



**Written Representations
for the
Royal Society for the Protection of Birds**

**Submitted for Deadline 13
5 July 2021**

Planning Act 2008 (as amended)

In the matter of:

**Application by Scottish Power Renewables for an
Order Granting Development Consent for the
East Anglia ONE North/East Anglia TWO Offshore Windfarms**

**Planning Inspectorate Ref: EN010077/EN010078
Registration Identification Ref: 20024733/20024734**

1 Introduction

- 1.1 This representation applies jointly to the development consent order (the DCO) applications by Scottish Power Renewables (the Applicants) for the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) offshore windfarms (collectively “the applications”).
- 1.2 This submission is the RSPB’s combined response to the Applicants’ Deadline 12 submissions for each scheme entitled “Applicants’ Comments on the Royal Society for the Protection of Birds’ Deadline 11 Submissions” (both numbered REP12-031).

Scope of Written Submission

- 1.3 This Written Submission relates to section 2.2 of REP12-031, specifically the Applicants’ comments under ID4.
- 1.4 It should be read in conjunction with the RSPB’s previous submissions to the Examination, in particular our submissions at Deadline 4 (REP4-097), Deadline 8 (REP8-171), Deadline 9 submission (REP9-071), Deadline 10 (10-054) and Deadline 11 (REP11-127). This submission also takes account of the RSPB’s final position on adverse effect on integrity conclusions that are set out in a final Offshore Statement of Common Ground (SOCG) with the Applicant (REP8-105) submitted at Deadline 8 and summarised in RSPB REP8-171.

2 Response to ID4 in section 2.2 of the Applicants' REP12-031

2.1 In ID4, the Applicants' respond to the RSPB's answer to The Examining Authority's Question 3.2.5, with particular reference the RSPB's comments on an unpublished report by The Crown Estate on 'headroom'.

2.2 On page 24 of REP12-031, the Applicants' state:

"...Thus, the RSPB initially state that the original estimates should be used (i.e. the original data), but then question the accuracy of the data used to obtain them. These two statements are at odds with one another – either the data underpinning the DCO are appropriate or they are not, but the RSPB appear to suggest they are in some situations but not others."

2.3 The RSPB considers this mis-states the RSPB's meaning. The RSPB's argument is that the full extent of the *capacity* of the original Development Consent Orders should be considered, not necessarily the original datasets; although this is the most straightforward means to consider the impacts of the full capacity of the DCO in question.

2.4 In the next paragraph on page 24, the Applicants' state:

"...Overall, the RSPB's arguments do not detract from the fact that there is clear headroom in the current cumulative and in-combination totals."

2.5 The RSPB disagrees, especially in the context of the purpose of the Habitats Regulations tests being to avoid an adverse effect on the integrity of a European site and its qualifying features (in light of their site conservation objectives and associated supplementary advice). In this context, we reiterate the point set out in our answer to Question 3.2.5 (REP11-127):

"This [Crown Estate] report, which was not designed for use in assessment, was flawed for several reasons and took an approach counter to the principles of sustainable development. Rather than seeking to achieve maximum capacity for least environmental effect, the report implied that the calculated 'headroom' for each species is simply expendable."

**RSPB
July 2021**