



Written Submission
for the
Royal Society for the Protection of Birds
Response to the Examining Authority's Second Written Questions
(ExQ2)

23 May 2025

Planning Act 2008 (as amended)

In the matter of:

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

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

Planning Inspectorate Ref: EN010125

RSPB Registration Identification Ref: 20050122

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1. Introduction

- 1.1. The RSPB's response to the Examining Authority's Second Written Questions (ExQ2) are set out in the table below.

Responses to the Examining Authority's Second Written Questions

ExQ2	Question to:	Question	RSPB response
Offshore and intertidal ornithology and relevant Habitats Regulations Assessment (HRA) aspects			
OR.2.15	The applicants NE The RSPB	<p>Kittiwake Compensation Plan</p> <p>The applicants: The potential location of a kittiwake artificial nesting structure (ANS) was discussed at ISH5 [EV10-003]. Have you considered the potential implications of siting an ANS close to array areas of the proposed development or array areas of other operational OWFs? Could the arrays pose a threat to the ANS derived kittiwakes? If so, might this reduce the predicted recruitment back into the population such that it might not be as effective or rapid as might otherwise be the case if the ANS was remote from any risk factor? How have the applicants considered this when siting their proposed ANS, and if or how is the matter is accounted for in the modelling in the document 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation' [REP4-083]?</p> <p>NE and the RSPB: Could you provide comment on this matter?</p>	<p>The RSPB's long held position is that the proximity of any kittiwake ANS to existing or proposed arrays should be factored in, given the risk of any colonising kittiwakes being exposed to the same collision risk as has given rise to the need for compensation. Depending on the level of exposure to collision, this will have implications for the breeding ecology of any colonists, and therefore the success or otherwise of the compensation measure.</p> <p>Therefore, the RSPB welcomes the Examining Authority's questions to the Applicant on this topic and will review its responses.</p>
OR.2.17	NE The RSPB TWT	<p>Anticipated timescales to achieve full kittiwake compensation</p> <p>At ISH5 [EV10-003] and in the document labelled 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation', submitted at DL4 [REP4-083], the applicants refer to anticipated timescales to achieve full kittiwake compensation as being between 13 years to 50 years following first</p>	<p>The RSPB has reviewed the Applicant's updated Kittiwake Compensation Plan (REP4-020).</p> <p>The RSPB's overall position on the Applicant's case for reduction in kittiwake breeding seasons for ANS installation is set out in its response to the Examining Authority's question, OR.1.26 (in RSPB REP3-066).</p>

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		generation (paragraph 23). Could NE, the RSPB and TWT provide their respective positions on this?	<p>This includes the RSPB's view that the "precedent" set by Hornsea 3 and Hornsea 4 in respect of non-material change applications were due to each project encountering difficulties and resulted from failures to anticipate and address potential risks at an earlier stage and plan ahead accordingly (c.f. paragraph 229 in REP4-020).</p> <p>The RSPB notes and welcomes the additional information provided by the Applicant at paragraphs 228-234 of REP4-020 in respect of the challenges posed in delivering an offshore ANS. These include the sourcing and fabrication of materials and associated international market uncertainty. We assume similar challenges may apply to the turbines themselves. We would welcome further information on how the Applicant intends to manage these similar risks to secure turbine installation by the target date of 2029/2030 and whether such approaches could be applied to the oANS to further reduce any risks.</p> <p>Turning to the issue of achieving full kittiwake compensation. The wide variation in the anticipated timescales (13 years to 50 years) underlines the uncertainty associated with the current modelling on when full kittiwake compensation might be achieved.</p> <p>The RSPB notes that the Applicant has acknowledged this uncertainty on when full compensation might be achieved (see paragraph 210, REP 4-020). It has proposed an updated adaptive management</p>

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			<p>commitment to retain the “<i>option to maintain and monitor beyond the duration of the Projects</i>”.</p> <p>Given the inherent uncertainty, which is being acknowledged by the Applicant, the RSPB considers this commitment should be made integral to the DCO requirement for the compensation measure itself, and not as an adaptive management measure.</p> <p>The RSPB proposes that the relevant DCO schedule for Dogger Bank South be amended to include the same provision as set out in the Hornsea Project Three Development Consent Order¹ at paragraph 7 of Schedule 14, Part 1 (Kittiwake Compensation Measures):</p> <p><i>“The artificial nest structures must not be decommissioned without written approval of the Secretary of State. The artificial nest structures shall be maintained beyond the operational lifetime of the authorised development if they are colonised, and routine and adaptive management measures and monitoring must continue whilst the artificial nesting structures are in place.”</i></p>
OR.2.23	RSPB	<p>In-combination assessments</p> <p>In your written representation (WR) [REP1-087] you highlighted concerns with the applicants ‘de minimis’ approach to assessing in combination effects. The applicants have since provided in-combination</p>	<p>The RSPB welcome the Applicant’s provision of revised in-combination assessments of guillemot and puffins for the Farne Islands SPA and red-throated diver for the Greater Wash SPA.</p>

¹ [Hornsea Project Three Development Consent Order \(as made\).](#)

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		assessments of guillemot and puffins for the Farne Islands SPA and red-throated diver for the Greater Wash SPA [AS-085]. Do your concerns remain, and if so, can you confirm what further assessment(s) you advise are required?	<p>The revised assessment shows the impacts arising through displacement and barrier effects 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 Guillemot at the Farne Islands SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.9895 and 0.9999. This means that after a period of 30 years, the population size of the SPA is expected to be between 72.2 and 97.7 % of what it would have been in the absence of the development. Therefore, we consider there is an AEOL due to the impact of displacement mortality on the Guillemot population of the Farne Islands SPA.</p> <p>The RSPB do not consider there to be an AEOL on the Puffin population of the Farne Islands SPA.</p> <p>The RSPB do not consider there to be an AEOL on the Red-throated Diver population of the Greater Wash SPA, although we recommend that the implementation of best practice measures (AS-085, table 9-11) remains.</p> <p>For the avoidance of doubt, the RSPB concerns regarding a number of SPAs and listed features remain, as listed in REP1-087:4.9-4.11:</p> <ul style="list-style-type: none"> • Coquet Island SPA: Puffin (displacement mortality); • Farne Islands SPA: Kittiwake (collision mortality);

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			<ul style="list-style-type: none"> • St. Abbs to Fast Castle SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • Forth Islands SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality); • Fowlsheugh SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • Buchan Ness to Collieston Coast SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); • Troup, Pennan and Lion's Head SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • East Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • North Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • Copinsay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); • Hoy SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality); • Rousay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);

ExQ2	Question to:	Question	RSPB response
			<ul style="list-style-type: none"> • Calf of Eday SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); • Marwick Head SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); • West Westray SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality); • Fair Isle SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality); • Sumburgh Head SPA: Kittiwake (collision mortality), Guillemot (displacement mortality); • Noss SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality); • Foula SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality); • Hermaness, Saxa Vord and Valla Field SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality).
OR.2.24	RSPB	Flamborough and Filey Coast SPA You have stated [RR-049] [REP1-087] you cannot rule out AEoI on the seabird assemblage of the FFC SPA, however the applicants [REP3-027, OR.1.11] noted you had not explained why you have reached this	The individual seabird features of the FFC SPA make significant contributions to the seabird assemblage feature.

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		conclusion. Can you explain how you reached this conclusion and what your latest position is?	<p>Natural England's supplementary advice states that the target for the abundance attribute of this feature is:</p> <p><i>"Maintain the overall abundance of the assemblage at a level which is above 216,730 individuals whilst avoiding deterioration from its current level as indicated by the latest peak mean count or equivalent."</i></p> <p>Given the RSPB's position on the adverse effects of the Dogger Bank South scheme (both alone and/or in-combination) on the individual species of the FFC SPA, we consider these will contribute collectively to undermining the achievement of this abundance target and thereby the FFC SPA's conservation objectives.</p>
OR.2.30	RSPB NatureScot	<p>Forth Islands SPA</p> <p>The RSPB: Your SoCG with the applicants [REP4-071] reiterates your DL1 position [REP1-087] that you cannot reach a conclusion as to the significance of impacts on the gannet component of the Forth Islands SPA. The applicants calculated an annual impact on four individuals in [REP2-057]. Can you comment as to whether you are able to exclude an AEol further to this information?</p> <p>NatureScot: Can you comment as to whether you are able to exclude an AEol of the gannet component of the Forth Islands SPA?</p>	<p>The Applicant's calculated annual impact of 4 individuals is based on gannets outwith the breeding season, whereas the RSPB argue that there will be birds from the Forth Islands SPA present in the Dogger Bank South array during the breeding season, as supported by tracking data (as referred to in REP1-087, 4.25-26).</p> <p>Furthermore, as the RSPB (and NatureScot) disagree with the Applicant's use of a macro-avoidance correction factor, the cited values for impact on gannet will be underestimates.</p>

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			Until mortalities and subsequent PVAs are presented with breeding birds apportioned to the Forth Islands SPA and without the macro-avoidance correction factor the RSPB are unable to exclude AEol.
OR.2.31	RSPB	<p>Statement of Common Ground with the RSPB</p> <p>Your SoCG with the applicants [REP4-071] refers to your DL1 response in respect of sites with puffin as a qualifying feature for which you are unable to reach conclusions as to the significance of effect. Can you confirm whether this position has changed for any of the sites and features listed, further to the information submitted by the applicants in the examination to date? If not, can you provide reasoning and identify any additional information you require from the applicants?</p>	<p>The RSPB are unable to reach conclusions as to the significance of in-combination impacts on the following SPAs and listed features including puffin. (REP1-087:4.9-4.11). This is due the use of a “<i>de minimis</i>” threshold of 1% adult mortality on the project alone impacts, whereas any threshold of scale of impact should be set against the total in-combination impact.</p> <p>The RSPB require Population Viability Analysis (PVA) carried out if this total impact is greater than the threshold (1% background mortality for English sites and 0.02% adult annual survival rate for Scottish sites).</p>
OR.2.32	The JNCC The RSPB NE	<p>Gannets – macro-avoidance</p> <p>The ExA is aware of an outstanding issue in that the RSPB and NE do not agree on the macro-avoidance correction factor to be applied to the gannet collision assessment. The applicants revised their assessment in line with NE advice [RR-049, G16] and have also presented the collision risk modelling without the application of the macro-avoidance correction factor. However, the RSPB disagreed with NE’s advice [RR-049], [REP1-087], [REP4-071] stating that the JNCC also do not accept NE’s advised approach and considered this would have a material impact on resulting impact assessments.</p>	<p>The RSPB’s detailed position on macro-avoidance and gannet is set out at paragraphs 4.18-4.24 of our Written Representation (REP1-087).</p> <p>In addition, we provided our summary position in the latest version of the draft Statement of Common Ground with the Applicant (SoCG ID 12 in REP4-071) We have repeated the text below for ease.</p> <p><i>“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</i></p>

ExQ2	Question to:	Question	RSPB response
		<p>The JNCC: Could the JNCC submit its latest position on this matter along with justification and evidence into the examination at DL5?</p> <p>NE: Could NE submit the evidence upon which its advice to use an avoidance rate of 99.3% along with a macro-correction factor between 65-85% is based, into the examination at DL5?</p> <p>The RSPB: Could the RSPB submit justification and evidence for its position into the examination at DL5?</p>	<p><i>reasons are set out at paragraphs 4.18-4.24 of our Written Representation (REP1-087).</i></p> <p><i>In summary, the RSPB does not agree that the use of a 70% macro-avoidance rate for gannet is appropriate as:</i></p> <ul style="list-style-type: none"> <i>• it does not take into account the likely seasonal variation in macro-avoidance;</i> <i>• 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.</i> <p><i>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."</i></p>