



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Outer Dowsing Offshore Wind Farm

**Appendix D1 to the Natural England Deadline 4a Submission**  
**Natural England's Advice on Benthic Compensation and Mitigation**

For:

The construction and operation of Outer Dowsing Offshore Wind Farm located approximately 54 km from the Lincolnshire Coast in the Southern North Sea.

Planning Inspectorate Reference EN010130

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26th February 2025

## Appendix D1 - Natural England's Advice on Benthic Compensation and Mitigation

In formulating these comments, the following documents updated and submitted by the Applicant at Deadline 4 have been considered in relation to benthic compensation and mitigation:

- [REP4-046] 7.6 Benthic Compensation Strategy (Tracked)
- [REP4-048] 7.6.1 Without Prejudice Sandbank Compensation Plan (Tracked)
- [REP4-050] 7.6.2 Without Prejudice Biogenic Reef Compensation Plan (Tracked)
- [REP4-052] 7.6.3 Without Prejudice Benthic Compensation Evidence Base and Roadmap (Tracked)
- [REP-083] 8.5 Cable Specification and Installation Plan (Tracked)
- [REP-074] 8.13 Schedule of Mitigation (tracked)
- [REP-079] 8.21 Outline Scour Protection and Cable Management Plan (Tracked)
- [REP4-030] 7.1 Report to Inform Appropriate Assessment (Clean) Redacted
- [REP4-122] 21.17 The Oyster Restoration letter of comfort

### Introduction

This Appendix draws together Natural England latest advice on benthic compensation and mitigation measures based on the Applicant's latest version of documents submitted at Deadline 4.

Within this Appendix, Natural England also provides our response to **ISH 6 Action Point 12**: *“NE to provide comments on the issue of strategic benthic compensation considering the January 2025 Written Ministerial Statement. Additionally, NE to confirm whether any other benthic compensation measures should be progressed, aside from strategic benthic compensation”*.

### 1. Maximum Design Scenario/Parameters

Natural England has reviewed all relevant documents in order to provide a view to the ExA and Secretary of State on the Worse-Case Scenario (WCS) for lasting habitat loss/change from the placement of cable protection within Inner Dowsing Race Bank North Ridge Special Area of Conservation (IDRBNR SAC) designated site features for the proposed Outer Dowsing Offshore Windfarm (ODOW).

As previously advised Natural England is of the view that an Adverse Effect on Integrity (AEOI) cannot be excluded Alone or in-combination (with other plans or projects) from the placement of cable protection, and as such the Applicant has provided a without prejudice derogations case. However, whilst the finer details of the compensation measure delivery remain fluid at this time; we note the Department for Environment, Food and Rural Affairs (DEFRA) and Department of Energy Security and Net Zero's (DESNZ's) recent guidance for strategic compensation and the Marine Recovery Fund which sets out the requirement to agree the level of impact that requires compensation as part of the consenting phase.

For Natural England to provide a view on this, we are in the process of replicating for benthic features the sense checking of worse-case scenario we undertake for Offshore Ornithology designated site features. However, to aid us with this we would welcome some clarity from the Applicant on the following:

- i) Are we correct in assuming that four circuits mean installation of four trenches within the SAC and 6 across the rest of the Export Cable Corridor (ECC), interlink and the array area?
- ii) How has 2880m<sup>2</sup> cable protection footprint per sandbank i.e., 5760m<sup>2</sup> total for Sandbanks been derived? How does this relate to the 5% commitment?
- iii) Is the 227558m<sup>2</sup> a typo and it should be 227556m<sup>2</sup> for cable protection footprint within IDRBNR SAC outside of sandbanks?
- iv) How much of the 227556/8m<sup>2</sup> will interact with Annex I Reef supporting habitat?

## **2. 7.6 Benthic Compensation Strategy [REP4-046]**

### **2.1 Adverse Effect on Integrity (AEoI)**

Natural England notes in paragraphs (3) and (5) within the Compensation Strategy [Rep4-046] that the Applicant's position on the significance of the impacts of the proposed ODOW is that an AEOI can be excluded for all benthic features of the IDRBNR SAC both alone and in-combination. For the avoidance of doubt and for audit trail purposes Natural England highlights that our advice continues to differ from the Applicant's in relation to the significance of the impacts on IDRBNR SAC Annex I Sandbank and Annex I Reef features from the placement of cable protection. We advise as with other recently consented projects which propose to have similar 'lasting' impacts to that of ODOW that the conservation objectives of the site will be hindered by the project alone and therefore an Adverse Effect

on Integrity cannot be excluded. Therefore, our advice provided within our Relevant and Written Representation [RR-045] remains unchanged.

## 2.2 Strategic compensation

Following the written Ministerial Statement (21-January-2025) in support of progressing strategic benthic compensation in the form of Marine Protected Area (MPA) designation and/or extension of existing sites and the publication of guidance in regards to the Marine Recovery Fund (MRF); Natural England welcomes the Applicant's consideration of these within the Benthic Compensation Strategy. We agree with the Applicant on the next steps included within the compensation strategy and therefore, as set out above we aim to agree the level of impact which requires compensation in order to apply to the Marine Recovery Fund (MRF). However, we note the application is likely to be in the post consent phase for this project.

It is Natural England understanding based on the published Marine Recover Fund Guidance (Jan 202), that DEFRA and DESNZ have included provision for the ODOW project within the strategic compensation MPA designation and extension process. With the commitment within the Written Ministerial Statement to progress strategic benthic compensation, which as previously stated the Statutory Nature Conservation Bodies (SNCB's) believe has the greatest likelihood of maintaining the coherence of the National Site Network; we do not believe there is merit in further progressing project specific compensation measures at this time.

Equally, we do not believe that there is merit in the Applicant progressing their own outline Implementation and Monitoring plan, as this is something that will be undertaken through DEFRA at a later stage.

## 2.3 Securing compensation

Natural England notes in Paragraph 12 of the Benthic Compensation Strategy the Applicant states that benthic compensation measures are '*available, securable and deliverable*'. However, we encourage the Applicant to clarify their preferred approach to benthic compensation, which we consider can only be delivered with confidence through strategic compensation through the MRF.

### **3. Benthic Compensation plans**

#### **3.1 Report to Inform Appropriate Assessment (RIAA)**

Natural England notes that within the Report to Inform Appropriate Assessment (RIAA) [REP4-030] and the Benthic Compensation Plans for Sandbanks and Reef [REP4-048 and REP4-050] there has been no updates to the benthic assessments, as a result of the Offshore Restricted Build Area (ORBA) and the removal of the Northern Export Cable in the near shore area because the existing worst-case scenario encompasses these changes. While Natural England is supportive of this position, please see Point 1 above.

#### **3.2 Mitigation Hierarchy (Northern Route)**

The Defra guidance for marine compensatory measures is clear that the mitigation hierarchy must be applied to avoid and reduce impacts as much as possible, even if compensation measures are being implemented ([Best practice guidance for developing compensatory measures in relation to Marine Protected Areas, 2021](#)). This is further supported by [090224 OWEIP Consultation on updated policies to inform guidance for MPA assessments](#), which includes a step wise approach to avoiding, reducing and minimising impacts and the scale of compensation required.

Natural England raises the use of the mitigation hierarchy noting that within the Sandbank Compensation Plan [REP4-048] the Northern ECC Route through IDRBNR SAC is removed as an option, which would have avoided impacts on the Inner Dowsing Sandbank, an Annex I sandbank feature of the site. Therefore, we would welcome the Applicant considering further mitigation measures to minimise the impacts on this feature.

In addition, we highlight that whilst we would welcome any commitments that can be made to avoid permanent habitat loss, for example, through the use of removeable cable protection; the Secretary of State's decision for Hornsea 3, Norfolk Vanguard and Norfolk Boreas, required cable protection to be decommissioned even though compensation is being provided, because the associated designated sites are in unfavourable condition and have a restore objective.

#### 4. Benthic Compensation Evidence Base and Road Map [REP4-052]

##### 4.1 MPA designation or extension

Natural England continues to work with Joint Nature Conservation Committee (JNCC) and DEFRA to progress the MPA designation process, and we anticipate that in determining appropriate site(s) for benthic compensation some draft ecological principles should be considered, for example maintaining national sites network coherence, ecosystem functionality, location, and designation type.

Therefore, Natural England advise that an appropriate designation to compensate for the impacts of Outer Dowsing Offshore Windfarm and to ensure the network is maintained, would be the designation of a new or extended SAC for Annex I Sandbank and Annex I reef features within the North Sea.

##### 4.2 Advise on oyster restoration remains the same

Natural England notes that the Applicant has submitted a letter of comfort from the Oyster Restoration Company [REP4-122] in relation to progressing Native Oyster (*Ostrea edulis*) Biogenic Reef Creation in IDRBNR SAC.

Natural England reiterates the following advice from our Relevant/Written Representation Appendix D [RR--45] that there is a restore conservation objective for Annex I *Sabellaria spinulosa* reef feature of IDRBNR SAC and therefore, there is a preference for management measures to be put in place to support its recovery, please refer to the link for the Sites Conservation Objectives - [Inner Dowsing, Race Bank and North Ridge SAC](#).

As set out in the [Spatial assessment of benthic compensatory habitats for offshore wind farm impacts - NECR443](#) bivalve reefs such as Oysters and Blue Mussel are ecologically distinct from Annelid reefs such as *Sabellaria spinulosa* reef. Therefore, the creation/restoration of other reef features should not be at the detriment of existing Annex I habitats within IDRBNR SAC and/or hinder Annex I *Sabellaria spinulosa* reef restoration. In addition, we highlight that both Oyster and Blue Mussel reef may not provide the same ecological function, even if legally it would be considered to be the same i.e. Annex I biogenic reef.

Natural England is of the view that within The Wash and North Norfolk Coast SAC there is a five-year *Sabellaria spinulosa* reef life cycle which is associated with *Lanice conchilega* and *Mytilus edulis*. Natural England has sponsored a PhD on ecological functioning which produced a peer reviewed paper (Hendricks V. & Foster-Smith, R. 2006) published in the Journal of the Marine Biological Association. It is therefore likely that similar could be true for the wider Wash area including the Wash Approaches and IDRBNR SAC. Consequently, if reef creation was to be progressed as a compensation measure; we would be more inclined towards Blue Mussel (*Mytilus edulis*) reef than Oyster reef which is not proven to have been historically found within the site.

The Applicant has not provided any further evidence/information to persuade Natural England that Oyster Restoration within IDRBNR SAC would provide appropriate compensation and wouldn't be at the detriment of other Annex I features.

#### 4.3 Inclusion of project specific compensation areas in the Development Consent Order (DCO)

Natural England notes that the Applicant has identified 17 areas within the IDRBNR SAC for project specific compensation. However, it is not clear if all of these will be taken forward as part of the red line boundary within the Development Consent Order (DCO). We would welcome further clarification from the Applicant on this.

### 5. Mitigation Measures

- Natural England notes that in Paragraph 13 of the Outline Scour Protection and Cable Protection Management Plan [REP4 -079] and Ref 41 within Table 1.1 of the Schedule of Mitigation [REP4-074] that the following has been included as a mitigation measure:

*'Ecological based solutions for scour protection will be prioritised, where practicable'*

However, while the measure is potentially positive from a nature conservation perspective, it is not clear what the '*Ecological based solutions*' are and therefore how effective this measure will be in avoiding, reducing and mitigating the impacts to acceptable levels.

It may be that the ecological based solutions are yet to be determined/identified; and if so we advise that exploration of potential ecological based solutions is recognised

as part of the mitigation measure, as well as any commitments to delivering such solutions. But until further detail, security and confidence in this measure is provided, we advise that this measure can't currently be relied upon.

- Natural England notes that in Paragraph 23 of the Outline Scour Protection and Cable Protection Management Plan [REP4-079], Ref 42 within Table 1.1 of the Schedule of Mitigation [REP4-074] and Section 5.2 (22) of the Cable Specification and Installation Plan [REP4-083] that the following has been included as a mitigation measure:

*'If cable protection is required in the nearshore (defined as the inner depth of closure out to 7.1m water depth), concrete mattresses will be utilised, a description of concrete mattresses is set out in Section 6.11.5.2 of ES Chapter 3 Project Description (APP-058).'*

We welcome the Applicant's commitment in the use of removable concrete mattresses, however, further clarification is needed on the anticipated maximum length of cable protection within the nearshore, location relative to MLWS (Mean Low Water Springs), and water depth to address our concerns in relation to disruption to sediment transport. In addition, in this dynamic environment how certain is the Applicant that the mattresses will remain in situ during storm events and that fishing activities will not dislodge them?