

**Comments on the Report on the Implications for European Sites
for
The Royal Society for the Protection of Birds**

Deadline 8

13 December 2015

Planning Act 2008 (as amended)

In the matter of:

**Application by SMartWind for an Order granting Development Consent for the
Hornsea Offshore Wind Farm – Project Two**

**Planning Inspectorate Ref: EN010053
Registration Identification Ref: 10031166**



1. The RSPB has considered the Report on the Implications for European Sites (RIES) for Hornsea Project 2. We offer the following comments.

2.0 Overview

2. Mention is made in paragraph 2.4 that it is not clear that data came from consistent sources, either the standard data form or the JNCC review. It is RSPB's position that a combination of both should be used, particularly if the review lists a feature that was omitted from the standard data form. With this in mind, Table 3.1 includes only Kittiwake as a qualifying feature of Flamborough Head and Bempton Cliffs SPA. The JNCC review included the additional feature of the breeding seabird assemblage, which should also be assessed.

3. We note paragraph 2.5

“NE wrote to the ExA on 10 September 2015 (**EV-021**) to draw their attention to the informal consultation that had begun on 7 September 2015 on the Greater Wash draft SPA. Part of the cable route for the application would run through the boundaries of the draft SPA as currently proposed. Although noting that the site would not become a material consideration for this application until formal consultation begins, NE recommended that the potential impacts should be considered in a draft HRA to ‘future proof’ against the risk of any permission being reviewed after the SPA has been classified. The applicant provided a shadow HRA screening for the draft Greater Wash SPA at examination deadline 4 (**REP4-041**).”

and support Natural England's recommendation that the proposed SPA be considered during this Examination. Since the full supporting data has been provided to the Applicant and therefore an assessment of possible effects can be carried out.

4. We welcome the Applicant taking account of the proposed site but disagree with the extent of its consideration and its conclusions – as set out in paras 69 to 77 of the RSPB Deadline 7 submission.
5. Paragraph 2.8 helpfully lists the nine major areas of discussion concerning breeding seabirds but we would like to request that puffin is added to the list of species mentioned in this paragraph.

3.0 Likely Significant Effects

6. The RSPB notes the list of European sites under consideration in Table 3.1 but agrees with Natural England that the draft Great Wash SPA should be added, listing red-throated divers and common scoter as features of concern.
7. We also wish to point out that the assemblage species listed in Table 3.1 were meant to serve as examples, and were not meant to be an exhaustive list which you have recognised by adding the word “including” at the head of the list. This is exemplified in the Humber Estuary assemblage list, which does not include Pink-footed Goose (*Anser brachyrhynchus*), yet this SPA regularly supports internationally important numbers (>1% of EU population). Our concern is that some assemblage species may be overlooked as they are not specifically mentioned in the text.

8. Re Paragraph 3.7 - the RSPB also wishes it noted that it is concerned about *disturbance* as well as displacement for red throated divers due to new vessel and helicopter movements.

4.0 Adverse Effects on Integrity

9. Paragraph 4.4 states in relation to baseline data used by the Applicant for its assessment

“...NE and the RSPB were then able to agree that the baseline data was adequate for the purposes of the HRA (**REP2-036, paragraphs 3.2.2 – 3.2.6** and **REP3-030, paragraph 3.2.3**).”

10. The RSPB wishes it noted that while the baseline data are adequate, this does not include the component that expresses flight height, due to:

- uncertainty in the novel methodology used in estimating flight height;
- the fact that heights for a number of species were significantly lower at Hornsea 2 than at other sites and no explanation for this is provided; and
- no account for variability in flight height *for these site specific data* was given.

11. Furthermore the RSPB wishes it noted that for displacement analysis while there has been some resolution to the issues relating to underlying survey data in the Applicant’s Appendices K and L, we do not consider that that there has been adequate survey coverage during December in either year, or in November in year 2.

Table 4.1: The applicant’s shadow appropriate assessment and degree of agreement with Interested Parties

12. Table 4.1 is a helpful summary of where disagreement remains. However, in the entry for the Humber Estuary SPA it is important to note that the RSPB has not raised concerns about impacts upon breeding marsh harrier, avocet and hen harrier.
13. There appears to be an error under Razorbill in the comments section, which should presumably have read “Comments as for Gannet”. Also the section on Humber Estuary SPA breeding birds has comments that relate to wintering birds. In addition, we suggest that the breeding seabird assemblage feature should be included under Flamborough Head and Bempton Cliffs SPA due to the JNCC SPA review including it as an additional feature. We also suggest that Pink-footed Goose be added to the list of Humber Estuary SPA assemblage species not otherwise mentioned.

Annex 2: Plans and Projects included in the Applicant’s in-combination assessment

14. Humber Estuary SAC Habitat Loss should include Able’s Marine Energy Park, Green Port Hull and Environment Agency’s Humber Flood Risk Management Strategy.
15. None of the Greater Wash dSPA in-combination plans or projects are listed and should include any offshore developments that generate traffic through the dSPA.
16. For the Flamborough and Filey Coast pSPA the RSPB supports the position of Natural England as set out in its Deadline 5 submission

“There was additionally evidence of direct connectivity with project areas of tracked individuals, for Westernmost Rough, Humber Gateway, Hornsea Project One, Hornsea Project 2, Lincs, Race Bank, Triton Knoll, Dogger Bank Creyke Beck A & B, Dogger Bank Teesside (A & B) and Dudgeon.”

But would add that East Anglia Project 3 should also be added to that list. In addition Beatrice (the main scheme) has not been included in the list for gannet collisions and should have been.

Annex 3: Stage 1 Matrices: Screening for Likely Significant Effects

Greater Wash dSPA

17. Note b suggests protocols for vessels to avoid rafting birds but this misses the point. The issue is that regular vessel movements on a new route through the dSPA will effectively sterilise an 8km wide corridor through the SPA for use by Red-throated Divers and possibly Common Scoters (see pages 25 to 26 of our Deadline 5 response).

Annex 4: Stage 2 Matrices (Adverse Effect On Integrity)

Stage 2 Matrix 1: Flamborough and Filey Coast pSPA

18. We appreciate that this will be updated in light of the Applicants changes to the turbine specifications and the RSPB final position taking account of those changes.
19. The RSPB note that its concerns with the Applicant’s PVA, highlighted in paragraphs *c* and *d* of Stage 2 matrix 1 have been addressed, although we still differ from the Applicant and agree with Natural England that a density independent model is preferable, and differ with Natural England as to the best model output.

Stage 2 Matrix 3: Humber Estuary

20. It is important to note (as highlighted in relation to Table 4.1 above) that the RSPB has not raised concerns about impacts upon marsh harrier, avocet or hen harrier.
21. Matrix 3 on page 59 only lists the representative species under the assemblage. We would urge the inclusion of Pink-footed Goose which would currently qualify as a Humber Estuary SPA feature in its own right.

Alternative Solutions

22. The RSPB notes the ExA’s summary of our views on adverse effects and alternative solutions in para 4.5 (page 14). Despite having engaged in discussions with the Applicant and having reviewed the further information provided we are still of the view that it is not possible to conclude that there will be no adverse effects upon the integrity of the Flamborough Head and Bempton Cliffs SPA and the Flamborough and Filey Coast pSPA and their species. Consequently, the RSPB considers it essential that the issue of imperative reasons of overriding public interest and alternative solutions are considered by the ExA. To this end we have updated and revised our submission in Section 9 of our written representations and included it as part of our Deadline 7 Submission.