



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia ONE North Offshore Wind Farm

**Appendix A11 to the Natural England Deadline 3 Submission**

**NE Offshore Ornithology Update**

For:

The construction and operation of East Anglia One North Offshore Windfarm, a 800MW windfarm which could consist of up to 67 turbines, generators and associated infrastructure, located 36km from Lowestoft and 42km from Southwold.

Planning Inspectorate Reference: EN010077

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15<sup>th</sup> December 2020



## Natural England's Offshore Ornithology Update

This document is applicable to both the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again for the other project.

Natural England wishes to provide the Examining Authority with summary of our HRA position in relation ornithological matters and progress to date to address Natural England's concerns raised in our Relevant Representation and at Deadline 1.

### 1. Headline Position in respect to HRA

Table 1: A summary of Natural England's headline position is in the table below:

HRA species and site	EA1 & EA2 alone	EA1N/EA2 in-combination* with other plans & projects
Gannet, Flamborough & Filey Coast (FFC) SPA: collision	No adverse effect on site integrity (AEOI)	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Gannet, Flamborough & Filey Coast SPA: displacement	No AEOI	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Gannet, Flamborough & Filey Coast SPA: collision + displacement	No AEOI	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Kittiwake, Flamborough & Filey Coast SPA: collision	No AEOI	Unable to rule out AEOI excl. and incl. H3 & H4
Guillemot, Flamborough & Filey Coast SPA: displacement	No AEOI	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Razorbill, Flamborough & Filey Coast SPA: displacement	No AEOI	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Assemblage, Flamborough & Filey Coast SPA	No AEOI	No AEOI excl. H3 and H4 Unable to rule out AEOI incl. H3 & H4
Lesser black-backed gull, Alde-Ore Estuary SPA: collision	No AEOI	Unable to rule out AEOI excl. H3 & H4 (no collisions apportioned from H3 & H4)



Red-throated diver, Outer Thames Estuary SPA: displacement	<b>AEOI cannot be ruled out due to displacement from EA1N</b>	<b>AEOI cannot be ruled out due to displacement from EA1N/EA2 and in-combination with existing plans and projects</b>
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\* In-combination remains the same as our position at the end of the Norfolk Boreas examination.

## **2. Red-Throated Diver of the Outer Thames Estuary (OTE) Special Protection Area (SPA)**

Natural England's advice remains that the change in the distribution of divers within OTE SPA is incompatible with meeting the Conservation Objectives for the site, and **will result in an adverse effect on site integrity, both alone and in-combination with other plans and projects**. To address the risk of adverse impacts on the SPA, we strongly advise that the boundary of EA1N is also moved from the SPA, by at least 10km, and that EA2 (already 8.3km from the SPA) is also moved out to at least 10km from the SPA.

Please see our previously submitted advice [Rep1-172].

Natural England is encouraged that the Applicant is submitting a full RTD assessment at Deadline 3 with the intention of addressing the concerns we have been raising with the Applicant during the evidence plan process and subsequently pressing the Applicant to engage with us on since the Relevant Representations in January 2020. However, Natural England wishes to raise with the Examining Authority that the assessment is likely to require updating and will remain outstanding beyond the next set of ISHs and Deadline 5.

The first incomplete draft of the assessment was shared with us on 16<sup>th</sup> November 2020 in advance of a workshop with the Applicant and RSPB on 7<sup>th</sup> December 2020. During the workshop we raised initial concerns with the Applicant, but at the end of the workshop it remained unclear if these concerns would be resolved by reviewing a more complete document and/or if there would be further updates to address concerns prior to Deadline 3 submission. Therefore, presently we are unable to provide our full statutory nature conservation advice on this matter until **Deadline 4** and impacts to RTD from the projects remains a fundamental concern to Natural England.



For the ExA's benefit the following is a summary (provided on a without prejudice basis) of the key areas of concern raised by Natural England at the workshop on 7<sup>th</sup> December 2020:

- Disparity exists between the Applicant's predicted levels of displacement within the windfarm footprint and the results (c.33%) from other empirical studies from the Outer Thames Estuary SPA (c.75-95%). In order for the Examining Authority to have confidence in any assessment, we advise that further information is requested from the Applicant.
  - Firstly, a key issue around the treatment of the counterfactuals used to make the assessment needs to be addressed regarding the likelihood that the distance to windfarm signal was carried over in modelled output thus impacting the overall displacement calculation;
  - Secondly, no cross-validation efforts were made to determine the predictive performance of the model, which would be necessary to assess robustness of predictions; and
  - Finally, a comparison of the predicted densities within the windfarm footprint against those actually recorded in the surveys would be useful.
  
- Another key issue is that the 2002 -2008 visual aerial data has effectively been treated the same as 2013 and 2018 survey data which were collected using digital aerial methods. APEM (2010) carried out comparisons between visual and digital survey methods and reported that digital still photography reveals up to 6.5 times as many birds as the visual spotter method. Unless this issue is taken account of in the modelling there is a significant risk that the magnitude and spatial extent of the displacement effect will be underestimated (as appears to be the case).

Further, Natural England noted in the meeting on 7<sup>th</sup> December 2020 the Applicant's proposal for a 2km buffer. As we have not yet reviewed any information with regard to their proposal, we would refer to our previous advice provided at Deadline 1 [REP1-172] that a 10km buffer would be needed to avoid AEoI. Therefore, our interim position is that while the buffer is welcome, it is insufficient mitigation to change our advice regarding displacement impacts to RTD.

### **3. Flamborough and Filey Coast SPA**

Natural England's positions remain as stated in Appendix A9 to NE's Deadline 2 submission [REP1-047]. Natural England notes that the overall updates do not alter our overall



conclusions and our advice at the end of the Boreas examination, which are detailed in the Table 1 above.

Natural England will respond to the Applicant's without prejudice proposals once they have been submitted at Deadline 3.

#### **4. Lesser Black-Backed Gull of the Alde-Ore Estuary SPA**

Natural England's positions remain as stated in Appendix A9 to NE's Deadline 2 submission [REP1-047]. Natural England notes that the overall updates do not alter our overall conclusions and our advice at the end of the Boreas examination, which are detailed in the Table 1 above.

#### **5. Monitoring**

We await the submission on an updated IPMP and advise that this should focus on impacts of displacement on red throated diver. This will be particularly important if consent is given to a design where any part of the array is within 10km of the OTE SPA, or within a distance where a robust modelling approach predicts displacement effects.