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Our ref: 17503; 489456
Your ref: EN010125
Interested Party ref: 20050173



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BY EMAIL ONLY

Dear Sir/Madam,

Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order granting Development Consent for the Dogger Bank South Offshore Wind Farms

The following constitutes Natural England's formal statutory response for Examination Deadline 5.

1. Natural England's Deadline 5 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadline 4. An update of Natural England's position regarding documents relevant to our remit is provided in Annex 1, including anticipated timing of responses. Natural England is also submitting the following detailed responses, signposted from Annex 1:

- EN010125 489458 DBS – Natural England's Risk and Issues Log Deadline 5
- EN010125 489458 DBS Appendix B5 – Natural England's Advice on Marine Physical Environment Deadline 5
- EN010125 489458 DBS Appendix C5 – Natural England's Advice on Benthic and Intertidal Ecology Deadline 5
- EN010125 489458 DBS Appendix E5 – Natural England's Advice on Fish and Shellfish Deadline 5
- EN010125 489458 DBS Appendix F5 – Natural England's Advice on Marine Mammals Deadline 5
- EN010125 489458 DBS Appendix G5 – Natural England's Advice on Offshore

Ornithology Deadline 5

- EN010125 489458 DBS Appendix H5 – Natural England’s Advice on Offshore Ornithology Compensation Deadline 5
- EN010125-001613 489458 DBS Appendix K5 - Natural England’s Response to ExA’s Second Written Questions (ExQ2)
- EN010125 489458 DBS Appendix M5 – Natural England’s Comments on Action points arising from Issue Specific Hearing 5 [EV10-002]

2. Action points arising from Issue Specific Hearing 5

Following on from our submission at Deadline 4 [REP4-126], Natural England has compiled our responses to outstanding Action Points outlined in the document Action Points from Issue Specific Hearing 5 (ISH5) held on 10 April 2025 [EV10-002] in Appendix M5 of our Deadline 5 submission.

3. The Examining Authority’s (ExA’s) Second Written Questions (ExQ2)

As requested in The Examining Authority’s Second Written Questions (ExQ2) [PD-021], Natural England has compiled our responses to relevant questions in Appendix K5 of our Deadline 5 submission.

4. The Natural Features Potentially Affected by this Application

Following on from our Relevant Representations [RR-039] and as requested in the Examiner’s Question [PD-021] HRA.2.5, Annex 2 provides updated Tables of designated sites and interest features which may be significantly affected by the proposed project, based on the information provided to date. It should be noted that this list may change if new evidence emerges during the Examination. GOV.UK links have been provided to Natural England’s Designated Site View system where the citation, conservation objectives and supplementary advice for designated nature conservation sites can be located. We have provided links, as these are large and live documents which are updated on a regular basis to incorporate the most up to date evidence. To avoid potentially out of date or inaccurate documents being referred to during the Examination we recommend that the links are utilised.

5. Key progress and/or areas of concern for each thematic area

Noting Natural England’s comments at Deadline 4 that we considered that significant progress in our advice was likely to have occurred at Deadline 5, we have provided a summary below of key outstanding concerns and/or resolutions for each thematic area.

• Offshore Ornithology

Whilst some minor concerns remain regarding the in-combination assessment, these will not materially impact assessment conclusions (with the exception of Farne Islands SPA) and Natural England is content with the Applicant’s Project alone assessment. Whilst Natural England and the Applicant are unlikely to agree on the appropriate impact values to use,

impact values are now available according to both the Applicant's and SNCBs preferred parameters for calculating compensation requirements. We have provided our conclusions in relation to the EIA and HRA assessment in Appendix G5 (or see Annex 2 below).

Natural England's key outstanding concern with respect to the Offshore Ornithology topic is the lack of provision of density hotspot modelling to inform further mitigation that could be applied. Please see our response to ISH Action 7 in Appendix M5 for further detail.

- **Benthic ecology**

Decommissioning of infrastructure, licensing of cable protection within designated sites and benthic compensation

We have reviewed the Applicant's position regarding infrastructure decommissioning and continue to disagree with it. We do not believe it is in the spirit of the Strategic Compensation Strategy or Marine Recovery Fund (MRF). In addition, there is no certainty that the Applicant will be able to use the MRF in the way they propose as the policy is not yet final. Therefore, we advise that they are planning at own risk until the MRF launches and the guidance is published. We are in discussions with DEFRA and DESNZ benthic compensation and MRF teams (respectively) and we will provide further update at Deadline 6.

- **Marine processes**

Natural England concerns regarding characterisation of benthic receptors for Flamborough Head SAC have been addressed, and we are satisfied that an Adverse Effect on Integrity can now be ruled out.

We understand that the Applicant intends to submit nearshore modelling at Deadline 6 to enable progress with respect to cable protection and longshore sediment transport impacts in relation to Holderness Inshore MCZ and the Humber Estuary SAC.

The Applicant has indicated in [REP4-088] and in their Written Summaries of Oral Submissions at ISH5 [REP4-086] that as Dogger Bank is not a sand bank in terms of morphology (rather a complex set of glacial landforms covered with a veneer of sand), they did not assign it a high value. Natural England directs the ExA and competent authority for the HRA to the conservation objectives for Dogger Bank SAC which sets out the high value of this Annex I sandbank. The SNCBs fundamentally disagree with the Applicant on this. Having thoroughly considered this, we do not believe that resolution will occur during Examination.

- **Marine mammals**

The Applicant has demonstrated that if a 10 dB reduction in underwater noise (UWN) was achieved through primary or secondary mitigation, it would likely remove the significant impacts on marine mammal populations currently predicted and enable adverse effects to be ruled out on all remaining features of concern. However, the Applicant has not committed to delivering this. Natural England advise the Applicant to commit to reducing UWN by 10dB via primary and/or secondary mitigation, with the exact methods to be deployed determined post-

consent. A commitment of this nature would resolve the significant majority of outstanding issues for this thematic area, and negate the need for additional derogations proposals.

- **Fish and shellfish**

Natural England's key outstanding concern with respect to Fish and Shellfish is the indirect effects assessment and quantification of impacts on sandeel, which has not progressed at this deadline. To facilitate progression, we have provided further detail on what we consider the assessment should entail in Appendix E5 of our Deadline 5 submission.

6. Statutory Cost Recovery for NSIP Engagment

We note that further clarity may be helpful with regard to the charging regime for NSIPS. Statutory cost recovery now requires the statutory nature conservation bodies to recover all their costs for engaging with NSIPS. The legislative basis for charging is set out [here](#). This means we must cost recover the staff time for our engagement in relation to all stages of the NSIP process. Our ways of working and our service standards remain unchanged.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully

██████████
Senior Officer – Marine Sustainable Development
Yorkshire and North Lincolnshire Area Team
E-mail: ██████████@naturalengland.org.uk

Annex 1: Natural England's Response to the Applicant's Documents Submitted prior to and at Deadline 2 Relevant to our Remit

PINS Document Reference	Document Name	Natural England's Response/Position Summary
General		
REP4-001	1.4 Guide to the Application (Revision 6)	Natural England has no comments to make on this document.
REP4-084	14.1 Deadline 4 Cover Letter	
REP4-087	14.3 The Applicants' Comments on the Responses to the Examining Authority's First Written Questions (ExQ1)	Natural England's response to these documents are provided where relevant across each thematic appendix and in Appendix M5.
REP4-086	14.2 The Applicants' Written Summaries of Oral Submissions made at Compulsory Acquisition Hearing 2 (CAH2), Issue Specific Hearing (ISH) 3 (ISH3), ISH4 and ISH5	
REP4-088	14.4 The Applicants' Responses to Deadline 3 Documents	
REP4-053	8.23 In Principle Monitoring Plan (Revision 3) (Tracked)	
REP4-091	14.6 The Applicants' Response to the Examining Authority's First Written Questions (ExQ1) BGC.1.10 Assessment of Cumulative Impacts	Natural England has no comments to make on this document.
REP4-096	14.11 The Applicants' Responses to April 2025 Hearing Action Points	
EV10-002	Action Points from Issue Specific Hearing 5 (ISH5) held on 10 April 2025	Natural England's response to this document is provided in and Appendix M5.
DCO		
REP4-006	3.1 Draft Development Consent Order (Revision 7) (Tracked)	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5
REP4-008	3.2 Explanatory Memorandum (Revision 7) (Tracked)	Natural England has no comments to make on this document.
REP4-009	3.4 Schedule of Changes (Revision 5)	Natural England has no comments to make on this document.
Marine Physical Environment		
REP4-051	8.20 Cable Statement (Revision 4) (Tracked)	Natural England's response to this document is

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP4-092	14.7 Review of Flamborough Front	provided in our Risk and Issues Log Deadline 5 and Appendix B5.
Benthic & Intertidal Ecology		
REP4-015	6.1 Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 4) (Tracked)	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5 and Appendix C5.
Benthic Compensation		
REP4-019	6.2 Habitats Regulations Derogation Provision of Evidence (Revision 3) (Tracked)	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5 and Appendix C5.
REP4-029	6.2.3 Report to Inform Appropriate Assessment - Habitats Regulations Assessment - Appendix 3 - Project Level Dogger Bank Compensation Plan - Volume 6 (Revision 3) (Tracked)	
Fish and Shellfish		
REP4-093	14.8 Effects on Prey Species Technical Note	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5 and Appendix E5.
Marine Mammals		
REP4-055	8.25 Outline Marine Mammal Mitigation Protocol (Revision 4) (Tracked)	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5 and Appendix F5.
REP4-094	14.9 Illustrative Underwater Noise Reduction Technical Note	Natural England's response to this document is provided in our Risk and Issues Log Deadline 5 and Appendix E5 and F5.
Offshore Ornithology		
REP4-017	6.1 Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 4 of 4 – Marine Ornithological Features (Revision 4) (Tracked)	Natural England's response to these documents is provided in our Risk and Issues Log Deadline 5 and Appendix G5.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP4-033	7.12 Environmental Statement Chapter 12 - Offshore Ornithology (Revision 3) (Tracked)	
REP4-035	7.12.12.13 Environmental Statement Appendix 12-13 Population Viability Analyses (Revision 2) (Tracked)	
REP4-082	10.42 Ornithological Mitigation Option Report (Revision 2) (Tracked)	
Offshore Ornithology Compensation		
REP4-021	6.2.1 Report to Inform Appropriate Assessment (RIAA) - Habitats Regulations Assessment - Appendix 1 - Project-Level Kittiwake Compensation Plan (Tracked) (Revision 5)	Natural England's response to these documents is provided in our Risk and Issues Log Deadline 5 and Appendix H5.
REP4-023	6.2.1.2 Outline Kittiwake Compensation Implementation and Monitoring Plan (Revision 2) (Tracked)	
REP4-025	6.2.2 Habitats Regulations Derogation: Provision of Evidence Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3) (Tracked)	
REP4-027	6.2.2.1 Annex A - Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Revision 2) (Tracked)	
REP4-085	12.6 Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation (Revision 2) (Tracked)	
REP4-097	14.12 Isles of Scilly Guillemot and Razorbill Survey and Habitat Assessment	
The Examining Authority's (ExA's) Written Questions (ExQ2)		
PD-021	The Examining Authority's Second Written Questions (ExQ2) (Word version)	Natural England's response to this document is provided in and Appendix K5.

Annex 2: Features for which outstanding concerns remain

Table 1: Designated Nature Conservation Sites

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
Holderness Inshore MCZ	Marine site detail [REDACTED]	High energy circalittoral rock Intertidal sand and muddy sand Moderate energy circalittoral rock Spurn Head (subtidal) and "the Binks" Subtidal coarse sediment Subtidal mixed sediments Subtidal mud Subtidal sand	Natural England requires further information on potential disruption of sediment transport. The Applicant has indicated [REP4-088] 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 further comments accordingly.	
Holderness Offshore MCZ	Holderness Offshore MPA JNCC - Adviser to Government on Nature Conservation	Subtidal coarse sediment Subtidal sand Subtidal mixed sediments Ocean quahog (<i>Arctica islandica</i>) North Sea glacial tunnel valleys	Whilst we are satisfied with the Applicant's assessment predictions that sediment deposition from trenching and levelling for the offshore export cable corridor is predicted to be localised and the seabed recoverable, this is dependent on the appropriate mitigation being secured. Please see Appendix B5 of Natural	

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
			England's Deadline 5 submission for further detail.	
Dogger Bank SAC	Dogger Bank MPA JNCC - Adviser to Government on Nature Conservation	Sandbanks slightly covered by seawater all the time	It has already been concluded in the Plan Level HRA that an AEol cannot be ruled out for this feature, discussions are now focussed on the quantification of impact. As such this feature will remain in this table.	
Flamborough Head SAC	Marine site detail [REDACTED]	Reefs Submerged or partially submerged sea caves Vegetated sea cliffs of the Atlantic and Baltic coasts		Natural England now considers that the necessary transparency and detail in the Applicants assessment and assessment conclusions has been provided, and we can agree with the Applicants conclusions of no likely AEol on the relevant listed features. Please see Appendix K5 of Natural England's Deadline 5 submission for further detail.
Humber Estuary SAC	Marine site detail [REDACTED]	[REDACTED] (<i>Glauco-Puccinellietalia maritima</i>) Estuaries Mudflats and sandflats not covered by seawater at low tide	For habitats, see Holderness Inshore MCZ. An AEol cannot be ruled out for grey seal for the impacts of the project in-combination with other plans or projects.	

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
		Salicornia and other annuals colonising mud and sand Sandbanks which are slightly covered by sea water all the time Grey seal (<i>Halichoerus grypus</i>)	We advise that additional commitments to mitigation to reduce underwater noise are required. See Appendix F5 for further detail.	
Southern North Sea (SNS) SAC	Southern North Sea MPA JNCC - Adviser to Government on Nature Conservation	Harbour porpoise (<i>Phocoena phocoena</i>)	The Applicant's current commitment to securing noise reduction mitigation pre-consent is insufficient to remove this as a concern. An AEoI cannot be ruled out for impacts in-combination with other plans or projects. Please see Appendix F5 for further detail.	
Berwickshire North Northumberland Coast (BNNC) SAC	Berwickshire and North Northumberland Coast - Special Areas of Conservation (jncc.gov.uk)	Grey seal (<i>Halichoerus grypus</i>)	An AEoI cannot be ruled out for grey seal for the impacts of the project alone and in-combination with other plans and projects. We advise that additional commitments to mitigation to reduce underwater noise are required. See Appendix F5 for further detail.	

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
Farne Islands SPA	Marine site detail [REDACTED]	Guillemot (<i>Uria aalge</i>), Breeding Seabird assemblage, Breeding	An AEol cannot be ruled out for impacts to guillemot in-combination with other plans and projects. See Appendix F5 for further detail	Natural England consider that the contribution to impacts to the seabird assemblage are sufficiently small to remove this from concern.
Flamborough and Filey Coast SPA	Marine site detail [REDACTED]	Guillemot (<i>Uria aalge</i>), Breeding Kittiwake (<i>Rissa tridactyla</i>), Breeding Razorbill (<i>Alca torda</i>), Breeding Seabird assemblage, Breeding	Natural England advise that AEol cannot be ruled out for: - Kittiwake (both alone and in-combination), -Guillemot (in-combination), -Razorbill (in-combination) - Seabird Assemblage (in-combination) Please refer to Natural England's Deadline 5, Appendix G5 for further detail.	Natural advise that and AEol can be ruled out on gannet for the impacts of the project alone and in-combination.
Greater Wash SPA	Marine site detail [REDACTED]	Red-throated diver (<i>Gavia stellata</i>), Non-breeding		Natural England welcome the clarification provided by the Applicant in [REP4-088] and are satisfied that an AEol on Red throated diver in Greater Wash SPA can be ruled out due to the very limited interaction between the cable works area and the Greater Wash SPA and 2km buffer.

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
Humber Estuary SPA	Marine site detail ([REDACTED])	Avocet (<i>Recurvirostra avosetta</i>) Bar-tailed godwit (<i>Limosa lapponica</i>) Bittern (<i>Botaurus stellaris</i>) Black-tailed godwit (<i>Limosa limosa islandica</i>) Dunlin (<i>Calidris alpina alpina</i>) Golden plover (<i>Pluvialis apricaria</i>) Hen harrier (<i>Circus cyaneus</i>) Knot (<i>Calidris canutus</i>) Little tern (<i>Sternula albifrons</i>) Marsh harrier (<i>Circus aeruginosus</i>) Redshank (<i>Tringa totanus</i>) Ruff (<i>Calidris pugnax</i>) Shelduck (<i>Tadorna tadorna</i>) Waterbird assemblage	Natural England do not consider these features to be of immediate concern, however they could become a concern if impacts to the Humber Estuary SAC cannot be ruled out.	
Humber Estuary Ramsar	Designated Sites View ([REDACTED])	Bar-tailed godwit (<i>Limosa lapponica</i>) Black-tailed godwit (<i>Limosa limosa</i>) Dunlin (<i>Calidris alpina</i>) Golden plover (<i>Pluvialis apricaria</i>) Grey seal (<i>Halichoerus grypus</i>) Knot (<i>Calidris canutus</i>) Natterjack toad (<i>Epidalea calamita</i>) Redshank (<i>Tringa tetanus</i>)	As for Humber Estuary SPA.	

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
		Shelduck (<i>Tadorna tadorna</i>), Wintering		

Table 2: National Sites

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
Flamborough Head SSSI	SSSI detail [REDACTED]	Reefs Submerged or partially submerged sea caves Vegetated sea cliffs of the Atlantic and Baltic coasts		All features. As for Flamborough Head SAC
Humber Estuary SSSI	Humber Estuary - 2000480 SSSI - 2000480	As per Humber Estuary SPA Above. Non-breeding birds: Brent goose (dark-bellied) (<i>Branta bernicla bernicla</i>) Curlew (<i>Numenius arquata</i>) Golden plover (<i>Pluvialis apricaria</i>) Lapwing (<i>Vanellus vanellus</i>) Marine Mammals:	As per Humber Estuary SPA and SAC Above.	

Site Name	Conservation advice	Features for which Outstanding Concerns Remain	Reason why feature still remains a concern.	Features no longer a concern and why.
		Grey seal, (Halichoerus grypus) Features: Assemblages of breeding birds - Lowland open waters and their margins		