

Professor John Glasson
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

11 December 2015

BY EMAIL ONLY

Dear Professor Glasson,

Re: Planning Act 2008 (as amended) Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4 and Rule 6

Application by SMart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project Two

Procedural decision and request for further information - 7 December 2015

The RSPB has received the Applicant's proposed changes on Friday 4 December and your letter of Monday 7 December. We have also considered your letter of Friday 26 November and the requests for further information it contains, to be supplied by Deadline 7 (Thursday 10 December).

The RSPB is profoundly concerned at another proposed change to the scheme, especially this close to the end of the Examination.

The RSPB notes that the Panel is content that these changes do not exceed the worst case parameters set out in the Environmental Statement (ES). However, the assessment of for example collision impacts on the SPA and its species is a complicated process and although it may be that these changes do not exceed the worst case parameters of the ES, first and foremost that is not the only requirement and secondly it cannot be assumed that either or both of the sets of changes proposed by the Applicant do not exceed the worst case parameters of the ES, without that assessment work being carried out.

The RSPB notes the Panel's request number 4 (letter of 7 December 2015) for the details of the underpinning assessment for the latest changes. We also note that a similar request (number 2) was made in your procedural decision and request letter of 26 November 2015.

The ability to scrutinise this information is essential if we are to be able to evaluate the Applicant's assumption that its changes do not exceed the worst case scenario and what the impact of these changes might be on the SPA and its species as well as the EIA species. The RSPB will have a limited time to scrutinise the information for the first proposed change that the Applicant will provide for Deadline 7 (from its likely publication on Friday 11 December 2015 to Deadline 8 on Sunday 13 December 2015) and

in light of the latest changes this position has not changed. We consider that this is an extremely short period within which to conduct such an evaluation. We also note that the Panel does not appear to intend to accept further responses after Deadline 8. This deprives us of the opportunity to make any response on the information provided on the second set of changes at Deadline 8, and in any event the period before the close of the Examination is similarly tight.

The RSPB has received information directly from the Applicant (on Friday at 12.25pm) and has sent this material round its team. However, it is important to note that it takes at least one full day to reconfigure and run the Collision Risk Model and subsequent population modelling to evaluate the impacts of one set of changes. The outputs of these models then need to be considered.

The RSPB must put on record its profound concerns that these late changes have made it almost impossible to understand fully the implications of those changes and to provide the Panel with its updated position. Also there is no time for the RSPB to discuss with the Applicant its understanding of the new assessment and ensure that there is clarity on what has been carried out. In addition as you will recall the RSPB and Natural England positions have not been in alignment and we have been keen for the Panel to understand why. There will now be no time for the RSPB to receive and understand Natural England's position on the proposed changes and if our positions continue to differ we will not be able to set out how and why to aid the Panel's understanding.

We will of course use our best endeavours to provide a full view on these changes and the new information, however we feel the need to reserve our position and may write again on Monday concerning this further procedural change.

The effective protection of the Flamborough Head and Bempton Cliffs SPA and the Flamborough and Filey Coast pSPA is dependent on the proper understanding of likely impacts: the RSPB is concerned that the present late changes make it extremely difficult to be confident that this evaluation can be properly made. If the RSPB cannot be certain there will not be adverse impacts on the integrity of these sites we do not consider that the Panel can confidently ascertain there will be no impacts.

Yours sincerely,

A solid black rectangular box redacting the signature of James Dawkins.

James Dawkins
Casework Officer