



SCOTTISHPOWER  
RENEWABLES

# East Anglia TWO and East Anglia ONE North Offshore Windfarms

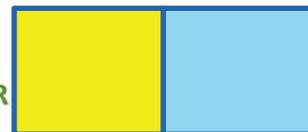
## Statement of Common Ground

Royal Society for the Protection of  
Birds

Applicants: East Anglia ONE North Limited and East Anglia TWO Limited  
Document Reference: ExA.SoCG-34.D8.V3  
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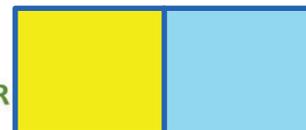
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Author: Royal HaskoningDHV

Applicable to **East Anglia ONE North** and **East Anglia TWO**



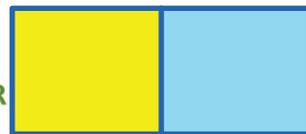
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001	09/06/2020	Paolo Pizzolla	Julia Bolton / Ian Mackay	Rich Morris
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001	n/a	n/a	First draft SoCG issued to Examining Authority
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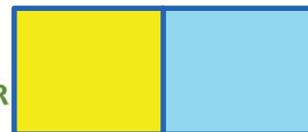
# Table of contents

<b>1 Introduction</b>	<b>1</b>
1.1 Background	1
1.2 The Development	2
1.3 Summary of Agreed, Not Agreed and Outstanding Matters	2
<b>2 Statement of Common Ground</b>	<b>3</b>
2.1 Offshore Ornithology	3
<b>3 Signatures</b>	<b>28</b>



## 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

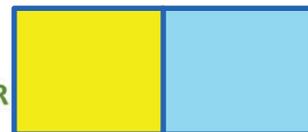


## Glossary of Terminology

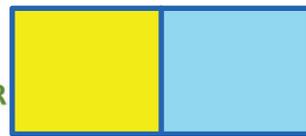
Applicants	East Anglia TWO Limited / East Anglia ONE North Limited.
Cable sealing end compound	A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Cable sealing end (with circuit breaker) compound	A compound (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 document is applicable to both the East Anglia ONE North and East Anglia TWO 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.
2. 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.
3. 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.
4. 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.
5. 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;
  - Information to Support Appropriate Assessment Report; and
  - DCO.
6. 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.
7. 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, compensation (in the context of HRA), 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

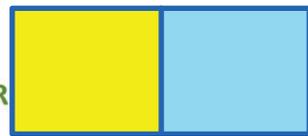
8. The key offshore components of each project will comprise wind turbines and their foundations, sub-sea cables within the windfarm site and between the windfarm and the landfall, offshore electrical platforms, a construction, operation and maintenance platform and the potential for a meteorological mast.
9. The key onshore components comprise a landfall site and associated transition bays, up to six onshore electricity cables with associated ancillary cables to be installed underground, an onshore substation, National Grid substation and equipment required for connections between these substations and the wider transmission network.

## 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 *Error! Reference source not found.*

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

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



## 2 Statement of Common Ground

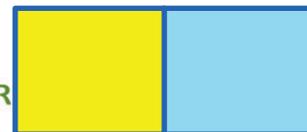
11. A summary of the consultation undertaken to date with the RSPB and the matters agreed or not agreed between the Applicants and the RSPB (based on discussions and information exchanged between the Applicants and the RSPB during the pre-application and examination phases of the applications) are set 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
28 <sup>th</sup> July 2020	Workshop	Workshop held with RSPB, Natural England and the MMO to discuss offshore ornithology
27 <sup>th</sup> August 2020	Meeting	SoCG Meeting Three
22 <sup>nd</sup> October 2020	Workshop	Workshop held with RSPB, Natural England and the MMO to discuss offshore ornithology
7 <sup>th</sup> December 2020	Workshop	Workshop held with RSPB, Natural England and the MMO to discuss potential displacement impacts on red-throated diver and the Outer Thames Estuary SPA
4 <sup>th</sup> February 2021	Meeting	SoCG Meeting Four
19 <sup>th</sup> March 2021	Meeting	SoCG Meeting Five



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	Discussed at Evidence Plan meetings as outlined in <b>Table 2.1</b> which agreed the approach to drafting of the existing environment.  Comments received on the Existing Environment from the RSPB in their Section 42 response were addressed for the ES (PINS Reference APP-469).  No comments on the Existing Environment were received from the RSPB in their Relevant Representation / Section 56 Response.
RSPB-002	Assessment methodology	The use of an avoidance rate of 98.9% for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014), is appropriate.	Agreed	Agreed	Not Agreed	<b>RSPB position:</b> 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



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>gannets, we prefer a more precautionary AR of 98% for the breeding season.</p> <p>Recent work demonstrates that gannet will fly at different flight speeds and heights when provisioning chicks, thereby having a different collision risk in the breeding season. As a component of Avoidance Rate is misspecification of input parameters, such as flight speed and height, these differing behaviours should be reflected in differences in Avoidance Rate.* This recent work, unlike, for example, Bowgen and Cook, 2018, accounts for behaviour in the breeding season.</p> <p><b>Applicants' position:</b> The Applicants note the studies referenced by the RSPB however consider that the already low estimated mortalities assessed for gannet during the breeding season (11 for East Anglia TWO and 10 for East Anglia ONE North noting that these have</p>

\* Lane, J. V., Spracklen, D. V., & Hamer, K. C. (2019). Effects of windscape on three-dimensional foraging behaviour in a wide-ranging marine predator, the northern gannet. *Marine Ecology Progress Series*, 628, 183-193.  
 Lane, J. V., Jeavons, R., Deakin, Z., Sherley, R. B., Pollock, C. J., Wanless, R. J., & Hamer, K. C. (2020). Vulnerability of northern gannets to offshore wind farms; seasonal and sex-specific collision risk and demographic consequences. *Marine Environmental Research*, 162, 105196.



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
RSPB-003	Assessment Conclusions	The conclusions of the assessment of cumulative	Agreed	Agreed	Not agreed	<p>reduced as a result of the Applicants' commitment to draught height mitigation – see REP1-047) suggest low use of the windfarm sites during the breeding season. Similarly, 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</b> of <b>Chapter 12 Offshore Ornithology</b> (APP-060)).</p> <p>In addition, the Applicants note that Natural England acknowledges that a higher avoidance rate of 99.5% for gannet has been recommended by Bowgen &amp; Cook (2018) and that this would significantly reduce the cumulative total. Natural England and the other SNCBs are currently considering their response to the recommendations in Bowgen &amp; Cook (2018) and this is expected in early 2021.</p> <p><b>RSPB position:</b> The RSPB consider that cumulative collision risk impacts on gannet, kittiwake, great black-backed</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-004a	Assessment Conclusions	collision impacts are appropriate.  The conclusions of the assessment of cumulative displacement impacts on guillemot and razorbill are appropriate.	Agreed	Agreed	Not agreed	<p>gull and lesser black-backed gull are significant. While the RSPB welcome the updated assessment, it does not alter this position.</p> <p><b>Applicants' position:</b> The Applicants have submitted an updated cumulative and in-combination collision risk assessment at deadline 8. This updated assessment concluded that the impact assessment of negligible to minor adverse significance for each species was not altered from that assessed in the ES.</p> <p><b>RSPB position:</b> The RSPB consider that cumulative displacement impacts on guillemot and razorbill are significant.</p> <p><b>Applicants' position:</b> The Applicants have provided updated cumulative displacement mortality totals for guillemot and razorbill within REP2-006. Overall, these updates to not alter the conclusions of minor adverse significance assessed within the ES.</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-004b	Assessment Conclusions	The conclusions of the assessment of cumulative displacement impacts on red-throated diver are appropriate.	Agreed	Agreed	Not agreed.	<p><b>RSPB position:</b> Following review of the updated red-throated diver assessment at Deadline 3, 5 and 6, the RSPB consider that cumulative displacement impacts red-throated diver are significant.</p> <p><b>Applicants' position:</b> The Applicants maintain their position that for both project alone and cumulative effects impacts are not significant.</p>
RSPB-005	Mitigation	An increase in air-draught from 22m to 24m over mean high water springs (MHWS) proposed by the Applicant since submission of the Application is appropriate to mitigate potential collision risk impacts upon ornithological receptors.	Agreed	Agreed	Not agreed	<p>The RSPB welcome the increase in air draught and agree it will help reduce predicted collision risk but it will not eliminate it. However, the RSPB would also welcome any further increases in air draught that can be achieved to further reduce the impacts.</p> <p>The Applicants have provided a rationale for the limitations on draught height increases (see REP3-073), no further increase can be applied.</p>
<b>Information to Support Appropriate Assessment Report</b>						



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
RSPB-006	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
RSPB-007	Assessment Methodology	Apportioning of LBBG collision mortality to Alde-Ore Estuary SPA is appropriate.	Agreed	Agreed	Not agreed	<p><b>RSPB position:</b> The RSPB raised concerns about the methods used by the Applicants 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 Estuary SPA. The SNH recommended approach to apportioning impacts (<u>SNH, 2018</u>), 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-</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>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 RSPB welcomes the changes to apportioning methodology presented in REP1-047. This updated methodology applies to apportioning of the impacts of other windfarms for the cumulative and in-combination assessment, and the methods used for the project alone remains the same. The update means that all windfarms within range use the same apportioning method. However, our concerns remain. While the underlying method itself, as developed by SNH, remains suitable, as stated above, it is explicitly designed to only include birds foraging at sea. The Applicants' inclusion of urban colonies, where birds are potentially more likely to</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-008	Assessment Methodology	The avoidance rate used for gannet throughout the year, based on the SNCB recommended rates (JNCC et al. 2014), is agreed.	Agreed.	Agreed.	Not agreed	<p>forage in terrestrial habitats, remains an outstanding concern.</p> <p><b>Applicants' position:</b> The Applicants revised the lesser black-backed gull apportioning methodology in light of comments received from Natural England (see REP1-047). Natural England have stated that (REP2-052)</p> <p><i>In REP1-047 the Applicant has used the SNH apportionment method to calculate breeding season apportionment rates for the relevant offshore wind farms. We welcome that the Applicants have considered this approach</i></p> <p>And</p> <p><i>Natural England agrees that assuming a maximum foraging distance of 181km does represent a reasonable balance of the current evidence</i></p> <p>The RSPB and Applicants' position are as per <b>RSPB-002</b>.</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 Conclusions	Conclusions of Project- alone collision impacts on the gannet population of the Flamborough and Filey Coast SPA are appropriate.	Agreed	Agreed	Agreed	<p><b>RSPB position:</b> The RSPB recommended that the predicted impacts on this species alone were presented as a Population Viability Analysis (PVA) output metric, the Counterfactual of Population Size. We are grateful to the Applicants for carrying out this analysis (REP2-006) and this is welcomed. Notwithstanding our concerns with the Avoidance Rate for breeding gannet used in the collision risk modelling (see RSPB-002), the RSPB considers that the PVA does demonstrate impacts alone are likely to be small and therefore it may be possible to conclude no adverse effect on the site integrity.</p> <p><b>Applicants' position:</b> The Applicants note that Natural England does not consider that there is a project alone adverse effect on integrity (see REP7-071)</p> <p><b>RSPB position:</b> The RSPB considers that there are potential adverse effects on the integrity of the following sites and their features as a result of predicted</p>
RSPB-010	Assessment Conclusions	The conclusions of the assessment of in-	Agreed	Agreed	Not agreed	<p><b>RSPB position:</b> The RSPB considers that there are potential adverse effects on the integrity of the following sites and their features as a result of predicted</p>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
		combination collision risk are appropriate.				<p>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> <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> <p>The RSPB welcome the updated cumulative and in-combination collision risk assessments (REP1-047 and REP4-042) submitted at Deadlines 1 and 4. However, these do not alter the RSPB's position with regard to potential adverse effects on the integrity of these sites. The RSPB notes that in REP4-042 the Applicant has removed Hornsea Three in respect of kittiwake collision risk on the basis that it is compensated for. The RSPB disagrees with this for the following reasons:</p> <ul style="list-style-type: none"> <li>- The collision risk impacts of Hornsea Three will not be avoided and therefore the adverse effect on the</li> </ul>



ID	Topic	Statement	East Anglia TWO Limited Position	East Anglia ONE North Limited Position	Royal Society for the Protection of Birds Position	Notes
						<p>Flamborough and Filey Coast SPA will still occur. It is appropriate to include those impacts in the model;</p> <ul style="list-style-type: none"> <li>- The effectiveness of the Hornsea Three kittiwake compensation is highly uncertain (hence the Secretary of State has required provision for additional and alternative compensation measures to be made should it fail). There is no guarantee that any benefits that might accrue will be benefits to the Flamborough and Filey Coast SPA. This underlines the first point that the adverse effect of Hornsea Three on that SPA has not been avoided.</li> </ul> <p><b>Applicants' position:</b></p> <p>The Applicants have submitted an updated cumulative and in-combination collision risk assessment at deadline 8. This updated assessment concluded that no AEol from potential in-combination effects would result. This conclusion is therefore not altered from that assessed in the Information to Support Appropriate Assessment Report (APP-043).</p>



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RSPB-011a	Assessment Conclusions	The conclusions of the assessment of in-combination displacement on guillemot and razorbill associated with the Flamborough and Filey Coast SPA are appropriate.	Agreed	Agreed	Not agreed	<p>The Applicants note the position of Natural England (REP7-071) and have therefore provided 'without-prejudice' compensation measures for these species.</p> <p><b>RSPB position:</b> 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> </ul> <p><b>Applicants' position:</b> The Applicants have provided updated in-combination displacement mortality totals for guillemot and razorbill within REP2-006. Overall, these updates to not alter the conclusions of no AEoI assessed within the Information to Support Appropriate Assessment report (APP-043).</p> <p>The Applicants note the position of Natural England (REP7-071) and have</p>



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RSPB-011b	Assessment Conclusions	The conclusions of the assessment of project-alone and in-combination displacement on red-throated diver associated with the Outer Thames Estuary SPA are appropriate.	Agreed	Agreed	Not agreed	<p>therefore provided 'without-prejudice' compensation measures for these species.</p> <p><b>RSPB position:</b> 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 the Project:</p> <ul style="list-style-type: none"> <li>The red-throated diver population of the Outer Thames Estuary SPA.</li> </ul> <p>Pending review of the material to be provided at Deadline 3, the RSPB will re-assess its position on both "alone" and "in-combination" effects.</p> <p>The RSPB welcome the additional modelling carried out by the Applicant in order to inform the assessment for red-throated diver and the Outer Thames Estuary SPA, submitted at Deadline 3 and updated at Deadlines 5 and 6. We have also reviewed the Natural England response (EN010077) submitted at Deadline 3. While the approach taken is useful in providing contextual information, we agree with Natural England that the modelling has</p>



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						<p>unresolved issues, notably, but not only, with the integration of visual and digital aerial survey data without correction, and in general the approach needs further validation. Such validation is crucial as the results of the modelling are inconsistent with all empirical studies of red-throated diver behaviour in the vicinity of offshore wind farms and the potential issues with the modelling approach could result in underestimation of the scale of displacement.</p> <p>The presence of these developments (EA1N/EA2) will alter the distribution of red-throated divers leading to an effective loss of habitat within the Outer Thames Estuary SPA and likely reduce abundance.</p> <p>As such the RSPB's conclusions in respect of adverse effect on integrity of the Outer Thames Estuary SPA are as follows:</p> <ul style="list-style-type: none"> <li>- Adverse effect on integrity cannot be ruled out due to displacement from EA1N alone</li> <li>- Adverse effect on integrity cannot be ruled out due to displacement from</li> </ul>

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RSPB-012	Assessment Conclusions	Impacts on the seabird assemblage feature of Flamborough and Filey Coast SPA	Agreed	Agreed	Not agreed	<p>EA1N and EA2 in-combination with existing plans and projects</p> <p><b>Applicants' position:</b> The Applicants maintain their position that both project alone and in-combination effects are not significant and will not result in Adverse Effect on Integrity.</p> <p>The Applicants note the position of Natural England (REP7-071) and have therefore provided 'without-prejudice' compensation measures for red-throated diver.</p> <p><b>RSPB position:</b> The RSPB notes, as the Applicant has been 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 carried out. Given the level of in-combination collision risk to kittiwake and collision risk to gannet and</p>



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						<p>displacement to razorbill and guillemot effects on this feature are likely to result.</p> <p>The RSPB welcome the updated assessment of the potential effects on the seabird assemblage feature of the Flamborough and Filey Coast SPA (REP2-006) at <b>Deadline 2</b>, but still 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> <ul style="list-style-type: none"> <li>The breeding seabird assemblage of the Flamborough and Filey Coast SPA</li> </ul> <p>This is as a result of the level of in-combination collision risk to kittiwake and collision risk to gannet and displacement to razorbill and guillemot effects on this feature that are likely to result.</p> <p><b>Applicants' position:</b> As agreed with the RSPB, Natural England and the MMO at the offshore ornithology workshop on the 28<sup>th</sup> July 2020, the Applicants have submitted an updated assessment of the potential effects on</p>



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						<p>the seabird assemblage feature of the Flamborough and Filey Coast SPA (REP2-006) at <b>Deadline 2</b>.</p> <p>The potential for both Project alone and in-combination effects are considered.</p> <p>The project-alone assessment concludes that on the basis that there are not considered to be any risks of AEol of the Flamborough and Filey Coast SPA due to impacts on the individual components of the seabird assemblage feature, it can be concluded that there will be no risk of adverse effect on the integrity of the seabird assemblage feature itself.</p> <p>The Projects will not have in-combination AEol on any of the individual components of the seabird assemblage feature for which individual assessments have been undertaken (gannet, kittiwake, guillemot and razorbill, see sections 4.6.1, 4.6.2, 4.6.3 and 4.6.4 of the Information to Support Appropriate Assessment Report (APP-043)), and the additional species (herring gull, fulmar, puffin, shag and cormorant) are not considered to be at risk of adverse effects (as outlined above). It can</p>



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						therefore be concluded that there will not be an AEoI of the Flamborough and Filey Coast SPA due to an in-combination effect on the seabird assemblage feature.  The Applicants note the position of Natural England (REP7-071) and have therefore provided 'without-prejudice' compensation measures for these species.
<b>Draft Development Consent Order (DCO)</b>						
RSPB-013	Wording of DCO Requirements and Deemed Marine Licence (DML) Conditions	The wording of the following conditions and requirements pertaining to offshore ornithology are appropriate and adequate: <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	Not agreed	<p><u>In principle monitoring plan</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>



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		<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. While the RSPB welcomes the updated In Principle Monitoring Plan provided at Deadline 6 (REP6-016), it does not alter this position.</p> <p><b>Applicants' Position:</b> 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 Applicants have updated the in-principle monitoring plan to include a requirement for RTD monitoring and monitoring of collision risk impacts (REP6-015).</p> <p>In addition, the Applicants have updated conditions 20 and 22 of the generation DML and conditions 16 and 18 of the transmission DML to make provision for pre-construction and post-construction ornithological monitoring which is included in the updated Draft DCO submitted into the Examination at Deadline 3.</p>



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						<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 management 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.</p> <p>The RSPB welcomes the updated "Best Practice Protocol for Minimising Disturbance to Red-throated Diver" (REP7-045). However, in line with our position, we note that it leaves detailed procedures and parameters to be set out in the Project Environmental Management Plan after consent has been granted. Therefore, the RSPB's position is not altered as currently all that is required is "procedures to be adopted" meaning there will need to be at least one stage where those procedures are finalised. Therefore, in addition to our comment above that these procedures, if</p>



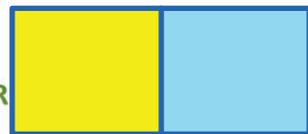
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						<p>to be relied upon, should be before the Examination, the condition should include the finalisation of the Protocol within it.</p> <p><b>The Applicants' position</b> is that the PEMP is better produced post-consent once details of the Project are confirmed. However, following ongoing engagement with Natural England, a best-practice protocol for minimising disturbance to red-throated divers during construction has been submitted at deadline 8 which will be included as part of the final PEMP. In addition, the PEMP condition wording of the draft DCO submitted has been updated to refer to the protocol.</p> <p>The final detail that would be added to the protocol post-consent would be details of how the mitigation route (or any alternate mitigation routes) will be communicated, enforced and monitored. Given that final details of construction and operation are to be determined (including which ports would be used), it is not appropriate to provide the detail of how this will be delivered in practice at this stage.</p>



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						<p><u>Offshore decommissioning programme</u></p> <p><b>The RSPB</b> objects to the decommissioning programme being left until consent has been granted as full details should be available during the examination to enable parties to review and provide comments and for the ExA to take account of those comments when making a recommendation on the application. Due to EIA requirements to assess any potential decommissioning effects, and therefore the Applicants obligation to comply with those requirements, this needs to be part of the project proposal and its ES and made available for comment.</p> <p><b>Applicants Position:</b> 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</p>

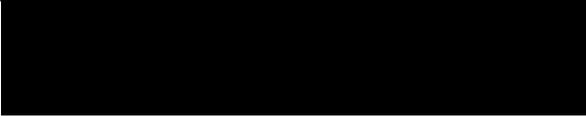


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						<p>detailed design which will inform the nature of the decommissioning activities, the Applicants consider that submission of a decommissioning programme prior to construction on which the relevant SNCBs will be consulted is the most appropriate approach.</p> <p><b>The RSPB position</b> – we have reviewed section 12.6.3 of <i>Chapter 12 Offshore Ornithology</i> (APP-060) but our concerns still stand since all this section provides is future activities will be agreed in the future and although there is some suggestion that potential impacts will be reduced due to decommissioning not involving as many disturbing/displacing activities as construction, no more information is provided.</p> <p><b>Applicants Position:</b> the Applicants maintain their position</p>
<b>Other Matters as Required</b>						
RSPB-014	n/a	n/a	n/a	n/a	n/a	n/a



### 3 Signatures

16. 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:	Rosie Sutherland
Job Title:	In house solicitor
Date:	24 <sup>th</sup> March 2021
Duly authorised for and on behalf of <b>Royal Society for the Protection of Birds</b>	
Signed:	
Print Name:	<u>Richard Morris</u>
Job Title:	<u>Senior Project Manager</u>
Date:	<u>24th March 2021</u>
Duly authorised for and on behalf of <b>East Anglia TWO Limited</b>	
Signed:	
Print Name:	<u>Richard Morris</u>
Job Title:	<u>Senior Project Manager</u>
Date:	<u>24th March 2021</u>



Duly authorised for and on behalf of **East Anglia ONE North Limited**