East Anglia THREE
Offshore Windfarm

East Anglia THREE

Statement of Common Ground

The Royal Society for the Protection of Birds

Document Reference – Deadline 7/ SoCG/ Applicant and RSPB

Author – Royal HaskoningDHV
East Anglia THREE Limited
Date – December 2016
Revision History – Revision A

SCOTTISHPOWER RENEWABLES

Table of contents

1 Introduction

1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared with the Royal Society for the Protection of Birds (the RSPB) to show where agreement has been reached with East Anglia THREE Limited (EATL) during the pre and post Development Consent Order (DCO) application consultation.

2. This SoCG comprises an agreement log which has been structured to reflect topics of interest and concern to the RSPB on the East Anglia THREE DCO application (the **Application**) matters agreed, matters still to be agreed and actions to be resolved between the RSPB and EATL are included.

3. The position with respect to each relevant issue is presented in a tabular form.

4. Throughout this document points of agreement and those to be resolved between EATL and the RSPB, are clearly indicated. Points that have still to be resolved will be the subject of ongoing discussions wherever possible to progress and/or refine, the position between the parties.

1.2 The Development

5. The Application is for development consent to construct and operate up to 172 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the **Project**).

6. The DCO, if made, would be known as the East Anglia THREE Offshore Wind Farm Order. It will comprise the following elements:

- Up to 172 offshore wind turbines and associated foundations, with an installed capacity of up to 1,200 MW;
- Up to two meteorological masts and foundations;
- Up to twelve buoys;
- Up to six offshore electrical stations;
- Up to one offshore platform housing accommodation facilities;
- Subsea inter-array cables between the wind turbines and offshore electrical stations;
- Up to four subsea export cables to transmit electricity from the offshore electrical stations to shore;
- Up to four interconnector cables between the East Anglia ONE and East Anglia THREE Projects;
- Scour protection around foundations and on inter-array and export cables as required;
- Landfall at Bawdsey with onshore transition bays to join the offshore and onshore cables;
- Up to four onshore underground circuits (each containing up to three cables) pulled through existing ducting to be laid by East Anglia ONE or directly laid, running for

approximately 37km from landfall to the connection point at Bramford, Suffolk, with jointing pits, to transmit electricity to up to two new onshore substations;
- Up to two onshore substations at Bramford, Suffolk, to connect the offshore windfarm to the National Grid;
- The permanent and / or temporary compulsory acquisition (if required) of land and / or rights for the proposed Project;
- Overriding of easements and other rights over or affecting land for the proposed Project;
- The application and / or disapplication of legislation relevant to the proposed Project including inter alia legislation relating to compulsory purchase; and
- Such ancillary, incidental and consequential provisions, permits or consents as are necessary and / or convenient.

7. The Application was submitted to the Planning Inspectorate on 18th November 2015 and accepted for examination on 15th December 2015.

8. A glossary is provided in Appendix 1

1.3 Consultation with the RSPB

1.3.1 Pre-Application

9. EATL engaged with the RSPB on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.

10. Meetings held between EATL and the RSPB are listed in Appendix 7 of the Consultation Report (DCO document 5.2 (7)).

11. During formal consultation, the RSPB provided comments on the Preliminary Environmental Information (**PEI**) by way of letter dated 4th July 2014 and to the Phase III consultation in 2015 by way of letter dated 22nd July 2015 (the **Consultation Response**). These letters are attached at Appendix 2.

1.3.2 Post-Application

12. EATL met with the RSPB on the 24th March 2016. The RSPB made a relevant representation to the Planning Inspectorate on 22nd April 2016 (the **Relevant Representation**). The comments contained in the RSPB's Relevant Representation with the EATL's response are set out in Appendix 3.

13. In the Rule 17 request for further information of the 28th October 2016, the Examining Authority requested that this SoCG be updated to reflect the submission of additional information with regard to further discussions on offshore ornithology. Amendments have been made in Table 1, below.

2 Agreement Log

14. Within the sections and tables below the different topics for areas of agreement between the RSPB, and EATL are set out.

2.1 Offshore Ornithology

15. The proposed Project has the potential to impact upon Offshore Ornithology. Chapter 13 of the East Anglia THREE Environmental Statement (the **ES**) and the Information for the Habitats Regulations Assessment Report (Document 6.1.13 and Document 5.4 of the DCO Application, respectively, along with associated figures and appendices – see Appendix 4 for full list) provide an assessment of the significance of these impacts. Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where issues are still to be resolved and agreement reached.

16. Offshore Ornithology was discussed at Evidence Plan meetings on 30th September and 11th November 2013, 28th March and 2nd July 2014 and 3rd June and 6th July 2015. A further meeting was held post-submission of the Application on the 24th March 2016.

17. Following discussions undertaken during the Examination, the Examining Authority asked for this SoCG to be revised to reflect the conclusion of all outstanding ornithological issues.

Table 1. SoCG – Offshore ornithology

Issue	EATL Position	RSPB Position
Environmental Impact Assessment		
Description of baseline conditions on Offshore Ornithology.	The ES adequately characterises the baseline relevant to offshore ornithology	*Agree*
Results of the assessment of impacts on Offshore Ornithology from East Anglia THREE	The ES accurately assesses the potential impacts upon offshore ornithology. The approach to the impact assessment has been consulted on and agreed with Natural England and the RSPB in the Ornithology Expert Topic Group as part of the Evidence Plan process. EATL have undertaken further consultation with the RSPB during the Examination and this has led to the commitment to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS.	*The RSPB's concerns regarding significance of cumulative and in-combination impacts on gannet, kittiwake and great black-backed gull have been reduced as a result of a commitment from the Applicant to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS for the East Anglia THREE project and the knowledge that the maximum number of turbines for the East Anglia ONE project has been reduced to 150 turbines. This results in a consequent reduction for cumulative and in-combination collision risk to gannet, kittiwake and great black-backed gull.* *The RSPB does have residual concerns about some approaches*

Issue	EATL Position	RSPB Position
	East Anglia ONE Limited (EAOL) has also written to the Secretary of State to confirm that it will construct the HVAC option under the East Anglia ONE Order (as amended) which is limited to a maximum of 150 turbines, albeit that EAOL's letter confirms that it will actually construct 102 x 7MW turbines (see REP5-025). The revised cumulative and in-combination collision risk assessment (incorporating the increase in the East Anglia THREE draught heights and reduced turbine numbers for East Anglia ONE (102 turbines case)) concludes that the cumulative and in-combination impacts including East Anglia THREE will now be less than those already consented for Hornsea Project 2. East Anglia THREE also provided CRM numbers for a maximum East Anglia ONE 150 turbine case. The revised numbers do not alter RSPB's conclusions.	*and scientific procedures used in the assessment of impacts by EATL. These are explained in our previous responses [REP2-024 and REP5-005].*
Habitats Regulations Assessment		
Screening		
Sites covered in the Screening	The screening report includes all potentially relevant European sites.	*Agree with addition of Flamborough Head and Bempton Cliffs SPA*
	SPA features identified in the updated screening report are the only ones for which HRA will be required: • Deben Estuary SPA (dark-bellied brent goose); • Outer Thames Estuary SPA (red-throated diver); • Alde-Ore Estuary SPA (lesser black-backed gull); • Flamborough and Filey Coast pSPA (gannet, kittiwake).	*Agree with addition of Flamborough Head and Bempton Cliffs SPA*
Assessment		
Conclusion for the Deben Estuary SPA.	The project alone and in-combination has no adverse effects on the integrity of the Deben Estuary SPA.	*Agree*
Conclusion for the Alde-Ore Estuary SPA and Ramsar.	The project alone and in-combination has no adverse effects on the integrity of the	*Agree*

Issue	EATL Position	RSPB Position
	Alde-Ore Estuary SPA and Ramsar.	
Conclusion for the Outer Thames Estuary SPA.	The project alone and in combination has no adverse effects on the integrity of the Outer Thames Estuary SPA.	*Agree*
Conclusion for the Flamborough Head and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA	The project alone and in combination has no adverse effects on the integrity of the Flamborough Head and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA.	*The RSPB's concerns regarding significance of in-combination impacts on gannet and kittiwake have been reduced as a result of a commitment from the Applicant to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS for the East Anglia THREE project. This change and the change to the maximum number of turbines which can be constructed for East Anglia ONE (i.e. 150 turbines) has reduced our concerns regarding in-combination collision risk to gannet and kittiwake (see REP5-005 and REP6-002).*
Management measures		
Management measures: Potential for Collison Risk Impacts to Gannet and Kittiwake	Given the predicted impacts of the project in terms of offshore ornithology established via detailed consultation, surveying, modelling and assessment, the subsequent provisions within the draft East Anglia THREE DCO are considered appropriate and adequate to minimise the significance of any such impacts. EATL has committed to increase the draught height of 70% of the East Anglia THREE turbines to 24m MHWS. This is secured by the new parameter set out below which will be included in the Requirements to the DCO as well as in the DMLs for the generation assets (schedules 10 and 11 of the DCO): *The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised scheme and the authorised scheme in licence 2 (generation) taken together must not exceed 52 turbines*	*RSPB is content with the proposed wording of the DCO parameter*

2.2 Onshore Ornithology

18. The Project has the potential to impact upon Onshore Ornithology. Chapter 24 of the East Anglia THREE ES and the Information for the Habitats Regulations Assessment Report (Document 6.1.24 and Document 5.4 of the DCO Application, respectively) provide an assessment of the significance of these impacts. Management and mitigation measures are provided within the following DCO Application documents: 8.1 Outline Code of Construction Practice (OCoCP) and 8.6 Outline Landscape and Ecological Management Strategy (OLEMS). Table 2 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.

19. This topic was discussed at Evidence Plan meetings on 30th September and 11th November 2013, 28th March and 2nd July 2014 and 3rd June and 6th July 2015. A further meeting was held post-submission on the 24th March 2016

Table 2. SoCG - Onshore Ornithology

Issue	EATL position	RSPB Position
Environmental Impact Assessment		
Description of baseline conditions on Onshore Ornithology.	The ES adequately characterises the baseline relevant to Onshore Ornithology	*Agree*
Results of the assessment of impacts on Onshore Ornithology from East Anglia THREE	The ES accurately assesses the potential impacts upon Onshore Ornithology	*Agree*
Habitats Regulations Assessment		
The results assessment of effects upon designated sites and effects which require consideration in HRA	The Deben Estuary SPA was screened into the assessment and it was concluded that there would be no adverse effect upon the site's integrity	*Agree*
Management measures		
Mitigation proposed to address the impacts on Onshore Ornithology from East Anglia THREE as set out in the OCoCP and OLEMS	The mitigation measures set out are appropriate and proportionate.	*Agree*

Signing box: The undersigned agreed to the provisions within this SoCG – RSPB

Signed	
Printed Name	
Position	
On behalf of	
Date	

Signing box: The undersigned agreed to the provisions within this SoCG – EATL

Signed	
Printed Name	Keith Morrison
Position	Senior Project Manager
On behalf of	East Anglia THREE Limited
Date	6th December 2016

Appendix 1 Glossary

DCO	Development Consent Order
EATL	East Anglia THREE Limited
EIA	Environmental Impact Assessment
ES	Environmental Statement
OCoCP	Outline Code of Construction Practice
OLEMS	Ecological Management Strategy
PVA	Population Viability Analysis
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
SPA	Special Protection Area

Appendix 2 RSPB S42 Responses

giving nature a home

04 July 2014

By email only

Dear Sir/Madam

Re: East Anglia Three Preliminary Environmental Information Report July 2014

Thank you for inviting the RSPB to comment on the Preliminary Environmental Information Report (the PEIR) for the East Anglia Three Offshore Wind farm. As you are aware, where the environmental impacts of a proposed scheme are likely to be unacceptable, we will object, but our preference is to work with renewable energy developers to address and mitigate any impact. We are therefore are grateful for the constructive pre-application discussions with East Anglia Offshore Wind Limited (EAOW), and will continue discussions with a view to resolving our concerns, and ensuring that robust evidence is submitted so that the potential environmental impacts can be properly understood and evaluated.

The RSPB

The Royal Society for the Protection of Birds (the RSPB) is a registered charity that takes action for wild birds and the environment. We are the largest wildlife conservation organisation in Europe with a membership of over one million. The RSPB manages 212 nature reserves in the UK covering an area of 150, 742 hectares.

The principal objective of the RSPB is to save nature. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective, including those aimed at mitigating climate change.

The RSPB, Climate Change and Renewable Energy Generation

The RSPB supports deployment of renewable energy projects, providing that impacts on wildlife are avoided through appropriate siting and design. Renewable energy infrastructure can have a detrimental impact on wildlife in the UK if poorly located and/or designed, whether at sea or on land. The main potential impacts on birds include the risk of collision with turbine structures, disturbance/displacement, barriers to movement of e.g. migrating birds or disruption to functional links, for example between feeding and breeding areas, habitat change with associated changes in food availability, and the cumulative and in-combination effects of these impacts with those of other projects.

We believe that Government has a duty to ensure renewable energy targets are met with minimal environmental impact. Our aim therefore is to ensure the delivery of the maximum capacity of renewable energy for the minimum impact on the natural environment.

UK Headquarters
The Lodge
Sandy
Bedfordshire
SG19 2DL

Tel 01767 680551
Fax 01767 692365
DX 47804 SANDY

rspb.org.uk

Headline comments on the PEIR

Overall, we consider that the PEIR appears comprehensive, with the information presented logically and clearly. Due to recent staff changes at the RSPB we can only include here our key headline concerns and we will provide further comment and detail on the outstanding information when we are consulted on the final Environmental Statement (ES). We are aware that further work is being undertaken in terms of ongoing survey work and studies and would welcome the opportunity to comment on this further work if possible.

Our comments in relation to specific detail in the PEIR are set out in the attached appendix. These relate to the assessment of potential impacts on the wildlife interests and protected sites.

Key concerns

Key areas of concern which we would expect to be addressed within the ES are as follows:

- **Impact significance**. The RSPB are unable to agree at this stage that no impacts greater than minor significance will occur to ornithological interests as a result of offshore elements of the project. Our concerns relate principally to collision risk to lesser black backed gull, great black backed gull, gannet and kittiwake and displacement of razorbill and guillemot. We consider that collision risk to these species will need to be assessed against appropriate biogeographic populations and results presented for at least two Band Options (Option 3 alongside Option 1 and/or 2) at appropriate avoidance rates. Assessment of displacement will require presentation of a wider range of potential displacement and mortality figures. We also raise concerns about impacts of the onshore works on brent geese of the Deben Estuary SPA and the necessity for appropriate mitigation.
- **Concerns on the collision risk model (CRM) for offshore assessments.** We welcome the discussions on presenting the range of CRM options, but do not accept that the extended Band model - Option 3 gives the most realistic assessment of collision risk. The Band (2012) model in general lacks validation, and the increased sensitivity of Option 3 does not account for this. Overall, Option 3 may significantly understate mortality and we therefore disagree with the presentation of CRM outputs based solely on this Option.

  The extended Band model may be more sophisticated than the basic model, but the input data remain basic and are subject to error, notably in respect of flight height estimation from boats, even by experienced field surveyors. The RSPB does not consider that this form of estimation forms a satisfactory basis for determining flight height distributions at the resolution required to allow for the extended version of the Band model to be used.

  CRM requires an "avoidance rate" correction factor on the model outputs. This accounts for birds which take evasive action, and encompasses a range of factors influencing the CRM predictions. We welcome the avoidance rates presented, but disagree that the same rate should be used in all three models. 98% is recommended for the basic Band model (Options 1 and 2), but the same avoidance rate is not suitable for the extended model (Option 3), as the estimated proportion of birds at risk height is incorporated into the model in a different way. We would therefore recommend that the in the presentation of a range avoidance rates, 95% is also included. Marine Scotland Science's review of avoidance rates will report in 2014. It will have significant implications for the assessment of this scheme's impacts.

  The Band (2012) model includes a component, Stage F, for incorporating error and uncertainty into the model outputs. In the absence of model validation, the RSPB would recommend that this stage is included in the presentation of collision predictions. This stage includes specific guidance for using the confidence limits presented with the generic height distributions required for Option 3, but the Applicant has not carried out this calculation.

  We therefore consider that the Applicant should present outputs from all three Options at a range of avoidance rates within the ES (rather than solely in the Appendices). However, please note that whilst presentation of this range will make assessment clearer, it will not overcome all our concerns with

the use of Option 3 as these concerns involve further aspects of Option 3 than avoidance rate, as set out above.

- **Concerns with the use of Potential Biological Removal (PBR**). We do not accept that PBR is appropriate to assess additional mortality effects on a population through collision or displacement, especially not for SPA interest features. PBR is designed to identify additional mortality caused by a project that would almost certainly result in a population decline to extinction or, at best, to low levels. The RSPB contends that the most robust method in the context of this proposal, and other similar schemes, is Population Viability Analysis (PVA). PVA enables comparison of the change in population size with and without the project, after several years (for example the 25 year licensing period for a wind farm), thereby presenting an indication of the magnitude of change attributable to the proposal. PVA requires estimates of starting population size and demographic rates and an estimate of additional mortality such as that predicted to arise from collision.
- **Habitats Regulation Assessment (HRA).** We note that apportioning of offshore impacts (collision risk and displacement) both alone and in-combination with other projects has not yet been carried out and that this will need to be addressed to ensure compliance with the Habitat Regulations requirements, particularly considering the proximity to the Outer Thames Estuary Special Protection Area (SPA) and that the connecting cable passes through the Deben Estuary SPA. As you are aware the HRA has to be a separate document focusing purely on the designated sites and their species.

The Habitat Regulations for this development are the Conservation of Habitats and Species Regulations 2010 (as amended) and Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (as amended) in respect of the European Sites/European Offshore Marine Sites and, as a matter of Government policy, Ramsar sites. In basic terms, these Regulations require that the nature and scale of potential impacts on those sites be thoroughly assessed. If it is not possible to ascertain that the development will not have an adverse effect on the integrity of one or more of these protected sites, then the application must be subject to the derogation tests set out in the regulations i.e. no alternative solutions, imperative reasons of overriding public interest, and compensatory measures which must be secured to protect the overall coherence of the Natura 2000 network.

We trust our comments are of use, and look forward to continuing to engage constructively with EAOW. The RSPB reserves the right to add to and/or amend its position in light of any new information and/or analysis submitted by the Applicant, or upon the publication of the Marine Scotland Science report.

Please do not hesitate to contact me should you require any clarification or further information.

Yours faithfully

Jacqui Miller
Conservation Officer
RSPB Eastern England
Email: jacqui.miller@rspb.org.uk
Direct dial: 01603 697582

Appendix
East Anglia THREE Preliminary Environmental Information Report July 2014
Detailed comments from the RSPB

Point	RSPB comment
General points	
1	As discussed at previous Evidence Plan Meetings, the Magnitude of Effects Tables require some refinement. We would be pleased to discuss this further through the Evidence Plan Process.
Offshore Ornithology (Chapter 13)	
General comments	
2	The RSPB are unable to agree that no impacts greater than minor significance will occur to ornithological interests as a result of offshore elements of the project. Our concerns relate principally to collision risk to lesser black backed gull, great black backed gull, gannet and kittiwake and displacement of razorbill and guillemot. We consider that collision risk to these species will need to be assessed against appropriate biogeographic populations and results presented for at least two Band Options (Option 3 alongside Option 1 and/or 2) at appropriate avoidance rates. Assessment of displacement will require presentation of a wider range of potential displacement and mortality figures. We also raise concerns about impacts of the onshore works on brent geese of the Deben Estuary SPA and the necessity for appropriate mitigation.
3	The RSPB consider that the derivation of all biogeographic population estimates referred to in the PEIR should be explained and justified in full, and sources of data quoted.
4	As stated in our accompanying letter, we do not accept that PBR is appropriate to assess additional mortality effects on a population through collision or displacement, especially not for SPA interest features. PBR is designed to identify additional mortality caused by a project that would almost certainly result in a population decline to extinction or, at best, to low levels. The RSPB contends that the most robust method in the context of this proposal, and other similar schemes, is Population Viability Analysis (PVA). PVA enables comparison of the change in population size with and without the project, after several years (for example the 25 year licensing period for a wind farm), thereby presenting an indication of the magnitude of change attributable to the proposal. PVA requires estimates of starting population size and demographic rates and an estimate of additional mortality such as that predicted to arise from collision.
5	Where a species is to be screened out from further assessment (for example, puffin and red-throated diver from displacement impacts), we consider that evidence to support this decision should be presented.
6	We note that, for the purposes of HRA, the apportioning of impacts to individual SPAs will be required. We also note that in-combination assessments of offshore ornithology impacts have not been completed at this stage. We would be pleased to discuss both these areas further.
7	Benacre-Easton Bavents SPA (designated for breeding little tern and marsh harrier, and breeding and wintering bittern) has been omitted from Table 13.10. This should be included for completeness.
Collision Risk	
8	The RSPB do not accept that the extended Band model - Option 3 gives the most realistic assessment of collision risk. The Band (2012) model in general lacks validation, and the increased sensitivity of Option 3 does not account for this. Overall, Option 3 may significantly understate mortality and we therefore disagree with the presentation of CRM outputs based solely on this Option. The extended Band model may be more sophisticated than the basic model, but the input data

Point	RSPB comment
	remain basic and are subject to error, notably in respect of flight height estimation from boats, even by experienced field surveyors. The RSPB does not consider that this form of estimation forms a satisfactory basis for determining flight height distributions at the resolution required to allow for the extended version of the Band model to be used. CRM requires an "avoidance rate" correction factor on the model outputs. This accounts for birds which take evasive action, and encompasses a range of factors influencing the CRM predictions. We welcome the avoidance rates presented, but disagree that the same rate should be used in all three models. 98% is recommended for the basic Band model (Options 1 and 2), but the same avoidance rate is not suitable for the extended model (Option 3), as the estimated proportion of birds at risk height is incorporated into the model in a different way. We would therefore recommend that the in the presentation of a range avoidance rates, 95% is also included. Marine Scotland Science's review of avoidance rates will report in 2014. It will have significant implications for the assessment of this scheme's impacts. The Band (2012) model includes a component, Stage F, for incorporating error and uncertainty into the model outputs. In the absence of model validation, the RSPB would recommend that this stage is included in the presentation of collision predictions. This stage includes specific guidance for using the confidence limits presented with the generic height distributions required for Option 3, but the Applicant has not carried out this calculation. We therefore consider that the Applicant should present outputs from all three Options at a range of avoidance rates within the ES (rather than solely in the Appendices). However, please note that whilst presentation of this range will make assessment clearer, it will not overcome all our concerns with the use of Option 3 as these concerns involve further aspects of Option 3 than avoidance rate, as set out above.
9	As raised through previous projects, the RSPB disagree with the use of a 99% avoidance rate for breeding gannet, as it does not account for seasonal behavioural differences and constraints on breeding birds. We consider that the provision of peer reviewed evidence would be necessary before any change to the standard 98% avoidance rate can be supported for gannets.
10	Para. 152 states that East Anglia Three is outside the maximum and mean maximum foraging range for great black-backed gull during the breeding season. We request that details are presented to support this statement as we were unable to find figures for this species in the reference provided.
11	We welcome the commitment in para. 158 to carry out additional modelling for migrant non-seabirds. However, the Appendix containing details of species to be covered appears to be missing from the PEIR documentation. We would welcome the opportunity to comment on this through the Evidence Plan process.
12	The RSPB note the high number of migrant seabirds predicted to pass through the East Anglia Three site, and in particular the figure of 23, 239 common terns. We would welcome the opportunity for further discussion of these figures and the modelling approach used.
Displacement	
13	The RSPB supports the inclusion of matrices presenting the full range of possible displacement and mortality rates for guillemot and razorbill. However, the RSPB are concerned that the figures emphasised within the assessment are restricted to displacement of 20 to 40% and mortality of 1%. As there are few robust studies of displacement, results differ, and we do not know the consequences for mortality or population trajectories, it is appropriate to consider a range of putative displacement and mortality rates. The RSPB therefore consider that displacement of up to 70% and mortality of up to 10% represents an appropriate level of precaution.

Point	RSPB comment
14	We note that in-combination assessment of displacement on species of the Outer Thames Estuary SPA (including potential additions) should be considered, and that this assessment should account for vessel movements associated with the proposed development of Sizewell C Nuclear Power Station.
15	As noted above (Point. 5) the RSPB consider that any decision to screen species out from further assessment should be justified. In particular we would like to see further evidence relating to the screening out of displacement impacts on red throated divers and puffin.
16	The RSPB note the statement in para. 212 that where wintering season abundance data were not available for the assessment of cumulative displacement impacts, the annual figure was halved to generate a figure for this assessment. The RSPB have concerns regarding the likely accuracy of this approach and would expect to see further evidence presented in the final ES.
Onshore Ornithology (Chapter 24)	
17	We note that Fig. 1, Appendix 24.2 indicates that a significant proportion of the Deben Estuary SPA population of dark-bellied brent geese were present within and around the proposed construction area during the winter of 2013-14. We are therefore concerned that impacts resulting from temporary habitat loss and disturbance/displacement may occur during the construction period. We note that section 24.6.1 of Ch. 24 concludes that impacts of both temporary habitat loss and disturbance/displacement of brent geese are considered minor and not significant for both scenarios presented for this project alone, and that impacts in-combination with other projects are considered to produce a minor impact of negligible magnitude. However, based on the data provided in Appendix 24.2, we consider that robust mitigation will be required in order to avoid significant impacts.
18	The RSPB support the proposal not to carry out construction works during the winter months in order to avoid disturbance to wintering interest features of the Deben Estuary SPA. Due to the potential for large numbers of foraging brent geese to utilise the area between Bawdsey and Ramsholt, we also welcome the proposal to investigate the potential to provide a goose refuge area.
19	In order to aid understanding and assessment of construction impacts resulting from this project in-combination with the construction of East Anglia One and East Anglia Four, we recommend that an indicative timeline and maps showing the possible construction scenarios be provided. To aid understanding of the level of disturbance we recommend including details such as, but not limited to, noise, vehicle passes and artificial lighting.
20	The RSPB welcome the consideration of black-tailed godwit as a 'key non-breeding bird', but recommend that the distribution of this species within the estuary should be given explicit treatment in para. 62 due to its likely addition as an interest feature to the Deben Estuary SPA.
21	We note that under Scenario 2 an area of reedbed which has previously provided nesting habitat for a pair of marsh harriers could be lost for one to two breeding seasons (para. 80). The RSPB recommend that compensation for habitat lost should be considered in order to ensure no net loss of nesting habitat. This could take the form of ditch enhancements in agricultural areas, which should include; planting of common reed in the ditch, the establishment of a buffer zone alongside the ditch where natural regeneration of vegetation will be allowed, and deepening of the ditch where necessary to allow it to retain water throughout the year.

Mr K Morrison
East Anglia THREE Limited

By email only

22nd July 2015

Dear Mr Morrison

Re: Section 42 of the Planning Act 2008, Further Consultation on the East Anglia THREE Offshore Windfarm Project

Thank you for inviting us to take part in the Phase III consultation for the above project. Please find below our comments on the Phase III Report. These relate to the changes resulting from the proposed phasing of the project and their effect on the assessment of impact on both offshore and onshore ornithology.

Offshore ornithology

Table 3.1 indicates that phasing requires more vessel movements for construction; this would be likely to result in a longer period of piling activities (noise) and would result in a longer duration overall for disturbance effects during construction. It is concluded that these represent limited changes compared to the scale of the project and that these changes are not therefore likely to change impact levels significantly, however, we consider that justification for these conclusions should be provided. This should be supported by quantification of the magnitude of such changes (e.g. duration, timing and number of vessels).

We also consider that in-combination assessments of disturbance to offshore ornithology should be revisited to reflect changes in timing or duration and subsequent crossover with other projects.

Onshore Ornithology

Paragraph 19 indicates that the phased approach would result in a doubling of the time required for onshore construction (to two periods of 13 months each). As above, it is concluded that these represent limited changes compared to the scale of the project and that these changes are not therefore likely to change impact levels significantly. Given the potential for disturbance to brent geese of the Deben Estuary SPA, we consider that further assessment will be necessary, alongside provision of further details, including the timing and duration of these activities and any potential mitigation. We also note that the haul road will be left in place between the two works phases. Again, we would like to see further details regarding this, such as precise locations, and if necessary, mitigation options for any loss of brent goose foraging habitat.

Eastern England Regional Office
Stalham House
65 Thorpe Road
Norwich
Norfolk NR1 1UD

Tel 01603 660066
Fax 01603 660088

rspb.org.uk

We trust that these comments are helpful. If you have any queries about the comments above, please do not hesitate to contact me.

Yours sincerely

[redacted]

Jacqui Miller
Conservation Officer
RSPB Eastern England
Email: jacqui.miller@rspb.org.uk
Direct dial: 01603 697582

Appendix 3 EATL Relevant Representation reply letter

Jacqui Miller
Royal Society for the Protection of Birds
Stalham House
65 Thorpe Road
Norwich
Norfolk
NR1 1UD

FREEPOST RSTC-EJEY-RKRX
1 Atlantic Quay,
45 Robertson Street,
4th Floor,
Glasgow, G2 8JB

2016-06-01

Dear Jacqui,

Planning Act 2008

East Anglia THREE Limited

The Proposed East Anglia THREE Offshore Wind Farm Order

Relevant Representation reply letter (Appendix to the SoCG between EATL and the RSPB)

East Anglia THREE Limited (EATL) would like to thank you for taking the time to provide a relevant representation to the development consent order application made by EATL for the East Anglia THREE offshore wind farm.

In this letter we provide a reply to all the comments you have made in your relevant representation. In order to do this in a clear and transparent manor this is in the form of a tabulated response.

This letter will form an Appendix to the final Statement of Common Ground (SoCG) between EATL and the RSPB.

Relevant Representation Comment	EATLs response
The RSPB supports the deployment of renewable energy projects, providing that they are sited and designed to avoid adverse impacts on wildlife. The RSPB is grateful for the constructive pre-application discussions that have taken place with East Anglia THREE Limited (EATL) in respect of the East Anglia THREE offshore wind farm proposal, particularly through the Evidence Plan process. Although progress was made during this process, some of the RSPB's concerns have not been fully resolved, principally relating to in-combination collision mortality to gannet and kittiwake.	EATL has welcomed the constructive input of the RSPB throughout the Evidence Plan process and will continue to work with the RSPB to try and resolve all remaining areas of disagreement.
The RSPB's principle concerns are with collision mortality to gannets of the Flamborough and Filey Coast pSPA/Flamborough Head–Bempton Cliffs SPA (FFC pSPA/FHBC SPA) from the East Anglia THREE proposal in-combination with other plans and projects, primarily with Hornsea offshore wind farm Projects 1 and 2[1]. At present the RSPB does not have confidence that	EATL acknowledge the constructive comments and calculations received from the RSPB with regards to the reductions in predicted collision mortality which would result from elevating the turbine hub height and thereby reducing the proportion of bird flights at potential collision height (RSPB Relevant Representation 22nd April 2016). EATL also welcomes the RSPB's willingness to continue

Relevant Representation Comment	EATLs response
potential adverse effects on the integrity of these protected sites and their species can be avoided. Should the DCO for Hornsea Project 2 not be granted, our concerns would be reduced significantly, however, the outcome for that proposal is unknown at this stage. [1] Hornsea Projects 1 and 2 together represent 24% of the breeding season in-combination collision mortality attributable to FFC pSPA / FHBC SPA	discussions on these matters. The project team are currently investigating the feasibility of implementing such a proposal and will continue to engage with RSPB on these matters during continued discussions on a Statement of Common Ground.
The RSPB considers that the potential for adverse effects on gannets and kittiwakes arising out of the East Anglia THREE proposal could be significantly reduced through elevating the lower swept area of the wind turbines through a rise in hub height. This would have the effect of reducing the percentage of birds flying at collision height and hence reduce collision risk (as illustrated in the calculations set out in Table 1 of response document) and therefore reduce any potential in-combination effects arising out of the East Anglia THREE proposals.	
The RSPB's focus through the Examination will be to continue discussions with EATL with respect to blade height and therefore the RSPB hopes to minimise the need for written representations from it during the Examination.	

We aim to reach agreement on all of the matters included in the table above and any other matters arising through the Statement of Common Ground with the RSPB.

If you wish to discuss this or any other issues in connection with the Project, please contact Keith Morrison, EA3 Senior Project Manager, ScottishPower Renewables, 4th Floor, Atlantic Quay, Glasgow G2 8JB or by email at Eastangliathree@scottishpower.com

Yours faithfully

[redacted]

Keith Morrison
Senior Project Manager

Appendix 4 List of Documents forming the basis of this SoCG

- Environmental Statement (ES) Vol. 1 Ch. 13 - Offshore Ornithology [doc. ref. 6.1.13]
- ES Ch. 13 Appendix 13.1 - Offshore Ornithology Evidence Plan [6.3.13 (1)]
- ES Vol. 3 Ch. 13 - Offshore Ornithology Appendix 13.1 [6.3.13 (1)]
- ES Vol. 3 Ch. 13 - Offshore Ornithology Appendix 13.2 [6.3.13 (2)]
- ES Vol. 3 Ch. 13 - Offshore Ornithology Appendix 13.3 [6.3.13 (3)]
- ES Vol. 3 Ch. 13 - Offshore Ornithology Appendix 13.4 [6.3.13 (4)]
- ES Vol. 2 Ch. 13 - Offshore Ornithology Figures 13.1-13.4 [6.2.13]
- ES Vol. 1 Ch. 24 – Onshore Ornithology [6.1.24]
- ES Vol. 3 Ch. 24 – Onshore Ornithology Appendix 24.1 [6.3.24 (1)]
- ES Vol. 3 Ch. 24 – Onshore Ornithology Appendix 24.2 [6.3.24 (2)]
- ES Vol. 2 Ch. 24 – Onshore Ornithology Figures [6.2.24 (a)]
- Information for the Habitats Regulations Assessment. [5.4]
- Information for the Habitats Regulations Assessment. Appendix 1 [5.4 (1)]
- Information for the Habitats Regulations Assessment. Appendix 2 [5.4 (2)]
- Information for the Habitats Regulations Assessment. Appendix 3 [5.4 (3)]
- Information for the Habitats Regulations Assessment. Appendix 4 [5.4 (4)]
- Information for the Habitats Regulations Assessment. Appendix 5 [5.4 (5)]
- Information for the Habitats Regulations Assessment. Appendix 6 [5.4 (6)]


SCOTTISHPOWER
RENEWABLES