



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

Submitted for Deadline 12

28 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 11 submissions for each scheme entitled “Applicants’ Comments on the Royal Society for the Protection of Birds’ Deadline 10 Submissions” (both numbered REP11-055).

Scope of Written Submission

- 1.3 This Written Submission covers points relating to kittiwake artificial nesting structures in Table 1 in REP 11-055 with the references:
 - Points 12 (&13a)
 - Timing.
- 1.4 It should be read in conjunction with the RSPB’s previous submissions to the Examination, in particular our submissions at Deadline 4 (REP4-097), Deadline 8 (REP8-171), Deadline 9 submission (REP9-071), Deadline 10 (10-054) and Deadline 11 (REP11-127). This submission also takes account of the RSPB’s final position on adverse effect on integrity conclusions that are set out in a final Offshore Statement of Common Ground (SOCG) with the Applicant (REP8-105) submitted at Deadline 8 and summarised in RSPB REP8-171.

2 Response to Applicants' REP11-055

- 2.1 As noted above, we have limited our response to the Applicants' comments under "Points 12 (&13a)" and "Timing" in relation to artificial nesting structures and kittiwakes. We address both together.
- 2.2 The RSPB acknowledges that in the examples given that breeding success is higher in artificial nest sites than natural. However this situation is complicated and will be dependent on local conditions, such as the presence of predators (e.g. in the Christensen-Dalsgaard *et al.* study cited predation by white-tailed eagle is described as a driver in the difference in breeding success, which currently is unlikely to be a problem in south and east England).
- 2.3 It is known that a number of artificial sites have been established but have never been colonised, some colonised but have not reached full capacity, and that productivity varies between colonies (natural and artificial). The Hornsea Project Three *Response to the Secretary of State's Minded to Approve Letter Annex 2 to Appendix 2: Kittiwake Artificial Nest Provisioning: Ecological Evidence* is helpful in this respect:¹
- Table 3.2 shows purpose made artificial nesting sites for kittiwake that have been successful. However it is important to note that the same table points out that several of these colonies have undergone declines and none has ever reached its design capacity;
 - Table 3.3 shows purpose made artificial nesting sites for kittiwake where birds have (as yet) failed to colonise; and
 - Table 4.3 highlights the variability in productivity trends between natural, artificial and mixed sites, with a natural site (Coquet Island Special Protection Area) higher than listed artificial sites, and all but one of the sites listed showing a downward trend.
- 2.4 Furthermore, natural colonisation of artificial nesting structures is fundamentally different from colonisation of structures deliberately provided at locations chosen by humans. We welcome the Applicants' acknowledgement of our key point that such measures are not proven from the perspective of the deliberate provision of compensation measures.

¹ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003241-HOW03_30Sep_Appendix_2_Annex_2%20Ecological%20Evidence%20\(06543000_A\)%20combined%20\(06543760_A\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003241-HOW03_30Sep_Appendix_2_Annex_2%20Ecological%20Evidence%20(06543000_A)%20combined%20(06543760_A).pdf)

2.5 Critical unknown elements for the successful provision of such compensation measures include:

- Whether or not there is an existing shortage of nesting locations;
- Whether any colonising birds represent simply a shift in local distribution of existing breeders or are genuinely additional birds being recruited in to the breeding population;
- Whether or not there is an adequate and sustainable food supply available to birds choosing to nest in that location;
- Whether birds choosing to nest at the location will compete with existing colonies for food, including SPA colonies in decline.

2.6 Overall, in simple terms, it is one thing for kittiwakes to colonise an artificial structure naturally (treating it like any other natural location) and either be successful or not, it is quite another to guarantee that kittiwakes will colonise a specific structure deliberately provided for them at a particular location and further guarantee they will breed successfully. This goes to the heart of the question of whether a compensation measure can be secured with a “reasonable guarantee of success”.

2.7 In the section on “Timing” the Applicants’ reiterate their view that:

“...given the very small number of predicted mortalities for all of the species considered in the compensation measures document, the Applicants consider that while there is a risk of incurring a ‘mortality debt’, the size of debt for a delay remains extremely small and would readily be recouped within a year or two of measures becoming effective.”

2.8 The RSPB makes the following comments:

- The fundamental points are (i) whether the birds colonise and (ii) how successful they are. If they colonise but are unsuccessful, then the colony is acting as a population sink, so could act to exacerbate population loss.
- The predicted mortalities from the applications may be small, but there is uncertainty around the accuracy of these. Therefore, greater certainty is required in the confidence in the compensation measure.