



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Outer Dowsing Offshore Wind Farm

**Appendix E4 to the Natural England Deadline 6 Submission**  
**Natural England's advice on Marine Mammals**

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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4<sup>th</sup> April 2025

## **Appendix E4 - Natural England's Advice on Marine Mammals at Deadline 6**

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

- [REP5-024] 6.1.11 Chapter 11 Marine Mammals Environmental Statement V2 Tracked
- [REP5-104] 7.1 RIAA V4 Confidential (Tracked)
- [REP4a-107] 15.12 Interim Population Consequences of Disturbance Modelling Report V3 (Tracked)

### **Introduction**

This appendix sets out Natural England's advice on documentation submitted by the Applicant at Deadline 5 in relation to marine mammals and Natural England's final position relating to the conclusions of the Environmental Impact Assessment (EIA) and the Habitat Regulations Assessment (HRA).

In addition, Natural England has advised the Applicant directly via our discretionary advice service (DAS) on 28<sup>th</sup> March 2025, on their Interim Population Consequences of Disturbance Modelling Report V3 (Tracked) [REP4a-107]. Please see our advice provided directly to the Applicant in Annex 1 of this document.

### **Detailed Comments**

#### **1. 6.1.11 Chapter 11 Marine Mammals V2 [REP5-024] - Harbour porpoise disturbance**

Natural England supports the addition in the updated Chapter 11 Marine Mammals Environmental Statement [REP5-024] of the average summer density for harbour porpoise into the assessment of disturbance. However, we advise this density should also be used for the impact assessment of Permanent Threshold Shift (PTS) and Temporary Threshold Shift (TTS) to demonstrate the real worst-case scenario.

#### **2. Report to Inform Appropriate Assessment [REP5-104]**

Natural England reiterates that our outstanding issues on the Report to Inform Appropriate Assessment [REP5-104] outlined in Appendix E3 [REP5-165] still remain.

## **Natural England Final Positions**

### **3. Noise Abatement Systems (NAS)**

Please refer to Natural England's Appendix A1 submitted at Deadline 6, for the agreed wording with the Marine Management Organisation (MMO) on Noise Abatement Systems (NAS) commitment related to piling in the Marine Mammal Mitigation Plan (MMMP). Natural England welcomes the inclusion of this wording; however, reiterates that this does not resolve issues surrounding NAS.

Natural England still seeks a commitment from the Applicant to using noise abatement and/or noise reduction technology. As stated in previous advice [REP5-165], we do not consider a commitment to utilise Best Endeavours to constitute a commitment to NAS. Natural England has not requested that the Applicant commit to a specific mitigation system or technology at this point, nor do we advocate for or recommend any particular system, technology or methodology. We welcome the use of Best Endeavours by the Applicant post-consent to secure the most appropriate form of noise reduction or technology for the project. A commitment to utilise a noise abatement system or noise reduction technology pre-consent would remove issues of harbour and grey seal disturbance (please refer to section 7 and 8 of this appendix for further details) and potentially the Southern North Sea (SNS) disturbance thresholds (Please refer to section 6 of this appendix).

### **4. Marine Mammal Mitigation Plan**

Natural England notes there are still unresolved issues regarding the piling and unexploded ordnance (UXO) Marine Mammal Mitigation Plans (MMMP) [REP4a-099 and REP4a-101]. Please refer to our advice in REP5-165 for detailed comments on outstanding issues and advice on issue resolution. Furthermore, please refer to Natural England's Risk and Issues log submitted at Deadline 6 for our final position on all outstanding MMMP matters.

### **5. Interim Population Consequences of Disturbance (iPCoD) Modelling Report [REP-REP4a-107]**

Natural England cannot agree to the conclusions in the Appropriate Assessment, until the Applicant's iPCoD model is updated to incorporate our advice provided on 28<sup>th</sup> March 2025 (Annex 1). Currently there is still insufficient justification provided of how the Applicant reached the conclusion of no Adverse Effect on Site Integrity (AEoI) for each impact on sites

with marine mammal features. Once an in-combination iPCoD model has been conducted for each designated site, the conclusion of each assessment needs to be revised, to provide robust evidence to inform the conclusions of the EIA and HRA.

## **6. Southern North Sea (SNS) Special Area of Conservation (SAC)**

The current approach to implementing Site Integrity Plans (SIPs) for piling impacts to the SNS Special Area of Conservation (SAC) does not allow sufficient time for mitigation methods, such as NAS, to be procured by the Applicant prior to construction, should they be required, therefore increasing the risk that an AEoI cannot be avoided. To resolve the issue, Natural England strongly advises that the Applicant commits to using mitigation measures, such as NAS, at this stage, which may be removed at a later date if the revised SIP demonstrates they are not required. Please refer to Natural England's cover letter submitted at Deadline 4 [REP4-135] and 4a [REP4a-138], for further advice.

### *Harbour porpoise*

Natural England does not agree with the conclusion of no AEoI for in-combination impacts of the project for disturbance of harbour porpoise in the SNS SAC. To reduce disturbance to harbour porpoise, the Applicant should commit to NAS to significantly reduce the sound at source and should revise the conclusions of the assessment.

## **7. The Wash and North Norfolk SAC**

### *Harbour seal*

Natural England cannot agree to the conclusion of no AEoI on harbour seals because of the high proportion of animals expected to be disturbed by underwater noise caused by piling from the project in combination with other projects. The project in combination with other projects is predicted to cause disturbance to 6.5% of harbour seals within the Management Unit (MU). Since the Wash and North Norfolk Coast (WNNC) SAC is the only SAC for harbour seals in the MU, it is reasonable to assume that those seals are from the WNNC SAC.

Natural England is not confident that the levels of underwater noise disturbance caused by piling and UXO clearance from the project alone and in-combination with other activities can be concluded as no AEoI on the Wash and North Norfolk Coast SAC. Natural England is awaiting the Applicant's updates on their iPCoD modelling report after receiving our advice through DAS on 28<sup>th</sup> March 2025. If our advice is addressed the impacts can be assessed

in-combination with other activities on the population of harbour seal in the Wash and North Norfolk coast SAC.

In addition, there is a high proportion of harbour seals from the Wash and North Norfolk Coast SAC disturbed from UXO clearance (7.8%). In the UXO clearance licence application, the Applicant should commit to using mitigation which reduces the sound at source, for example Low Order detonation or, in exceptional circumstances, high order with NAS, as detailed in the [UXO Joint Position Statement](#), published January 2025.

Issue progressed. Within the UXO MMMP the Applicant has committed to using Low Order detonation where avoidance is not possible, with High Order detonations only used in cases where Low Order is not possible. However, Natural England requires a commitment that if High Order is used then NAS must also be used in conjunction. Please refer to [REP5-165] for further advice on this matter.

To reduce the disturbance to harbour seals, the Applicant should commit to noise abatement or noise reducing technology. This commitment would resolve issues associated with harbour seal disturbance from underwater noise caused by piling and UXO clearance.

## **8. The Humber Estuary SAC**

### *Grey Seal*

Natural England cannot agree to the conclusion of no AEoI on grey seals because of the high proportion of animals expected to be disturbed by the project in combination with other projects from underwater noise. For grey seals, the project, in combination with other projects, is predicted to cause disturbance to 6%-14% of the MU. Although not all seals disturbed will be from the Humber Estuary SAC, it is reasonable to assume a significant proportion are from the SAC.

To reduce the disturbance to grey seals, the Applicant should commit to noise abatement or noise reducing technology. This commitment would resolve issues associated with grey seal disturbance.

## **Annex 1 – Advice provided to ODOW on 28<sup>th</sup> March 2025, through Natural England’s Discretionary Advice Service.**

Date: 28 March 2025

Re: 15.12 Interim Population Consequences of Disturbance Modelling Report V3 (Tracked) [REP4a-107]

### **Introduction**

The following Natural England advice is provided to GTR4 (ODOW) under our Discretionary Advice Service (DAS) contract on 27<sup>th</sup> March 2025. Please see our advice below on the 15.12 Interim Population Consequences of Disturbance Modelling Report V3 (Tracked) [REP4a-107]. Natural England is providing this directly to ODOW via DAS to allow time for further consideration and for any update at Deadline 6. Unless there is further update, Natural England intends to submit this advice into examination at Deadline 6.

### **Detailed Advice**

1. Natural England does not support the Applicants method of defining significance from the Interim Population Consequences of Disturbance (iPCoD) model results for the project alone. The method is not conservative as other threats which also impact populations, such as bycatch, prey availability and shipping are not included in the model, and therefore, conclusions on the significance of impacts at the population level need to also take account of other threats that could also cause a decline at a population level.
2. There is limited understanding of how disturbance leads to health, reproduction and consequently population level impacts in marine mammals; although iPCoD is the best available tool to predict these impacts, there are still limitations to this model, and therefore conclusions of significance cannot be based solely on iPCoD results, but instead should be viewed in context alongside outcomes of Effective Deterrence Range (EDR) and those response assessment methods.
3. The results of iPCoD modelling for the project alone show a decline for several scenarios such as;
  - harbour porpoise (summer density) for construction with jackets in which the impacted population is predicted to be 99.83% of the unimpacted population
  - Bottlenose dolphins for construction with jackets in which the impacted population is predicted to be reduced to 99.85% of the unimpacted population.

Therefore, Natural England request the Applicant uses iPCoD to assess the impacts of the project in-combination with other projects as we believe it is possible a greater level of impact may be identified than for the project alone, which may be significant at a population level.