



**Response to the Examining Authority's Further Written
Questions**

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

Submitted for Deadline 5

26 February 2020

Planning Act 2008 (as amended)

In the matter of:

**Application by Norfolk Boreas Limited for an
Order Granting Development Consent for the
Norfolk Boreas Offshore Wind Farm**

Planning Inspectorate Ref: EN010087

Registration Identification Ref: 20022916

Question number	Question addressed to	ExA question	RSPB comments
Q2.8.5.1	Royal Society for the Protection of Birds, Natural England	<p>Lesser black-backed gull: The RSPB [REP3-028] would prefer a wider range of apportioning values for lesser black-backed gull during the breeding season of up to at least 40%, in order to fully capture the uncertainty inherent in the apportioning exercise and therefore incorporate a proportionate degree of precaution. Why is this precaution needed by the RSPB? Does NE have any views?</p>	<p>The RSPB outlined our position with respect to apportionment of lesser black-backed gulls to the Alde-Ore Estuary SPA in our Written Representations (REP2-096). We highlighted that apportionment is an inherently uncertain process and that appropriate consideration needed to be made by the Applicant about the different behaviours that likely exist between urban birds and coastal breeding birds on the Alde-Ore Estuary SPA. We calculated from the Applicant's data that 38.8% of lesser black-backed gulls could be apportioned to the Alde-Ore Estuary SPA when urban birds were removed from the calculations. We therefore recommended that apportionment up to 35% should be modelled, but 40% apportionment would capture the potential full extent of the population from the Alde-Ore Estuary SPA foraging within the Norfolk Boreas and other wind farm footprints. Setting the range appropriately is important to ensure that the worst-case scenario has been accurately defined and the potential scale of impact presented fully. The RSPB acknowledge that the range up to 40% is precautionary, but argue that this precaution is proportionate to the very high level of uncertainty implicit within the apportioning calculation (See the note on Precaution from the Norfolk Vanguard examination we submitted as Appendix 1 to our Deadline 3 response (REP3-028) and our additional submission on the Offshore Ornithology Update of 20 January 2020).</p> <p>Irrespective of whether 40% apportionment is applied, the data provided still indicate that a significant effect will be made on the lesser black-backed gull population of the Alde-Ore Estuary SPA. A conclusion of no adverse effect on integrity cannot be concluded in-combination with other offshore projects. This reflects NE's position based on their submission on the Offshore Ornithology Update (REP4-040).</p>