1.6 Table 7-1 of <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089].</li> </ul> <p>The Applicants consider that the compensation can be adequately secured in line with the Defra guidance (REP1-087:5.21-5.22).</p>	<ul style="list-style-type: none"> <li>The breeding ecology of the impacts species and timescales likely to be required for the agreed compensation measure to be ecologically effective</li> <li>The point at which the adverse effect is predicted to occur. This will depend on the nature of the impact'</li> <li>That it is highly unlikely that the compensation will be delivering at the scale required before the impacts occur or during any period of colony establishment.</li> </ul> <p><i>As currently drafted (AS-131, version 4, Schedule 18), the DCO does not include a specific requirement for the number of full breeding seasons each compensation measure must be in place before any impact occurs: we consider it should do so in line with the approach we have described above. The lack of these requirements creates considerable uncertainty in respect of the lead-in times that will be required.' See full response in REP1-087:5.21-5.22.</i></p> <p>The RSPB state in the RSPB Written Representation [REP1-087] that '<i>the Applicant has confirmed the RSPB's understanding that the oANS will be bespoke offshore structures requiring similar engineering solutions as for offshore wind turbines (RR-049: 13, PDA-013)</i>' (REP1-087:6.8 - 6.9).</p> <p>The RSPB continues to recommend oANS being installed four full breeding seasons ahead of operation (OR.1.26, REP3-066) in order to reduce the risk and uncertainty associated with oANS as a compensation measure. In our response to OR.1.28 (AS-173), we note that the Applicants did not set out any further details in respect of the foreseeable risks associated with oANS installation 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>Therefore, notwithstanding the Applicants' position that the public interest can be protected through DCO wording, in the absence of these details, the RSPB remains concerned that failure to address foreseeable risks during the examination may result in subsequent and avoidable changes to the timeline for installation of oANS, increasing the uncertainty associated with the measure.</p>	
34	<p>The <b>Outline Kittiwake Compensation Implementation and Monitoring Plan</b> [APP-054] provides a sufficient plan for the development of future implementation and monitoring of any agreed compensation measures, should consent for the Projects be granted and compensation for the kittiwake be required. The Applicants provided an update on the Implementation and Monitoring Plan within the <b>Appendix 1 - Project-Level Kittiwake Compensation Plan</b> (Revision 3) [AS-087] submitted on 25<sup>th</sup> November 2024.</p> <p>The Strategic process for kittiwake the <b>Round 4 Kittiwake Strategic Compensation Plan</b> [APP-053], did not go beyond broad areas of search. The Applicants have subsequently provided refined proposals, see <b>Project-Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report</b> [PDB-007] and three candidate ANS locations have now been selected to take forward to SI surveys and are presented in the <b>Project-Level Kittiwake Compensation Plan (Revision 4)</b> [REP2-010] (submitted at Deadline 2). See REP1-087:5.16-5.18.</p>	<p>In our Response to Examining Authority's First Written Questions (ExQ1) [OR.1.25, REP3-066], we state that: '<i>The RSPB welcomes the Applicants' updates in respect of its work to identify a final oANS site. The RSPB also notes and supports NE's concerns regarding Sites 4 and 6 as set out in section 3.3 of AS-160, specifically regarding consideration of (i) collision risk and (ii) likelihood of competition with birds foraging from FFC SPA.</i></p> <p><i>The RSPB welcomes the Applicants updates in respect of its proposed Marine Licence application and Seabed Lease application in Q2 2025.</i></p> <p><i>We note however, this means that the decisions on each will therefore fall outside the examination period and that it is unclear if they would be made before the current decision date expected in mid-January 2025, and therefore available to the Secretary of State to provide confidence the site location has been secured.</i></p> <p><i>Notwithstanding those concerns, the RSPB welcomes this as significant progress compared to several earlier offshore wind farm ANS compensation schemes where such applications for consent or lease were only made after DCO consent was given. This gave rise to the difficulties requiring non-material change applications, for example, by Hornsea 3'.</i></p> <p>However, as set out in ID 33 above, we note that the Applicants did not set out any further details in respect of the foreseeable risks associated with oANS installation in its response to OR.1.24 and how it</p>	



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		would mitigate those in order to avoid the need for further changes as experienced by Hornsea Four. As a consequence, the RSPB remains concerned that failure to address foreseeable risks during the examination may result in subsequent and avoidable changes to the timeline for installation of oANS, increasing the uncertainty associated with the measure.	
35	<p>The proposed compensation measures for guillemot and (if required) razorbill detailed in <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-089] are sufficient to compensate for any potential impacts to guillemot (and razorbill) that may occur as a result of the operation of the Projects. Revision 3 of the <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-0890] was issued to the Planning Inspectorate on 25<sup>th</sup> November 2024 which provides further updates to the Applicants plans regarding auk compensation.</p> <p>An updated <b>Guillemot and Razorbill Compensation Site Refinement Report (Revision 2)</b> [REP3-019] was submitted at Deadline 3. In addition, an updated version of <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-089] will be submitted at Deadline 4. These provide updates on survey works undertaken at Project level schemes (Worms Head and Middle Mouse) and an update from Defra on the strategic scheme at the Isles of Scilly.</p> <p>This will include the following statement has was jointly agreed by Defra, Desnz, Natural England, The Wildlife Trust, RSPB, The Crown Estate and OWIC:.</p> <p><i>The Isles of Scilly Seabird Recovery Partnership is developing a predator eradication project to recover seabird populations on the Isles of Scilly (IoS) as a strategic compensation measure in relation to offshore wind development. This partnership is led by Isles of Scilly Wildlife Trust, and closely involves the Duchy of Cornwall, RSPB, The Wildlife Trusts and a range of other local and national partners. The partnership, with support from The Wildlife Trusts, is developing a predator eradication programme on the Isles of Scilly to cover a 30 year period. This programme will include an operational plan to remove predators from the islands, a long-term maintenance/biosecurity plan to ensure the islands remain predator free, a community engagement plan and a monitoring and evidence plan. It is expected the outputs of this work will be delivered Spring 2027, with the potential delivery of the eradication programme to follow. It is envisaged that this will be one of the first fully developed and costed programmes to be established as a strategic compensation measure for offshore wind farm impacts on protected seabirds.</i></p> <p><i>Currently, Defra is establishing the Marine Recovery Fund (MRF), to develop strategic compensation measures, which is anticipated to be fully operational by late 2025. A number of organisations have recently met, including Defra, DESNZ, Natural England, The Wildlife Trusts, OWIC, The Crown Estate, and RSPB, to establish a Task and Finish Group to establish the mechanisms required to allow predator eradication to be delivered as a strategic compensation measure, noting the option for this to delivered by the Marine Recovery Fund.</i></p> <p><i>All parties agree that predator eradication on the Isles of Scilly has great potential to provide compensation for the impacts of offshore wind projects and would support its inclusion in project specific compensation plans. Offshore wind projects currently seeking consent might wish to submit this statement to the examining authority to demonstrate progress with this scheme, if they seek to use it as strategic compensation for unavoidable impacts to protected species likely to be impacted by their projects.</i></p>	<p>The RSPB's current position on the proposed compensation measures for guillemot and razorbill is set out in our Response to Examining Authority's First Written Questions (ExQ1) [REP3-066]. In this, we state that: <i>'In respect of the Applicants' auk compensation proposals in general, our position remains as set out in our Written Representation (REP1-087).</i></p> <p><i>In respect of the Applicant's project-led proposals, we await further information from the Applicant on the availability and scope of its survey reports for Worms Head and Middle Mouse (although we note from NE's AS-160 submission that a survey report for Worms Head may be submitted at Deadline 3).</i></p> <p><i>In respect of the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme for Guillemot and Razorbill, this will rely on the information to be provided by the Isles of Scilly Seabird Recovery Project in due course. It is the RSPB's understanding that as part of the initial phases of work, the Project will be undertaking its own habitat suitability assessment to assess the potential benefit of the Project to a range of seabird species, including Guillemot and Razorbill.</i></p> <p><i>In the absence of this information, the RSPB is not currently in a position to comment on the suitability of the Isles of Scilly as a strategic compensation measure for Guillemot or Razorbill. We expect it will be suitable to some extent, but await the findings of the Project's habitat suitability assessment to understand the potential scale of that suitability.</i></p> <p><i>We are not able to comment on the Applicants' habitat suitability assessment as that has been redacted on commercial sensitivity grounds.'</i></p> <p>The RSPB has reviewed the updated <b>Guillemot and Razorbill Compensation Site Refinement Report (Revision 2)</b> [REP3-019]. We note that information on habitat suitability remains redacted and that further survey work is proposed for both Worms Head and Middle Mouse during the 2025 breeding season. For Worms Head this may include further work to establish the distribution and density of rats (these having been detected in small numbers during the February 2025 survey). For Middle Mouse, any further survey work will be to confirm the presence or absence of rats (which were not detected during 11 "trap nights" in February 2025).</p> <p>Therefore, the RSPB's position as set out in REP3-066 remains unchanged, including the lack of evidence regarding predation by rats of guillemot or razorbill on either Worms Head or Middle Mouse.</p>	

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	The Applicants note that they cannot speak on behalf of Defra/DESNZ as to the role of COWSC or the responsible body for decisions regarding the use of the MRF for compensation. However, the Applicants refer to the Ministerial Statement and the Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance of the 29 <sup>th</sup> January 2025.		
36	The shortlist of potential predator eradication sites detailed in Table 5-2 of <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-089] presents a suitable range of potential sites for the primary guillemot (and razorbill) compensation measure (predator eradication) to be explored further. An updated shortlist was provided in <b>Guillemot and Razorbill Compensation Site Refinement Report (Revision 2)</b> [REP3-019] which was submitted at Deadline 3, which included details and results of the site-specific survey work undertaken for the Projects.	See ID 35 above.	
37	<p><b>Annex A - Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan</b> [APP-057] provides a sufficient plan for the development of future implementation and monitoring of any agreed compensation measures, should consent for the Projects be granted and compensation for the guillemot (and razorbill) be required. The Applicants provided an update on the Implementation and Monitoring Plan within the <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-089] submitted on 25<sup>th</sup> November 2024, and will submit an updated, populated, version of <b>Annex A - Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan</b> [APP-057] at Deadline 4.</p> <p>The measures being proposed for Guillemot [and Razorbill] are different to the Kittiwake measures – no permanent structures would be developed which would require decommissioning and therefore it is not appropriate to include a provision relating to decommissioning. In addition, Schedule 18, Part 3 of the <b>Draft DCO (Revision 7)</b> [document reference: 3.1] requires that the CIMP includes an implementation timetable for delivery of the measure and details of ongoing monitoring and reporting and adaptive management measures. As such, the Applicants consider that the Guillemot [and Razorbill] CIMP would include relevant safeguards on timing, including any ongoing maintenance and management, which would be agreed by the Guillemot Compensation [and Razorbill] Steering Group. The Applicants therefore do not propose to make any amendments to the current DCO drafting.</p>	<p>In our Written Representation [REP1-087] we state it <i>'is the RSPB's view that compensation measures should remain in place for as long as the project's adverse impacts on the SAC/SPA/Ramsar site continue. Typically, this has been "in perpetuity" as impacts have been permanent. We recognise this is not automatically the case when dealing with offshore wind farms. This is in line with our advice to the Secretary of State regarding the Hornsea Project Three compensation. As noted in paragraph 2.18 of that response (November 2020):</i></p> <p><i>"The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts."</i></p> <p><i>In respect of the Guillemot and Razorbill compensation measures, Schedule 18, Part 3 of the DCO (AS-131) contains no equivalent text. This means there is no safeguard in respect of how long the compensation measures will be maintained. Therefore, we request that equivalent wording is drafted by the Applicant to ensure that, for project-led predator eradication measures, the relevant measures (biosecurity response plans, adaptive management etc) are sustained beyond the operational lifetime of the authorised development until the affected seabird populations are deemed to have recovered. (REP1-087:5.23-5.26).</i></p> <p>The RSPB will continue to discuss this matter with the Applicants.</p>	

## 4 Summary

17. This SoCG has outlined the consultation that has taken place between the Applicants and RSPB during the pre-application and Examination phases. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

## 5 References

Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>. [Accessed August 2024].

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