

Outer Dowsing Offshore Wind

Statement of Common Ground with the Royal Society for the Protection of Birds (RSPB)

Deadline 6

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Acronyms & Definitions

Abbreviations / Acronyms

Acronym	Meaning
AEoI	Adverse Effect on Integrity
ANS	Artificial Nesting Structure
BNG	Biodiversity Net Gain
DAS	Digital Aerial Survey
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero, formerly Department of Business, Energy and Industrial Strategy (BEIS), which was previously Department of Energy & Climate Change (DECC)
dML	Deemed Marine Licence
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
FFC SPA	Flamborough and Filey Coast Special Protected Area
GT R4 Limited	GT R4 or GT R4 Limited, the incorporated joint venture development Co.
GW	Gigawatt
HDD	Horizontal Directional Drilling
HPAI	Highly Pathogenic Avian Influenza
JNCC	Joint Nature Conservation Committee
KSCP	Kittiwake Strategic Compensation Plan
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MoU	Memorandum of Understanding
NE	Natural England
NSIP	Nationally Significant Infrastructure Project
ODOW	Outer Dowsing Offshore Wind, trading name of GT R4 Limited
OLEMS	Outline Landscape and Ecological Management Strategy
ORBA	Offshore Restricted Build Area
ORCP	Offshore Reactive Compensation Platform
OSS	Offshore Substation
PEIR	Preliminary Environmental Impact Report
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SPA	Special Protection Area
TCE	The Crown Estate
UK	United Kingdom
WTG	Wind Turbine Generator

Terminology

Term	Definition
The Applicant	GTR4 Limited (a joint venture between Corio Generation (and its affiliates), TotalEnergies and Gulf Energy Development), trading as Outer Dowsing Offshore Wind.
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
The Project	Refers to the Outer Dowsing Offshore Wind Project
Array area	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned, including the ORBA.
Baseline	The status of the environment at the time of assessment without the development in place.
Biodiversity Net Gain (BNG)	An approach to development that leaves biodiversity in a measurably improved state than it was previously. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected, to ensure that the current loss of biodiversity through development will be halted and ecological networks can be restored.
Cumulative effects	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.
Deemed Marine Licence (dML)	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Evidence Plan	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
Intertidal	The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)
Landfall	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.

Term	Definition
Mitigation	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
Offshore Reactive Compensation Platform (ORCP)	A structure attached to the seabed by means of a foundation, with one or more decks (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of HVAC transmission by providing reactive compensation
Onshore Infrastructure	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
Outer Dowsing Offshore Wind (ODOW)	The Project.
Preliminary Environmental Information Report (PEIR)	The PEIR was written in the style of a draft Environmental Statement (ES) and provided information to support and inform the statutory consultation process during the pre-application phase.
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of receptors include species (or groups) of animals or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Statement of Common Ground	A statement of common ground is a written statement produced jointly between The Applicant and another Interested Party setting out the areas of agreement and /or disagreement between parties.
Statutory consultee	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
Strategic Compensation	Collaborative approach by developers and/or government departments to secure compensation for adverse effects on the conservation objectives of a Marine Protected Area.
Trenchless technique	Trenchless technology is an underground construction method of installing, repairing and renewing underground pipes, ducts and cables using techniques which minimize or eliminate the need for excavation. Trenchless technologies involve methods of new pipe installation with minimum surface and environmental disruptions. These techniques may include Horizontal Directional Drilling (HDD), thrust boring, auger boring, and pipe ramming, which allow ducts to be installed under an obstruction without breaking open the ground and digging a trench.
Wind Turbine Generator (WTG)	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation

1 Introduction

1.1 Outer Dowsing Offshore Wind (ODOW)

1. Outer Dowsing Offshore Wind ('The Project') is a proposed offshore windfarm comprising both offshore and onshore infrastructure, including an offshore generation station (windfarm) located approximately 54km from the Lincolnshire coastline, export cables to landfall, Offshore Reactive Compensation Platforms (ORCPs), onshore cables, connection to the electricity transmission network, ancillary and associated development and areas for the delivery of up to two Artificial Nesting Structures (ANS) and the creation of a biogenic reef (if these compensation measures are deemed to be required by the Secretary of State).
2. The Project will have a total installed capacity of 1.5GW which is roughly equivalent to the annual electricity consumption of over 1.6 million UK households.

1.2 Purpose of this Statement of Common Ground (SoCG)

3. The Royal Society for the Protection of Birds ('RSPB') are a conservation charity working to protect birds and wildlife.
4. This SoCG has been prepared by the Applicant and the RSPB to identify topics that are relevant to the RSPB and state whether relevant matters are agreed, not agreed or still in discussion. If relevant, where matters are not agreed, an explanation is provided as to whether these matters are of consequence or not.
5. This SoCG has been prepared with due regard to the Planning Act 2008: Guidance on the examination stage for Nationally Significant Infrastructure Projects (2024).

1.3 Consultation

6. The Applicant has engaged with the RSPB through bilateral engagement, formal consultation undertaken under section 42 of the Planning Act 2008 (the 2008 Act), and participation in the Offshore Ornithology and Derogation and Compensation, and Onshore Ecology, Hydrology, Geology & Ground Conditions and Land Use Expert Topic Groups (ETGs) convened as part of the Evidence Plan Process (EPP).
7. During the Phase 2 consultation held by the Applicant in June/July 2023, the RSPB provided comments on the Preliminary Environmental Information Report (PEIR) which in addition to the Relevant Representations submitted to the Planning Inspectorate has provided the basis for this SoCG.
8. Additionally, the Applicant engaged in a number of meetings with the RSPB to understand more about the Lincolnshire Wash Landscape Recovery Project (one of a range of schemes to support landowners and managers to deliver projects that restore nature, reduce flood risk and increase biodiversity) and how they can support and contribute to it.

9. Details of the Applicant's engagement with the RSPB are set out in the Consultation Report (AS1-034) and, Chapter 14 Offshore and Intertidal Ornithology (AS1-040) and Chapter 22 Onshore Ornithology (document reference APP-077) and summarised in Table 1.

Table 1: Summary of consultation with the RSPB

Engagement Date	Topic	Key Discussion Points
March 2023	Teams Meeting	<ul style="list-style-type: none"> Phase 1a consultation and introduction
October 2023	On Site In person meeting - The Lincolnshire Wash (formerly 'Greater Frampton Vision' project)	<ul style="list-style-type: none"> The Lincolnshire Wash Landscape Recovery project and opportunities for the Project to support and contribute to it. Discussions in relation to the project's reinstatement of the impacted area in line with the Landscape Recovery Vision.
November 2023	Teams Meeting	<ul style="list-style-type: none"> Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill
December 2023	Teams Meeting	<ul style="list-style-type: none"> Principles of the MoU
August 2024	Teams Meeting	<ul style="list-style-type: none"> Discussion relating to the potential of the Lincolnshire Wash Landscape Recovery project to provide opportunities for habitat creation and/or enhancement appropriate for biodiversity compensation for the ODOW project.

1.4 Topics addressed in this Statement of Common Ground

10. Table 2 sets out the topics addressed in this SoCG. The topics referred to are referenced against the relevant chapter of the Environmental Statement (ES), Report to Inform Appropriate Assessment (RIAA) or other DCO application plans and documents.

Table 2: Topics Included in this SoCG

Topic	Application Documents and references
Offshore Ornithology	Chapter 12 Offshore and Intertidal Ornithology (document reference AS1-040)
Onshore Ornithology	Chapter 22 Onshore Ornithology (document reference APP-077)
Derogation and Compensation	<ul style="list-style-type: none"> RIAA (REP4-030 and REP4-030a) Without Prejudice Guillemot Compensation Plan (REP4-057) Without Prejudice Razorbill Compensation Plan (REP4-059)

	<ul style="list-style-type: none"> Offshore Artificial Nesting Structures Evidence Base and Roadmap (REP4-061) Without Prejudice Predator Control Evidence Base and Road Map (REP4-063) Without Prejudice Additional Measures for Guillemot and Razorbill evidence and Road Map document (REP4-065) Guillemot and Razorbill Compensation Quanta (REP3-049)
Offshore Ornithology	Environmental Report for the Offshore Restricted Build Area and revision to the Offshore Export Cable Corridor (PD1-081)

1.5 Identification of items agreed/not agreed/in discussion

11. This SoCG sets out the relevant topics and identifies them as agreed, not agreed or in discussion using a colour coding system. The colour coding system used throughout the document is summarised in Table 3.

Table 3: Colour coding system

Classification	Meaning
Agreed	Agreement has been reached between the parties. Where agreed with caveats, this is noted in the status column.
In discussion	This matter has not been 'agreed' or 'not agreed' but discussions are continuing, or information is to be provided with the intention of reaching agreement.
Not agreed (No material impact)	This matter has not been agreed, but discussions have been concluded and it is considered that it does not have a material impact upon the conclusions of the assessment.
Not Agreed	This matter has not been agreed, but discussions have been concluded. It is considered that it does have a material impact upon the conclusions of the assessment. Where the RSPB position is that this is material this is noted (this does not mean that the Applicant agrees on the materiality)

2 Statement of Common Ground

2.1 Offshore Ornithology

12. The Applicant has considered the potential impacts of the Project seaward of MHWS on intertidal and offshore ornithology during the construction, operation and maintenance and decommissioning phases as outlined in Chapter 12 Offshore and Intertidal Ornithology of the ES (REP4a-011).
13. An Offshore Ornithology and Derogation & Compensation panel was convened as part of the EPP. Minutes of the meetings held as part of the EPP can be found in Appendix 5.1.15 of the Consultation Report submitted as part of the Project's application for development consent (document reference APP-052).
14. These impacts have been quantified and impacts assessed within the RIAA submitted as part of the DCO application (AS1-095).

Table 4: Offshore ornithology

Ref	ODOW Position	RSPB Position	Status
RSPB1 (RSPB Relevant Representations (RR-056))	<p>The Applicant has responded in detail on this point in its D5 submission (REP5-139). The Applicant believes that adequate consideration has been given to the potential influence of Highly Pathogenic Avian Influenza (HPAI) within the assessments.</p> <p>Within the Intertidal and Offshore Ornithology Technical Baseline (document reference 6.1.12, updated at Deadline 5), the Applicant has included a review of seabird densities across the southern North Sea Prior to the HPAI outbreak to evidence that the baseline surveys are</p>	<p>The RSPB does not consider that the following concerns have been adequately considered in the Assessment.</p> <ul style="list-style-type: none"> RSPB surveys carried out after the latest seabird census (Burnell et al., 2023) have indicated a >10% decline in numbers across multiple species. As such there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. 	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
	<p>representative of the at sea population pre-HPAI. Therefore, no change needs be made to the results of the Digital Aerial Surveys (DAS) as a result of HPAI.</p> <p>In addition, the assessment has been undertaken using a precautionary approach to HPAI. The impacts have been estimated from at sea populations measured pre-HPAI (i.e. presumably larger populations), and assessed against recent population counts at Special Protection Areas (SPAs) post-HPAI (i.e. populations impacted by HPAI). For any populations that have been impacted by HPAI, this provides a precautionary assessment.</p> <p>The Applicant's position remains that consideration of long-term variability in bird populations through stochastic events is beyond the scope of any Environmental Impact Assessment (EIA); such variability would not be an effect of the Project and any attempt to assess this would be highly speculative.</p> <p>The Applicant has provided a full explanation of their approach at Deadline 2 in their comments on Deadline 1 submissions (REP2-053, F1.3).</p> <p>The Applicant notes RSPB's concerns when comparing counts of seabirds post HPAI with counts taken from Burnell et al., (2023). However, Birkhead and Hatchwell</p>	<ul style="list-style-type: none"> Caution must also be applied to claims on the potential success of proposed compensation measures (RR-056) <p>The RSPB's position on HPAI remains as set out in its Relevant Representation. We note that:</p> <ul style="list-style-type: none"> Smaller populations will be more vulnerable to impacts of stochastic events such as HPAI; HPAI remains an ongoing threat to seabird populations. 	

Ref	ODOW Position	RSPB Position	Status
	(2025) describe how assessing the effects of outbreaks of HPAI is much more complex than simply comparing counts of birds. Birkhead and Hatchwell describe how other factors have influenced return rates of common guillemot to colonies on Skomer. Winter storms and unprecedented sea temperatures influenced return rates, and off-duty partner attendance was also lower than usual on Skomer post HPAI, all of which led to lower counts of birds on cliffs. As such, there is great uncertainty regarding impacts post HPAI at the colonies surveyed by RSPB, and the results of their surveys should not be used as evidence that further precaution is required at any stage.		
RSPB2 (RSPB Relevant Representations (RR-056). Further summarised in ref 1.09 (PD1-109))	<p>The Applicant considers the methodology for the apportioning as set out within Offshore and Intertidal Ornithology Apportioning [APP-237] at Application and retained within AS1-099, is appropriate.</p> <p>Apportioning is largely agreed with Natural England, with full agreement on apportioning of kittiwake, gannet, lesser black-backed gull. For other species all apportioning is agreed with natural England apart from the adult proportion used in the assessment. In addition, for guillemot and razorbill, the Applicant does not agree with the bespoke apportioning approach advised by Natural England post application for the post-breeding bioseason.</p>	<p>RSPB have voiced concerns regarding apportioning of kittiwake to offshore colonies as data informing the apportioning process have only been made available in a redacted report, and requested for additional supporting information to be provided (RR-056).</p> <p>The RSPB accepts that it is acceptable in principle to take the approach put forward by the Applicant to apportion kittiwakes to offshore colonies.</p> <p>However, as the RSPB does not have access to the detailed locations of the colonies, we are unable to reproduce and verify the Applicant's apportioning</p>	Agreed with caveats

Ref	ODOW Position	RSPB Position	Status
	<p>Assessments using Natural England's preferred approach in relation to apportioning have been incorporated into the updated RIAA V3 (REP4-030) which was provided at Deadline 4.</p> <p>Further details regarding the apportioning of kittiwake to offshore colonies have been provided in REP4-033</p>	<p>calculations and so, unlike Natural England, we are unable to agree to a specific percentage.</p> <p>We also agree with Natural England that as the calculation is based on a single year of offshore rig surveys, this introduces a source of uncertainty in the impact assessment.</p>	
RSPB3 (RSPB Relevant Representations (RR-056)).	<p>The Applicant considers that the survey of breeding kittiwake on offshore platforms (annex D of Chapter 12 Appendix 1 Intertidal and Offshore Ornithology Technical Baseline [AS1-064]) is suitable to inform the apportioning to offshore populations.</p> <p>Natural England have agreed that offshore platform breeding populations should be considered as part of the apportioning process and have agreed that the Applicant's apportioning rate of 61.3% to the FFC SPA is appropriate (REP4-139)</p>	See response to RSPB2	Agreed with caveats
RSPB4 RSPB Relevant Representations (RR-056). Further summarised in ref 1.09 (PD1-109)).	<p>The Applicant considers the DAS surveys are robust and inform the baseline. The surveys undertaken exceed the requirements as set out within Natural England's guidance for characterisation surveys (Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase I: Expectations for pre-application baseline data for designated nature</p>	<p>With regard to DAS, RSPB have expressed concerns in RR-056 that full methodological detail have not been provided alongside the outputs, and there is insufficient consideration of potential biases in the survey and analysis methods, such as;</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
	<p>conservation and landscape receptors to support offshore wind applications. Natural England, 2024).</p> <p>Within the ORBA documents, the Applicant has calculated adult proportions from DAS data. Revised assessments that utilise Natural England's preferred adult proportions for gannet, kittiwake and lesser black-backed gull have been provided within the updated RIAA V3 (REP4-030) that was submitted at Deadline 4.</p>	<ul style="list-style-type: none"> • Biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. • There is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow. • There is no detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for • There is no rationale provided as to why a grid rather than transect survey design has been used • There is no detail given of any independent validation of identification and detection rates <p>The RSPB maintains its position outlined above in terms of the provision of full methodological details.</p>	

Ref	ODOW Position	RSPB Position	Status
		The RSPB is requesting access to the Natural England guidance document but has not been able to do so in time to review for this final version of the SOCG.	
RSPB5 RSPB Relevant Representations (RR-056). Further summarised in ref 1.13-1.14 (PD1-109)).	<p>The Applicant has assessed the effects on Sandwich tern at the North Norfolk Coast SPA (NNC SPA) to be negligible (fewer than 0.4 birds predicted to be impacted by the Project per annum following the Natural England approach) and that the Project would consequently make no material contribution to any in-combination impact.</p> <p>The introduction of the ORBA has resulted in no change to the estimated annual adult mortality of Sandwich terns. The Applicant has presented Natural England's preferred adult proportions for Sandwich tern, alongside the Applicant's preferred approach, within the RIAA V3 (REP4-030) and Section 7 of Appendix 1 Ornithology Apportioning V2 (REP4-033) submitted at Deadline 4.</p> <p>Natural England have agreed that the conclusion of no AEol is likely to remain valid and that the Project alone impacts for Sandwich tern at the NNC SPA are sufficiently low to allow in-combination adverse effects to be excluded (REP3-070).</p>	<p>RSPB are unable to reach a conclusion on an adverse effect on site integrity on the Sandwich tern feature of the North Norfolk Coast SPA.</p> <p>The RSPB disagrees with the approach to the treatment of de minimis thresholds and the contribution of measurable impacts to in-combination assessments. The RSPB acknowledges that Natural England supports the use of the 1% threshold in this approach to impact assessments (and the related issue of Population Viability Analysis). In this context this is set out on page 5 of Natural England's REP3-070 (Sandwich Tern, North Norfolk Coast (NNC) SPA).</p> <p>However, the RSPB supports the NatureScot guidance which advises use of a lower threshold for in this context. As a result, the RSPB is unable to reach a conclusion on an adverse effect on site integrity on the Sandwich tern feature of the North Norfolk Coast SPA.</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
RSPB6 RSPB Relevant Representations (RR-056). Further summarised in ref 1.15 (PD1-109)).	The Applicant considers that their approach includes consideration of existing or planned compensation measures, and that compensated impacts should not be included in in-combination assessments as the impact from the relevant Project delivering compensation will be fully compensated for (i.e. the impact from that project will consequently be zero). This approach is considered to be conservative on the basis that compensation for all relevant projects requires overcompensation and therefore it is likely that more birds will be produced than are impacted.	The RSPB strongly disagrees with the approach of excluding “compensated for” projects from the in-combination assessment. See RR-056.	Not Agreed - Material
RSPB7 RSPB Relevant Representations (RR-056). Further summarised in ref 1.09 (PD1-109)).	<p>The Applicant considers that the macro avoidance rates for gannet are appropriate and are in line with advice received from Natural England through the statutory consultation ETG process on 20th November 2023 [AS1-040], as well as recently published SNCB guidance on the modelling of collision risk (JNCC <i>et al.</i>, 2024).</p> <p>Revised assessments that utilise Natural England’s preferred adult proportions for gannet have been provided within the updated RIAA V3 (REP4-030) submitted at Deadline 4.</p>	<p>RSPB do not agree that the use of a 70% macro-avoidance rate for gannet is appropriate as;</p> <ul style="list-style-type: none"> • it does not take into account the likely seasonal variation in macro avoidance, • 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. <p>The Applicant’s updated Assessment, while welcome, does not make any changes to the application of a macro avoidance correction rate to Gannet collision risk modelling and consequently to considerations of significance of impact.</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
		<p>For reasons detailed in our Relevant Representation (RR-056), 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. As such the RSPB position on the significance of impacts remains the same:</p> <ul style="list-style-type: none"> • We are unable to reach conclusions as to the significance of the impacts of collision mortality on the Gannet population on the FFC SPA arising through the project alone; and • We cannot rule out an in-combination adverse effect on integrity due to the combined impact of collision and displacement mortality on the Gannet population on the FFC SPA. <p>The RSPB note that as the usage of the site by Gannet is relatively low, our concerns for the impacts arising through the project alone are unlikely to be of material significance in the context of the Application.</p>	

2.2 Onshore Ornithology

15. The Applicant has considered the potential impacts of the Project landward of Mean High Water Springs (MHWS) on onshore ornithology during the construction, operation and maintenance and decommissioning phases as outlined in Chapter 22 Onshore Ornithology of the ES (document reference APP-077). Potential impacts to birds arising from works taking place in the offshore environment (below MHWS) are covered in Chapter 12: Intertidal and Offshore Ornithology (AS1-040).

Table 5: Onshore ornithology

Ref	ODOW Position	RSPB Position	Status
RSPB8	<p>The Applicant has taken into consideration the RSPB reserves at Frampton Marsh and Freiston Shore during the design process to ensure that these sites are avoided and where possible effects on the reserves and the Landscape Recovery Project are reduced as far as practicable.</p> <p>Section 3.8.3 of the Outline Landscape and Ecological Management Strategy (OLEMS) (PD1-054) sets out how mitigation may be realigned to accommodate RSPB's plans for the area or where those habitats have functionality for protected species, the habitat would be reinstated and enhanced. The measures contained within the OLEMS are considered sufficient.</p>	<p>Having now reviewed the relevant section in the OLEMS, the RSPB is in broad agreement with the applicant's assertion in the statement of common ground that 'The measures contained within the OLEMS are considered sufficient'.</p> <p>The RSPB is engaging in ongoing discussions with the applicant over the Landscape Recovery Project that, so far at least, are consistent and in line with the OLEMS.</p>	
RSPB9	Impact on The Wash Special Protection Area/Ramsar site and the Greater Wash SPA, including functionally-linked land.	No further comments have been raised by the RSPB.	

Ref	ODOW Position	RSPB Position	Status
	<p>The Applicant welcomes the RSPB's engagement with the information provided with the application in relation to onshore ornithology (APP-077, APP-200-208 and APP-236) and their statement in RR-056 that they have no further concerns in relation to this aspect of the Project, subject to review of the additional data from March and April 2024. These data have since been submitted, as part of the response to Section 51 advice, and are presented in document reference AS1-108. This document concludes that, following review of the data from the season two surveys, the assessment of significant effects in the EIA and the conclusion on adverse effects on site integrity in the RIAA, in relation to onshore ornithology, have not changed.</p>		
RSPB10	<p>Impacts on the RSPB's Frampton Marsh and Freiston Shore reserves. The RSPB raised a concern in relation to the potential for the construction of the cable route to affect the mains water supply to the RSPB Frampton Marsh reserve, as the route of the cable, and the works access route, crosses the pipe carrying the water supply. The Applicant welcomes the engagement to date and continued engagement with the RSPB on this matter. The Applicant understands that the water supply pipe for RSPB Frampton Marsh Reserve is located along the north side of Wyberton Roads. As can be seen on the Crossing Schedule (APP-143), all assets in this part of the Order Limits will be crossed using trenchless techniques. It is likely that the pipeline will be crossed by the Project's access track at AC-40, where the access enters the field to the north of Wyberton Road (APP-089, Figure 3.4.41). If the RSPB can provide the applicant with an as-built plan of the pipeline, it will be added to the crossing plan and schedule.</p>	<p>The pipeline has been added to the Crossing Schedule (REP4-020) and the Crossing Plan (REP4-005) which were submitted at Deadline 4.</p>	

Ref	ODOW Position	RSPB Position	Status
RSPB11	<p>Impact on the Lincolnshire Wash Landscape Recovery Project.</p> <p>The onshore Order Limits pass through the Landscape Recovery Project area. The Applicant commits to engaging with the RSPB regarding reinstatement of habitats within the Landscape Recovery Project area in the event that the DCO is granted and the Lincolnshire Wash Landscape Recovery Project secures long term funding, as outlined in Section 3.8.3 of the OLEMS (AS1-103). The Project remains committed to reinstating all habitats post-project, but the location of some of these may be altered based on continued stakeholder engagement in relation to the Lincolnshire Wash Landscape Recovery Project.</p> <p>The measures contained within the OLEMS are considered sufficient.</p>	No further comments have been raised by the RSPB.	

2.3 Derogation and Compensation

Table 6: Derogation and Compensation

Ref	ODOW Position	RSPB Position	Status
RSPB12.1 RIES Q.68, RSPB Response to RIES (REP5-160)	The Applicant concludes no AEoI the kittiwake qualifying feature at the Flamborough and Filey Coast Special Protection Area for the project alone.	The RSPB position on the project alone AEoI for the kittiwake qualifying feature at the Flamborough and Filey Coast Special Protection Area (FFC SPA), was that we were unable to reach conclusions as to the significance of impacts, rather than concluding that there will be. The RSPB have reviewed the recent submissions and now conclude that there are unlikely	Agreed

Ref	ODOW Position	RSPB Position	Status
		to be significant impacts of collision mortality on the Kittiwake population on the FFC SPA arising through the project alone.	
RSPB12.2 RIES Q.68, RSPB Response to RIES (REP5-160)	The Applicant concludes that AEol cannot be ruled out for the kittiwake qualifying feature at the Flamborough and Filey Coast Special Protection Area for the in-combination assessment.	The RSPB has reviewed the Applicant's recent submissions and has concluded it cannot rule out an in-combination adverse effect on integrity due to the impact of collision mortality on the Kittiwake population on the FFC SPA	Agreed
RSPB12.3 RIES Q.70, RSPB Response to RIES (REP5-160)	<p>The Applicant considers the assessment method (as agreed with Natural England) for Gannet, and conclusion of no AEol for project alone is appropriate.</p> <p>Although the RSPB have some reservations, there is broad agreement that project-alone impacts are unlikely to have significant impacts.</p>	<p>The RSPB do not agree with the use of the correction factor within the collision risk modelling for the reasons set out in RSPB7.</p> <p>The RSPB has been unable to reach a conclusion as to the significance of the impacts of collision mortality on the Gannet population on the FFC SPA from the project alone. However, the RSPB note that as the usage of the site by Gannet is relatively low, our concerns for the impacts arising through the project alone are unlikely to be of material significance in the context of the Application.</p> <p>The RSPB has reviewed the Applicant's recent submissions and has concluded it cannot rule out an adverse effect on the Gannet feature of the FFC SPA</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
		due to the in-combination impact of combined collision and displacement mortality.	
RSPB12.4 RIES Q.72, RSPB Response to RIES (REP5-160)	The Applicant concluded no AEol on the auk (guillemot and razorbill) qualifying features of FFC SPA from the project alone.	The RSPB have reviewed the recent submissions and now conclude that there are unlikely to be significant impacts of mortality arising through distributional responses to the presence of turbines on the Guillemot and Razorbill populations of the FFC SPA arising through the project alone.	Agreed
RSPB12.5 RIES Q.72, RSPB Response to RIES (REP5-160)	The Applicant concludes no AEol on the auk (guillemot and razorbill) qualifying features of FFC SPA in combination with other plans or projects from operation and maintenance displacement / disturbance effects.	The RSPB has reviewed the Applicant's recent submissions and has concluded it cannot rule out an adverse effect displacement mortality on the Guillemot and Razorbill qualifying features of the FFC SPA in-combination with other plans or projects.	Not Agreed - Material
RSPB12.6 RIES Q.73, RSPB Response to RIES (REP5-160)	The applicant concluded no AEol on the seabird assemblage qualifying feature from the project alone.	The RSPB have reviewed the recent submissions and now conclude that there are unlikely to be significant impacts of mortality arising through collision and distributional responses to the presence of turbines on the populations of the seabird assemblage of the FFC SPA arising through the project alone.	Agreed
RSPB12.7 RIES Q.73, RSPB Response to	The applicant concluded no AEol on the seabird assemblage qualifying feature in-combination with other plans or projects	The RSPB has reviewed the Applicant's recent submissions and has concluded and is unable to rule out AEol from combined collision and displacement mortality on the seabird assemblage qualifying feature	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
RIES (REP5-160)		of the FFC SPA in-combination with other plans or projects.	
RSPB12.8 RIES Q.74, RSPB Response to RIES (REP5-160)	<p>The Applicant conclude there would be no AEoI from disturbance of red-throated diver (RTD) and common scoter qualifying features from disturbance and displacement in all phases of the proposed development.</p> <p>The Applicant has presented an assessment of potential displacement of RTD from the ORCP within the Greater Wash SPA in the RIAA (REP5-101). The Applicant consulted with Natural England and agreed the methodology for this assessment.</p> <p>In Natural England's Response to the Report on the Implications for European Sites (RIES) Natural England state <i>'The Applicant has presented an updated assessment for red-throated diver in the updated RIAA considering the potential impact from the permanent presence of the ORCPs within the GW SPA [REP4-030]. NE has confirmed that should a condition be included within the deemed marine licence that commits to a seasonal restriction (November to March inclusive) on construction within the GW SPA and a <u>2km buffer</u> around the SPA, NE is satisfied that the Project would not contribute to in-combination impacts to the red-throated diver feature of the GW SPA [REP4a-137]. Natural England expects the DCO to be</i></p>	<p>The RSPB was unable to rule out an adverse effect on the integrity of the Greater Wash SPA, arising through the project alone and in combination. This was due to the impact of displacement (from vessel movement during construction and decommissioning and operations and maintenance) on the SPA's red-throated diver population. If red-throated divers are displaced from part of the SPA which would otherwise be suitable for them the effect is to reduce the functional size of the SPA, undermining the conservation objectives.</p> <p>The RSPB has reviewed Natural England's Deadline 5 submission (REP5-166) and agrees with their position that should a condition be included within the deemed Marine Licence (dML) that commits to a seasonal restriction (November to March inclusive) on construction within the Greater Wash SPA and a 2km buffer around the SPA, it would be satisfied that the Project would not contribute to in-combination impacts to the red-throated diver feature of the Greater Wash SPA.</p>	Agreed with caveats

Ref	ODOW Position	RSPB Position	Status
	<i>updated by the Applicant to include the 2km buffer around the GW SPA.'</i>		
RSPB12.9 RIES Q.75, RSPB Response to RIES (REP5-160)	<p>The Applicant has consulted with Natural England and, in line with their request, have committed to a seasonal restriction with a 2km buffer, secured in Schedule 11, Part 2, Condition 25 detailed below:</p> <p><i>'(1) The undertaker must not carry out any offshore cable installation works or works associated with the installation of the offshore reactive compensation platforms seaward of mean high water springs within the Greater Wash Special SPA restriction area between 1 November to 31 March inclusive, unless otherwise agreed with the MMO, in consultation with the statutory nature conservation body.</i></p> <p><i>(2) In this paragraph, the "Greater Wash SPA restriction area" means the site designated as the Greater Wash Special Protection Area and an additional area extending two kilometres beyond the boundary of the site designated as the Greater Wash Special Protection Area.'</i></p>	<p>The RSPB confirm they are in agreement with Natural England's position in REP4a-137.</p> <ul style="list-style-type: none"> Natural England conclude in REP4a-137 <i>'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'.</i> <p>The RSPB is in agreement with Natural England (see RSPB 12.8 above) and welcomes the Applicant's commitment to the seasonal restriction described.</p>	Agreed with caveats
RSPB13 RSPB Relevant Representations (RR-056). Further summarised in ref 1.25-1.26	<p>The Applicant considers that the suite of 'without prejudice' compensation measures in the proposed for guillemot and razorbill are suitable and provide sufficient confidence to the SoS that the measures are deliverable.</p> <p>The Applicant has provided updated versions of the following documents at Deadline 4 which contain additional information on the proposed compensation for</p>	<p>Regarding the Plemont predator control measure, RSPB considers further information is needed (see also RSPB 17, 21 and 22).</p> <p>While some of this material has been provided (e.g. assessment of potential threats to the recovery of seabirds at Plemont) not all of it has. Therefore,</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
(PD1-109)).	<p>auk species:</p> <ul style="list-style-type: none"> Without Prejudice Guillemot Compensation Plan (document reference 7.7.2, V3 updated at Deadline 6) Without Prejudice Razorbill Compensation Plan (document reference 7.7.3, V3 updated at Deadline 6) Offshore Artificial Nesting Structures Evidence Base and Roadmap (document reference 7.7.4, V3 updated at Deadline 6) Without Prejudice Predator Control Evidence Base and Road Map (document reference 7.7.5, V4 updated at Deadline 6) Without Prejudice Additional Measures for Guillemot and Razorbill evidence and Road Map document (document reference 7.7.6, V4 updated at Deadline 6) <p>The Applicant has also provided confirmation that the revised fence route captures previously known breeding locations for guillemot and most of the current (and historical) breeding razorbills in the written summary of ISH6 (REP4a-117).</p>	<p>uncertainties remain.</p> <p>Regarding the 'additional south-west site' measures, RSPB consider further information is required on (see RSPB24 and 25).</p> <p>In the absence of that evidence, the additional measures cannot be relied upon as compensation</p>	
RSPB14 RSPB Relevant	The Applicant considers that the suite of compensation measures proposed for Kittiwake are suitable.	The RSPB's current assessment of the Applicant's proposed measures is summarised below:	Not Agreed -

Ref	ODOW Position	RSPB Position	Status
Representations (RR-056). Further summarised in ref 1.21-1.24 (PD1-109)).	A revised Kittiwake Compensation Plan (REP4-055) was submitted at Deadline 4. An offshore artificial nesting structure, providing additional nesting space to encourage the formation of a new offshore colony, was identified as the highest ranked compensation option for kittiwake. Please also see responses to RSPB 26, 28, 30 of this SoCG.	<ul style="list-style-type: none"> General issue: request for detailed timetable and scope of proposed updates to Examination on the various compensation measures. <p>Kittiwake – offshore ANS:</p> <ul style="list-style-type: none"> further information required on matters relating to identification of risks associated with site selection, engineering, manufacturing, supply chain and logistics and impact on lead-in times; further information on the risks posed to implementation by the interaction of the post-consent Crown Estate strategic process with any post-consent Project-level process, especially in relation to selection of oANS locations outside the control of the Applicant. <p>The RSPB welcomes the further updates of the Kittiwake Compensation Plan submitted to the Examination (REP4-055) and associated documents. The RSPB's position in respect of the issue of managing foreseeable risks associated with securing and implementing an oANS is set out in RSPB26 below.</p>	Material

Ref	ODOW Position	RSPB Position	Status
<p>RSPB15</p> <p>RSPB Relevant Representations (RR-056). Further summarised in ref 1.17-1.20 (PD1-109)).</p>	<p>The application includes the ecological evidence reports for all measures which demonstrate the ecological efficacy of the measures.</p>	<p>The RSPB accepts the Applicant has provided ecological evidence reports for all of the measures and sought to supply appropriate evidence for each.</p> <p>However, we consider each measure remains experimental in its own way given the limited evidence base for each as a compensation measure required to meet specific objectives:</p> <ul style="list-style-type: none"> - (offshore) ANS for kittiwakes - Predator control to benefit Guillemot and Razorbill - Management of anthropogenic pressure to increase breeding success of Guillemot and Razorbill at various locations in SW England (see RSPB 24 below) <p>Therefore, we are able to agree with caveats i.e. ecological evidence has been provided for the measures proposed but that it does not demonstrate the ecological efficacy of each, given the experimental nature and relative novelty of each measure.</p>	<p>Agreed with caveats</p>
<p>RSPB16</p> <p>RSPB Relevant Representations (RR-056).</p>	<p>Compensation plans and roadmaps demonstrate how the suite of compensation measures will be effective, viable and can be secured and delivered to ensure the coherence of the UK national site network is maintained.</p>	<p>The RSPB acknowledges the Applicant has submitted revised compensation plans at Deadline 4.</p> <p>For reasons set out elsewhere, the RSPB does not yet accept that the suite of compensation will be effective.</p>	<p>Not Agreed - material</p>

Ref	ODOW Position	RSPB Position	Status
Further summarised in ref 1.17-1.20 (PD1-109)).	Revised compensation plans and roadmaps were submitted at Deadline 4 (REP4-053 – REP4-066)	Each measure raises different questions regarding viability, securing and delivery which are set out elsewhere in this document.	
Predator Control at Plemont Reserve			
RSPB17 RSPB Relevant Representations (RR-056). Further summarised in ref 1.25-1.26 (PD1-109)).	The Applicant considers that the Predator Control 'without prejudice' compensation measure [APP-256] can deliver the full compensation quantum for guillemot and razorbill, if this is required by the SoS, based on the Applicant's approach. The Additional Measures without-prejudice compensation measure [APP-259] (i.e. measures proposed in relation to the south-west sites) provide additional capacity to the proposed compensation requirements, were the SoS to require a higher quantum of compensation. The design of the ANS will also incorporate nesting space for both razorbill and guillemot as noted within REP-061 and REP3-049. The Applicant also notes that under Schedule 22 Part 2 and Part 3 the DCO provisions for the ability to contribute to the Marine Recovery Fund to deliver compensation either in part or full.	See RSPB13 and RSPB21. The RSPB notes the reference to the design of the offshore ANS in respect of Guillemot and Razorbill. While welcome, the RSPB considers this measure, by its nature, to be experimental given the relative lack of knowledge of the factors affecting Guillemot and Razorbill breeding attempts on artificial nesting structures.	Not Agreed - material

Ref	ODOW Position	RSPB Position	Status
	The Applicant has provided an updated version of the Without Prejudice Predator Control Evidence Base and Road Map (REP4-063) at Deadline 4.		
RSPB18 RSPB Relevant Representations (RR-056).	The Applicant considers removing threats from non-native mammalian predators will increase productivity and benefit both guillemots and razorbills at the site, as well as delivering protection for a range of other seabirds, terrestrial birds and other native fauna and flora. The Applicant is confident that the evidence base as presented within APP-257 and APP-258 provides sufficient confidence in this measure.	See RSPB13, RSPB15, RSPB 17 and RSPB21.	Not Agreed - Material
RSPB19 RSPB Relevant Representations (RR-056).	The Applicant acknowledges the risk (albeit considered to be low) of reinvasion at the predator eradication site through the intertidal zone and considers that this will be adequately addressed within the monitoring and biosecurity elements of the measure (section 4, Without Prejudice Predator Control Evidence Base and Roadmap and Appendix 2 and 3 of REP4 -064. .	<p>The RSPB notes that Annex 3 (the NTJ Plemont Seabird Sanctuary Management Plan, dated November 2024) in REP4-063 states that the NTJ will develop a biosecurity protocol during the first year of the project, including an incursion response plan. An outline approach to monitoring and biosecurity is provided.</p> <p>Ideally, it would be helpful if the biosecurity protocol and incursion response plan was made available to the Examination for review, especially in the context of what is, effectively, a mainland predator control programme and therefore, as the Applicant states at risk of reinvasion. However, we accept that provision of the biosecurity protocol to the Examination is now</p>	Not Agreed - Material

Ref	ODOW Position	RSPB Position	Status
		unlikely.	
RSPB20 RSPB Relevant Representations (RR-056).	Quantifying connectivity between the measure, the Flamborough Head and Filey Coast (FFC) Special Protection Area (SPA) and the National Site Network (NSN) is not simple without tracking individual birds and, at present, studies informing movements of birds between colonies are sparse. However, the Applicant is aware of philopatry rates for guillemots and razorbills that suggest a proportion of birds move to different colonies. Likewise, there are ringing data and tracking studies that show how far birds will travel in the non-breeding season. As such, the Applicant considers it is reasonable to assume that a proportion of birds that fledge from a given colony will end up breeding at another, potentially distant, colony. These are the birds which will contribute to the overall coherence of the NSN.	RSPB considers that connectivity between the Applicant's Plemont measure and the FFC SPA has not been sufficiently evidenced (REP2-081).	Not Agreed
RSPB21 RSPB Relevant Representations (RR-056).	The Applicant considers that the growth of the razorbill colony, and its heightened success due to predator control, would act as a catalyst to guillemot colonisation and growth. This is due to guillemot historically breeding at the Plemont Reserve and being regularly observed in the area during the breeding season, occasionally flying up to the cliff. This means it is possible that the species is	<p>The RSPB has reviewed Annex 3 of REP4-064.</p> <p>At Section 3, the National Trust for Jersey sets out its Key Performance Indicators (KPIs) for the Plemont Reserve project.</p> <ul style="list-style-type: none"> - By year 10: Guillemot is to establish breeding, Razorbill to stabilise breeding. 	

Ref	ODOW Position	RSPB Position	Status
	<p>currently breeding on the site undetected as much of the available habitat cannot be monitored from land.</p> <p>Despite reduction in the area to be fenced, the remaining area still captures the sites which were historically used by most breeding razorbills and captures the majority of the population of razorbills currently breeding at the site. A commentary to this nature has been included in the Applicant's response to Deadline 4 submissions (Document 22.3), with respect to Natural England's Appendix G2.</p>	<p>- By year 15: to increase the population for both species.</p> <p>The RSPB notes that no numerical targets are set out by the NTJ and that its KPIs are qualitative. This is understandable and underlines the RSPB's view that such schemes are experimental in nature (see RSPB15) and that it is, given the collective current state of knowledge, not possible to predict, with any certainty, the breeding response of either Guillemot or Razorbill.</p>	
RSPB22 RSPB Relevant Representations (RR-056).	<p>The Applicant considers the predator eradication measures to be suitable compensation and to have local support. The Applicant has received a letter from the Jersey Government Natural Environment department (on behalf of the Public of Jersey, landowner of the land where the fence is to be located, see document 15.17 (PD1-099), Letter From Jersey Government Anti-Predator Fence East of Plemont, Jersey, Channel Islands) which confirms that permission to install a predator fence is granted in principle pending formal planning approval. Following public consultation, the proposed route of the fence has been altered. (also see response to RSPB 21 above). The Applicant also notes that the proposals at Plémont Seabird Sanctuary have been consulted upon from the very early stages of development. Four surveys were conducted</p>	<p>The RSPB acknowledges the letter from the Jersey Government Natural Environment department and the in-principle permission to install a predator fence pending formal planning approval.</p> <p>The RSPB notes the reference to point 6.15 in REP3-038 in respect of the 132 responses to the pre-application consultation. The Applicant states that the comments show a good level of support for the measure.</p> <p>Given the acknowledged importance of widespread public support for predator control/eradication measures to ensure their long-term success, the RSPB would welcome a breakdown of the 132 responses in terms of those expressing support and those objecting</p>	Not Agreed - material

Ref	ODOW Position	RSPB Position	Status
	between 2018 and 2023 to gather public and stakeholder opinions. The majority of stakeholder and the general public support the project. There are 132 responses to the pre-application consultation in relation to the planning application and comments show a good level of support for the measure (see point 6.15 of REP3-038)	to the proposal.	
Bycatch reduction			
RSPB23 RSPB Relevant Representations (RR-056). Further summarised in ref 1.25-1.26 (PD1-109)).	The Applicant considers that bycatch reduction may be a suitable measure where further evidence becomes available on the efficacy of this measure. Therefore, the Applicant is not currently considering implementation of bycatch reduction measures for delivery of any required compensation.	<p>The RSPB consider that, at the present time, there is no evidence of an effective measure to reduce bycatch of Guillemot and Razorbill.</p> <p>Therefore, the RSPB welcomes the Applicant's position that it is not currently considering implementation of bycatch reduction measures for delivery of any required compensation measures.</p> <p>As such, the RSPB can agree with the Applicant insofar as there is no evidence of effective bycatch measures for either species at this time.</p>	Agreed with caveat
Additional Sites Compensation			
RSPB24 RSPB Relevant	The Applicant considers that suitable sites in the south-west have been identified for potential compensation measures in relation to guillemot and razorbill. The	See RSPB13	Not Agreed -

Ref	ODOW Position	RSPB Position	Status
Representations (RR-056).	<p>Applicant has developed a suite of measures for each individual colony, based on available information and further assessments of the potential pressures on those colonies based on data collected at each site during the breeding season of 2024. (see REP4 -065)</p> <p>Should compensation be required, the measures taken forward can be delivered either through a collaborative approach in partnership with other projects with a requirement to deliver compensation for auks, or by the Project alone. It is expected that for those sites within Cornwall a collaborative delivery will be implemented. Should a collaborative approach be taken forward, individual project compensation requirements will either be addressed through the allocation of sites (and therefore the benefits delivered by those sites) to each project, or through the allocation of an appropriate proportion of the benefits delivered across the suite of measures.</p> <p>Details of the South-west compensation measures are outlined in the Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill (REP4-065).</p>	<p>It is the RSPB's understanding that there remains significant scientific research required to determine the contribution of anthropogenic pressure to the breeding success of Guillemot and Razorbill colonies in SW England, alongside other possible factors affecting those colonies, including critical factors such as food supply.</p> <p>Therefore, the RSPB agrees with the Applicant's statement in paragraph 264 (REP4a-071) that:</p> <p><i>"...there are some knowledge gaps..."</i></p> <p>However, we consider these gaps remain significant in the context of placing reliance on the proposed measures to meet any compensation requirements that may be set out by the Secretary of State.</p> <p>While we welcome the Applicant's survey work in 2024 at various sites in Devon and Cornwall, as these give an initial indication of anthropogenic and avian events observed during the survey work, we do not consider they provide a robust evidence base that establishes whether or not anthropogenic pressures are in fact contributing to a decline in breeding productivity and/or population of the auk populations at each colony. Considerably more detailed scientific study will</p>	Material

Ref	ODOW Position	RSPB Position	Status
		<p>be required to:</p> <ul style="list-style-type: none"> - Determine if breeding productivity in each guillemot and razorbill colony is lower (over time) than it should be (and by how much); - Whether anthropogenic pressures are contributing to any lower productivity and to what extent, versus other potential contributory factors; - The extent to which the proposed measures could contribute to an increase in breeding productivity; - The likely ecological outcome in terms of increased breeding population and breeding productivity. <p>Without such information, we consider it premature to place reliance on the predicted population benefits from the additional measures that the Applicant sets out in its various documents e.g. paragraph 246 in REP4a-071</p> <p>“... the implementation of the measures outlined in section 6 will support the restoration of populations to previous maxima as well as providing for an increase in productivity of the colonies.”</p> <p>Among other things, without a fuller scientific understanding of the ecological and other factors acting on each colony, it is not realistically possible to</p>	

Ref	ODOW Position	RSPB Position	Status
		state that each colony can be returned to its historical maxima.	
RSPB25 RSPB Relevant Representations (RR-056).	<p>The Applicant considers that in some of the south-west sites the colonies may benefit from a decrease in anthropogenic disturbance. Surveys carried out during the breeding season of 2024 (REP4-063) have identified key sources of anthropogenic pressure across the surveyed sites and have informed the development of measures to reduce these pressures. These measures will largely focus on reduction of pressures resulting from presence of watercraft.</p> <p>Across the eight sites, the implementation of the measures will support the improvement of populations to previous maxima as well as providing for an increase in productivity of the colonies. Data from the Seabird Monitoring Program and published region specific productivity rates in Horswill and Robinson (2015) have informed calculations of potential benefit from the suite of sites. This is predicted to deliver the equivalent of 654.6 pairs of guillemot and 30.1 pairs of razorbill (REP4-065)</p>	<p>See RSPB13</p> <p>The RSPB notes the Applicant's position and its predictions of potential benefit.</p> <p>Given RSPB24, the RSPB considers that predictions of numerical benefit to the population of Guillemot and Razorbill to be premature.</p>	Not Agreed - Material
Artificial Nesting Structures			

Ref	ODOW Position	RSPB Position	Status
<p>RSPB26</p> <p>RSPB Relevant Representations (RR-056). Further summarised in ref 1.22-1.24 (PD1-109)).</p>	<p>The Applicant considers that there is considerable evidence that Artificial Nesting Structures (ANSs) are likely to be an effective compensation measure. This evidence base is summarised in sections 3.2.2 to 3.2.4 of the Offshore Artificial Nesting Structures Evidence Base and Roadmap [APP-256] and in section 5.3 of The Crown Estate Kittiwake Strategic Compensation Plan [APP-260] (KSCP). The KSCP explains that a Kittiwake Strategic Steering Group was formed to develop strategic compensation measures for kittiwake. The Steering Group was made up of The Crown Estate (TCE), with NIRAS as its technical advisor, Natural England (NE), the Joint Nature Conservation Committee (JNCC), the Department for Food, Environment and Rural Affairs (DEFRA), the Department for Energy Security and Net Zero (DESNZ), RWE Renewables and the Applicant. The Steering Group agreed that onshore and offshore ANS had ecological merit, with offshore ANS as a preference (sections 3.1.2 and 3.1.1, KSCP (APP-260)).</p> <p>The Applicant's position is that adequate detail has been provided in relation to the ANS compensation measure and that the measure is sufficiently well evidenced to demonstrate that the measure can be secured and delivered, as outlined in response to Q1 HRA 2.3 of REP2-051 at Deadline 2.</p>	<p>Artificial nesting structures (onshore or offshore) are yet to be proven as an effective compensation measure. The preponderance of onshore ANS compensation measures at various locations on the east coast of England has taken place against a lack of evidence of 6 there being a sufficient pool of nest-limited kittiwake recruits. Therefore, of the options available at the current time the RSPB's preference is for oANS.</p> <p>However, there remains considerable uncertainty at this stage over the consultative and consenting pathway by which any oANS will be designed, implemented and monitored. We have identified an initial series of questions to help understand, anticipate and reduce any potential foreseeable risks associated with any oANS.</p> <p>The RSPB notes the Applicant's position (as set out in response to question HRA2.5 in REP4-107). The RSPB acknowledges that the Applicant has:</p> <ul style="list-style-type: none"> - Identified 2 potential locations for an oANS; - Received a letter of comfort from The Crown Estate and is in discussion with them on progress of an Agreement for Lease <p>However, the RSPB's key concerns remain in respect of</p>	

Ref	ODOW Position	RSPB Position	Status
	<p>To summarise:</p> <ul style="list-style-type: none"> the two areas identified as potential locations for the Project's ANS, secured through the Deemed Marine Licences within the dDCO, have been confirmed as ecologically appropriate through the KSCP. a letter of Comfort provided by The Crown Estate (TCE) (document reference 19.13) confirms TCE have the ability to grant the rights required in respect of the construction of the Offshore ANS site(s), subject to the relevant conditions outlined in the letter. The Applicant is in discussion with TCE to progress the Agreement for Lease and the associated the lease for the relevant areas of seabed. The Applicant continues to liaise with the KSCP, and a (commercially sensitive) concept study is in development. the functional specifications identified through the concept study will inform the detailed design and Engineering, Procurement, Commissioning and Installation (EPCI) stage which is not expected to commence until Q3 of 2025 at the earliest (Table 2.10, Q2HRA2.5, REP4-107). <p>The Applicant is seeking consent under the DCO and deemed marine licences (Schedules 12 to 15 of the DCO) for ANS structures (Work No. 9). A design envelope</p>	<p>addressing foreseeable risks to avoid the supply chain and logistics difficulties faced by Hornsea 4 which resulted in that project seeking a non-material change in order not to pursue an offshore ANS compensation measure. Understanding how the Applicant will identify and mitigate those same risks is essential to understand whether the oANS measure will be secured. To the best of our knowledge, there is no further information on this matter in either the updated Kittiwake Compensation Plan (REP4-055) and the Offshore ANS Evidence Base and Roadmap (REP4-061).</p> <p>The RSPB accepts that certain detailed design information may not be available at this time.</p>	

Ref	ODOW Position	RSPB Position	Status
	<p>approach has been used to ensure the likely environmental effects are understood for an appropriate range of parameters which might be required to deliver the compensation ultimately determined to be necessary, with scope for adaptive management. The Applicant has continued to progress an ANS concept study, the primary purpose of which is to identify the functional specifications required to support a call for tenders as part of the detailed design which will form part of the EPCI ANS procurement process. The functional requirements and any preliminary/illustrative options under that concept study are consistent with (and fall within) the design envelope assessed and presented within the DCO, parameters outlined Table 10.1 of the Crown Estate Kittiwake Strategic Compensation Plan (APP- 260), and the Offshore Artificial Nesting Structure Evidence Base and Road Map (APP259). It is not the Applicant's intention to restrict any proposed tenderer to adhere to any illustrative design under that concept study. On that basis the Applicant does not consider that preliminary/illustrative designs which are emerging from the concept design study (and which are commercially sensitive) would be useful to the consideration of the DCO, as the Applicant is not (and will not during the course of the The Applicant's Responses to The ExA's Second Written Questions Deadline 4 Page 43 of 75 Document</p>		

Ref	ODOW Position	RSPB Position	Status
	Reference: 21.2 February 2025 Question ID Question addressed to Question Response Examination) be in a position to commit to any restrictions or level of detail flowing from the ANS concept study. For that reason the Applicant does not intend to submit the concept study or elements thereof into the DCO Examination.		
RSPB27 RSPB Relevant Representations (RR-056). Further summarised in ref 1.22-1.24 (PD1-109)).	The Applicant has proposed two areas for ANS locations based on ecological and engineering considerations. These two proposed areas are also included within the KSCP.	The RSPB accepts that the two proposed areas were included in the Kittiwake Strategic Compensation Plan.	Agreed
RSPB28 RSPB Relevant Representations (RR-056). Further summarised in ref 1.22-1.24 (PD1-109)).	The Applicant has proposed that the ANSs would be consented through the deemed marine licences at Schedules 12 - 15 of the Development Consent Order (DCO). By seeking consent for the ANSs as part of the DCO application, the Applicant is providing greater certainty as to the delivery of the ANSs. This is expressly acknowledged at section 5.1.5 of the KSCP which states that the ANS <i>“measure has been proposed (in line with the compensation hierarchy Figure 5.1) which can be led by the developer rather than rely on Government intervention to lead management actions”</i> . The proposals submitted	The RSPB notes the Application proposed use of Deemed Marine Licences. As set out under RSPB26, the RSPB’s key concerns remain in relation to securing the delivery of an oANS and the now known risks associated with the supply chain and logistics. Therefore, the RSPB agrees that the ANSs would be	Agreed with caveats

Ref	ODOW Position	RSPB Position	Status
	<p>with the application align with the KSCP wherever possible.</p> <p>The Applicant is seeking consent under the DCO and deemed marine licences (Schedules 12 to 15 of the DCO) for ANS structures (Work No. 9). A design envelope approach has been used to ensure the likely environmental effects are understood for an appropriate range of parameters which might be required to deliver the compensation ultimately determined to be necessary, with scope for adaptive management (Table 2.10, Q2HRA2.5, REP4-107).</p>	consented through the deemed marine licences but continues to have significant concerns as set out in RSPB26.	
<p>RSPB29</p> <p>RSPB Relevant Representations (RR-056). Further summarised in ref 1.22-1.24 (PD1-109)).</p>	The Applicant considers that the ANS design, construction and implementation is appropriate as it will be in-line with paragraph 5, Part 1, Schedule 22 of the DCO. It is therefore incumbent on the Applicant to ensure that the compensation measures are delivered.	The RSPB agrees that it will be incumbent on the Applicant to ensure that the compensation measures are delivered. However, as noted elsewhere, the RSPB considers that further information is required to address foreseeable risks now known to be associated with securing the delivery of oANS (see RSPB26).	Agreed with caveat
<p>RSPB30</p> <p>RSPB Relevant Representations (RR-056).</p>	The Applicant has developed a set of initial design considerations, set out in section 4.2 and table 4.1 of the Offshore Artificial Nesting Structures Evidence Base and Roadmap [APP-256]. The designs will be progressed and at this stage are considered suitable.	See RSPB26.	Not Agreed - material

Ref	ODOW Position	RSPB Position	Status
Further summarised in ref 1.22-1.24 (PD1-109)).	As noted in the Applicants position on RSPB 28, the Applicant has continued to progress an ANS concept study, the primary purpose of which is to identify the functional specifications required to support a call for tenders as part of the detailed design which will form part of the EPCI ANS procurement process. The functional requirements and any preliminary/illustrative options under that concept study are consistent with (and fall within) the design envelope assessed and presented within the DCO, parameters outlined Table 10.1 of the Crown Estate Kittiwake Strategic Compensation Plan (APP-260), and the Offshore Artificial Nesting Structure Evidence Base and Road Map (APP-259) (Table 2.10, Q2HRA2.5, REP4-107)		

2.4 Biodiversity Net Gain

Table 7: Biodiversity Net Gain

Ref	ODOW Position	RSPB Position	Status
RSPB31 RSPB Written Representations (RR1-047).	The Applicant continues to investigate opportunities for Biodiversity Net Gain (BNG), as outlined in the Biodiversity Net Gain Assessment Report (AS-014) with the RSPB.		
RSPB32 RSPB Written Representations (RR1-047).	The Applicant has shared with RSPB a broad estimate of the quantum of biodiversity units of particular habitat types that are most suitable for offsetting the predicted impacts to biodiversity from the Project. These figures have been shared to allow RSPB to develop long-term restoration and management plans for the Lincolnshire Wash Landscape Recovery project that deliver habitats in the type and condition that meet the requirements of both projects	The RSPB, operating as lead partner in development phase of the Landscape Recovery project, have confirmed that the proposed habitat creation could provide the range (20-200) units of medium and high distinctiveness, as required by the Project.	

3 Signatures

The above statement of common ground has been prepared by Outer Dowsing Offshore Wind and the RSPB and is agreed on the date below.

Signed for the Royal Society for the Protection of Birds	
Name	[REDACTED]
Position	Head of Casework
Date	01 April 2025
Duly authorised for and on behalf of the Royal Society for the Protection of Birds	

Signed for Outer Dowsing Offshore Wind	
Name	[REDACTED]
Position	Development Manager
Date	31 st March 2025
Duly authorised for and on behalf of Outer Dowsing Offshore Wind	

References

Department for Levelling Up, Housing and Communities (2024) Planning Act 2008: Guidance for the examination of applications for development consent