Response to the Examining Authority's first written questions and requests for information from the Royal Society for the Protection of Birds

Submitted for Deadline II
27 July 2016

Planning Act 2008 (as amended)

In the matter of:

Application by East Anglia THREE Limited for an Order Granting Development Consent for the East Anglia THREE Offshore Wind Farm

Planning Inspectorate Ref: EN010056
Registration Identification Ref: 10032142

	Question to:	Question:
ELO	**Ecology onshore – Ornithology**	
ELO1	NE, RSPB	Can NE and RSPB confirm that the one wintering season survey, supplemented by WeBS data from the British Trust for Ornithology, is sufficient to provide a robust assessment?
	The RSPB response	The RSPB can confirm that it accepts the data for the onshore assessment are sufficient.
ECO	**Ecology offshore – ornithology**	
ECO2	Applicant, RSPB	With reference to the Evidence Plan [APP-170] and RSPB's RR [RR-035], which refers to on-going discussions post-acceptance, can the Applicant and RSPB provide an update on the outstanding issues related to offshore ornithology?
	The RSPB response	The RSPB's key outstanding issue relates to the potential in-combination collision mortality to gannets (and kittiwakes) of the Flamborough and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA (FFC pSPA/FHBC SPA). We have requested that the Applicant raises the height of the turbines by 10m in order to reduce the number of birds flying at potential collision height and therefore reduce East Anglia THREE's contribution to in-combination mortality (see our RR [RR-035] for details of height increases and subsequent mortality reductions). Following submission of our RR,

Question to:		Question:
		the Applicant has replied to inform us that they are willing to continue discussions on this issue.
ECO3	Applicant, NE, RSPB	What progress has been made in resolving the methodological and impact assessment issues raised primarily in NE's RR [RR-003] in relation to the Applicant's ornithological assessment for East Anglia THREE Offshore Wind Farm alone, including issues in relation to: Use of PBR vs PVA - the need for Population Viability Analysis (PVA) modelling Displacement – guillemot, razorbill and puffin The determination of appropriate breeding season population scales and sizes for species The method for summing seasonal displacement impacts Collision - kittiwake The appropriate population scale used to assess impacts in the PVA model Use of density dependent model vs density independent model Collision - great black-backed gull The need for PVA modelling for this species Use of appropriate population scale and apportioning
	RSPB response	The RSPB has had discussions regarding these issues with the Applicant post-acceptance but at present our position on these issues remains as follows (for more information on our concerns please see our written representations):

Question to:		Question:
		a) The RSPB considers that PBR is inappropriate for the assessment of significance of mortality from collisions. We recommend that PVA is used instead. b) The RSPB has no further comments regarding guillemot, razorbill and puffin displacement. c) Collision - kittiwake i) The RSPB welcomes the Applicant's population modelling but notes the approach of using any BDMPS population for PVA is novel, and requires greater explanation and consideration as to whether it is actually biologically meaningful. Natural England's proposed methods for examining impacts on the regional population have merit and requires further exploration ii) The RSPB considers that density independent PVA outputs should be used as the strength and form of density dependence is not known for this population. d) Collision - great black-backed gull i) The RSPB recommends that a PVA is developed to assess the impacts of collision risk on great black-backed gull (note that our concerns regarding this species are for in-combination impacts). ii) The RSPB has no comments regarding this issue.
ECO4	Applicant, NE and RSPB	What progress has been made in resolving the methodological and impact assessment issues raised primarily in NE's RR [RR-003] in relation to the Applicant's ornithological assessment for East Anglia THREE Offshore Wind

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		Farm cumulatively, including issues in relation to: (a) Displacement – guillemot, razorbill and puffin (i). The assessment of cumulative impacts across the whole annual cycle by summing of seasonal impacts. Followed by assessing the cumulative totals against an appropriate population scale (ii). The use of 70% displacement and 10% mortality as the worst-case (iii). The addition of displacement impacts in the breeding season from other North Sea projects to the overall cumulative assessment of displacement impacts – the need for further assessment (iv). The significance of cumulative displacement impacts on guillemot (v). The significance of cumulative displacement impacts on razorbill (vi). The significance of cumulative displacement impacts on puffin (b) Collision risk - gannet (i). The need for further population modelling for gannet and the implications of the cumulative effect (c) Collision risk – kittiwake (i). The need for further population modelling for kittiwake (ii). Use of density dependent model vs density independent model (iii). The appropriate population scale used to assess impacts in the PVA model (iv). Any proposals of best practice that can reduce the

Question to:		Question:
		cumulative/in-combination collision total (d) Collision risk – lesser black-backed gull (i). Need for further consideration as to the appropriate scale for assessing impacts (e) Collision risk – herring gull (i). Need for further consideration as to the appropriate scale for assessing impacts (f) Collision risk – great black-backed gull (i). Need for further population (PVA) modelling
	RSPB response	The RSPB has had discussions regarding these issues with the Applicant post-acceptance but at present our position on these issues remains as follows (for more information on our concerns please see our written representations): a) The RSPB has no further comments regarding guillemot, razorbill and puffin displacement. b) Collision risk - gannet i) The RSPB's recalculation of the collision risk modelling for gannet, based on our preferred parameters, indicates that East Anglia THREE contributes around 10% of the total in-combination collision mortality to gannets of FFC pSPA~~/FHBC SPA~~. We therefore recommend that the turbine height is raised by 10m in order to reduce the percentage of birds flying at collision height. This would have the effect of reducing East Anglia

Question to:		Question:
		THREE's contribution to in-combination collision mortality from 10.3% to 4.3%. (i) The RSPB agree with Natural England's position stated in their Relevant Representations that further population modelling of the in combination collision mortality impacts on the wider population be carried out. c) Collision risk – kittiwake i) As stated above, the RSPB considers that PBR is inappropriate for the assessment of significance of mortality from collisions. We recommend that references to PBR are removed and that PVA outputs alone are reported instead. ii) As stated above, the RSPB considers that density independent PVA outputs should be used as the strength and form of density dependence is not known for this population. iii) We recommend that the PVA should be applied at both the regional population level and for the FFC pSPA/FHBC SPA population. Is this right? iv) As above for gannet, the RSPB recommend that the turbine height is raised by 10m in order to reduce the percentage of birds flying at collision height. This would have the effect of reducing East Anglia THREE's contribution to in-combination collision mortality at the regional scale from 23 to 8 birds. d) The RSPB has no comments regarding this issue. e) The RSPB has no comments regarding this issue. f) Collision risk – great black-backed gull i) The RSPB considers that in-combination mortality to great black-backed gull is reaching levels that may be of concern. We do not agree that assessment based on PBR

Question to:		Question:
		is appropriate and therefore recommend that a PVA is developed to assess the impacts of in-combination collision risk on great black-backed gull. We note that our recommendation to raise the turbine height by 10m would also be of benefit for this species. The Applicant has informed us that they are willing to continue discussions on this issue.
ECO6	Applicant, NE, MMO, RSPB	Paragraph 2.6.71 of NPS EN-3 supports ecological monitoring to mitigate where appropriate any adverse ecological impacts of the project under consideration, and to enable further useful information to be provided for future projects. (a) Can the Applicant please expand on the intended offshore ornithological monitoring programme for the full life cycle of the East Anglia THREE Offshore Wind Farm project, including any proposed pre-construction monitoring? (b) Can the Applicant expand on the proposed monitoring in relation to gannet, which is identified as a secondary species in the In Principle Monitoring Plan [APP-295], with reference to NE's comment at point 27 of Appendix 1 to its RR [RR-003]? (c) Is NE content with the approach to the offshore ornithological monitoring for East Anglia THREE as currently proposed in the In Principle Monitoring Plan [APP-295]? (d) Are NE and MMO content that the current conditions in the dDMLs provide sufficient certainty about the delivery of monitoring measures (as specified in the IPMP)?

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	RSPB response	We wish to highlight at this stage that monitoring cannot be regarded as a mitigation measure since it has no ability to reduce or offset possible adverse effect on the SPA/pSPA nor their species. a) n/a b) n/a c) Our detailed comments on the monitoring proposals are set out in our Written Representations. While we agree in principle that the approach proposed is appropriate, we recommend that details of the survey design, modelling and analysis are agreed with a Scientific Steering Group. We request that the RSPB are consulted regarding these details through such a Steering Group. d) We note that condition 19 (3) of Schedule 10 and 11 provides for 'up to 3 years' of post-construction monitoring. We recommend that this is changed to 'a minimum of 3 years' to ensure consistency with the IPMP.
ECO8	Applicant, NE, RSPB	With reference to point 3 in Appendix 1 of NE's RR [RR-003] and Table 13.11 of ES Chapter 13 [APP-121], can the Applicant confirm whether the change in conservation status of kittiwake, puffin, and red-throated diver, as reported in the most recent 'Birds of Conservation Concern 4' (2015), alters the conclusions of the impact assessment?

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		Do NE and RSPB consider that the conclusions of the impact assessment are altered by this change in status?
	RSPB response	The change in status of kittiwake (from amber to red listed) adds to our concerns around in-combination mortality to this species. As previously detailed, we advocate a rise in the height of the turbines to reduce East Anglia THREE's contribution to in-combination collision mortality.
ECO9	Applicant, NE, RSPB, Rijkswaterstaat	Can the Applicant and NE respond to the point raised by Rijkswaterstaat in its RR [RR-016] concerning the sensitivity assigned to guillemot in the assessment, as reported in Table 13.14 of ES Chapter 13 [APP-121]? Does NE or RSPB have any concerns regarding the Applicant's assignation of sensitivity to guillemot?
	RSPB response	The RSPB has no comments regarding this issue.
HRA	**Habitats Regulations Assessment**	
HRA10	Applicant, NE, RSPB	Can the Applicant, NE and the RSPB provide an update of progress with any SoCG in relation to HRA?
	RSPB response	Our SoCG with the Applicant covering HRA issues has been submitted at Deadline 2, as

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		requested.