



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

**Submitted for Deadline 11**

**7 June 2021**

**Planning Act 2008 (as amended)**

**In the matter of:**

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

**Planning Inspectorate Ref: EN010077/EN010078**

**Registration Identification Ref: 20024733/20024734**

## 1 Introduction

- 1.1 This representation applies jointly to the development consent order (the DCO) applications by Scottish Power Renewables (the Applicants) for the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) offshore windfarms (collectively “the applications”).
- 1.2 This submission is the RSPB’s combined response to the Applicants’ Deadline 10 submissions for each scheme entitled “Applicants’ Comments on the Royal Society for the Protection of Birds’ Deadline 9 Submissions” (both numbered REP10-018).

### Scope of Written Submission

- 1.3 This Written Submission covers the following a small number of the comments set out in REP10-018. It should be read in conjunction with the RSPB’s previous submissions to the Examination, in particular our submissions at Deadline 4 (REP4-097), Deadline 8 (REP8-171) and Deadline 9 submission (REP9-071). This submission also takes account of the RSPB’s final position on adverse effect on integrity conclusions that are set out in a final Offshore Statement of Common Ground (SOCG) with the Applicant (REP8-105) submitted at Deadline 8 and summarised in RSPB REP8-171.

## 2 Response to Applicants' REP10-018

- 2.1 We have limited our response to the Applicants' comments (REP10-018) on the RSPB's Deadline 9 (REP9-071) submission to summary observations in relation to the Applicants' bycatch compensation proposal. Beyond the comments below, we do not propose to make any further exchange of comments on this bycatch proposal. This is because our original comments summarise our position and nothing in the Applicants' Deadline 10 response has changed that position.
- 2.2 The RSPB's overarching view remains that the proposal is not fit for purpose as a possible compensation measure. Our concerns can be summarised as:
- The general paucity of information on the nature, scale and location of bycatch affecting guillemots and razorbills in UK waters means that there can be no confidence the Applicants' proposals will be of any benefit to these species and therefore provide compensation with a reasonable guarantee of success;
  - Underlying the Applicants' proposal is an assumption that it can solve significant challenges in a short (5-year) timeframe in an inappropriate geographic area (see next point). Assuming a link is proven to the target species, these challenges include the identification of suitable mitigation options appropriate to specific fisheries and addressing the long-term social, economic and scientific research necessary to persuade individual fishers and fisheries to adopt any such measures. Based on the RSPB's experience, we are concerned that the proposal overstates the simplicity in implementing its approach. Establishing a gear replacement fund is no guarantee of success.
  - The selection of East Anglia as the geographic target area is inappropriate based on current evidence. It appears to be based on an ability to work with fisheries with which the Applicants' have existing relations. However, for reasons set out in REP9-071, current evidence suggests East Anglia is not of substantial importance from a bycatch perspective.
  - While we have initial evidence of seabird bycatch rates and risk, there is an urgent need for improved data on seabird bycatch across the UK, particularly in static net fisheries, to understand the true scale of the problem. There is also a concurrent need to invest in identifying potential solutions with industry. Therefore, the RSPB believes the focus needs to be on coherent, coordinated and well-funded strategic research and development to improve data collection and plug substantial evidence gaps on seabird bycatch in the UK as a whole i.e.

significantly increased monitoring coverage (observer and electronic) over several years across multiple fisheries in order to:

- Improve understanding of seabird bycatch and sea areas of conservation concern in respect of bycatch affecting the target species;
  - Target sea areas and fisheries with the aim of carrying out multi-year trials of possible bycatch mitigation options in co-operation with the relevant fisheries;
  - Develop, implement and monitor bycatch mitigation options in co-operation with the target fisheries; and
  - Support work across multiple strands of technical mitigation, management measures and gear replacement.
- The limited spatial and temporal nature of the Applicants' proposals will not address these issues for the reasons set out in RSPB REP9-071.

2.3 In considering the Applicant's response to our comments on the timing relationship between the Applicants' proposal and the UK Seabird Bycatch Plan of Action (the PoA), it is apparent that confusion has arisen in terms of how ourselves and the Applicants' have interpreted each others' drafting and therefore intention.

2.4 We consider it would be unwise for the Applicants' (and the Examining Authority) to rely on an unpublished PoA. We cannot be confident at this time as to whether the implementation of the PoA will provide the necessary evidence we have described that would help place the Applicants' proposal in proper context, nor whether that evidence would be available at the time the Applicants' anticipate.

2.5 If further clarity is required on the scope, nature and planned implementation of the PoA we would advise the Applicants' contact Defra directly. This may help provide the Applicants', the Examining Authority and other parties to the Examination with clarification on the proposed relationship between the Applicants' bycatch proposal and the PoA.