

**Summary of Written Representations
for 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



The RSPB

- 1.1. The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of 1.16 million¹. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and in international fora for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.

The RSPB's interest in offshore wind development

- 1.2. Faced with the threats of climate change to the natural world the RSPB considers that a low-carbon energy revolution is essential to safeguard biodiversity. However, inappropriately designed and/or sited developments can also cause serious and irreparable harm to biodiversity, and damage the public acceptability of the necessary low-carbon energy transition technologies.
- 1.3. The UK is of outstanding international importance for its breeding seabirds, including northern gannet for which the UK supports over 50% of its biogeographical populations. As with all Annex I and regularly migratory species, the UK has particular responsibility under the Birds Directive² to secure the conservation of this important seabird's population.

The Flamborough Head and Bempton Cliffs SPA and Flamborough and Filey Coast pSPA

- 1.4. The Flamborough Head and Bempton Cliffs SPA was designated under Article 4(2) of the Birds Directive as an SPA in 1993 due to the presence of 83,370 pairs of black-legged kittiwake (*Rissa tridactyla*), representing 4% of the Eastern Atlantic breeding population. In 2001 the UK SPA Review found that it also qualified under Article 4(2) as a site regularly supporting at least 20,000

¹ RSPB Annual Review 2014-2015, <http://www.rspb.org.uk/about/run/annualreview/2015/index.html>

² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive).

seabirds, due to at the time of designation, the site regularly supported 305,784 individual seabirds including: puffin (*Fratercula arctica*), razorbill (*Alca torda*), guillemot (*Uria aalge*), herring Gull (*Larus argentatus*), Gannet (*Morus bassanus*), and Kittiwake. Kittiwake and the seabird assemblage are therefore the qualifying features of the SPA.

- 1.5. In January 2014, Natural England opened a formal consultation on proposals to extend the SPA and rename it as the Flamborough and Filey Coast SPA. The proposals comprise changes to the designated site boundary and changes to the numbers of qualifying species.

Summary of our position

- 1.6. The RSPB welcome the constructive dialogue we have had with the Applicant both pre- and post-acceptance and the commitment to continue these discussions.
- 1.7. The RSPB's primary concern about the East Anglia THREE proposal is its contribution to in-combination collision risk to gannets of the Flamborough and Filey Coast pSPA (FFC pSPA). We disagree with some of the parameters used by the Applicant in this assessment, and when collision risk is recalculated using our preferred parameters, find that the East Anglia THREE proposal contributes around 10% of the total in-combination collision mortality to this species. We are also concerned about the total cumulative collision risk to regional (North Sea) populations of kittiwakes and great black-backed gulls as addressed through the Environmental Impact Assessment (EIA). In order to address these concerns, we advocate a rise in the height of the turbines in order to reduce the percentage of birds flying at collision height and we present recalculations illustrating the level of reduction in collision mortality achievable through this approach.

Monitoring

- 1.8. The RSPB welcomes the Applicant's inclusion of offshore monitoring within its proposals as the current lack of empirical evidence of the scale of impact on bird populations from offshore wind farms means the high levels of uncertainty in the conclusions of predicted population level impacts used for the decision making process remain. Post-consent monitoring will help address and reduce these uncertainties for future deployment of offshore renewables.

Overall Conclusion and Recommendations

- 1.9. The RSPB are concerned that, based on CRM using our preferred parameters, East Anglia THREE contributes around 10% of the total in-combination collision mortality to gannets of FFC pSPA. We are also concerned about the total cumulative collision risk to regional populations of kittiwakes and great black-backed gulls.

- 1.10. We recommend a rise in the height of the turbines (as advocated by Natural England in Appendix 1 para. 62 of their Relevant Representations) of 10m in order to reduce the percentage of birds flying at collision height. For gannet, this would have the effect of reducing East Anglia THREE's contribution to in-combination collision mortality to gannets from 10.3% to 4.3%, and would reduce kittiwake collisions (at the regional scale) from 23 to 8.

- 1.11. We also recommend the following changes to the assessment approach:
 - use of 98% AR for gannet breeding season CRM
 - assessment based on the standard breeding season for gannet and kittiwake
 - use of the most precautionary Band Option in CRM (of Options 1 and 2) for gannet and kittiwake
 - use of PVA (rather than PBR) to assess impacts on populations, using density independent outputs as the worst case scenario