



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Dogger Bank South Offshore Wind Farm

**Appendix M to the Natural England Deadline 4 Submission**  
**Natural England's Response to The Examining Authority's Action points arising from**  
**Issue Specific Hearing 5 [EV10-002]**

For:

The construction and operation of the Dogger Bank South (East and West) Offshore Wind Farm located approximately 100-122km off the Northeast Coast in the Southern North Sea.

Planning Inspectorate Reference EN010125

25<sup>th</sup> April 2025

## **Appendix M - Natural England's Response and Comments to the Action points arising from Issue Specific Hearing 5 [EV10-002]**

This document sets out Natural England's responses to the Actions from ISH5 [EV10-002] held on 10<sup>th</sup> April 2025. As detailed in Section 3 of our Deadline 4 cover letter, Natural England have responded as far as possible, however we have not been able to respond in full at this deadline. We understand that the Applicant is due to submit key updated assessments at Deadline 4, including benthic and ornithology RIAs. The Applicant will also be submitting Written Summaries of their Oral Representations at Deadline 4. We have therefore signposted in our current response where we consider an action will be progressed and/or addressed by a planned Deadline 4 submission, or where we wish to review the written summaries prior to responding. We will provide any outstanding comments on actions relevant to these documents in full at Deadline 5.

Action No	Directed to:	Action	Natural England response
1	Natural England (NE)	Confirm whether it believes that all relevant information regarding abundance estimates has been submitted by the applicants into the examination.	We confirm that the Applicant has updated all abundance estimates that Natural England advised to be addressed at Relevant Representations.
3	NE	<ul style="list-style-type: none"> <li>a) Confirm with the applicants what buffer distance would be appropriate for an assessment for action point 2.</li> <li>b) Comment on the applicants' opinion given in the hearing of whether a reassessment using a buffer greater than 2km would make a notable difference to the assessment conclusions.</li> </ul>	<ul style="list-style-type: none"> <li>a) Natural England have a meeting scheduled with the Applicant to establish an appropriate way forward on 7<sup>th</sup> May 2025. We will provide further update at Deadline 5.</li> <li>b) Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. Please also see Section 6 of our Deadline 4 cover letter.</li> </ul>
4	NE	Confirm whether it believes that there are any outstanding issues regarding the provision of the information by the applicants relating to collision risk.	The Applicant has updated their gannet collision risk assessment in accordance with Natural England's advice, however there are currently outstanding issues with cumulative and in-combination collision totals for some species. It is Natural England's understanding that the Applicant will be submitting an updated ornithology assessment to address these issues at Deadline 4. We will review this and provide further comment at Deadline 5.
7	NE	<p>Respond to Dr Trinder's (the applicants) comments during ISH5 on ornithological mitigation including:</p> <ul style="list-style-type: none"> <li>a) The applicants' position on the size of the blade tip clearance (air gap).</li> <li>b) appropriate foraging ranges.</li> <li>c) why the applicants have not included hotspot modelling to identify particularly high impact areas as a mitigation option to inform array reductions.</li> </ul>	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. We also understand that a document related to ornithological mitigation is being submitted at Deadline 4.

8	NE	Respond to the applicants' comments during ISH5 on in combination totals and project compensation for kittiwake at the Flamborough and Filey Coast Special Protection Area (SPA).	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. See also action 4.
9	NE	Respond to the applicants' comments during ISH5 on the starting population for the Population Viability Assessments for kittiwakes.	Natural England acknowledge that the PVA updates provided in Annex A of [AS-085] were missed in our Deadline 2 review. We welcome that the kittiwake PVA was run with the correct starting population size. We will provide further comment at Deadline 5 following the Applicant's submission of the remaining PVA updates at Deadline 4.
10	NE	Respond to the applicants' comments during ISH5 on submission on density dependence modelling and the range of potential future growth rates for seabird population trends to inform the Population Viability Assessments.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
14	NE and the Royal Society for the Protection of Birds (RSPB)	Respond to the applicants' comments during ISH5 on their reasoning for the reduction from three to two breeding seasons to achieve compensation for kittiwakes in advance of first operation of the proposed development.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
15	NE	<ul style="list-style-type: none"> <li>a) Respond to the Examining Authority's (ExA's) question on the likelihood that the information from NE's commissioned methodology review by the British Trust for Ornithology will be able to be submitted prior to the close of the examination.</li> <li>b) Respond to the applicants' comments during ISH5 on NE's commissioned methodology review by the British Trust for Ornithology and the timeframe they may require to respond.</li> </ul>	Please see Section 1.2.2 of Appendix G4 of Natural England's Deadline 4 submission for updated advice regarding the commissioned methodology review by the British Trust for Ornithology.
16	NE	Confirm if there is any additional information outstanding regarding auk compensation quanta which the applicants should provide.	It is Natural England's understanding that the Applicant will be submitting an updated Auk Compensation Plan and ornithology RIAA at Deadline

			4. We will review these and provide further comment at Deadline 5. Please also see Appendix G4 and H4 of Natural England's Deadline 4 submission for our most recent advice on auk compensation quanta.
19	NE and the RSPB	Respond to the applicants' comments during ISH5 on auk compensation.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. Please also see Appendix G4 and H4 of Natural England's Deadline 4 submission for our most recent advice on auk compensation.
21	NE	Respond to the applicants' comments during ISH5 regarding changes to the location of the planned exit pits and the likelihood of impacts to red throated diver in the Greater Wash SPA.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. We also note that we requested further clarification be provided on this issue in our Deadline 3 submission, which we anticipate will be provided at Deadline 4.
22	Any Interested Party (including NE and the RSPB)	Submit, if required, comments on any ornithological aspect that has been discussed during ISH5.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
23	NE and the Marine Management Organisation (MMO)	Respond to the applicants' comments during ISH5 on the sound exposure level single strike threshold for the assessment of underwater noise impacts on herring and suggested appropriate behavioural threshold.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
25	NE	Provide its latest position on the need for seasonal restrictions for piling and potential disturbance to spawning herring.	Natural England maintain the advice provided in our Relevant Representations on the need for a seasonal restriction to be committed to in the array area for piling and disturbance. Natural England defer to Cefas for further comment on the appropriate period of a seasonal restriction to be applied, however we maintain that multiple environmental factors could cause herring to spawn at different times within the season and that herring populations could experience significant impacts from underwater noise from piling

			activities and UXO clearance during the spawning period.
26	The applicants, NE, the MMO and Centre for Environment, Fisheries and Aquaculture Science (Cefas)	Consider whether similar conditions to conditions 26 and 28, regarding piling restrictions, in schedule 11 of the recent Rampion 2 made order might be appropriate for the Deemed Marine Licence(s) in the draft DCO.	Natural England would welcome the inclusion of piling restrictions similar to those applied to Rampion 2, however we defer to MMO and Cefas for further advice on the appropriate timings and evidence requirements of any such piling restriction for DBS.
27	NE	Respond to the applicants' comments during ISH5 on the need to assess the additional cables for possible heat impacts to sandeel, which they stated has been carried out.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
28	NE	Respond to the applicants' comments during ISH5 on the need for an assessment of fish habitat loss from unexploded ordnance clearance.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
30	NE	Respond to the applicants' comments during ISH5 on the value and sensitivity assessment of Dogger Bank and Smithic Bank.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
31	NE	Respond to the applicants' comments during ISH5 on NE's suggested commitment for the deposition of dredged material for areas along the export cable corridor utilising a fall pipe.	Natural England's main requirement for the use of a fall pipe is in areas of sensitive receptors including Smithic Bank and NERC habitats and where recovery of Annex I sandbanks is a fundamental concern i.e. within Dogger Bank SAC. The use of a fall pipe within SACs as well as commitments to place the sediment updrift and in similar habitat type has been committed to on both Five Estuaries and Outer Dowsing OWFs
33	NE	Provide an update on any outstanding matters regarding disposal of dredged material.	The Applicant has stated [REP3-027] (ExQ BE.1.15) / [REP3-028] they will commit to depositing like sediment on like sediment with respect to surficial sand, gravel and silt within Dogger Bank SAC and we are of the understanding that an updated Cable Statement will be provided at Deadline 4 to reflect this. We will provide further comment accordingly. This is notwithstanding our response to Action 31, above.

34	NE	<p>Confirm whether it is content with the additional information provided by the applicants on the required baseline information relating to sediment transport pathways. Or otherwise, clarify any outstanding matters and signpost to relevant guidance.</p>	<p>Our understanding of additional information provided by the Applicants on the required baseline information relating to sediment transport pathways and associated response is set out below:</p> <ul style="list-style-type: none"> <li>• [REP3-032] 13.7 Bed Mobility and Thermal Environment (Revision 1) – please see Table 2 of Appendix B4 of our Deadline 4 submission for further detail. In summary, this report does not present any information that changes our current advice. As previously advised, at present, the potential for seabed mobility, cable exposure, and scour require further investigation, particularly on Dogger Bank and the latter two thirds of the offshore export cable corridor, and the nearshore.</li> <li>• Appendix D of [REP3-028] 13.3 The Applicant's Responses to Deadline 2 Documents (Revision 1) – please see Table 3 of Appendix B4 of our Deadline 4 submission for further detail. In summary, we remain concerned on the indicative location of the DBS cable crossing with Hornsea Project Four and advise that it is demonstrated that the location is sufficiently seaward as to avoid alterations to the local wave/current regime, sediment transport regime and morphology of Smithic Bank.</li> <li>• The Applicant has indicated [REP3-028] that a technical note will be provided at Deadline 5 regarding the potential effects of cable protection measures on sediment transport in the nearshore environment. We will provide comment on this accordingly.</li> </ul>
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35	NE	Respond to the applicants' comments during ISH5 on the deployment and replacement of cable protection measures following the applicants' oral representation made during ISH5.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
37	NE	Confirm if there is any outstanding information on potential impacts to spawning habitat from cable protection scour and its current position on the matter.	Natural England maintain our position at Relevant Representations that clarity is needed on how localised impacts on high potential spawning habitat loss due to cable protection have been assessed for sandeel and herring. There have been no assessment updates provided by the Applicant during Examination relating to impacts on spawning habitat, as highlighted in their Response to Relevant Representations [AS-048] and The Applicant's Response to Deadline 2 Documents [REP3-028]. Please also see our response to ISH Action 57 and Appendix C4 of our Deadline 4 submission.
38	NE	Provide an update on its position regarding ecological halo effects following the applicants' oral representation made during ISH5.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. Please also see Appendix C4 of our Deadline 4 submission.
39	NE	Provide its opinion on the applicants' comments in ISH5 as to whether the applicants have done everything possible to mitigate for impacts on benthic habitats and have fully adhered to the mitigation hierarchy.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5. Please also see Appendix C4 of our Deadline 4 submission.
40	NE	To confirm when the further evidence related to the disturbance/ damage of Annex I sandbanks within the Dogger Bank Special Area of Conservation (SAC) and that the length of time for recovery could be up to 25 years is likely to be available and if it will be submitted prior to the close of the examination.	Natural England are awaiting confirmation on when the Favourable Condition Status for Annex I Sandbanks is due to be published, though it is expected to be this year.
42	NE	To confirm whether its response indicates its position is that a project assessment could not in principle supersede a plan level HRA conclusion or	We confirm that the latter interpretation is correct. Please see Section 7 of Natural England's Deadline 4 covering letter for further detail.



		whether in this particular case it is the adequacy or inadequacy of the evidence provided that is hindering that.	
43	NE	Provide an update on its position regarding how the measures put forward for cable bundling and rock protection would be secured following the applicants' oral representation made during ISH5.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
46	NE	To provide a response to the points raised by the applicants during ISH5 in relation to noise abatement systems including the associated procurement.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
47	NE and MMO	Confirm whether the documents submitted by the applicants fully adhere to Defra's Marine Noise Policy paper published 21 January 2025.	Natural England maintain the advice provided in Appendix F3 of our Deadline 3 submission [REP3-054].
48	The applicants, NE and MMO	Provide their position and interpretation of 'first instance' in paragraph below from the Defra Marine Noise Policy paper published 21 January 2025. <i>'all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance'</i>	<p>Natural England notes that Defra is due to publish further information and clarification on various points in the Noise Policy paper and we will provide further advice following that publication as required.</p> <p>Natural England understands the MMO consider primary and/or secondary noise reduction methods to be 'satisfactory alternatives' to reducing noise impacts from piling. As such, Natural England considers 'first instance' to mean the Applicant should consider the use of primary and/or secondary noise reduction methods to reduce the impacts of underwater noise and ensure the 'satisfactory alternatives' licensing test can be met and a licence can be issued. Therefore, Natural England believes that some form of noise reduction will be required for all projects going forward, although the details of which technology is most appropriate for a specific project can be identified post-consent.</p>

49	NE and MMO	Respond to the applicants' comments during ISH5 in relation to unexploded ordnance clearance.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
53	NE and MMO	Respond to the applicants' comments during ISH5 in relation to the degree of commitment to additional noise mitigation and the related adverse effects on Southern North Sea SAC and Humber Estuary SAC.	Natural England will review the Applicant's written summary of their oral representation and provide further comment at Deadline 5.
57	NE	Provide its position as to whether the worst-case scenario has been assessed in the ES in relation to the impacts to spawning grounds if the offshore infrastructure was to be left permanently in place.	<p>Natural England do not consider that the worst-case scenario of permanent impacts to spawning grounds from infrastructure being left in situ has been assessed, however we also advise that consideration of permanent impacts should be a last resort following exhaustive application of the mitigation hierarchy. At present, we consider that mitigation options remain available to the Applicant to avoid or reduce their impacts.</p> <p>Natural England maintains the advice provided in our Relevant Representations [RR-039] that in the first instance, the Applicant should commit to not installing cable protection within areas of high - very high potential spawning habitat for sandeel and herring <u>to avoid impacts</u>. If this is not possible, a commitment should be made to only a certain proportion of the full volume being allowed in these areas <u>to reduce impacts</u>. It should be demonstrated through the Cable Burial Risk Assessment why the volumes applied for are needed and cannot be refined down further. Should cable protection be utilised in these areas, a commitment should be made to remove all on and above seabed infrastructure at the time of decommissioning to prevent permanent impacts to spawning areas. We advise these commitments should be secured in the DCO.</p>

			Please also see Table 2 in Appendix C4 of our Deadline 4 submission. and Risk and Issues Log Ref E15 and C27 submitted at Deadline 4)
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