



**The RSPB's responses to the Examining Authority's Third
Round of Written Questions**

**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 RSPB response to the Examining Authority's Third Written Questions

1.1 We have set out the RSPB's answers to the Examining Authority's Third Written questions in the table below.

| Question | Question to: | Question | RSPB answer |
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| 3.2.5 | RSPB | <p>Cumulative and in-combination collision risk: Hornsea Project Three contribution</p> <p>In [REP8-171], the RSPB states that it does not agree with the Applicants that the in-combination annual kittiwake collisions apportioned to the FFC SPA should exclude the estimated collisions at Hornsea Project Three because the adverse effect arising from Hornsea Project Three will not be avoided and because it considers the effectiveness of the Hornsea Project Three compensatory measures to be <i>"highly uncertain"</i>. Conversely, Natural England [REP8-166, answer to R17QB.12] agrees with the Applicants' approach, stating that the SoS decision is clear that the impacts from Hornsea Project Three will be fully compensated for.</p> <p>a) Does the RSPB maintain the view expressed in [REP8-171]? If so, please could you elaborate on the reasons for your position?</p> <p>b) Specifically, whilst noting your position that the collision risk impacts from Hornsea Project Three will not be avoided, if the H3 collision risk impact on kittiwake is fully compensated for, please explain why you consider it to be appropriate to include that impact in the in-combination and cumulative assessments?</p> | <p>Combined response to questions (a) and (b)</p> <p>The RSPB maintains its position that the in-combination annual kittiwake collisions apportioned to the Flamborough and Filey Coast SPA (FFC SPA) should not exclude the estimated collisions at Hornsea Project Three. This is because the adverse effect arising from Hornsea Project Three will not be avoided and because it considers the effectiveness of the Hornsea Project Three compensatory measures to be <i>"highly uncertain"</i>.</p> <p>Below we summarise our reasons in maintaining this position under the following headings:</p> <ul style="list-style-type: none"> • The adverse impacts of Hornsea Project Three on the FFC SPA will not be avoided. • Benefits of the Hornsea Project Three compensation. <p><i>The adverse impacts of Hornsea Project Three on the FFC SPA will not be avoided</i></p> <p>Hornsea Project Three will contribute to the predicted cumulative and in-combination reduction in the kittiwake population of the FFC SPA due to multiple offshore wind farms. This is demonstrated by the Population Viability Analysis graph at Figure 1, paragraph 2.9 in the RSPB's REP4-097. Each identified scheme adds to the downward pressure on the FFC SPA population.</p> <p>De facto, the FFC SPA kittiwake population will be further reduced as a result of the Hornsea Project Three impacts. The impact will not be avoided in biological terms at the FFC SPA itself (see also below re <i>"Benefits of the Hornsea</i></p> |

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| | | | <p>Project Three compensation”). It is therefore critical that this impact is acknowledged in all future assessments and not “removed” as if it is not happening.</p> <p>Consequently, the adverse effect on the integrity of the FFC SPA arising from this predicted impact will not be avoided.</p> <p>It follows that it is important to understand and acknowledge the full context of the in-combination and cumulative impacts of subsequent offshore wind farms on the FFC SPA’s kittiwake population. Hornsea Project Three’s contribution to the downward pressure on that population will exist in reality and will continue to act in-combination with other projects (past, present and future) during and beyond its lifetime. These impacts will persist post-decommission due to delayed impacts on the population (see also answer to Question 3.2.12 below).</p> <p><i>Benefits of the Hornsea Project Three compensation</i></p> <p>The RSPB has set out elsewhere the reasons why it considers the claimed benefits of the Hornsea Project Three kittiwake compensation are uncertain and that the compensation is experimental in nature. In REP4-097 we cross-refer to more detailed critiques of kittiwake compensation proposals proposed by other offshore wind farms:</p> <ul style="list-style-type: none"> • Para 3.4: refers to our comments on the initial Hornsea Project Three and Norfolk Vanguard proposals (April 2020);¹ |

¹<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003217-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Resposne%20to%20SoS%20Consultation%203.pdf>

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| | | | <ul style="list-style-type: none"> • Para 3.10: refers to our comments on the Norfolk Boreas proposals (October 2020);² • Para 3.12: refers to our comments on the more detailed Hornsea Project Three proposals (November 2020).³ <p>In the context of the Examining Authority’s question (b), there are several important and connected aspects of the Hornsea Project Three compensation to be aware of which underline our comments immediately above:</p> <ul style="list-style-type: none"> • There is no guarantee that the Hornsea Project Three compensation scheme will successfully recruit the (estimated) requirement of 73 breeding adult kittiwakes per annum deemed to be necessary to offset the losses at the FFC SPA arising from Hornsea Project Three; • Critically, it is accepted by the RSPB, Natural England and Hornsea Project Three that kittiwake population ecology means there can be no biological certainty that any breeding adults so recruited will choose to breed at the FFC SPA itself. • Consequently, it cannot be assumed Hornsea Project Three kittiwake compensation will “offset” the predicted population losses due to Hornsea Project Three. This means some or all of the population reduction at FFC SPA will remain and needs to be acknowledged in future impact assessments; • This is reflected in the objective for the Hornsea Project Three kittiwake compensation scheme set out in paragraph 3.34 of the Hornsea Project Three Kittiwake Compensation Plan: |

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002549-DL17%20-%20RSPB%20-%20Deadline%20Submission.pdf>

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003259-RSPB.pdf>

| Question | Question to: | Question | RSPB answer |
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| | | | <p data-bbox="1361 228 1944 411"><i>“The purpose of site selection has been to identify an area to host artificial nesting sites that will be occupied by new recruits in the English southern North Sea, whilst contributing to an increase of breeding adults to the <u>Eastern Atlantic kittiwake population.</u>”</i> (emphasis added)</p> <ul data-bbox="1317 451 1944 858" style="list-style-type: none"> <li data-bbox="1317 451 1944 762">• The target of any recruitment is the Eastern Atlantic kittiwake population, not the FFC SPA. This is, in part, explicit recognition of the inability of the Hornsea Project Three applicant to guarantee any breeding adults arising from the compensation scheme would return to the FFC SPA itself. This issue was discussed by Hornsea Project Three, Natural England and the RSPB during discussions on the “Kittiwake Compensation Plan” and the above formulation for an objective arrived at. <li data-bbox="1317 770 1944 858">• For example, Natural England’s comments on the “minded to consent” consultation for Hornsea Project Three stated:⁴ <p data-bbox="1361 898 1944 986"><i>“...however the number of ‘new’ birds that will recruit back to FFC SPA as a result of this measure is unknown”</i> (section 1.1, numbered para (4), page 4)</p> <ul data-bbox="1317 1026 1944 1144" style="list-style-type: none"> <li data-bbox="1317 1026 1944 1144">• The Secretary of State accepted the wider, Eastern Atlantic population objective in his decision letter (at paragraph 6.51)⁵ and Habitats Regulations Assessment (section 13.1, page 109)⁶. |

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003257-Natural%20England.pdf>

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003265-EN010080%20Hornsea%20Three%20-%20Secretary%20of%20State%20Decision%20Letter.pdf>

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003267-EN010080%20Hornsea%20Three%20-%20Habitats%20Regulations%20Assessment.pdf>

| Question | Question to: | Question | RSPB answer |
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| | | | <p>It is for these reasons and our concerns over the effectiveness of the Hornsea Project Three kittiwake compensation measures that the RSPB considers it is inappropriate to assume the impacts of Hornsea Project Three on the kittiwake population of the FFC SPA itself will be wholly or partially reversed.</p> <p>Therefore, the RSPB considers it is appropriate to include the estimated collisions at Hornsea Project Three as part of the in-combination annual kittiwake collisions apportioned to the FFC SPA in assessing the impacts of EA1N/2 and other offshore wind farms.</p> |
| 3.2.8 | The Applicants, Natural England, RSPB | <p>Without prejudice compensation measures [REP8-089]: level of detail in relation to implementation</p> <p>Natural England expresses a view [REP9-065] that greater detail about the design and implementation of compensatory measures is needed to provide the SoS with the necessary confidence that those measures can be secured. This is a position echoed strongly by the RSPB [REP10-054, REP9-071]. The Applicants maintain the position [REP10-017, REP10-018, REP9-016] that compensation measures are appropriately secured and provide adequate levels of compensation, whilst providing necessary flexibility to allow for refinements in detail in the post-consent period.</p> <p>The ExAs note that publicly available correspondence from the Secretary of State in relation to the decision stage for the Norfolk Boreas application requests additional environmental information with regard to possible HRA compensatory measures. This includes, for example,</p> | <p>Answer to Q3.2.8 (b)</p> <p>This answer should be read alongside our previous submissions on matters relating to compensation measures.</p> <p>The RSPB’s general position on the level of detail provided by offshore wind farm (and other) developers to date was set out in its response to the Hornsea Project Three “minded to consent” consultation at paragraph 1.1 of the RSPB’s submission dated 2 November 2020:⁷</p> <p>“1.1 Whilst we appreciate the substantial additional information presented by the Applicant and the constructive discussions held, the RSPB considers there remain significant uncertainties with regards to the proposed compensation package, which remains experimental in nature. The number of further agreements, consents and permissions that will be required to deliver the proposed compensation</p> |

⁷ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003259-RSPB.pdf>

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| | | <p><i>“confirmation of the selected site(s) for compensation strategies and details of how the site(s) will be acquired/leased”, as well as ‘an implementation timetable for when the compensation measures will be delivered and achieve their objectives in relation to the first operation of the wind farm”.</i></p> <p>a) In light of these requests, do the Applicants maintain their position that sufficient detail about the delivery of its without prejudice compensation measures has been submitted into this examination to enable the Secretary of State to discharge its duties as Competent Authority without the need for further consultation in the decision stage?</p> <p>b) Does Natural England or RSPB have any observations to make on this question? If you consider that additional detail on the implementation of compensation measures is necessary, please set out the main areas in which you consider detail to currently be lacking.</p> | <p>measures post-consent remains profoundly worrying, as there is no certainty that those can be agreed or granted. Consistent with our views expressed on other offshore wind farm compensation proposals, it is therefore not clear that sufficient information is available to be confident ecologically, financially nor legally that all necessary compensation measures will be secured in order to maintain the overall coherence of the Natura 2000 network.”</p> <p>Therefore, we consider there are requirements that should be subject to scrutiny at the Examination and settled before consent is granted in order to be confident any compensation measure has/can be secured and will have a reasonable guarantee of success. These, with some adaptation, are common to all such measures. The key issues are listed below:</p> <ul style="list-style-type: none"> • Nature/magnitude of compensation: Agreement on the scale of compensation required in relation to the predicted impacts and best estimate of the timeline by which the proposed compensation measure will achieve its objectives, the latter to work out the lead-in time necessary to ensure the overall coherence of the National Site Network is protected; • Location: legal securing of proposed compensation sites with ability to scrutinise evidence of (a) relevant consents bring secured and (b) relevant legal agreements to secure land to ensure compatibility with compensation objectives; • Monitoring and review: detailed monitoring and review packages agreed in advance including terms of reference and ways of working for any “regulators group” to oversee implementation of measure, review periods, feedback loops etc. |

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| | | | <p>Below we have summarised the main additional matters that should be addressed for each of the species where compensation measures have been proposed by the Applicants'. Note that this is not exhaustive.</p> <p>Kittiwakes: artificial nesting structures</p> <ul style="list-style-type: none"> • Confirmation of the selected sites for the artificial nesting structures and that they have been legally secured; • Evidence on available food supply for breeding kittiwakes at the proposed locations, including evidence on interaction/competition with existing colonies, especially SPA colonies; • Assessment of collision risk with existing and planned offshore wind farms; • Details of the terms of any legal agreements or options associated with the above to ensure they are consistent with the successful delivery of the compensation measures and will not act to undermine them; • Evidence that the relevant planning and other consents have been secured; • A meta-population analysis carried out to clarify dynamics between potential purpose-built artificial nest sites and SPA and other colony populations (see para 3.10 in the RSPB's submission to the Hornsea Project Three "minded to consent" consultation (dated 2 November 2020));⁸ • Detailed design of the compensation measure. <p>Guillemot/razorbill – island eradication</p> <p>The success or failure of island eradication schemes hinge on detailed feasibility work for specific selected locations.</p> |

⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003259-RSPB.pdf>

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| | | | <p>It is wholly inadequate to rely on a desk exercise and allude to the potential to find a suitable location at some point post-consent as the practical experience of the RSPB and others in designing, facilitating and completing eradication schemes demonstrate that there are many factors that can result in a promising location proving impractical or ecologically inappropriate.</p> <p>In this context, in order to provide the Examining Authority and the Secretary of State with the required confidence, it would be necessary to do the following (adapted from para 3.13 of REP4-097):</p> <ul style="list-style-type: none"> • Agree a shortlist of potentially suitable site(s); • For each suitable site carry out a full-scale feasibility study using a suitable eradication expert contractor. To be sure of a “reasonable guarantee of success”, any feasibility study must be carried out before DCO consent is granted and must be set against the 7 feasibility criteria set out in Table 1 on page 18 of the Manual of the UK Rodent Eradication Best Practice Toolkit (2018)¹² i.e.: <ul style="list-style-type: none"> • Technically feasible • Sustainable • Socially acceptable • Politically and legally acceptable • Environmentally acceptable • Capacity • Affordable. <p>Any biosecurity measures must be secured in perpetuity.</p> <p>In addition, similar considerations apply as per kittiwake above, albeit replacing collision risk with offshore wind farms with displacement.</p> |

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| | | | <p>Lesser black-backed gulls – predator management</p> <p>Our comments at paragraphs 3.15 and 3.16 in REP4-097 remain (and for ease of reference are adapted below). We remain critical of the narrow focus of the proposed measure on predator management and that other key factors critical to successful breeding (habitat quality, food availability, disturbance and flooding) should be fully addressed in identifying a suitable approach.</p> <p>In general terms, we identified the following issues that we consider still require to be addressed:</p> <ul style="list-style-type: none"> • Consideration of the feasibility of: <ul style="list-style-type: none"> • Creating a new habitat to support breeding lesser black-backed gulls outside of the existing protected area network for this species; • Measures to increase the population of a large colony not protected by the existing lesser black-backed gull protected area network. <p>We highlight the need for the following in addition to agreement on detailed design to meet agreed compensation objectives:</p> <ul style="list-style-type: none"> • Identifying and securing suitable location to meet all the breeding requirements of the species, including necessary legal agreements with landowners and consenting authorities to demonstrate compensation measures can be delivered at the location proposed; • Avoiding locations that expose birds breeding at compensation site to unnecessary risk e.g. collision risk with offshore wind farms <p>In addition, similar considerations apply as per kittiwake above.</p> |

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| 3.2.12 | The Applicants, Natural England, RSPB | <p>Without prejudice compensation measures [REP8-089]: duration of compensation measures</p> <p>The RSPB has highlighted [REP10-054] provisions in Schedule 14, Part 1, article 7 of the made Hornsea Project Three DCO, which require that artificial nest structures for kittiwake must be maintained beyond the lifetime of the authorised development if they are colonised, with routine and adaptive management measures continuing whilst the structures are in place. Schedule 18, Part 1, article 7 of the dDCO for this project does not include comparable provisions.</p> <p>a) Whilst noting the Applicants’ comments on pages 10 and 11 of [REP9-020], including that the EC Guidance does not explicitly require compensation measures to be provided in perpetuity, please could the Applicants set out the justification for taking a different approach in this case to that deemed to be necessary in the recently made DCO for Hornsea Project Three?</p> <p>b) Please could the Applicants set out the justification for departing from Defra advice³ to Competent Authorities that they “<i>should make sure the compensatory measures...will remain in place all the time they’re needed, which in most cases will be indefinitely</i>”?</p> <p>c) <u>To the Applicants, RSPB and Natural England</u> - The RSPB has raised this matter in relation to kittiwake, however arguably the principle has wider applicability, not least in this case to artificial nesting sites for gannet. Should an approach be taken in Schedule 18 Part 1 which requires the compensatory measures to remain in place beyond the decommissioning of the wind farm where those measures</p> | <p>Answer to Q3.2.12(c)</p> <p>The RSPB sets out its reasoning on this issue at paragraphs 2.15-2.20 in its response to the Hornsea Project Three “minded to consent” consultation⁹, and cross-referenced in para 3.12 of REP4-097. We have replicated the relevant text below:</p> <p><i>“The length of time the compensation is required</i></p> <p>2.15 The Applicant sets a cut-off point for provision of compensation measures at the end of life of the development i.e. 30 years. For example, the proposed DCO conditions effectively state in several places that the proposed compensation measure (artificial nesting structures) will be maintained in place and retained “...during the operation...” of the wind farm.</p> <p>2.16 The RSPB strongly disagrees with this approach and strongly recommends that the compensation be explicitly required by the Secretary of State to be provided beyond the lifetime of the wind farm. The Applicant’s cost estimates will need to be revised accordingly.</p> <p>2.17 There are two key factors that require the compensation to be provided beyond the lifetime of the wind farm:</p> <ul style="list-style-type: none"> • Time lag in the colony reaching the necessary population size meaning there is likely to be a significant delay before the required population is reached (based on the Applicant’s own evidence this could be c.15-20 years, despite a separate assertion that it will produce the |

⁹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003259-RSPB.pdf>

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| | | <p>have been colonised, which of the other Parts of Schedule 18 (i.e. which other compensation measures), if any, might require similar amendment?</p> <p>d) Further to the question in part (c), what does Natural England consider would happen to these sites in terms of their management and status if they were to be maintained after the wind farm has been decommissioned?</p> <p>e) Could the Applicants please explain any implications of the above approach for the Offshore Ornithology Compensation Measures Funding Statement [REP8-081]?</p> | <p>required population within 5 years, see paragraphs 3.19-3.29 below);</p> <ul style="list-style-type: none"> The time taken for the kittiwake population at FFC SPA to recover from the accumulated annual losses of breeding adults over 30 years once the wind farm has ceased operation. The development’s impact on the FFC SPA will go substantially beyond the lifetime of the development. <p>2.18 The RSPB set out its concern regarding recovery of the FFC SPA population in the “Long-term implementation” section of Tables 7 and 8 of its April 2020 submission:¹⁰</p> <p><i>“The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts.”</i></p> <p>2.19 Unless these issues are acknowledged and addressed, the RSPB is seriously concerned that that compensation will fail to meet its objective stated at paragraph 3.10 of the Kittiwake Compensation Plan to “deliver 73 adult (breeding age) kittiwake into the regional (East Atlantic) population per annum”.</p> <p>2.20 We strongly recommend the compensation measures be required to be in place until such time as it is predicted the FFC SPA will have recovered from the scheme’s impacts (see sections 3 and 4 below).”</p> |

¹⁰ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004251-RSPB%20-%20Comments%20on%20Responses.pdf>

| Question | Question to: | Question | RSPB answer |
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| | | | <p>The RSPB agrees with the Examining Authority that the same logic applies to all other species and or features for which compensation measures are required i.e. the compensation measures should be in place beyond the decommissioning of the wind farm until such time as the relevant feature is deemed to have recovered from the scheme’s impacts. This is especially given the uncertainties associated with the compensation measures proposed for each species, and the potential need for both adaptive management measures and additional compensation measures.</p> <p>In the context of the RSPB’s position on the EA1N/2 projects, it would apply to those species which the RSPB has concluded it is not possible to avoid an adverse effect on the integrity of the relevant SPA.</p> |
| 3.2.15 | Natural England, RSPB | <p>Without prejudice compensation measures [REP8-089]: quantification of effects</p> <p>In a number of appendices to [REP8-089], the Applicants advance the argument that, “(t)he Project’s impacts are small compared with those for most other windfarms, and would also be more than offset by the difference between the total collisions based on consented windfarm designs compared with as-built designs”.</p> <p>How do Natural England and the RSPB respond to this statement?</p> | <p>The RSPB’s most recent submission on this issue of “consented versus built-out capacity” (sometimes known as “headroom”) was made at Deadline 15 of the Norfolk Boreas examination, at paragraphs 9.4-9.5 (repeated below, from RSPB Norfolk Boreas REP15-013):¹¹</p> <p>“9.4 The Applicant refers to projects in the in-combination assessment that have been built out to a lower capacity than that consented as a source of precaution within the assessments. As discussed in our earlier written submissions, this is an acceptable point for windfarms where the Development Consent Order (DCO) has been amended and therefore there is legal certainty regarding the reduction. However, where windfarms still have their original DCOs and therefore</p> |

¹¹https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002478-DL15%20-RSPB%20response_Norfolk%20Boreas_Deadline%2015%20submission_FINAL.pdf

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| | | | <p>the ability to construct more wind turbines, it is not appropriate to do anything less than consider the full extent of those DCOs when considering in-combination/cumulative effects.</p> <p>9.5 The Applicant cites an unpublished report commissioned by the Crown Estate (Appendix 2 of The Applicant’s comments on Written Representations and Additional Submissions; REP3-007). This report, which was not designed for use in assessment, was flawed for several reasons and took an approach counter to the principles of sustainable development. Rather than seeking to achieve maximum capacity for least environmental effect, the report implied that the calculated ‘headroom’ for each species is simply expendable. Furthermore, no new knowledge and understanding was accommodated within the report, for example, there was no clarity on the accuracy of the underlying baseline data sets, uncertainties within the modelling and expression of confidence intervals for the outputs of those models. In the absence of this context, the report cannot be relied upon to be used to inform assessment.”</p> <p>In respect of the applicant’s statements that “(t)he Project’s impacts are small compared with those for most other windfarms”, the RSPB refers the Examining Authority to its earlier submissions, in particular the Population Viability Analysis graphs REP4-097:</p> <ul style="list-style-type: none"> • Kittiwake para 2.9/Figure 1; • LBBG, para 2.10/Figure 2. <p>In the context of ongoing in-combination impacts, each scheme’s incremental contribution to the overall in-combination impacts will act to further reduce those populations (see answer to Q3.2.5 above) and move them further away from achieving their conservation objective</p> |

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| | | | (be that to maintain or restore its population for the individual species). Therefore, the EA1N/2 projects will contribute to the loss of SPA integrity for the affected species. |
| 3.2.16 | Natural England, RSPB | <p>Compensatory measures for the guillemot and razorbill features of the FFC SPA</p> <p>In response to Natural England's advice [REP9-065] that because the FFC SPA is classified for the <i>albionis</i> sub-species of guillemot, compensation should be ideally directed towards this sub-species, the Applicants make the case [REP10-017, page 14] that the <i>albionis</i> and <i>aalge</i> sub-species are probably not biologically valid classifications or genuinely separate populations, and therefore that compensation at colonies within the range of <i>aalge</i> would still improve the conservation status of colonies in the <i>albionis</i> area.</p> <p>Do Natural England and RSPB accept the evidence and logic progressed by the Applicants in this regard? If not, please explain and evidence your position.</p> | <p>The RSPB notes the Applicants' response to Natural England. We also note the following:</p> <ul style="list-style-type: none"> • The Flamborough and Filey Coast SPA was classified in 2018, following consultation in 2014. The SPA was, as Natural England states, based on its qualification for the <i>albionis</i> sub-species. This is one of the two main sub-species breeding in the UK; • The responsibility for the official list of species recorded in the UK lies with the British Ornithologists' Union. It recognises three sub-species of common guillemot as occurring in the UK, including both <i>aalge</i> and <i>albionis</i>.¹² • The current BOU official list is in turn based on version 10.2¹³ of the official world bird list maintained by the International Ornithological Congress¹⁴, which also recognises three UK sub-species of common guillemot <p>Therefore, given that all of these post-date the references cited by the Applicants', we see no reason to vary from Natural England's advice on this matter. Notwithstanding the genetic analysis of Morris-Pocock <i>et al.</i>, 2008, the analytical procedures for which are now somewhat dated and which did not include any genetic material from English <i>albionis</i> birds, there remain well established morphological differences between the sub-species. <i>Albionis</i> birds are considerably darker than <i>aalge</i>, and are</p> |

¹² See page 212 in: British Ornithologists' Union (BOU). 2018. The British List: a Checklist of Birds of Britain (9th edition). *Ibis* 160: 190-240 available at <https://onlinelibrary.wiley.com/doi/full/10.1111/ibi.12536> .

¹³ <https://bou.org.uk/british-list/>

¹⁴ <https://www.worldbirdnames.org/new/>

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| | | | <p>also smaller and lighter. As such we accept the current position of the British Ornithologists' Union and the International Ornithological Congress and view these as sub-species.</p> <p>We support the implication of NE's position in REP9-095 that in seeking to identify compensation measures with a reasonable guarantee of success, the hierarchical search for such measures should be applied in the following sequence:</p> <ul style="list-style-type: none"> • <i>albionis</i> sub-species • <i>aalge</i> sub-species. |

RSPB
June 2021