



Department for
Energy Security
& Net Zero

Rt Hon Ed Miliband MP
Secretary of State

Department for Energy, Security
& Net Zero
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The Crown Estate
1 St James's Market
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7th May 2025

Dear Alice Jamieson,

The Crown Estate's Capacity Increases Programme: Habitats Regulation Assessment

I refer to The Crown Estate's (TCE) notice of 27 March 2025 regarding the Capacity Increases Programme (CIP) Habitats Regulations Assessment (HRA).

Regarding the Appropriate Assessment, the methodology used is adequate and precautionary, albeit with well-described limitations. Whilst the in-combination assessment includes impact contributions from consented Offshore Wind Farms (OWFs) subject to compensatory measures, I consider that if appropriate compensatory measures are secured and effective, it may be reasonable to exclude the contributory impacts of such projects on the same features and protected sites from subsequent in-combination assessments. This would be on consideration of specific circumstances and evidence presented for each development. I am content that TCE has adequately assessed the impacts of the plan on protected sites within the National Site Network.

I have considered TCE's assessment of alternative solutions and the advice of Natural England and Joint Nature Conservation Committee (JNCC), particularly whether the exclusion of Dogger Bank D from the CIP represents a feasible alternative solution given the scale of adverse effects predicted for the Dogger Bank Special Area of Conservation and the uncertainty whether that project will contribute to timely decarbonisation ambitions. I am satisfied that an appropriate evaluation of alternative solutions has been carried out at this stage and that there are no feasible alternative solutions to the preferred option that would have a lesser effect on the integrity of the sites in our National Site Network, whilst meeting our decarbonisation, renewable energy and energy security ambitions. As a significant amount of new renewable energy infrastructure is needed to meet the fifth and sixth carbon budgets and our legally-binding target to achieve net zero by 2050 under the Climate Change Act 2008, I am satisfied that removing Dogger Bank D is not a viable alternative and that all the projects within the CIP are necessary in order to meet the significant need for new offshore wind infrastructure and to combat climate change.

There is a compelling and overriding case in the public interest to justify the predicted harm to the National Site Network, premised on the importance of dealing with climate change and meeting our decarbonisation and renewables ambitions, and the need for energy security.

Regarding compensatory measures, as noted in the HRA there is uncertainty regarding several measures identified which would require further information and assessment to refine proposals. Whilst further research and evidence supporting several measures would be required, I am content that TCE identifies and evidences a range of possible measures and that appropriate steps will be taken to ensure that compensatory measures will be in place to ensure the overall integrity of the National Site Network.

Noting the challenges associated with the plan-level assessment of the CIP, I am content that TCE has fulfilled its obligations under regulation 64 of the Conservation of Habitats and Species Regulations 2017, and regulations 29 and 30 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. I do not object to TCE's adoption of the CIP subject to the following conditions:

- The mitigation identified in the HRA must be included in any lease agreements, subject to any additional or alternative measures that may be required by the individual consents as a result of more detailed project-level assessment.
- Relevant lease agreements must require adherence to the Compensation Plan.
- Any lease agreement that may be awarded for Dogger Bank D must:
 - a) prohibit the use of gravity base structures and suction caisson monopile foundations;
 - b) be conditional on the undertaking of a cable burial risk assessment to robustly justify the requirement for cable protection within the Dogger Bank SAC, where avoidance of the use of cable protection is not possible;
 - c) require utilisation of cable protection which has the greatest likelihood of removal at decommissioning wherever feasible, where avoidance of the use of cable protection is not possible; and
 - d) be conditional on the undertaking of a 'hotspot' exercise by the developer prior to any application for Development Consent, using a modelling technique such as MRSea to identify high-density seabird areas from the baseline data, considering both individual species and overall aggregations, to inform project design, unless otherwise agreed by the Secretary of State.

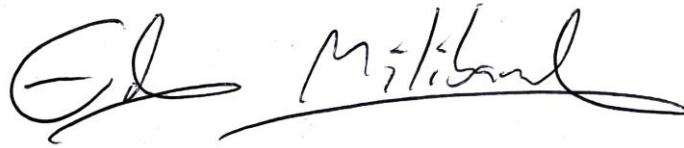
I consider these conditions reasonable and necessary to secure the mitigation relied on in the HRA and ensure adherence to the mitigation hierarchy.

The outcome of this plan-level HRA and my decision does not authorise any individual OWF developments. Further project-level consents and associated environmental assessments including HRA will be required for several individual projects and projects must continue to adhere to their Development Consent Orders. Further evaluation at a project level may result in different conclusions being reached

on the possibility of adverse effects on integrity. Similarly, the decision not to prohibit TCE from adopting the CIP does not preclude the decision maker from reaching different conclusions regarding alternative solutions, IROPI and the adequacy of compensatory measures when determining any subsequent consent applications.

I am copying this letter to Defra, Natural England, the Joint Nature Conservation Committee and the Planning Inspectorate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Miliband', with a long horizontal flourish extending to the right.

RT HON ED MILIBAND MP
Secretary of State for Energy Security & Net Zero