Hornsea Project Three
Offshore Wind Farm

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Draft Statement of Common Ground between Hornsea Project Three and the Royal Society for the Protection of Birds

Date: March 2019

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Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2018.

Revision History

Version	Date	Author	Context
1	August 2018	Orsted	Pre-examination: Initial draft for discussion with the RSPB
2	November 2018	Orsted	Revision based on the RSPB comment and phone call on 12.11.2018
3	March 2019	Orsted & RSPB	Final revision following discussions and correspondence between the Applicant and the RSPB.

Signatories

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Table of Contents

List of Tables

Acronyms

Acronym	Description
CoCP	Code of Construction Practice
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EWG	Expert Working Group
Ex.A	Examining Authority
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Directional Current
HDD	Horizontal Directional Drilling
MHWS	Mean High Water Springs
LSE	Likely Significant Effect
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
RIAA	Report to Inform Appropriate Assessment
RSPB	The Royal Society for the Protection of Birds
SoCG	Statement of Common Ground

1. Introduction

1.1 Overview

1.1.1.1 This Statement of Common Ground (SoCG) has been prepared by Hornsea Project Three ('the Applicant') and The Royal Society for the Protection of Birds (the RSPB) (together 'the parties') as a means of clearly stating the areas of agreement, disagreement and areas still being discussed between the two parties in relation to the proposed Development Consent Order (DCO) application for the Hornsea Project Three offshore wind farm ('the Project'). This SoCG does not deal with or extend to any development other than the Project.

1.2 Approach to SoCG

1.2.1.1 This SoCG has been developed during the pre-application and examination phases of the Hornsea Three. In accordance with discussions between the parties, the SoCG is focused on those offshore and onshore issues raised by the RSPB within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties. This SoCG also includes those issues raised by RSPB during the post-application phase (i.e. relevant representations and pre-examination meetings).

1.2.1.2 The structure of this SoCG is as follows:

- Section 1: Introduction;
- Section 2: Consultation;
- Section 3: Agreements Log; and
- Section 4: Summary.

1.2.1.3 It is the intention that this document will help facilitate post application discussions between both parties and also give the Examining Authority (Ex.A) an early sight of the level of common and uncommon ground between both parties from the outset of the examination process.

1.3 The Development

1.3.1.1 Hornsea Three is a proposed offshore wind farm located in the southern North Sea, with a total generating capacity of up to 2,400 MW and will include all associated offshore (including up to 300 turbines) and onshore infrastructure.

1.3.1.2 The key components of Hornsea Three include:

- Turbines and associated foundations;
- Turbine foundations;
- Array cables;
- Offshore substation(s), and platform(s) and associated foundations;
- Offshore accommodation platform/s and associated foundations;
- Offshore export cable/s;
- Offshore and or Onshore HVAC booster station/s (AC transmission option only);
- Onshore cables; and
- Onshore HVDC converter/HVAC substation.

1.3.1.3 The Hornsea Three array area (i.e. the area in which the turbines are located) is approximately 696km^2, and is located approximately 121 km northeast off the Norfolk coast and 160 km east of the Yorkshire coast.

1.3.1.4 The Hornsea Three offshore cable corridor extends from the Norfolk coast, offshore in a north-easterly direction to the western and southern boundary of the Hornsea Three array area. The Hornsea Three offshore cable corridor is approximately 163 km in length.

1.3.1.5 From the Norfolk coast, underground cables will connect the offshore wind farm to an onshore HVDC converter/HVAC substation, which will in turn, connect to an existing National Grid substation. Hornsea Three will connect to the Norwich Main National Grid substation, located to the south of Norwich. The Hornsea Three onshore cable corridor is 55 km in length at its fullest extent.

2. Consultation

2.1 Application Elements of interest to the RSPB

2.1.1.1 The RSPB is the largest wildlife conservation organisation in Europe and the stated focus of its work is on the conservation of threatened species and habitats and it operates at international, national, regional and local levels.

2.1.1.2 The RSPB's work includes protecting, restoring and managing habitats for birds and other wildlife, researching the problems facing them and the environment, and working with decision makers on their behalf.

2.1.1.3 Work Nos. 1 to 5 (offshore works) and Work Nos. 6 to 15 (onshore works) detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Hornsea Three: the RSPB has restricted its consideration of the elements which are likely to affect ornithological interests.

2.2 Consultation Summary

2.2.1.1 This section briefly summarises the consultation that Hornsea Project Three has undertaken with the RSPB. Those technical components of the development consent application of relevance to the RSPB (and therefore considered within this SoCG) comprise:

- Offshore Ornithology;
- Ecology and Nature Conservation (onshore)

Pre-application

2.2.1.2 The Applicant has engaged with the RSPB on Hornsea Three during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.

2.2.1.3 **Error! Reference source not found.** summarises the consultation undertaken between the parties during the pre-application phase, including consultation through scoping, consultation on the Preliminary Environmental Information Report (PEIR) and further section 42 consultations in late 2017.

2.2.1.4 In addition to section 42 consultation, the Applicant held several meetings with the RSPB through the Evidence Plan process (further detail of this consultation is presented in the Consultation Report, Annex 1 - Evidence Plan; Document A5.5.1).

2.2.1.5 **Error! Reference source not found.** summarises the consultation undertaken between the parties during the post-application phase.

Table 2-1: Pre-Application Consultation with the RSPB

Date	Detail
10.03.2016	Meeting to discuss process and offshore ornithology surveys
13.04.2016	Meeting to discuss scope of meta-analysis and survey methodology
27.07.2016	Meeting to discuss surveys of Export Cable Route
21.11.2016	Meeting to discuss EIA scoping, HRA screening and assessment methodology
17.02.2017	Onshore Ecology Expert Working Group meeting with TWT, Natural England, Norfolk County Council, Environment Agency and North Norfolk District Council also attending.
29.03.2017	Offshore Ecology Expert Working Group: Meeting to discuss response to EIA scoping, collision risk modelling, response to HRA screening, baseline characterisation and assessment methodology
28.04.2017	Onshore Ecology Expert Working Group meeting with TWT, Natural England, Norfolk County Council, Environment Agency and North Norfolk District Council also attending.
05.06.2018	Offshore Ecology Expert Working Group: Meeting to discuss meta-analysis and baseline characterisation
25.07.2017	Onshore Ecology Expert Working Group meeting with TWT, Natural England, Norfolk County Council and the Environment Agency also attending.
02.11.2007	Onshore Ecology Expert Working Group meeting with TWT, Norfolk County Council and the Environment Agency also attending.
23.11.2017	Offshore Ecology Expert Working Group: Meeting to discuss baseline characterisation, assessment methodology
19.02.2018	Onshore Ecology Expert Working Group meeting with TWT, Norfolk County Council, Environment Agency and North Norfolk District Council also attending.
27.02.2018	Offshore Ecology Expert Working Group: Meeting to discuss Population Viability Modelling, HRA screening, baseline characterisation and assessment approach
23.03.2018	Onshore Ecology Expert Working Group meeting

Table 2-2: Post Application Consultation with the RSPB

Date	Detail
08.08.18	Meeting to discuss the RSPB's relevant representation and the initial suggested version of the SoCG supplied by Ørsted.
12.11.18	Meeting to discuss updates to the SOCG and outstanding points of discussion
25.01.19	Meeting to discuss updates to the SOCG and outstanding points of discussion

3. Agreements Log (offshore)

3.1.1.1 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 2) as it relates to seaward of MLWS. In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

3.1.1.2 Section 4 of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 2) as it relates to landward of MHWS.

3.2 Offshore Ornithology

3.2.1.1 The Project has the potential to impact upon Offshore Ornithology and these interactions are duly considered within Volume 2, Chapter 5 of the Hornsea Project Three Environmental Statement. Table 3.1 identifies the status of discussions relating to this topic area between the parties.

Table 3-1: Offshore Ornithology

Discussion Point	Hornsea Project Three Position	The RSPB's Position	Final Position
Environmental Impact Assessment			
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to offshore ornithology and has given due regard to them within the assessment	Agreed.	Agreed
Baseline environment	Sufficient site-specific data (comprising twenty months of aerial survey data, including two breeding seasons, and data from an extensive, historical boat-based survey programme that covered Hornsea Three conducted between March 2010 and February 2013) has been collated to appropriately characterise the baseline environment.	Disagree. The RSPB does not agree that the twenty months of aerial survey data is sufficient, and a minimum of twenty four consecutive months should be provided. Ideally even more should be provided to show the natural temporal and spatial variability in seabird density but the RSPB acknowledges that 24 months can be used but 20 months is inadequate to account for such variability, especially given the 35 year proposed operational period.. The RSPB acknowledge the Clarification Note provided by the Applicant, with regard to Baseline Characterisation Sensitivity Testing. While the presentation of the results of an alternative hierarchical method are of contextual interest, the note, like the previous meta-analysis, does not provide sufficient evidence to argue that 20 months is an adequate survey period.	Disagree
	The methodologies and techniques used to analyse aerial survey data are appropriate for providing data to enable baseline characterisation of the Project. This	Although we agreed that the methodologies used with regard to availability bias and unidentified birds are appropriate, the RSPB would welcome analysis of data	Agreed

	includes the calculation of population estimates and densities and methodologies used to correct for non-detection of diving species (availability bias) and unidentified birds.	from all four aerial cameras recording during the surveys in order to better account for variability in density. This is due to the disagreement relating to the 20 months survey period.	
	Flight height data obtained during project-specific aerial surveys is inadequate to inform collision risk modelling.	Agreed.	Agreed
	The existing Hornsea zonal boat based data coupled with the generic data from Johnston *et al*., (2013) with corrigendum is an appropriate method to establish flight height distributions for key species.	Both these sources are suitable, although Johnston *et al.,* (2013) with corrigendum, is the preferred, default method, and we would want a biologically feasible explanation for any differences between the two sources. We would also prefer if the flight heights described in Skov *et al*.,(2018) were also presented.	Disagreed
Assessment methodology	The list of Valued Ornithological Receptors (VORs) is appropriate and includes all species for which assessments are required	The RSPB disagreed with herring gull being screened out of the EIA. Herring gull is currently red listed in Birds of Conservation Concern 4. Numbers recorded on the Hornsea Project Three array area in the breeding season are relatively high (221 in June 2017) and therefore the RSPB asked for further consideration to be made in the assessment. The RSPB acknowledges the Clarification Note on herring gull provided by the Applicant which conducts this assessment and based on this can now agree to this point.	Agreed
	The potential effects identified within the Ornithology chapter represent a complete list of potential effects on Ornithology from the Project	As above	Agree

	The collision risk modelling approach (i.e., using Band model Options 1, 2 and 3 at appropriate avoidance rates with results presented for all recommended Options and avoidance rate scenarios) is appropriate for informing the assessment of collision effects on ornithology and includes all species at risk of collision impacts.	Disagree. The RSPB acknowledge that a range of Options and avoidance rates scenarios have been presented, but disagrees that all of these are appropriate or recommended. In particular: • We consider that the Marine Scotland Avoidance Rate Report and the subsequent peer reviewed paper (Cook *et al.*, 2018) demonstrated that insufficient information exists for a robust Avoidance Rate to be set for gannet for use with the Band Extended Model. Consequently, and as recommended by the Statutory Nature Conservation Bodies (SNCBs) Option 3 of the Band Extended Model cannot be used to calculate the collision risk for this species. • We consider that the Marine Scotland Avoidance Rate Report and the subsequent peer reviewed paper (Cook *et al.*, 2018) demonstrated that insufficient information exists for a robust Avoidance Rate to be set for kittiwake for use with the Band Extended Model. Consequently, and as recommended by the Statutory Nature Conservation Bodies (SNCBs) Option 3 of the Band Extended Model cannot be used to calculate the collision risk for this species. • The assessment fails to use the avoidance rate for kittiwake recommended by the SNCBs for the Basic Band Model.	Disagree

	Collision risk modelling has included an appropriate level of consideration of uncertainty and variability in relevant input parameters through associated estimates being incorporated into the assessments for each species presented in the EIA and RIAA.	Disagree. The RSPB welcome the inclusion of some elements of uncertainty in the assessment arising from variability in density, flight height and avoidance rate. However this is not a complete consideration of uncertainty in the modelling process. Uncertainty in CRM arise from variability in all the input variables and as through observer and model error. All these aspects have not been fully considered, neither has the intersection between these sources of variability. A more robust manner of doing this would be via the recent stochastic Collision Risk model, produced by MacGregor *et al.* (2018).	Disagreed
	Collision risk modelling has been undertaken for migratory seabirds (Arctic skua, great skua, common tern, Arctic tern and little gull), waders and wildfowl. The suite of species included is appropriate and consistent with other projects located in the former Hornsea Zone.	The RSPB agrees with the list of migratory seabird species that have been considered.	Agreed
	The empirically derived nocturnal activity factors for gannet and kittiwake are appropriate. There is insufficient evidence to support a change in the nocturnal activity factors applied for lesser black-backed gull or great black-backed gull. In addition, it is considered appropriate to consider these over-estimations in a qualitative fashion as part of relevant cumulative and in-combination assessments.	Disagree: The RSPB do not agree with the changes in Nocturnal Activity Factor for kittiwake and gannet. The supporting analysis does not include all available data and does not account for the distinction between the definition of daylight as used in the Band Model and the official concept of 'twilight' and 'night', including civil, astronomical and nautical twilight. Nor does it account for the potential interaction between survey timing and diurnal behavioural patterns. Seabird foraging activity often peaks at first and last light. There is a danger that these peaks are not accounted for in the assessment	Disagree

		either because they have been removed from the analysis by and overly simplified definition of day and night or because the survey was carried out at a time of much lower activity. The evidence presented by the applicant for changes in NAFs is inconsistent. For example, three different gannet NAFs are suggested in the three documents cited (MacArthur Green, 2015, Macarthur Green 2018, and Furness *et al.,* 2018, (only the latter of which is peer reviewed)) despite them being by the same authors. This is indicative of the high level of uncertainty in the calculation of NAFs. The RSPB acknowledge that they accepted a NAF of 2 for kittiwake in the Forth and Tay scoping Advice produced by Marine Scotland, however this was prior to our understanding of the distinctions in the definition of daylight and the degree of uncertainty inherent in the process. For this reason we prefer that alongside a NAF of 2, the results for kittiwake are also presented with a NAF of 3, until such a time as a more realistic range of values can be incorporated into a stochastic CRM. Notwithstanding the above, the RSPB welcome the presentation of a range of NAFs by the applicant in REP4-049 and REP6-043 and acknowledge that these include the RSPB's preferred values. However these	

		values have not been ultimately taken forward to the final assessment of the scale of impact. Agree: The RSPB agree that there is insufficient evidence to support a change in the nocturnal activity factors applied for lesser black-backed gull or great black-backed gull.	
	All species at risk of disturbance and displacement impacts have been identified and assessments in the EIA and RIAA conducted following recommended guidance	Agreed	Agreed
	The displacement and mortality assumptions are appropriate for informing the assessment of displacement effects on ornithological receptors with information provided to allow readers to conduct their own assessment, if deemed necessary.	The displacement and mortality assumptions are appropriate but it is important to note that due to incomplete data there is uncertainty associated with these assumptions, particularly around density.	Agreed
	Summing seasonal displacement effects has a notable potential for double-counting any displacement impact. It is therefore not considered appropriate to sum seasonal displacement impacts in the EIA and RIAA.	The RSPB notes that Natural England does not agreed with the seasonal definitions for several species, in particular gannet and puffin. We note that the SNCBs recommended approach is to use the mean seasonal peak for the displacement analysis and we support this approach as being suitably precautionary.	Disagree
	It is appropriate that the displacement analyses for red-throated diver and common scoter use data sourced from Lawson *et al.* (2016). These data supported the designation of the Greater Wash SPA, at which both species are qualifying features, and is considered to	Agreed. However, the RSPB highlights that there is emerging information, particularly from German studies of even higher displacement of red-throated diver from offshore windfarms.	Agreed.

	represent the best available evidence to support the assessments presented in the EIA and the RIAA.		
	The assumptions relating to seasonality (breeding / post breeding / wintering / pre-breeding) of species are evidence-based and appropriate to inform the assessment.	The RSPB is concerned about the manner in which the biological seasons have been defined. These should follow the definition of "Breeding Season" as presented in Furness (2015), not 'migration free breeding season'. We would also disagree that these are evidence based as they do not conform to the breeding seasons as delineated by onsite records from the principal colonies affected.	Disagreed
	The biogeographic population sizes used to inform assessments have been sourced from relevant literary sources and represent the most appropriate populations for each species.	Agreed.	Agreed
	The definitions used for magnitude and sensitivity are appropriate and consistent with those used at other offshore wind farm projects (e.g. Hornsea Project Two, East Anglia Three)	Agreed.	Agreed
	The worst case scenarios identified for each effect (as detailed in the Environmental Statement in Table 5.8 of Volume 2, Chapter 5 – Offshore Ornithology (APP-066)) are appropriate based on the information presented in the Project Description	Agreed	Agreed
	The lists of projects screened into the cumulative and in-combination assessments are appropriate. A three tier system has been applied to allow for consideration of confidence in the impacts associated with the	Agreed	Agreed

	differing potential of projects to proceed to an operational stage and is appropriate. The screening of other projects (in addition to offshore wind farms) is covered in the Environmental Statement , Volume 4, Chapter 5.2: Cumulative Effects Screening Matrix (APP-097)		
	The cumulative collision and displacement mortality totals have an associated level of uncertainty. An appropriate tiering approach has been implemented to account for the likelihood of projects proceeding to operation.	The RSPB agree with tiering approach used.	Agreed
	Consideration has also been given to other areas of uncertainty within cumulative and in-combination assessments (as-built scenario and nocturnal activity factors) with likely differences calculated and considered in assessments qualitatively (for example, for kittiwake see paragraphs 7.7.2.28 to 7.7.2.29 and tables 7.37 and 7.38 in the RIAA (APP-051)). Consideration of these areas of uncertainty is appropriate	The RSPB do not agree with the manner in which uncertainty has been considered via the application of "correction" factors, such as those for Nocturnal Activity and proportional changes to as-built scenarios. The application of these "corrections" does not consider uncertainty rather it identifies areas where there *may* be overestimates of mortality and seeks to reduce these, often with scant empirical evidence.	Disagree
Assessment conclusions	The assessment of potential effects on ornithology receptors due to disturbance, accidental pollution, indirect effects, barrier effects and attraction to lit structures is appropriate and no impacts from the construction, operation and or decommissioning of the Project will be significant in EIA terms	Agreed.	Agreed
	The assessment of potential effects on ornithology receptors due to displacement impacts is appropriate	Agreed The RSPB previously disagreed with the exclusion of the non-breeding guillemot and razorbill	Disagreed

	and no impacts from the construction, operation and or decommissioning of the Project will be significant in EIA terms.	populations on the Flamborough and Filey Coast SPA. The submission of REP5-014 by the Applicant has addressed those concerns and is welcome. Disagreed Concerns with the inadequacy of survey effort remain however remain, consequently the assessment on ornithological receptors from displacement impacts is not appropriate.	
	The assessment of potential effects on ornithology receptors due to collision risk impacts is appropriate and no impacts from the operation of the Project will be significant in EIA terms	The RSPB disagrees with this conclusion. As a result of the concerns highlighted above in relation to collision risk the RSPB considers that it is not currently possible to reach such a conclusion about the impacts from construction, operation and decommissioning of the Project.	Disagreed
	The assessment of potential effects on ornithology receptors due to collision risk impacts is appropriate and no impacts from the construction and/ or decommissioning of the Project will be significant in EIA terms		Agreed
	The cumulative assessment of potential effects on ornithology receptors is appropriate and no impacts from the construction, or decommissioning of the Project offshore will be significant in EIA terms	Disagree. As it is not currently possible to agree with the EIA conclusions for the impact of the project alone it is also not possible to agree with the conclusion that there will be no impacts that are significant in EIA terms. The RSPB note that this point is restricted to the construction and decommissioning of the Project, but does not extend to cover its operation and wishes to understand why the project is being *sliced* up in this	Disagree

		way. In addition consideration of the whole ES, offshore and on shore should be had.	
	The cumulative assessment of potential operational displacement effects on ornithology receptors is appropriate with no significant impacts predicted when Tier 1 projects are considered alongside Hornsea Three for puffin, razorbill and guillemot	The RSPB disagrees. If it is not possible to agree with the impacts of the project alone it is not possible to agree to its impacts when considered in combination with other plans or projects.	Disagree
	The cumulative assessment of potential operational collision risk effects on ornithology receptors is appropriate with no significant impacts predicted when Tier 1 projects are considered alongside Hornsea Three for gannet and kittiwake	The RSPB disagrees. If it is not possible to agree with the impacts of the project alone it is not possible to agree to its impacts when considered in combination with other plans or projects.	Disagree
Report to Inform Appropriate Assessment			
Screening	The list of sites identified for inclusion in the RIAA (i.e. those for which an LSE was identified) is comprehensive. Potential LSEs are predicted for impacts associated with displacement/disturbance and collision only in relation to features designated at: • FFC SPA – Fulmar, gannet, kittiwake, guillemot, razorbill and puffin • Farne Islands – fulmar • Coquet Island – fulmar • Forth Islands – fulmar • Greater Wash SPA – red-throated diver, common scoter and Sandwich tern	The RSPB agrees with this list of species and the protected sites identified.	Agreed

Assessment Methodology	It is appropriate that connectivity has been assumed between Hornsea Three and the gannet feature of FFC SPA based on tracking data for the species from FFC SPA (Langston *et al.*, 2013).	Agreed.	Agreed
	It is appropriate that connectivity has been assumed between Hornsea Three and the kittiwake feature of FFC SPA based on tracking data for the species from FFC SPA that shows a limited number of tracks overlapping with Hornsea Three.	Agreed that it is appropriate to assume connectivity between Hornsea Three and kittiwake	Agreed
	On a precautionary basis, it is appropriate that connectivity has been assumed between Hornsea Three and the puffin feature of FFC SPA due to the uncertainty associated with the foraging ranges presented in Thaxter *et al.* (2012). Based on the relationship between foraging range and breeding success, it is however, considered unlikely that significant proportion of breeding adults from FFC SPA will occur at Hornsea Three during the breeding season,	Agreed.	Agreed
	It is appropriate that the assessment has assumed it unlikely that breeding guillemot and razorbill from FFC SPA will utilise Hornsea Three as a foraging area in the breeding season. This is based on foraging range data (Thaxter *et al.,* 2012; Birdlife International, 2014; Wakefield *et al.,* 2017 and data received from the RSPB), the relationship between foraging range and breeding productivity and limited observations of birds carrying fish within the Hornsea Three area	Agreed	Agree

	The apportioning approach for gannet and kittiwake is appropriate and has followed the approach agreed with SNCBs and subsequently applied by the Secretary of State as part of the application process for previous offshore wind farm projects (e.g. Hornsea Project Two). Specific points that underpin this approach comprise: - In the breeding season, site-specific data (age class data from historical boat-based surveys) has been used to calculate an apportioning value. - Age class data collected as part of historical boat-based surveys. This is due to the limitations of aerial surveys in capturing age class data and the larger dataset associated with the boat-based survey programme (see Annex 3: Phenology, connectivity and apportioning for features of FFC SPA). - In the post and pre-breeding seasons, apportioning values have been calculated using the population data presented in Furness (2015).	Disagree: The RSPB disagree with the Apportioning Rates used to evaluate the proportion of kittiwake populations in the Hornsea Three area that will have come from the Flamborough Head and Bempton Cliffs SPA/ Flamborough and Filey Coast SPA. The RSPB consider that the analysis done is not sufficiently precautionary and does not fully take account of all the available tracking data. Agree: The RSPB agrees with the Apportioning Rates used for breeding season gannets.	Disagreed
	It is appropriate that for guillemot and razorbill, it is considered unlikely that connectivity exists between birds from FFC SPA and Hornsea Three and as such an apportioning value is not required for breeding adult birds in the breeding season. Consideration has been given to the impact on immature birds associated with FFC SPA in the breeding season. In the relevant non-breeding seasons, apportioning values have been calculated using the population data presented in Furness (2015).	Agree While acknowledging the uncertainty in assessment, the RSPB consider that the probability of a non-breeding bird being associated with a particular colony will be higher the closer to the colony the bird is and that this probability is also higher in proportion to the size of the colony. As such, the RSPB requested that a relatively simple apportioning calculation, broadly similar to that used in the SNH Apportioning Tool, with a distance-density function used to calculate the proportion of non-breeders associated with each SPA,	Disagreed

		such as those identified for razorbill in Annex 3 of HRA report. The RSPB acknowledge that this exercise has now been carried out by the Applicant (REF). Disagree Despite the above, concerns remain regarding duration of bird surveys used to inform original assessment.	
	It is appropriate for puffin, that an evidence-based apportioning approach combined with site-specific age class data from historical boat-based surveys has been applied. This indicates that the presence of breeding adult puffin from FFC SPA at Hornsea Three is highly unlikely. Therefore no impact from Hornsea Three has been apportioned to the breeding adult population of puffin at FFC SPA during the breeding season. In the non-breeding season, apportioning values have been calculated using the population data presented in Furness (2015).	The RSPB agree that there is unlikely to be an impact from Hornsea three on the breeding adult population of puffin at FFC SPA. However we do have residual concerns with the definitions of breeding season and the use of age-class data, and with the lack of a complete two years of survey data.	Agreed
	The assumptions relating to seasonality (breeding / post breeding / wintering / pre-breeding) of species are evidence-based and appropriate to inform the assessment. For species considered in the RIAA at Flamborough and Filey Coast SPA, the seasonal definitions used are consistent with those applied in previous assessments (with the exception of puffin).	The RSPB is concerned about the manner in which the biological seasons have been defined. These should follow the definition of "Breeding Season" as presented in Furness (2015), not 'migration free breeding season'. Site specific breeding phenology from the SPA colony should also be considered.	Disagree
Assessment Conclusions	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for red-throated diver are predicted in relation to impacts associated with	Agreed. However, the RSPB highlights that there is emerging information, particularly from German studies of even higher displacement of red-throated diver from	Agreed

	the Project alone. This is due to the limited temporal span and localised effect of installation activities and the low densities of red-throated diver in the area in which potential impacts may occur.	offshore windfarms. Furthermore we note that the lack of a complete two years of survey data means that this conclusion is only tentative.	
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for common scoter are predicted in relation to impacts associated with the Project alone. This is due to the limited spatial and temporal extents of any impacts and the limited level of interaction between birds and the Hornsea Three Export Cable Route	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative.	Agreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for Sandwich tern are predicted in relation to impacts associated with the Project alone. This is due to the limited temporal span and localised effect of installation activities and the low usage of the area in which potential impacts may occur by Sandwich tern.	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative.	Agreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for fulmar are predicted in relation to impacts associated with the Project alone. This is due to impacts representing negligible proportions of the relevant SPA populations and small increases in baseline mortality of those SPA populations	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative.	Agreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for gannet are predicted in relation to impacts associated with the	The RSPB agrees with this conclusion. However the RSPB note that the lack of a complete two years of	Agree

	Project alone. This is due to impacts representing a negligible proportion of the FFC SPA population and a small increase in baseline mortality of the SPA population	survey data means that this conclusion is only tentative. However, it is important to note that the RSPB considers that it is not possible to exclude the risk of an adverse effect on the integrity of the FFC SPA as a result of impacts in combination with other plans or projects: this point is elaborated on below.	
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for kittiwake are predicted in relation to impacts associated with the Project alone. This is due to impacts representing a negligible proportion of the FFC SPA population and a small increase in baseline mortality of the SPA population	The RSPB disagrees with this conclusion. The kittiwake population of the Flamborough and Filey Coast SPA is one of only two kittiwake populations in the North Sea that is relatively stable, the other being on the Suffolk Coast (Lowestoft harbour and Sizewell Rigs CWS). All others are declining precipitously. And the enhanced monitoring at the Flamborough and Filey Coast SPA is demonstrating that productivity has declined and is consequently a concern for the long-term viability of the population.	Disagreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for puffin are predicted in relation to impacts associated with the Project alone. This is due to there being no impact from Hornsea Three on breeding adult puffin from FFC SPA and a negligible impact on immature birds that may be associated with FFC SPA	Agreed. However we do have residual concerns with the definitions of breeding season, the use of age-class data for puffin and the incomplete survey data (see comments above).	Agreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for razorbill are predicted in relation to impacts associated with the Project alone. This is due to there being no impact from Hornsea Three on breeding adult razorbill from FFC	The RSPB disagrees with this conclusion. There has not been adequate consideration of the effects on non-breeding razorbill associated with the FFC SPA during the breeding season.	Disagree

	SPA and a negligible impact on immature birds that may be associated with FFC SPA		
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for guillemot are predicted in relation to impacts associated with the Project alone. This is due to there being only a negligible impact from Hornsea Three on breeding adult guillemot from FFC SPA and a negligible impact on immature birds that may be associated with FFC SPA	The RSPB disagrees with this conclusion. Guillemot have been screened out of the assessment and therefore this issue has not been considered. There has not been adequate consideration of the effects on non-breeding guillemot associated with the FFC SPA during the breeding season.	Disagree
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for red-throated diver are predicted in relation to impacts associated with the Project in-combination with other plans and projects.	Agreed that there are no adverse effect on the integrity. However, the RSPB highlights that there is emerging information, particularly from German studies of even higher displacement of red-throated diver from offshore windfarms. Furthermore the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative.	Agree
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for common scoter are predicted in relation to impacts associated with the Project in-combination with other plans and projects. This is due to the limited spatial and temporal extents of potential impacts and the limited level of interaction between birds and areas in which potential impacts may occur.	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative	Agreed
	There are no projects that may act in-combination with Hornsea Three on the Sandwich tern feature of the Greater Wash SPA and as such it is appropriate to	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative	Agreed

	screen Sandwich tern out of the in-combination assessment.		
	The displacement mortality predicted for Hornsea Three is not considered to materially alter the current level of in-combination mortality for fulmar at any SPA. There is therefore considered to be no adverse effect on the integrity of any Natura 2000 sites for which LSEs were identified for fulmar associated with the Project in-combination with other plans and projects.	Agreed. However the RSPB note that the lack of a complete two years of survey data means that this conclusion is only tentative	Agreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for gannet are predicted in relation to impacts associated with the Project in-combination with other plans and projects. PVA modelling indicates that the level of in-combination mortality predicted would not prevent the gannet population at the SPA continuing to grow or lead to the population at FFC SPA declining below the designated population at the SPA	The RSPB disagrees with this conclusion. The counter-factual of population size approach advocated by the RSPB and the SNCBs identifies the relative impact that the scheme would have upon the population. It is not possible to give an absolute prediction of the population size or trajectory, such as is argued by the applicant, because of the long time span of the potential operation and the large number of confounding variables (e.g. climate change and changes in fishing discard policy) that would need to be included in the modelling approach.	Disagreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for Kittiwake are predicted in relation to impacts associated with the Project in-combination with other plans and projects. PVA modelling indicates that the level of in-combination mortality predicted would not prevent the kittiwake population at the SPA continuing to grow or lead to the population at FFC SPA declining below the designated population at the SPA	The RSPB disagrees with this conclusion. The counter-factual of population size approach advocated by the RSPB and the SNCBs identifies the relative impact that the scheme would have upon the population. It is not possible to give an absolute prediction of the population size or trajectory, such as is argued by the applicant, because of the long timespan of the potential operation and the large number of confounding variables (e.g. climate change and changes in fishing discard policy)	Disagreed

		that would need to be included in the modelling approach. We would also highlight that recent colony censuses have indicated a decline in productivity of kittiwake from FFC SPA, indicating that the population is likely to decline.	
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for puffin are predicted in relation to impacts associated with the Project in-combination with other plans and projects. There was predicted to be no impact from Hornsea Three in relation to these features of the SPA and therefore the current level of in-combination mortality predicted for the SPA would not be materially affected	Disagree. We do not agree with the seasons defined for puffin used in the assessment of adverse impact on integrity so cannot agree on this point.	Disagreed
	No adverse effects on the integrity of any Natura 2000 sites for which LSEs were identified for guillemot and razorbill are predicted in relation to impacts associated with the Project in-combination with other plans and projects. Hornsea Three is predicted to only impact a negligible number of breeding adult guillemots. In-combination impacts on immature guillemot are not considered likely to lead to an adverse effect on any Natura 2000 site with birds occurring at Hornsea Three likely to be associated with a number of North Sea breeding colonies. In addition, impacts on immature birds have less of an effect on breeding populations when compared to impacts on adult birds due to differences in survival rates and no loss of productivity. PVA modelling indicates that the level of in-combination mortality predicted would not prevent the guillemot population at the SPA continuing to grow or lead to the	The RSPB consider that the impacts on guillemot and razorbill should have been fully assessed. This is because the modelling approach taken does not consider connectivity of immature and non-breeding birds recorded at Hornsea 3 with the FFC SPA. Furthermore, it is not possible to give an absolute prediction of the population size or trajectory, such as is argued by the applicant, because of the long timespan of the potential operation and the large number of confounding variables (e.g. climate change and changes in fishing discard policy) that would need to be included in the modelling approach. The counter-factual of population size approach advocated by the RSPB and the SNCBs identifies the relative impact that the scheme would have upon the population.	Disagreed

	population at FFC SPA declining below the designated population at the SPA		
Draft Development Consent Order			
Commitments / Restrictions	Given the embedded measures and ES conclusions no further specific commitments and or restrictions are required in the DCO for ornithology. If any further mitigation or commitment is agreed during the examination process then the relevant outline plan(s) will be updated prior to the close of the examination to ensure that they reflect the final suite of commitments made by the project.	The RSPB understands that the embedded measures are largely included in the Outline Code of Construction Practice, the Outline Ecological Management Plan, the Project Environmental Management and Monitoring Plan and the In-Principle Monitoring Plan. We note that the Draft Development Consent Order does not commit to the documents having the same measures as the final versions of these documents produced during the Examination in Public. We request simple modifications to be made to the DCO to ensure that any mitigation measures added during the Examination process will be present in the final versions of these documents. The RSPB notes the Applicant's responses to questions Q1.15.7 and Q1.15.7. On the understanding that the process explained in those answers permits additional measures, but does not allow for the removal of existing measures the RSPB considers that our concerns have been addressed.	Agreed
Monitoring	A commitment is made within the DCO to ornithological monitoring, with the need for and nature of any ornithological monitoring to be as agreed through the Ornithological Monitoring plan, that will be developed in line within the In-principle monitoring plan and approved by the MMO post consent.	The RSPB considers that the level of detail in the current draft In-Principle Monitoring Plan is insufficient and that significantly more detail needs to be included within it before the end of the Examination and secured via a modification to the DCO to ensure that the monitoring measures added during the Examination process will be present in the final versions of these documents.	Disagree

4. Agreements Log (onshore)

4.1.1.1 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 2) as it relates to landward of MHWS. In order to easily identify whether a matter is "agreed", "under discussion" or indeed "not agreed" a colour coding system of green, yellow and orange is used in the "final position" column to represent the respective status of discussions.

4.2 Ecology and Nature Conservation

4.2.1.1 The Project has the potential to impact upon onshore ecology and nature conservation and these interactions are duly considered within Volume 3, Chapter 3 of the Environmental Statement. An outline Ecological Management Plan (EMP) has been prepared (document ref A8.6) that captures all relevant management and mitigation measures associated with this topic. Table 4.1 identifies the status of discussions relating to this topic area between the parties.

Table 4-1: Ecology & Nature Conservation

Discussion Point	Hornsea Project Three Position	The RSPB's Position	Final Position
Design, Site Selection and Route Refinement			
Site Selection of HVAC booster station	There are no ornithological concerns associated with the site selected for the HVAC booster station.	Agreed.	**Agreed**
Site selection of HVDC converter/HVAC substation	There are no ornithological concerns with the site selected for the HVDC converter/HVAC substation.	Agreed.	**Agreed**
Route of onshore cable corridor	The route selected for the onshore cable corridor avoids designated sites (through the use of HDD) and where possible, avoids sensitive habitats and species for onshore birds.	Agreed.	**Agreed**
Use of HDD	The use of HDD to cross all main rivers, and most ordinary water courses, as well as many hedgerows has reduced the potential for significant impacts on onshore birds from the project.	Agreed.	**Agreed**
Response to comments	The design of the project has taken into consideration RSPB feedback provided through the statutory consultation process in respect to avoidance of designated sites, restoration of habitat along the onshore cable corridor and inclusion of standard control measures (including pollution prevention) during construction. Other than for *Pink-footed geese* below, which sets out the details of the Applicant's approach to Pink-footed Geese, all onshore ornithological issues of concern to the RSPB have been resolved before the start of the Examination.	Agreed.	**Agreed**

Environmental Impact Assessment			
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to onshore ornithology and has given due regard to them within the assessment.	Agreed.	**Agreed**
Baseline environment	Sufficient primary and secondary data has been collated on onshore birds (using appropriate methods) to appropriately characterise the baseline environment.	Agreed.	**Agreed**
	The future baseline for onshore ornithology identified within the assessment is considered appropriate.	Agreed.	**Agreed**
	Surveys for breeding birds and wintering birds is considered appropriate.	Agreed.	**Agreed**
Assessment methodology	The approach to the assessment of effects on onshore ornithology is deemed appropriate for the purposes of predicting potential effects on the receiving environment	Agreed.	**Agreed**
	The definitions used for magnitude and sensitivity are appropriate	Agreed.	**Agreed**
	The worst case scenarios for onshore ornithology identified for each effect are appropriate based on the information presented in the Project Description	Agreed.	**Agreed**
	The potential impacts identified within the chapter represent a comprehensive list of potential impacts on onshore birds from the Project (during construction, operation and maintenance and decommissioning)	Agreed.	**Agreed**
	The potential impacts on onshore ornithology scoped out of the assessment are appropriate.	Agreed.	**Agreed**
	The list of projects screened into the cumulative assessment for onshore ornithology are appropriate	Agreed.	**Agreed**

	The scope of the hydrological characterisation study (in respect to its relationship with onshore ornithology habitats and species) is considered appropriate.	Agreed.	**Agreed**
Assessment conclusions	The measures adopted for onshore ornithology as part of Hornsea Three are considered appropriate. Other than for *Pink-footed geese* below, which sets out the details of the Applicant's approach to Pink-footed Geese, all onshore ornithological issues of concern to the RSPB have been resolved before the start of the Examination.	Agreed.	**Agreed**
	The assessment of potential effects on onshore ornithology receptors is appropriate and (given the embedded measures in place), no impacts from the construction, operation and or decommissioning of the Project will be significant in EIA terms (with the exception of *Pink-footed geese* which are considered separately below)	Agreed.	**Agreed**
	The potential for significant effects on Natura 2000 sites have been avoided through route refinement and the proposed cable installation procedure (including HDD) (with the exception of pink-footed geese and their functionally linked habitat from the SPA, which is considered separately below)	The RSPB agrees in relation to Special Protection Areas. It welcomes the work done to refine the proposed cable route and its installation procedure. However, we defer evaluation of impacts upon onshore Special Areas of Conservation to Natural England, the Environment Agency and Norfolk Wildlife Trust.	**Agreed**
	No further mitigation to those embedded measures identified is necessitated as a result of the assessment conclusions (with the exception of pink-footed geese, see below)	Agreed.	**Agreed**

	The enhancements (hedgerow) proposed by the project are considered appropriate.	Agreed.	**Agreed**
	No significant cumulative effects for onshore ornithology are predicted.	Agreed.	**Agreed**
	There is no potential for significant onshore ornithology transboundary effects.	Agreed.	**Agreed**
Report to Inform Appropriate Assessment			
Screening	Those sites identified as having potential LSE from the Project alone or in-combination are appropriate.	It should be noted that the RSPB has focused on Special Protection Area and Ramsar sites only. In relation to these two designations the RSPB agrees.	**Agreed**
Assessment Methodology	The RIAA has identified all relevant features of the designated sites that may be sensitive to potential effects on ecology.	It should be noted that the RSPB has focused on Special Protection Area and Ramsar sites only. In relation to these two designations the RSPB agrees.	**Agreed**
	The methodology to assess features of designated sites that may be sensitive to potential effects on ecology is appropriate.	It should be noted that the RSPB has focused on Special Protection Area and Ramsar sites only. In relation to these two designations the RSPB agrees.	**Agreed**
Assessment Conclusions	No significant effects on Natura 2000 sites are predicted either alone or in-combination. The Pink-footed Geese population of the North Norfolk Coast SPA using functionally linked sugar beet fields are covered separately under *Pink-footed geese* below, which sets out the details of the Applicant's approach to avoidance and mitigation measures for this feature.	It should be noted that the RSPB has focused on Special Protection Area and Ramsar sites only. Subject to the pink-footed geese issue dealt with below the RSPB agrees these conclusions.	**Agreed**
Draft Development Consent Order			

Commitments / Restrictions	The commitment to the submission of an EMP and CoCP that must be approved prior to the commencement of works are appropriate control measures for managing the potential effects on onshore ornithology. The EMP and CoCP will include all relevant embedded measures cited within the chapter and also the versions of the outline EMP and CoCP current at the time of finalisation. Measures in relation to pink-footed geese are dealt with under *Pink-footed geese* below.	Agreed.	**Agreed**
Monitoring	The monitoring proposed by the project, in relation to the restored hedgerows, is considered appropriate.	Agreed.	**Agreed**
Outline Management Plans			
Outline EMP - Management & Mitigation Measures	The management measures identified within the Outline EMP (and outline CoCP as relevant) are appropriate for controlling any potentially significant effects on onshore ornithology and no further measures are required to those stated within this document.	The Applicant has amended the outline CoCP and EMP to provide additional protection to the pink-footed geese. The RSPB now agrees with this position.	**Agreed**
Breeding birds	The management measures for breeding birds of all species within the Outline EMP are appropriate.	Agreed.	**Agreed**
Pink-footed Geese			
Ecological background (Pink-footed Geese)	The Applicant's Environmental Statement has highlighted that there is significant use by pink-footed geese grazing during the winter in fields within the export cable route where sugar beet crops have been grown. This population is part of the North Norfolk Coast SPA's population of pink-footed geese, and these fields are functionally linked to the SPA.	Agreed.	**Agreed**

	It is acknowledged that construction works in the onshore part of the export cable route have the potential to disturb the pink-footed geese. Discussions between the Applicant and the RSPB have focused around the most effective way to prevent disturbance having an adverse effect upon this pink-footed geese population.		
The different starting positions of the parties.	The Applicant acknowledges the RSPB's advice concerning the options for mitigation of any potential impact to Pink-footed Geese. However, the Applicant does not consider it necessary to create additional foraging habitat for this species, as 'given the quantity of beet fields present in the area, it is not considered that any temporary habitat loss will have a direct effect on the geese' [paragraph 3.11.1.82 of Volume 3, Chapter 3: Ecology and Nature Conservation of the Environmental Statement, APP-075]. The Applicant is also not proposing to ensure that the cable corridor is free of sugar beet crops, as it is considered potential disturbance can be reduced to an acceptable level through the measures described below.	The RSPB has suggested that Hornsea Project Three ensures that there is sufficient sugar beet crop foraging in functionally linked habitat to the North Norfolk Coast SPA outside the export cable route to ensure that the pink-footed geese population is not adversely affected by the construction of the onshore cable corridor, whilst also avoiding potential delays to the construction schedule. The RSPB note that an effective goose refuge scheme is being implemented for the Jack's Lane wind farm in west Norfolk to replace lost foraging from the turbines and this attempts to reduce goose use of the turbine area. This scheme is based on payments to land owners to retain sugar beet residues after harvest rather than ploughing them in immediately. We consider that this model may offer a suitable option for the Hornsea Three export cable route for a relatively small cost.	Background information on discussions
Potential solutions	The Applicant has assessed the disturbance potential of a 'direct lay' cable installation in APP-075, which would	The RSPB notes the Applicant's proposed alternative avoidance measures. Provided that this alternative approach is secured in	**Agreed**

	involve a team of contractors and equipment gradually moving along the cable corridor. The commitment to duct (paragraph 1.1.1.7 of the Outline CoCP) provides more flexibility on construction schedules, as cable installation is decoupled from trench excavation. Hence, it is possible for the Applicant to say that in the event of foraging habitat being present and a likely disturbance pathway to PFG being identified, more intrusive works, such as cable trenching, will be rescheduled without disproportionate impact to the construction schedule. Paragraph 6.5.1.42 will be removed: "~~*Further details of the proposed mitigation strategy are provided in the Report to Inform Appropriate Assessment*~~". The potential mitigation for pink-footed Geese (should works occur between November and January inclusive) is appropriate and likely to lead to no residual significant effects – i.e. the provision of a mitigation plan to be agreed with Natural England in the 12 months preceding commencement of works between the landfall and the village of Hempsted. The Applicant considers these measures reduce the residual impact magnitude to negligible, and therefore the residual effect would be of minor adverse significance, which is not significant in EIA terms.	the Outline CoCP and the Outline EMP the RSPB consider that its concerns about potential disturbance effects on pink-footed geese should be resolved. The RSPB will review further drafts of these documents to confirm this.	
Surveying	Monitoring surveys will be initiated the winter before construction to refine data on goose distribution and abundance. Surveys are expected to follow the methodology followed in 2017/18 detailed in Volume 6, Annex 3.9: Wintering and Migratory Birds of the Environmental Statement [APP-137] in that areas 10.4	Agreed, subject to a provision to allow surveys to continue into March if the birds have remained in the area.	**Agreed**

	km from the nearest known roost within the construction corridor and 500m buffer will be included. The surveys would be one every half month, October - February. The Applicant submitted an updated version of the Outline EMP at DL7 to add March surveys to Table 10.1: Timetable of suitable works periods with the clarification "March surveys to be carried out should February surveys indicate PFG may remain in March". It is also considered appropriate to monitor pink-footed goose abundance and distribution during the onshore construction period of Hornsea Three. Surveys are expected to follow the methodology followed in 2017/18 [APP-137] in that areas 10.4 km from the nearest known roost within the construction corridor and 500m buffer will be included where they are within the vicinity of planned and ongoing construction works that winter (October - February). The exact extent and frequency of surveying will be determined by the construction programme in discussion with Natural England.		
Outline Code of Construction Practice and Outline Ecological Management Plan	The Applicant considers the approach to re-evaluate the potential impact and formulate the PFG mitigation plan once the 'final' information is known about the actual construction process, construction timetable, and crop scheduling is appropriate. Following consultation with the RSPB, the Applicant will update the text of the outline CoCP as follows (to be submitted at Deadline 3): Paragraph 6.5.1.40: ""*If construction work on functionally linked sugar beet fields is likely to take place between November and January inclusive, a pink-footed goose mitigation plan will be formulated and submitted to Natural England for approval in the 12 months preceding commencement*	The RSPB has reviewed the revised outline CoCP submitted and is happy with the measures contained..	**Agreed**

	~~prior to construction~~. This will include a decision tree process in line with adaptive management principles, which will determine triggers for appropriate levels of mitigation (i.e. ECoW watching brief, toolbox talks for construction teams, restricting more intrusive construction works in certain locations). The final version of this document will have as an appendix the approved Pink-footed Goose mitigation plan and will also incorporate any restrictions on works scheduling necessary as a result of the agreed mitigation. ~~There would be two steps to the plan:~~ The plan would incorporate the following: • *~~First,~~ ~~p~~Pre-construction surveys and investigations will be undertaken to determine the extent of disturbance likely to occur due to construction activities. This will include a survey of the distribution and abundance of pink-footed geese and the distribution of harvested sugar beet within those sections of the Hornsea Three onshore cable corridor (and a 500 m disturbance buffer) likely to be affected during the winter season within which works will take place;* • *~~Second,~~ If required, measures to reduce disturbance will be implemented sufficient to reduce the effects of disturbance to an acceptable level. The measures will be proportionate to the predicted impact at the time of construction and will be effective and agreed with Natural England prior to implementation.* • *As appropriate, toolbox talks with construction teams operating on the cable corridor between MHWS and Hempstead (approximately 7km south of landfall) in November – January inclusive (undertaking activities including HDD*		

	works, cable jointing or cable installation) will be prepared and delivered in order to promote awareness of disturbance pathways to PFG and identify any interactions between geese and construction activity not highlighted through the decision tree process. Construction teams will raise any risks to PFG to a suitably qualified ecological clerk of works in order to advise on how works should proceed at that particular location. This assessment will be based on an expert opinion of the birds' sensitivity to disturbance at a particular location and time, such as during periods of prolonged severe winter weather at a particular location. • *As appropriate, physical measures to remove disturbance i.e. re-scheduling open cut trenching and installation of ducts, between MHWS and the village of Hempstead (approximately 7 km south of landfall), between the months of November – January inclusive. Other pre-construction works (e.g. surveys, fencing, etc.) and construction activities associated with HDD, cable installation (pulling cables through ducts) and cable jointing works may still occur in these periods due to their reduced need for personnel and equipment on site at any given time."*		

5. Summary

5.1.1.1 This SoCG has been developed with the RSPB during the Hornsea Three examination period to capture those matters agreed and not agreed in relation to offshore ornithology and onshore ecology and nature conservation.

5.1.1.2 Regarding section 3, Offshore Ornithology, there are a number of matters that are not agreed. Given the scope of disagreements both parties refer to their relative submissions made on the subject during the examination period for Hornsea Three.

5.1.1.3 Regarding section 4, Onshore (Ecology and Nature Conservation), all matters have now been agreed.