

**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia TWO and East Anglia ONE North Offshore Windfarms**

## **Draft Statement of Common Ground**

**Royal Society for the Protection of  
Birds**

Applicants: East Anglia ONE North Limited and East Anglia TWO Limited  
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**Applicable to East Anglia ONE North and East Anglia TWO**



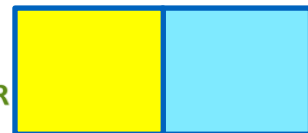
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## Glossary of Acronyms

DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
ETG	Expert Topic Group
MHWS	Mean High Water Springs
NE	Natural England
PINS	Planning Inspectorate
The RSPB	The Royal Society for Protection of Birds
SoCG	Statement of Common Ground

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## Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited.
Cable sealing end compound	A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Cable sealing end (with circuit breaker) compound	A compound (which includes a circuit breaker) which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Construction consolidation sites	Compounds associated with the onshore works which may include elements such as hard standings, lay down and storage areas for construction materials and equipment, areas for vehicular parking, welfare facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure.
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia TWO / ONE North project	The proposed project consisting of up to 75 (East Anglia TWO) or 67 (East Anglia ONE North) wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO / ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
HDD temporary working area	Temporary compounds which will contain laydown, storage and work areas for HDD drilling works.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.



Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.
Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission
National Grid infrastructure	A National Grid substation, cable sealing end compounds, cable sealing end (with circuit breaker) compound, underground cabling and National Grid overhead line realignment works to facilitate connection to the national electricity grid, all of which will be consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order but will be National Grid owned assets.
National Grid overhead line realignment works	Works required to upgrade the existing electricity pylons and overhead lines (including cable sealing end compounds and cable sealing end (with circuit breaker) compound) to transport electricity from the National Grid substation to the national electricity grid.
National Grid overhead line realignment works area	The proposed area for National Grid overhead line realignment works.
National Grid substation	The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.
National Grid substation location	The proposed location of the National Grid substation.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.



Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Onshore cable corridor	The corridor within which the onshore cable route will be located.
Onshore cable route	This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.
Onshore cables	The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables.
Onshore development area	The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.
Onshore infrastructure	The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.
Onshore preparation works	Activities to be undertaken prior to formal commencement of onshore construction such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.
Onshore substation	The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.
Onshore substation location	The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Safety zones	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transition bay	Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



# 1 Introduction

## 1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared by East Anglia TWO Limited, East Anglia ONE North Limited (the Applicants) and the Royal Society for the Protection of Birds (the RSPB). It identifies areas of the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications (the Applications) where matters are agreed or not agreed between the parties.
2. The Applicants have had regard to the guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG.
3. This SoCG has been structured to reflect the topics the RSPB is involved in on the Applications (as set out in more detail in paragraph 6 below). Topic specific matters agreed, not agreed and actions to resolve between the Applicants and the RSPB are included within this SoCG.
4. The tables presented below are the basis for a SoCG with the Applicants and the RSPB in respect of the following topic(s):
  - Offshore Ornithology;
  - Onshore Ornithology;
  - Information to Support Appropriate Assessment Report; and
  - DCO.
5. Throughout the SoCG the phrase “Agreed” identifies any point of agreement between the Applicants and the RSPB. The phrase “Not Agreed” identifies any point that is not yet agreed between the Applicants and the RSPB.
6. The RSPB’s involvement in the examination of the Applications is focused on possible impacts on wild birds, their supporting habitats, food sources etc as well as the environment more generally, including assessment methods used, draft mitigation, monitoring and management plans and other proposed consent restrictions and the legal and policy requirements underpinning such matters, to ensure the delivery of the maximum capacity of renewable energy for the minimum impact on the natural environment. The content of this SoCG is therefore limited to such matters. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicants and the RSPB to reach agreement on each matter wherever possible, or refine the extent of





disagreement between parties. The notes column of the SoCG tables provides commentary on these matters.

## 1.2 The Development

7. The key offshore components of each project will comprise:

- Offshore wind turbines and their associated foundations;
- Offshore platforms - up to four offshore electrical platforms and their associated foundations supporting some of the windfarm's electrical equipment, and up to one construction, operation and maintenance platform and associated foundations that may cater for personnel and activities required during the construction phase and operation and maintenance of the windfarm;
- Sub-sea cables between the wind turbines and offshore electrical platforms (inter-array), between separate offshore platforms (platform link cables) and between offshore electrical platforms and the landfall (export cables);
- Scour protection around foundations and on inter-array, platform link and export sub-sea cables as required; and
- Potential for one meteorological mast (met mast) and its associated foundations for monitoring wind speeds during the operational phase of the windfarm.

8. The key onshore components of each project will comprise:

- The landfall site with up to two transition bays to connect the onshore and offshore cables;
- Up to six onshore cables, up to two fibre optic cables and up to two distributed temperature sensing (DTS) cables installed underground (some or all of which may be installed in ducts) and associated jointing bays installed underground;
- Onshore substation; and
- Electrical cable connection between the onshore substation and National Grid substation.

9. National Grid infrastructure will also be required to connect each project to the national electricity grid. Key components of the National Grid infrastructure which is common to both Projects will comprise:

- National Grid substation;
- Cable sealing end compounds and a cable sealing end (with circuit breaker) compound; and



- Realignment of the existing overhead lines; including the reconstruction or replacement of up to three existing overhead pylons in proximity to the National Grid substation and the addition of up to one new pylon in close proximity to existing overhead pylons.

### 1.3 Summary of Agreed, Not Agreed and Outstanding Matters

10. **Table 1.1** provides a summary of the matters agreed, not agreed and those which are outstanding between the Applicants and the RSPB for each of the relevant SoCG topic areas. For further information on agreements that are outstanding / under discussion and for which the Applicants and the RSPB are working to address during the examination period, please refer to **Table 2.2** and **Table 2.4**.

**Table 1.1 Summary of Agreed, Not Agreed and Outstanding Matters**

Topic	Agreed, Not Agreed or Outstanding
Offshore Ornithology	Outstanding
Onshore Ornithology	Outstanding
DCO	Outstanding



## 2 Statement of Common Ground

11. A summary of the consultation undertaken to date with the RSPB and the matters agreed or not agreed between the Applicants and the RSPB (based on discussions and information exchanged between the Applicants and the RSPB during the pre-application and examination phases of the applications) are set out below for each of the SoCG topic areas.

### 2.1 Offshore Ornithology

12. Each project has the potential to impact upon offshore ornithology. **Chapter 12 Offshore Ornithology** of the Environmental Statement (ES) (APP-060) provides an assessment of the significance of these impacts.
13. **Table 2.1** provides an overview of meetings and correspondence undertaken with the RSPB regarding offshore ornithology.
14. **Table 2.2** provides areas of agreement and disagreement with the RSPB regarding offshore ornithology.
15. Further details on the stakeholder engagement process for offshore ornithology can be found in the Consultation Report (APP-029).

**Table 2.1 Summary of consultation with the RSPB regarding offshore ornithology**

Date	Contact Type	Topic
<b>Pre-Application</b>		
19 April 2017	Meeting	Expert Topic Group 1 – agreement sought in respect of the survey and assessment methodology, modelling and impacts to be assessed in the EIA.
9 <sup>th</sup> August 2017	Briefing Note	Formal note sent to all ETG stakeholders seeking agreement in respect of the cable route, data collection strategy and the approach to EIA.
27 <sup>th</sup> February 2018	Briefing Note	Formal note sent to all ETG stakeholders outlining minor changes to the cable corridor. Stakeholders asked to review and confirm they are satisfied with amendments.
6 <sup>th</sup> March 2018	Meeting	Expert Topic Group 2 – Agreement sought in respect of sufficiency of Band Model Option 2 data alongside BTO flight height data, nocturnal activity evidence and scoping out of impacts.
16 <sup>th</sup> January 2019	Meeting	Expert Topic Group 3 – Agreement sought in respect of amendment to the red line boundary /



Date	Contact Type	Topic
		site reduction and operational windfarm displacement impacts, EA1 piling during EA1N surveys, site specific surveys in cable corridor, Auk mortality, nocturnal activity factors and Lesser Black-Backed Gull.
20 <sup>th</sup> June 2019	Meeting	Expert Topic Group 4 – Agreement sought in respect of absence of significant operational windfarm array displacement risk given increased distance of EA2 from the Outer Thames Estuary SPA; absence of site specific surveys in cable corridor not an issue given the Irwin 2019 report; presentation of various collision and displacement mortality estimates based on a range of mortality, avoidance, displacement and nocturnal activity rates.
<b>Post-Application</b>		
20 <sup>th</sup> February 2020	Meeting	SoCG Meeting One
11 <sup>th</sup> May 2020	Meeting	SoCG Meeting Two

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**Table 2.2 Offshore Ornithology**

ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
<b>Environmental Impact Assessment</b>						
RSPB-001	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	<p>Discussed at Evidence Plan meetings as outlined in <b>Table 2.1</b> which agreed the approach to drafting of the existing environment.</p> <p>Comments received on the Existing Environment from the RSPB in their Section 42 response were addressed for the ES (PINS Reference APP-469).</p> <p>No comments on the Existing Environment were received from the RSPB in their Relevant Representation / Section 56 Response.</p>
RSPB-002	Assessment methodology	The use of an avoidance rate of 98.9% for gannet is appropriate.	An avoidance rate of 98.9% has been applied for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014).	An avoidance rate of 98.9% has been applied for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014).	Not Agreed	<p>Whilst the RSPB accepts the SNCB's recommended amendment to the gannet avoidance rate (AR) from 98% to 98.9% for non-breeding birds, we do not agree that this figure should be applied to the breeding season due to the lack of available evidence relating to breeding birds. As the BTO avoidance rate review was almost entirely based on non-breeding gannets, we prefer a more</p>

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>precautionary AR of 98% for the breeding season.</p> <p>The Applicants note that at the time of writing (June 2020), the detail of the arguments presented by the RSPB about potential changes in behaviour and avoidance rate in the breeding season has not been investigated. However, NE has not recommended any such changes. In addition, there is a question of how many, if any, gannets recorded on East Anglia TWO and East Anglia ONE North during the breeding season might actually be breeding adults (as discussed in <b>section 12.6.2.1.2.3 of Chapter 12</b>).</p>
RSPB-003	Assessment methodology	The use of as-built versus consented capacity of windfarms in cumulative assessments is appropriate	Agreed	Agreed	Not Agreed	It is stated that many of the collision estimates for other windfarms are based on higher numbers of turbines than were actually built. The RSPB consider that this is an acceptable point for windfarms where the DCO has been amended and therefore there is legal certainty regarding the reduction. Where windfarms still have their original DCOs (and Crown Estate licences), it is not appropriate to do anything less than

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>assess the full extent of those DCOs when considering in-combination /cumulative effects e.g. on lesser black-backed gull, gannet and kittiwake. This will also be relevant to assessing impacts on the breeding seabird assemblage feature of the Flamborough and Filey Coast SPA. as mentioned in ID item RSPB-014.</p> <p>The Applicants wish to note that while the potential cumulative collision and displacement mortality reductions based on as-built design envelopes have been discussed to demonstrate the levels of precaution built into the ornithological assessment, the assessment is based on Project designs based on original or updated (e.g. non-material change application) consents as agreed with NE.</p>
RSPB-004	Assessment Conclusions	The conclusions of the assessment of cumulative collision impacts are appropriate.	Agreed	Agreed	In discussion	The RSPB consider that cumulative collision risk impacts on gannet, kittiwake, great black-backed gull and lesser black-backed gull are significant.
RSPB-005	Assessment Conclusions	The conclusions of the assessment of cumulative	Agreed	Agreed	In discussion	The RSPB consider that cumulative displacement impacts on red-throated

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		displacement impacts are appropriate.				diver, guillemot and razorbill are significant.
RSPB-006	Mitigation	Given the impacts of the Project, the proposed mitigation outlined in the Schedule of Mitigation Offshore (PINS reference APP-574) and section 12.3.3 of ES Chapter 12 Offshore Ornithology (PINS reference APP-060) is appropriate.	Agreed	Agreed	In discussion	The RSPB to review and confirm their position on this statement.
<b>Information to Support Appropriate Assessment Report</b>						
RSPB-007	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
RSPB-008	Assessment Methodology	Apportioning of LBBG collision mortality to Alde-Ore Estuary SPA is appropriate.	Agreed	Agreed	In discussion	The RSPB raised concerns about the methods used for apportioning of lesser black-backed gull collision mortality to the Alde-Ore Estuary SPA and the evidence used to support this. We consider the inclusion of birds from urban colonies in the apportionment calculation dilutes the potential significance of impact on the Alde-Ore





ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>Estuary SPA. The SNH recommended approach to apportioning impacts (SNH, 2018), explicitly only includes seabirds foraging at sea, so the inclusion of urban birds, who may be more likely to forage in terrestrial habitats, is inappropriate</p> <p>The RSPB’s concerns are with regard to 24% apportionment in breeding season for Project alone, 30% apportionment for in-combination assessment and the Applicant’s position that assessment is overly precautionary. The RSPB notes, as highlighted in the ISAA report (APP-043), that tracking studies show birds from the SPA spend only a limited amount of time in the windfarm site. However, it is important that this time budget analysis is not conflated with connectivity; this figure is the proportion of time a tagged bird spends in the area not the proportion of birds in the area originating from the SPA</p> <p>The Applicants acknowledge that the inclusion of birds from other colonies, whether rural or urban, will reduce the level of impact apportioned to the SPA colony, however the Applicants consider</p>



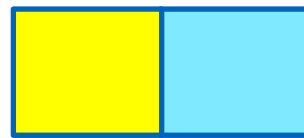
ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>such apportioning of effects among candidate colonies to be entirely appropriate and indeed the method used to calculate the proportional contributions to the on-site population is the one recommended by the statutory agencies for this purpose and hosted on the SNH website (<a href="https://www.nature.scot/interim-guidance-apportioning-impacts-marine-renewable-developments-breeding-seabird-populations">https://www.nature.scot/interim-guidance-apportioning-impacts-marine-renewable-developments-breeding-seabird-populations</a>).</p> <p>Furthermore, as discussed in the Information to Support Appropriate Assessment Report (APP-043) this method is almost certainly precautionary and tagging work indicates much lower connectivity (2% compared with 41% for East Anglia TWO and 24% for East Anglia ONE North). Thus, the Applicants consider that the assessment of impacts on the lesser black-backed gull population of the Alde-Ore Estuary SPA is robust and precautionary and is in line with the methodology agreed with SNCBs.</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
RSPB-009	Assessment Methodology	The avoidance rate used for gannet is agreed.	Agreed. An avoidance rate of 98.9% has been applied for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014).	Agreed. An avoidance rate of 98.9% has been applied for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014).	In discussion	<p>Whilst the RSPB accepts the SNCB's recommended amendment to the gannet avoidance rate (AR) from 98% to 98.9% for non-breeding birds, we do not agree that this figure should be applied to the breeding season due to the lack of available evidence relating to breeding birds. As the BTO avoidance rate review was almost entirely based on non-breeding gannets, we prefer a more precautionary AR of 98% for the breeding season.</p> <p>The Applicants note that at the time of writing (June 2020), the detail of the arguments presented by the RSPB about potential changes in behaviour and avoidance rate in the breeding season has not been investigated. However, NE has not recommended any such changes. In addition, there is a question of how many, if any, gannets recorded on East Anglia TWO and East Anglia ONE North during the breeding season might actually be breeding adults (as discussed in <b>section 12.6.2.1.2.3 of Chapter 12</b>).</p>

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
RSPB-010	Assessment Methodology	The use of as-built versus consented capacity of windfarms in cumulative assessments is appropriate	Agreed	Agreed	In discussion	<p>It is stated that many of the collision estimates for other windfarms are based on higher numbers of turbines than were actually built. This is an acceptable point for windfarms where the DCO has been amended and therefore there is legal certainty regarding the reduction. Where windfarms still have their original DCOs (and Crown Estate licences), it is not appropriate to do anything less than assess the full extent of those DCOs when considering in-combination /cumulative effects e.g. on lesser black-backed gull, gannet and kittiwake. This will also be relevant to assessing impacts on the breeding seabird assemblage feature of the Flamborough and Filey Coast SPA as mentioned in ID item RSPB-014.</p> <p>The Applicants note that while the potential cumulative collision and displacement mortality reductions based on as-built design envelopes have been discussed to demonstrate the levels of precaution built into the ornithological assessment, the assessment is based on Project designs based on original or</p>

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						updated (e.g. non-material change application) consents as agreed with NE.
RSPB-011	Assessment Conclusions	Conclusions of Project-alone collision impacts on the gannet population of the Flamborough and Filey Coast SPA are appropriate.	Agreed	Agreed	In discussion	<p>The RSPB considers that there are potential adverse effects on the integrity of the following site and its features as a result of predicted collision mortality from this Project alone:</p> <ul style="list-style-type: none"> <li>The gannet population of the Flamborough and Filey Coast SPA</li> </ul> <p>The RSPB recommends that the predicted impacts on this species alone are also presented as a Population Viability Analysis output metric, the Counterfactual of Population Size. However, the RSPB note that the Applicants have now agreed to carry out this analysis and this is welcomed.</p> <p>The Applicants note that the number of the higher collision estimate apportioned to the FFC SPA using Natural England's preferred methods (at 98.9% avoidance and the full breeding season) is 16.4, while using the migration free breeding season this is reduced slightly to 14.4. These would not increase the background mortality rate of the FFC</p>

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>SPA population by more than 1%, and therefore this magnitude of potential impact would be undetectable.</p> <p>Consequently, the Applicants do not consider there to be any requirement for further assessment of the Project alone impacts, and on the basis of Natural England's relevant representation, the Applicants consider this to also be Natural England's position.</p> <p>However, as agreed with the RSPB at a SoCG meeting on the 11<sup>th</sup> of May 2020, the Applicants have agreed to provide an updated Project-alone assessment presented as a Population Viability Analysis output in the form the Counterfactual of Population Size.</p>
RSPB-012	Assessment Conclusions	The conclusions of the assessment of in-combination collision risk are appropriate.	Agreed	Agreed	In discussion	<p>The RSPB considers that there are potential adverse effects on the integrity of the following sites and their features as a result of predicted collision mortality from this Project in-combination with other plans and projects:</p> <ul style="list-style-type: none"> <li>The gannet population of the Flamborough and Filey Coast SPA;</li> </ul>

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Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<ul style="list-style-type: none"> <li>The kittiwake population of the Flamborough and Filey Coast SPA;</li> <li>The lesser black-backed gull population of the Alde-Ore Estuary SPA.</li> </ul>
RSPB-013	Assessment Conclusions	The conclusions of the assessment of in-combination displacement are appropriate.	Agreed	Agreed	In discussion	<p>The RSPB considers that there are potential adverse effects on the integrity of the following sites and features as a result of predicted displacement from this Project in-combination with other plans and projects:</p> <ul style="list-style-type: none"> <li>The razorbill population of the Flamborough and Filey Coast SPA;</li> <li>The guillemot population of the Flamborough and Filey Coast SPA;</li> <li>The red-throated diver population of the Outer Thames Estuary SPA.</li> </ul>
RSPB-014	Assessment Conclusions	Impacts on the seabird assemblage feature of Flamborough and Filey Coast SPA	In discussion	In discussion	In discussion	<p>The RSPB notes, as advised by Natural England, that a breeding seabird assemblage (comprising kittiwake, gannet, guillemot and razorbill, northern fulmar, Atlantic puffin, herring gull, European shag and great cormorant) is a designated feature of this SPA but that a detailed assessment of impacts on this feature and its species has not been</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>carried out. Given the level of in-combination collision risk to kittiwake and collision risk to gannet and displacement to razorbill and guillemot effects on the abundance of this feature are likely to result.</p> <p>The RSPB considers that it is not possible to rule out adverse effects on the integrity of the following feature from this Project in-combination with others:</p> <p>The breeding seabird assemblage of the Flamborough and Filey Coast SPA</p> <p>The Applicants will provide an assessment of the potential effects on the seabird assemblage feature of the Flamborough and Filey Coast SPA for submission under the Examination. This will consider the conclusions of the assessment of the individual features for which there is potential for connectivity with the wind farms and which are included in the assemblage feature (i.e. gannet in the breeding and nonbreeding seasons, kittiwake, guillemot and razorbill in the nonbreeding season). This will consider the potential for both</p>





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						Project alone and in-combination effects. It is worth noting that in the Applicants' assessment (APP-043 for both Projects) it was concluded that there will be no adverse effects on integrity (AEoI) for any of the individual species either for the Projects alone or in-combination, and therefore assessment of the assemblage feature is expected to reach the same conclusion (of no AEoI) for the Projects alone and in-combination.
<b>Draft Development Consent Order (DCO)</b>						
RSPB-015	Wording of DCO Requirements and Deemed Marine Licence (DML) Conditions	<p>The wording of the following conditions and requirements pertaining to offshore ornithology are appropriate and adequate:</p> <ul style="list-style-type: none"> <li>Condition 17(1)(c) of the generation DML and Condition 13(1)(c) of the transmission DML with reference to the development of a monitoring plan.</li> </ul>	Agreed	Agreed	In discussion	<p><u><i>In principle monitoring plan</i></u></p> <p>The RSPB does not agree with the assessment conclusions on which the offshore in principle monitoring plan is based. Our concerns with the assessment conclusions are outlined above. We would like to see a detailed monitoring plan that is flexible enough to accommodate changes in the science and data between application and operation, and a full draft should be available during the examination to enable us to review and provide comments and for the ExA to have</p>



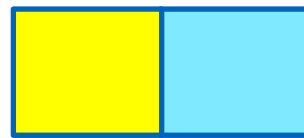
ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
		<ul style="list-style-type: none"> <li>Condition 17(1)(e)(vi) of the generation DML and Condition 13(1)(e)(vi) of the transmission DML with reference to the Project environmental management plan and procedures to minimise disturbance to red-throated diver.</li> <li>Requirement 10 provided within DCO Schedule 1, Part 3 with reference to a decommissioning programme.</li> </ul>				<p>relevant information available to it in order to be able to take it into account when determining the application.</p> <p>During the examination process, the Applicants will continue discussions with the RSPB regarding each respective parties' position on the assessment conclusions and need for a more detailed monitoring plan. The Applicant is in ongoing discussions with Natural England regarding the offshore ornithology assessment conclusions and the requirement for post-consent monitoring.</p> <p><u>Project environmental management plan and procedures to minimise disturbance to red-throated diver</u></p> <p>The RSPB objects to the Project environmental monitoring plan being left until consent has been granted and a full draft should be available during the examination to enable us to review and provide comments and for the ExA to have relevant information available to it in order to be able to take it into account when determining the application. For example, how can the ExA be sure that disturbance to red-throated diver will be</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>minimised if details are not provided during the examination.</p> <p>The Applicants position is that the PEMP is better produced post-consent once details of the Project are confirmed. A best-practice protocol for minimising disturbance to red-throated divers during construction will be adopted and be included in the PEMP. This would comprise some or all of the measures listed in <b>section 12.3.3.2</b> of <b>Chapter 12</b>.</p> <p><u>Offshore decommissioning programme</u></p> <p>The RSPB objects to the decommissioning programme being left until consent has been granted and full details should be available during the examination to enable us to review and provide comments and for the ExA to have relevant information available to it in order to be able to take it into account when determining the application. EIA requirements include assessing any decommissioning and therefore to comply with those requirements information on decommissioning needs to be part of the ES and available for comment.</p>

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						<p>The Applicants note that an assessment of decommissioning impacts is provided in <b>section 12.6.3 of Chapter 12 Offshore Ornithology</b> (APP-060) which concluded impacts of negligible to minor adverse significance. There is currently no obligation to submit a decommissioning programme prior to consent. Given the long lead in times to construction and in the absence of detailed design which will inform the nature of the decommissioning activities, the Applicants considers that submission of a decommissioning programme prior to construction on which the relevant SNCBs will be consulted is the most appropriate approach.</p>
<b>Other Matters as Required</b>						
RSPB-016						



## 2.2 Onshore Ornithology

16. Each project has the potential to impact upon onshore ornithology. **Chapter 23 Onshore Ornithology** of the ES (APP-071) provides an assessment of the significance of these impacts.
17. **Table 2.3** provides an overview of meetings and correspondence undertaken with the RSPB regarding onshore ornithology.
18. **Table 2.4** provides areas of agreement and disagreement with the RSPB regarding onshore ornithology.
19. Further details on the stakeholder engagement process for onshore ornithology can be found in the Consultation Report (APP-029).

**Table 2.3 Summary of consultation with the RSPB regarding onshore ornithology**

Date	Contact Type	Topic
<b>Pre-Application</b>		
20 <sup>th</sup> February 2018	Meeting	Survey methodologies and mitigation requirements.
27 <sup>th</sup> April 2018	Meeting	Method statement, Project updates and approach to the assessment (methodology, impacts, data collection, etc.)
5 <sup>th</sup> November 2018	Meeting	Presentation of assessment, impacts and mitigation in advance of publication of the PEIR
25 <sup>th</sup> January 2019	Meeting	Discussion on Sandlings SPA
9 <sup>th</sup> May 2019	Meeting	Post-PEIR consultation feedback
<b>Post-Application</b>		
20 <sup>th</sup> February 2020	Meeting	SoCG Meeting One
11 <sup>th</sup> May 2020	Meeting	SoCG Meeting Two



Table 2.4 Onshore Ornithology

ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds position	Notes
<b>Environmental Impact Assessment</b>						
RSPB-101	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	<p>Discussed at 27th April 2018 Evidence Plan meetings as per <b>Table 2.3</b> which agreed the approach to drafting the existing environment section.</p> <p>Comments received on the Existing Environment from the RSPB in their Section 42 response were addressed for the ES within <b>Appendix 23.1</b> (APP-508).</p> <p>No comments on the Existing Environment were received from the RSPB in their Relevant Representation.</p>
RSPB-102	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Project.	Agreed	Agreed	Agreed	<p>Discussed at Evidence Plan meetings as outlined in <b>Table 2.3</b> which agreed the approach to the assessment methodology.</p> <p>Comments received on the methodology from the RSPB in their Section 42 response were addressed for the ES (APP-508).</p> <p>No comments on the Assessment Methodology were received from the RSPB in their Relevant Representation.</p>

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RSPB-103	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Agreed	Agreed	Agreed	<p>Discussed at Evidence Plan meetings as outlined in <b>Table 2.3</b> which agreed the approach to drafting of the worst case scenario.</p> <p>Comments received on the worst case scenario from the RSPB in their Section 42 response were addressed for the ES (APP-508).</p> <p>No comments on the worst case scenario were received from the RSPB in their Relevant Representation / Section 56 Response.</p> <p>The RSPB have requested further clarity regarding timing of works to consider whether it would seek a commitment to only work on one side of the SPA at any one time within 200m of the SPA crossing location. The Applicants confirmed that the works will require the ability to work on both sides of the SPA at the same time if using a trenchless or open-cut trench methodology. This request for clarity is closed out in light of the Applicants' response.</p>

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ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds position	Notes
RSPB-104	Assessment Conclusions	The construction, operation and decommissioning phase assessment conclusions are appropriate.	Agreed	Agreed	Agreed	Note that the RSPB seeks further discussion on appropriate mitigation measures in light of the assessment conclusions – see RSPB-106.
RSPB-105	Assessment Conclusions	The construction, operation and decommissioning phase cumulative assessment conclusions are appropriate.	Agreed	Agreed	In discussion	The RSPB requested confirmation on the programming of construction works in the SPA for the following scenarios: both Projects constructed simultaneously, and Projects constructed sequentially. The Applicants will provide this detail within the outline SPA Crossing Method Statement, for discussion at a future SoCG meeting.
RSPB-106	Mitigation	Given the impacts of the Project, the proposed mitigation outlined in the Onshore Schedule of Mitigation (APP-575) and section 23.3.3 of ES Chapter 23 Onshore Ornithology (APP-071) is appropriate.	Agreed	Agreed	TBC	The RSPB requested detail on the areas where works are to be undertaken within 200m of the SPA; and showing the extent of the SPA crossing seasonal restriction.  The RSPB also sought clarity on whether the seasonal restriction will apply to areas just outside the 200m buffer. The Applicants confirmed that the seasonal restriction will only apply within the 200m buffer of the SPA crossing location; however, mitigation in relation



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						<p>to habitat loss or disturbance effects will apply to areas affected outside the 200m buffer.</p> <p>The Applicants will submit an outline SPA Crossing Method Statement during examination, to provide further information on the duration, timing, construction works and mitigation measures associated with crossing the SPA.</p> <p>On review of the outline SPA Crossing Method Statement, the RSPB will consider its position on works within 200m of the SPA.</p>
<b>Information to Support Appropriate Assessment Report</b>						
RSPB-107	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
RSPB-108	Assessment Methodology	The impact assessment methodologies used for the Information to Support Appropriate Assessment Report provide an appropriate approach to	Agreed	Agreed	Agreed	None

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		assessing potential impacts of the Project.				
RSPB-109	Assessment Methodology	The worst case scenario presented in the assessment is appropriate.	Agreed	Agreed	Agreed	None
RSPB-110	Assessment Conclusions	The construction, operation and decommissioning phase assessment conclusions are appropriate.	Agreed	Agreed	Agreed	(See RSPB-104)
RSPB-111	Assessment Conclusions	The construction, operation and decommissioning phase in-combination assessment conclusions are appropriate.	Agreed	Agreed	In discussion	As per RSPB-105, the RSPB to confirm its position on this statement following confirmation on the programming of construction works in the SPA for the following scenarios: both Projects constructed simultaneously, and Projects constructed sequentially.
RSPB-112	Mitigation	Given the impacts of the Project, the proposed mitigation outlined in the Onshore Schedule of Mitigation (document reference 6.7) and section 23.3.3 of ES Chapter 23	Agreed	Agreed	In discussion	The RSPB requested detail on the areas where works are to be undertaken within 200m of the SPA; and showing the extent of the SPA crossing seasonal restriction.

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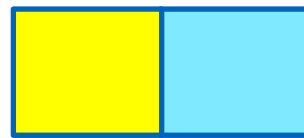
Royal Society for the Protection of Birds: 11<sup>th</sup> June 2020



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		Onshore Ornithology (document reference 6.1.23) is appropriate.				<p>The RSPB also sought clarity on whether the seasonal restriction will apply to areas just outside the 200m buffer. The Applicants confirmed that the seasonal restriction will only apply within the 200m buffer of the SPA crossing location; however, mitigation in relation to habitat loss or disturbance effects will apply to areas affected outside the 200m buffer.</p> <p>The Applicant will submit an outline SPA Crossing Method Statement during examination, to provide further information on the duration, timing, construction works and mitigation measures associated with crossing the SPA.</p> <p>On review of the outline SPA Crossing Method Statement, the RSPB will consider its position on works within 200m of the SPA.</p>
<b>Draft Development Consent Order (DCO)</b>						
RSPB-113	Wording of Requirement(s)	The wording of Requirement 21 provided within the draft DCO (and	Agreed	Agreed	In discussion	The RSPB request that the wording of the requirement is clarified to reflect that mitigation will be agreed and in place

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		supporting certified documents) with reference to development of an Ecological Management Plan for the mitigation and monitoring of potential impacts to onshore ecology is appropriate and adequate.				<p>where possible before any damage to designated sites and their features (and other habitats) occurs. The RSPB have also requested that the term “onshore works” in this context includes site preparation and clearance.</p> <p>The Applicants note that Requirement 21(2) states that “Onshore preparation works may not be carried out until a written ecological management plan (which accords with the outline landscape and ecological management strategy) for those works reflecting the survey results and ecological mitigation measures included in the environmental statement has been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.”</p> <p>The Applicants consider that Requirement 21(1) and 21(2) provides the necessary protection. The Applicants and the RSPB are continuing discussions on this matter.</p>
RSPB-114	Wording of Requirement(s)	The wording of Requirement 22 provided within the draft DCO (and	Agreed	Agreed	Agreed	None

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		supporting certified documents) with reference to development of a Code of Construction Practice for the mitigation and monitoring of potential impacts to onshore ecology is appropriate and adequate.				
<b>Other Matters as Required</b>						
RSPB-115	SPA Crossing	Open trench crossing of the SPA is supported given the mitigation measures presented within the Onshore Schedule of Mitigation (document reference 6.7) and section 23.3.3 of ES Chapter 23 Onshore Ornithology (document reference 6.1.23).	Agreed	Agreed	In discussion	Further information is sought regarding the sequencing of construction works and clarification on the extent of interaction within the SPA.  The Applicant will submit an outline SPA Crossing Method Statement during examination, to provide further information on the duration, timing, construction works and mitigation measures associated with crossing the SPA.



### 3 Signatures

20. The above Statement of Common Ground is agreed between East Anglia TWO Limited, East Anglia ONE North Limited and the Royal Society for the Protection of Birds on the day specified below.

Signed: _____
Print Name: _____
Job Title: _____
Date: _____
Duly authorised for and on behalf of <b>Royal Society for the Protection of Birds</b>
Signed: _____
Print Name: _____
Job Title: _____
Date: _____
Duly authorised for and on behalf of <b>East Anglia TWO Limited</b>
Signed: _____
Print Name: _____
Job Title: _____
Date: _____
Duly authorised for and on behalf of <b>East Anglia ONE North Limited</b>