



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Outer Dowsing Offshore Wind Farm

Appendix F4 to the Natural England Deadline 4a Submission

Natural England's Advice on Offshore and Intertidal Ornithology Apportioning [REP4-033] and the Red-Throated Diver Feature of the Greater Wash SPA within the Report to Inform the Appropriate Assessment [REP4-030]

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

26th February 2025

Appendix F4 - Natural England's Advice on Offshore and Intertidal Ornithology Apportioning [REP4-033] and the Red-Throated Diver Feature of the Greater Wash SPA within the Report to Inform the Appropriate Assessment [REP4-030].

In formulating these comments, the following documents have been considered:

- [REP4-030] 7.1 Report to Inform Appropriate Assessment (Clean) Redacted
- [REP4-031] 7.1 Report to Inform Appropriate Assessment (Tracked) Redacted
- [REP4-033] 7.1.1 Offshore and Intertidal Ornithology Apportioning V3
- 21.22 The Applicant's Change Notification dated 20 February 2025

1) Summary of Advice

Offshore and Intertidal Ornithology Apportioning [REP4-033]

As the Examining Authority will be aware, there remains some disagreement between the Applicant and Natural England regarding some of the parameters or approaches used within the offshore ornithology apportioning assessment. Nonetheless, the Applicant has endeavoured to present an assessment following Natural England's advised approach alongside an assessment using their own preferred approach. Natural England has throughout the Examination presented detailed rationales in support of our advised approach, as well as responded to the Applicant's rationales for theirs in numerous documents, including specific comments on some of the documents referred to by the Applicant within the Offshore and Intertidal Ornithology Apportioning V3 [REP4-033]. We do not consider it fruitful to repeat those [REP4-139, REP3-070, REP2-096 REP1-061], and therefore have restricted our detailed comments for this submission to incorrect statements within REP4-033, or where we feel that our position/approach has been misrepresented. Please refer to Table 1 for Natural England's detailed comments.

Please note in terms of offshore ornithology, further advice to the updated Report to Inform Appropriate Assessment (RIAA) [REP4-031] will be provided at Deadline 5.

Greater Wash Special Protection Area - Red-throated Diver Assessment [REP4-030]

Within the updated RIAA [REP4-030] submitted at Deadline 4, the Applicant has provided an updated assessment for the red-throated diver feature of the Greater Wash Special Protection Area (SPA) (paragraphs 746 to 768), specifically with regards to potential displacement due to the presence of the Offshore Reactive Compensation Platform(s) (ORCP). This included

Figure 9.8 which demonstrates that the ORCP area and a 5km buffer around it sits wholly within the 10km buffers of existing offshore wind farms (namely Lincs, Lynn and Inner Dowsing), and that the ORCP area and a 3km buffer sits within 8km of these Offshore Wind Farms (OWFs).

Whilst acknowledging that the distance of displacement effect from structures such as the ORCPs is unknown, a risk-based judgement can be made on a range of potential displacement distances between 2km (as currently accepted by Natural England and others for estimating displacement from static or slow moving vessels) to 5km (half the distance used for estimating the displacement from a windfarm array). On balance, we consider that although there is the possibility that additional displacement effects in such areas could arise from the presence of the ORCP(s), due to the likely displacement effect being exerted by the existing windfarms, this is unlikely to represent a substantial additional pressure on the distribution of divers within the SPA. For avoidance of doubt, this may not be Natural England's advice on other such structures within diver SPAs but out with the displacement halo of OWFs, or indeed structures located at a greater distance from OWF.

As well as arising from the presence of the ORCP, residual impacts to red-throated diver are likely to occur as a result of cable-laying vessels during the construction of the Export Cable Corridor (ECC), and vessels transiting through the SPA to both the ORCPs and the array during the Operation and Maintenance phase. These matters need to be considered in tandem rather than in isolation. Natural England therefore welcomes the proposed commitment by the Applicant as set out within their change notification (21.22 -The Applicant's Change Notification dated 20 February 2025) by way of a deemed marine licence condition to implement a seasonal restriction on construction activities within the Greater Wash SPA with no construction associated with the offshore export cable and ORCP installation occurring within the SPA during the sensitive period of 1st November to 31st March (inclusive), thus removing the impacts from construction of the ECC and further mitigating the overall impacts from vessel traffic. However, it is not clear whether this restriction will extend to both the SPA and a 2km buffer, as is used by the Applicant for the best practice vessel management protocol. Natural England considers that the spatial extent of the seasonal restriction should include a 2km buffer around the SPA.

On the basis of the above, should a condition be included within the deemed marine licence that refers to both the SPA and a 2km buffer, Natural England is satisfied that the Project alone would not contribute to in-combination impacts to the red-throated diver feature of the Greater Wash SPA.

Table 1: Natural England's Detailed Comments on 7. 1.1 RIAA Annex 1: Offshore and Intertidal Ornithology Apportioning [REP4-033]

NE Ref	Document Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Para 10 & 27	The Applicant states that " <i>Due to inconsistencies in the proportion of birds taking sabbaticals between years, Natural England do not endorse the use of sabbatical rates</i> ". This is an over-simplification of why Natural England does not endorse the use of sabbatical rates within impact assessments, specifically the application of a sabbatical rate in order to remove a proportion of the population from the impact assessment. Natural England acknowledges the potential presence of sabbatical birds within the study array area and that improved understanding of this element of seabird ecology is an important consideration for improving the accuracy of impact assessments. Nonetheless, we do not currently consider the evidence base sufficient to support the removal of these birds from impact assessments for two primary reasons: a lack of confidence in the published estimates of birds on sabbatical in a given year (including those presented within Horswill & Robinson, 2015) and a lack of understanding of the behaviour and function of these birds within a population to inform how they should be considered within the impact assessment. It is likely that simply removing them from the impact assessment would not be appropriate.	To note
2	Table 3.2	This table shows the apportioning rates used for the non-breeding season as derived from Furness 2015, which is the approach used by the Applicant and the standard approach accepted by Natural England. However, the 'non-breeding' rate showed for 'Guillemot NE' is 68.5%. This is in fact the Natural England advised apportioning rate for the advised bespoke post-breeding (chick rearing & moult period) season; this is restricted to August and September and is not derived from Furness (2015). The correct non-breeding apportioning rate as per Furness (2015) is 4.4% as per 'Guillemot' in Table 3.2 and applies to both the Applicant's and Natural England's approaches (albeit for slightly different months). Regardless, the rates have been applied correctly within the assessment.	To note.
3	Table 3.2	The non-breeding apportioning rates for Puffin for Farne Islands, Flamborough and Filey Coast (FFC) and Coquet Island Special Protections Area (SPA) appear to be double what they should be, being stated as 34.5% for Farne Islands, 34.50% for FFC SPA and 10.64% for Coquet Island SPA when they should be 17.23%, 0.41% and 5.32% respectively. It appears this is a result of incorrect values within the original	In all cases, using the correct apportioning rates reduces the predicted non-breeding season mortality (by halving the number at risk of displacement). This

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		document submitted at Application [APP-237] and the subsequent version submitted [AS1-099], which was then partially corrected within the document submitted for the ORBA [PD1-092]. These incorrect values have been used within the assessment for puffin as outlined within the updated Report to Inform Appropriate Assessment (RIAA) [REP4-030].	results in a slight reduction in overall predicted mortality, but not enough to affect the overall conclusions of the assessment.
4	Table 3.2	The apportioning rates for Gannet at FFC SPA for the return (pre-breeding) migration season and post-breeding migration season are the wrong way round. However, the correct apportioning rates have been used within the assessment as set out in para 869 of the updated RIAA [REP4-030].	To note.
5	Paras 24 - 25	The Applicant states “ <i>In non-breeding bio-seasons, where impacts are assigned to colonies based upon their contribution into biologically defined minimum population scales, all birds are assumed to be adult.</i> ” This is incorrect and suggests a misunderstanding of how the proportions of adults contributing to biologically defined minimum population scales within Furness (2015) have been calculated. If we take the example of kittiwake in autumn (i.e. return migration) for FFC SPA, using Table 47 within Appendix A of Furness (2015), the proportion of all birds contributing to the relevant Biologically Defined Minimum Population Scale (BDMPS) (UK North Sea waters) that are originating from Flamborough & Filey would be 8.63% (71,623/829,937*100), however the proportion of adult birds contributing to UK North Sea waters that are originating from Flamborough & Filey would be 5.44% (45,140/829,937*100). It is this latter value that is used to apportion impacts to FFC SPA in the post-breeding season as per Table 3.2 in the updated Apportioning Appendix [REP4-033] and para 832 of the RIAA [REP4-030]. In other words, the adult proportions using the BDMPS from Furness (2015) already take account of the number of adults likely to be present in the BDMPS, and do not, therefore, assume that all birds are adults, and it is therefore incorrect to state this represents an element of precaution in the assessment.	To note.
6	Para 35	The Applicant states “ <i>the numbers involved are too high to be accounted for by colonies in the southern North Sea and English Channel</i> ” in reference to the population estimates within the array area for guillemot in April 2021 and 2022 of 15,699.7 and 14,859.9 respectively. As highlighted in our Deadline 4 response [REP4-139], it is at least theoretically possible that all or most of these birds originate from	To note.

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		FFC SPA, given that the most recent population count for guillemot at FFC SPA is 149,980 individuals, and that evidence suggests distribution patterns are strongly affected by the distribution and abundance of prey fish stocks (Furness 2015).	
7	Section 7	This section is titled 'Summary of apportioning approaches used' but only presents the apportioning approach used for the breeding season.	To note.