



Gareth Leigh  
Department for Business, Energy and Industrial Strategy (BEIS)  
1 Victoria Street  
Westminster  
SW1H 0ET

The Wildlife Trust reference: 20010531

BY EMAIL

02 November 2020

Dear Gareth

### **Compensation proposals for Flamborough and Filey SPA**

The Wildlife Trusts (TWT) welcomes the opportunity to comment on the proposed compensation measures for Flamborough and Filey Coast SPA. We have outlined our views below and included comments on compensation principles in Appendix A.

TWT are pleased that the applicant has engaged with Natural England and RSPB on the development of compensation for Flamborough and Filey Coast SPA. The Applicant has also provided TWT with updates on the proposals.

TWT would like to raise that artificial nesting structures in isolation will not be sufficient to provide compensation for impacts on Flamborough and Filey Coast SPA. To increase confidence, the compensation measure of prey availability should be included as an additional primary compensation measure. TWT appreciate the political and legal complexity in delivering this approach, as outlined in Appendix 3: supporting evidence for kittiwake prey resource. However, TWT do not believe these are absolute barriers and clarity on the delivery of this as a strategic measure may be available as early as January 2021.

We agree that prey resource compensation measures cannot be delivered by the applicant in isolation and the Government would be required to take the lead on this. Bearing this in mind, we would welcome a discussion with both the Applicant and BEIS to find a pragmatic solution to condition the prey resource compensation measure within the Development Consent Order.

Prey resource measures would not only allow the Hornsea Three development to take place but would allow 'environmental headroom' for future offshore wind farm projects. Based on the scale of the cumulative impacts from current projects going through the consenting process, it is not acceptable for BEIS to

#### **The Wildlife Trusts**

*The Kiln  
Waterside  
Mather Road  
Newark  
Nottinghamshire  
NG24 1WT  
Tel (01636) 677711  
Fax (01636) 670001  
Email  
info@wildlifetrusts.org*

*Website  
www.wildlifetrusts.org*

#### **Patron**

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QSO, PC*

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Registered Charity no. 207238  
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consider compensation on a project by project basis. Cross-government discussions on a strategic approach to compensation must start now.

Finally, following the letter sent by our lawyers on the 19<sup>th</sup> August 2020, TWT had hoped to be engaging in a similar approach as to that taken for Flamborough and Filey SPA to address impacts from cabling on benthic SACs. We are very disappointed that BEIS has refused to engage in any conversation with us regarding this. This has given us no other choice than to prepare for judicial review proceedings once the Secretary of State has made a final decision on the 31<sup>st</sup> December 2020. However, TWT continue to express willingness to engage with both BEIS and the Applicant to address our concerns before the final decision is made.

Yours sincerely



Joan Edwards  
Director, Public Affairs and Marine Conservation  
The Wildlife Trusts

## Annex A

### **1. Compensation principles**

It is important that key principles for compensation are clearly defined from the outset. We recognise that some of the principles listed below have been included in the project documentation submitted in relation to compensation for Flamborough and Filey Coast SPA. However, to ensure consistency for this and future compensation schemes, we have provided a list of important principles we expect to be followed across all projects:

1. There should be very clear compensation objectives which success can be measured against
2. There should be clear timetable which outlines when compensation will be in place
3. A steering group should be established with representatives such as the applicant, SNCBs, regulators and NGOs. The role of the steering group should be clearly defined.
4. There should be clear objectives and timescales for the monitoring of compensation measures
5. There should be clear milestones for review to determine the success of compensation and remedial action if required. If monitoring shows incomplete delivery during the lifetime of the offshore wind farm project, measures may require extension into the decommissioning stage and beyond.

**It is essential that the above is defined as part of any DCO and/or associated documentation.**