

**Norfolk Boreas Offshore Wind Farm**

# **Statement of Common Ground**

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

Applicant: Norfolk Boreas Limited  
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*Photo: Ormonde Offshore Wind farm*

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## Glossary of Acronyms

AEol	Adverse Effect on Integrity
BTO	British Trust for Ornithology
CI	Confidence Interval
CIA	Cumulative Impact Assessment
CRM	Collision Risk Model
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ExA	Examining Authority
HRA	Habitats Regulations Assessment
IPMP	In Principle Monitoring Plan
LSE	Likely Significant Effect
PEIR	Preliminary Environmental Information Report
PVA	Population Viability Analysis
SNCB	Statutory Nature Conservation Bodies
SPA	Special Protection Area
SoCG	Statement of Common Ground

## Glossary of Terminology

Offshore cable corridor	The corridor of seabed from the Norfolk Boreas site to the landfall site within which the offshore export cables will be located.
Offshore export cables	The cables which transmit power from the offshore electrical platform to the landfall.
The Project	Norfolk Boreas Offshore Wind Farm

## 1 INTRODUCTION

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1. This Statement of Common Ground (SoCG) has been prepared with the Royal Society for the Protection of Birds (the RSPB) and Norfolk Boreas Limited (hereafter the Applicant) to set out areas of agreement and areas for which discussions are ongoing in relation to the Development Consent Order (DCO) application for the Norfolk Boreas Offshore Wind Farm (hereafter 'the project'). A full description of the project can be found in Chapter 5 project description of the ES (document reference 6.1.5 of the Application, APP-218).
2. This SoCG comprises an agreement log which has been structured to reflect the topics of interest to the RSPB with regard to the Norfolk Boreas DCO application (hereafter 'the Application'). The agreement logs (Table 2) outline all topic specific matters agreed, not agreed and actions to resolve between the RSPB and the Applicant.
3. The Applicant has had regard to the Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG. This SoCG represents the position of the parties as they currently stand. Matters that are not agreed will be the subject of ongoing discussion wherever possible to resolve or refine the extent of disagreement between the parties and final positions of agreement and disagreement will be submitted as appropriate.

## 2 CONSULTATION WITH THE RSPB

4. This section briefly summarises the consultation that the Applicant has had with the RSPB. For further information on the consultation process please see the Consultation Report (APP-027).
5. The RSPB is very grateful to the Applicant for its engagement with the RSPB on the project 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.
6. During formal (Section 42) consultation, the RSPB provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 7<sup>th</sup> December 2018.
7. Further to the statutory Section 42 consultation, an additional meeting was held with the RSPB through the Evidence Plan Process.
8. Table 1 provides an overview of meetings and correspondence undertaken with the RSPB. Minutes of the meetings are provided in the Consultation Report (APP-027) Appendix 28.1 (APP-192).
9. The RSPB submitted a Relevant Representation to the Planning Inspectorate on the 28<sup>th</sup> August 2019.
10. This SoCG represents the Applicant's and the RSPB's positions as issues are discussed with the aim of resolving areas of disagreement.

**Table 1 Summary of Consultation with the RSPB in relation to Offshore Ornithology**

Date	Contact Type	Topic
<b>Pre-Application</b>		
7 <sup>th</sup> December 2018	PEIR response from the RSPB	Comments on the PEIR chapter
26 <sup>th</sup> February 2019	Method statement and agreement log comments from RSPB	Comments on the Method Statement and Agreement Log
27 <sup>th</sup> February 2019	Offshore Ornithology ETG meeting	Discussion of PEIR responses
5 <sup>th</sup> April 2019	Draft HRA response from RSPB	Comments on the Draft HRA in relation to offshore ornithology
<b>Post-Application</b>		
28 <sup>th</sup> August 2019	Relevant Representation	RSPB's initial feedback on the DCO application.
25 <sup>th</sup> September 2019	1st draft of the offshore ornithology SoCG	The Applicant issued the 1 <sup>st</sup> draft in order to clarify areas of agreement and those in need of further work

Date	Contact Type	Topic
21 <sup>st</sup> October 2019	RSPB comments on 1st draft of SoCG	RSPB comments on 1 <sup>st</sup> draft
4 <sup>th</sup> November 2019	RSPB sign-off on SoCG	Agreed version of SoCG for submission at Deadline 0
3 <sup>rd</sup> December 2019	1 <sup>st</sup> draft of updated SoCG for Deadline 2	The Applicant issued the 1 <sup>st</sup> draft of the Deadline 2 SoCG in order to identify any areas of updated agreement.
10 <sup>th</sup> December 2019	RSPB comments on Deadline 2 draft of SoCG	RSPB's comments on Deadline 2 draft.
20 <sup>th</sup> January 2020	RSPB comments on ornithology assessment update submitted at Deadline 2.	Detailed comments on the updated assessment.
27 <sup>th</sup> February 2020	Conference call between Norfolk Boreas and RSPB	Discussion of outstanding issues

### 3 STATEMENT OF COMMON GROUND

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11. The project has the potential to impact upon Offshore Ornithology. Chapter 13 of the Norfolk Boreas Environmental Statement (ES) (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
12. Table 2 provides areas of agreement (common ground) and on-going discussion regarding Offshore Ornithology between the RSPB and the Applicant.



**Table 2 Agreement Log -Offshore Ornithology**

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
<b>Consultation</b>			
Consultation	The RSPB has been adequately consulted regarding offshore ornithology to date.	Agreed	Agreed
<b>Environmental Impact Assessment</b>			
Existing Environment	Survey data collected for Norfolk Boreas for the characterisation of offshore ornithology are suitable for the assessment.	Agreed	Agreed
	The methods and techniques used to analyse offshore ornithological data are appropriate for characterising bird distributions and estimating populations.	Agreed	Agreed
	The method used to determine flight heights is appropriate. Generic flight height data (Johnston et al. 2014, with corrigendum) were used due to data reliability concerns raised by the aerial surveyor.	Agreed	Agreed
	The method used to assign unidentified birds to species is appropriate.	Agreed	Agreed
	Assessment has been based on migration free breeding seasons for those species which the Applicant considers to have negligible or no breeding seasons connectivity, but assessment has also been provided using the full breeding season for those species which Natural England and the RSPB considered to be appropriate (gannet, kittiwake and lesser black-backed gull).	Agreed	Agreed
<b>Assessment methodology</b>			
General	Appropriate legislation, planning policy and guidance relevant to offshore ornithology has been used.	Agreed	Agreed
	The list of potential impacts on offshore ornithology assessed is appropriate	Agreed	Agreed
	The definitions for determining impact significance on offshore ornithological receptors are appropriate.	Agreed	Agreed
	The worst case scenarios used in the assessment for offshore ornithology are appropriate.	Agreed	Agreed
	The characterisation of receptor sensitivity is appropriate.	Agreed	Agreed

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
Construction impact methods	The lists of potential construction impacts and ornithology receptors assessed are appropriate.	Agreed	Agreed
	The methods used to estimate impacts during construction, including cable laying operations are appropriate.	Agreed, provided displacement and mortality rates used in the final conclusions are those agreed with Natural England up until the point of Examination.	Agreed, provided displacement and mortality rates used in the final conclusions are those agreed with Natural England up until the point of Examination.
Operation impact methods	The sources of operational impact assessed are appropriate.	Agreed	Agreed
	The lists of ornithology receptors assessed for each impact are appropriate.	Agreed	Agreed
	Methods for assessing operational displacement are appropriate.	Agreed, provided displacement and mortality rates used in the final conclusions are those agreed with Natural England up until the point of Examination.	Agreed, provided displacement and mortality rates used in the final conclusions are those agreed with Natural England up until the point of Examination.
	Methods for assessing population scale collision impacts are appropriate: presentation of Band collision risk model (CRM) options 1 and 2, with assessment based on option 2. Upper and lower estimates included to present variation due to nocturnal activity rates, proportions at collision height, avoidance rates and seabird densities. It should be	Agreed with respect to use of Band model options 1 and 2.  Agreed with respect to nocturnal activity rates provided they align	Agreed with respect to use of Band model options 1 and 2.

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
	noted that the breeding season gannet avoidance rate used was agreed with Natural England.	with Natural England's advice up until the point of Examination.  Not agreed with respect to the breeding season gannet avoidance rate (The RSPB recommends that the gannet avoidance rate should be 98% in the breeding season).	Agreed with respect to nocturnal activity rates provided they align with Natural England's advice up until the point of Examination.  Not agreed with respect to the breeding season gannet avoidance rate.
	Methods for assessing barrier impacts are appropriate.	Agreed	Agreed
	Methods for assessing indirect impacts are appropriate.	Agreed. Conclusions on the significance for each receptor should consider the full range of impacts from the project as a whole during all stages of the project (i.e. construction, operation and decommissioning).	Agreed. Conclusions on the significance for each receptor should consider the full range of impacts from the project as a whole during all stages of the project (i.e. construction, operation and decommissioning ).
<b>EIA findings – project alone</b>			

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
Construction impacts	The magnitude of impacts and conclusions on significance resulting from the construction phase are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed (for EIA on basis of recommended displacement/mortality rates)	Agreed (subject to noted caveat).
Operation impacts	The magnitude of impacts and conclusions on significance resulting from displacement during operation are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed (for EIA on basis of recommended displacement/mortality rates)	Agreed (subject to noted caveat).
	The magnitude of impacts and conclusions on significance resulting from collision during operation are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed	Agreed
	The magnitude of impacts and conclusions on significance resulting from barrier impacts during operation are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed	Agreed
	The magnitude of impacts and conclusions on significance resulting from indirect impacts during operation are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed	Agreed
Decommissioning impacts	The magnitude of impacts and conclusions on significance resulting from decommissioning are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed. Conclusions on the significance for each receptor should consider the full range of impacts from the project as a whole during all stages of the project (i.e. construction, operation and decommissioning).	Agreed. Conclusions on the significance for each receptor should consider the full range of impacts from the project as a whole during all stages of the project (i.e. construction, operation and decommissioning ).

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
<b>Cumulative impact assessment</b>			
Cumulative construction assessment	The plans and projects considered within the CIA are appropriate.	Agreed, subject to inclusion of additional sites identified in Natural England's Relevant Representations (Section 6.1, Cumulative and In-combination Assessments, pp.35-39) and we support the need for data from these other sites to be included to provide a complete picture of cumulative and in-combination displacement and collision risk.	Agreed.
	The magnitude of impacts and conclusions on significance resulting from cumulative impacts during construction are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed, subject to inclusion of additional sites identified in Natural England's Relevant Representations (Section 6.1, Cumulative and In-combination Assessments, pp.35-39) and we support the need for data from these other sites to be included to provide a complete picture of cumulative and in-combination displacement and collision risk.	Agreed.
Cumulative operation assessment	The plans and projects considered within the CIA are appropriate.	Agreed, subject to inclusion of additional sites identified in Natural England's Relevant Representations (Section 6.1, Cumulative and In-combination Assessments, pp.35-39) and we support the need for data from these other sites to be included to	Agreed.

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
		provide a complete picture of cumulative and in-combination displacement and collision risk.	
	The magnitude of impact and conclusions on significance resulting from cumulative displacement impacts during operation for all species assessed (guillemot, razorbill, puffin and red-throated diver) are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Not agreed for guillemot, razorbill and red-throated diver.  It is not agreed that significant cumulative displacement risk can be ruled out, due to the level of cumulative impact currently predicted for guillemot, razorbill and red-throated diver.	Not agreed for guillemot, razorbill and red-throated diver.
	The magnitude of impacts and conclusions on significance resulting from cumulative collisions during operation are correctly identified and predicted. No impacts of greater than minor significance are predicted. Updated cumulative collision risks have been submitted at Deadline 6 (EXA; AS-1.D6.V1) incorporating lower estimates for Norfolk Boreas and Norfolk Vanguard following design mitigations (increased draught height and larger turbines; see ExA.AS-8.D5.V2 for details).	It is not agreed that significant cumulative collision risk can be ruled out, due to the level of cumulative impact currently predicted for kittiwake and great black-backed gull.	Not agreed for kittiwake and great black-backed gull.
<b>Habitats Regulations Assessment (HRA)</b>			
Screening of Likely Significant Effects (LSE)	The Approach to HRA Screening is appropriate. Note that the Applicant has submitted an updated assessment at Deadline 2 (EXA;AS-1.D2.V1) which includes further consideration of the features to be screened in for the Flamborough and Filey Coast SPA which it is considered will address the RSPB's concerns with respect to the original HRA screening.	Agreed	Agreed
	The following sites and species have been screened in for further assessment: <ul style="list-style-type: none"> <li>Alde-Ore Estuary SPA (lesser black-backed gull for collisions);</li> </ul>	Agreed.	Agreed.

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
	<ul style="list-style-type: none"> <li>Flamborough and Filey Coast SPA (gannet and kittiwake for collisions, gannet, guillemot and razorbill for displacement, gannet for combined collisions and displacement and the seabird assemblage for all potential effects);</li> <li>Greater Wash SPA (red-throated diver for displacement and little gull for collisions); and</li> <li>Outer Thames Estuary SPA (red-throated diver for displacement).</li> </ul>		
Assessment	The updated approach to the apportioning of species to SPAs is appropriate. This includes apportioning of up to 100% of kittiwakes in the breeding season to the Flamborough and Filey Coast SPA and up to 30% for lesser black-backed gull to the Alde-Ore Estuary SPA (see REP2-035).	Not agreed with respect to apportionment of lesser black-backed gull, which we consider should be up to 40%.	Not agreed
	Conclusion of no AEoI for the lesser black-backed gull population at Alde-Ore Estuary SPA on the basis of collisions for the project alone, following Natural England guidance on apportioning rates, is appropriate. Updated collision risks have been submitted at Deadline 5 (REP5-059) following design mitigations (increased draught height and larger turbines) which reduce lesser black-backed gull collisions by 64%, from 6 collisions of Alde-Ore Estuary SPA birds to 2 (using Natural England parameters)	Not agreed. However, the RSPB will review its position in light of the proposed design mitigations and updated impact assessments.	Not agreed
	Conclusion of no AEoI for the lesser black-backed gull population at Alde-Ore Estuary on the basis of in-combination collisions, is appropriate. Updated cumulative and in-combination collision risks have been submitted at Deadline 6 (ExA;AS-1,D6,V1) incorporating lower estimates for Norfolk Boreas and Norfolk Vanguard following design mitigations (increased draught height and larger turbines; see REP5-059 for details).	Not agreed.  Given the scale of change predicted with the wind farm compared to the unimpacted population the RSPB find it impossible to conclude no adverse effect on integrity as a result of collision mortality through the project in combination.	Not agreed
	Conclusion of no AEoI for gannet population at Flamborough and Filey Coast SPA due to project alone collisions is appropriate. Updated collision risks have been submitted at Deadline 5 (REP5-059) following design mitigations (increased draught height and larger turbines) which reduce gannet collisions by 74%, from 58 collisions of Flamborough and Filey Coast SPA birds to 15.	Not agreed. However, the RSPB will review its position in light of the proposed design mitigation and updated impact assessments.	Not agreed
	Conclusion of no AEoI for gannet population at Flamborough and Filey Coast SPA is appropriate on the basis of in-combination collisions.	Not agreed.	Not agreed

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
		<p>Whilst the RSPB accepts an avoidance rate of 98.9% for non-breeding birds, we consider avoidance rate of 98% to be appropriate for breeding birds.</p> <p>Overall, we consider the available data demonstrate an adverse effect on integrity in-combination with other plans and projects cannot be excluded.</p>	
	Conclusion of no AEoI for guillemot population at Flamborough and Filey Coast SPA due to project alone displacement is appropriate.	Agreed	Agreed
	Conclusion of no AEoI for guillemot population at Flamborough and Filey Coast SPA due to in-combination displacement is appropriate.	<p>Not agreed</p> <p>Given the scale of change predicted with the wind farm compared to the unimpacted population the RSPB find it impossible to conclude no adverse effect on integrity as a result of displacement mortality through the project in combination.</p>	Not agreed
	Conclusion of no AEoI for razorbill population at Flamborough and Filey Coast SPA due to project alone displacement is appropriate.	Agreed	Agreed
	Conclusion of no AEoI for razorbill population at Flamborough and Filey Coast SPA due to in-combination displacement is appropriate.	<p>Not agreed</p> <p>Given the scale of change predicted with the wind farm compared to the unimpacted population the RSPB find it impossible to conclude no adverse effect on integrity as a</p>	Not agreed



Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
		result of displacement mortality through the project in combination.	
	Conclusion of no AEoI for kittiwake population at Flamborough and Filey Coast SPA due to project alone collisions is appropriate. Updated collision risks have been submitted at Deadline 5 (REP5-059) following design mitigations (increased draught height and larger turbines) which reduce kittiwake collisions at Flamborough and Filey Coast SPA by 72%, from 50 collisions of Flamborough and Filey Coast SPA birds to 15 (using Natural England parameters).	Agreed. However, the RSPB reserves comment on the reduction in kittiwake collision risk until we have reviewed the updated impact assessments.	Agreed.
	Conclusion of no AEoI for kittiwake population at Flamborough and Filey Coast SPA is appropriate on the basis of in-combination collisions.	Not agreed  Given the scale of change predicted with the wind farm compared to the unimpacted population the RSPB find it impossible to conclude no adverse effect on integrity as a result of collision mortality through the project in combination.	Not agreed
	Individual species which comprise the seabird assemblage feature of the Flamborough and Filey Coast SPA have either been assessed separately (gannet, kittiwake, guillemot, razorbill) or lack connectivity with the project or have extremely low predicted impacts at the project (fulmar, puffin, herring gull, shag and cormorant). Therefore, there is no requirement to assess these separately. Note that following application of Natural England advised apportioning rates less than 0.1 puffin was apportioned to this SPA population.	Not agreed  Accept that puffin has now been considered in the Offshore Ornithology Update, albeit a limited assessment. However, the RSPB considers that several key species that are part of the assemblage should be considered as having AEoI due to the alone impacts e.g. kittiwake, gannet, guillemot and razorbill. This needs to be factored into the seabird	Not agreed with regard to assessment of puffin.

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		assemblage assessment, which should not be solely limited to assessment of puffin.	
	Conclusion of no AEoI for the red-throated diver population at the Greater Wash SPA is appropriate on the basis of project alone and in-combination construction, operation and decommissioning displacement (in relation to vessel movements).	Agreed	Agreed
	Conclusion of no AEoI for the little gull population at the Greater Wash SPA is appropriate on the basis of project alone and in-combination collisions.	Agreed	Agreed
<b>Monitoring</b>			
Monitoring	The proposed monitoring (to be developed through the Ornithological Monitoring Plan, in accordance with the In Principle Monitoring Plan (the IPMP) (Application document 8.12)) is adequate. The Applicant considers that detailed monitoring should be agreed with the Marine Management Organisation (MMO) who will consult with Natural England and other appropriate organisations at the appropriate time following consent award.	Agreed with respect to principle, but greater detail of proposed monitoring is still required.	Agreed with respect to principle, but greater detail of proposed monitoring is still required.
	The IPMP allows for both strategic and project level monitoring (although these need to be considered in relation to the relative magnitude of individual project scale impacts). Monitoring options will be agreed with the Marine Management Organisation (MMO) in consultation with relevant stakeholders in accordance with Condition 14(1)(l) of the generation Deemed Marine Licences (DMLs) (Schedule 9 and 10) which refer to the Ornithological Monitoring Plan.	Agreed that the IPMP allows for site specific monitoring if appropriate, but concerns remain that there appears to be a presumption against project level monitoring and that cumulative impact levels are under-rated in the description.	Agreed that the IPMP allows for site specific monitoring if appropriate, but concerns remain that there appears to be a presumption against project level monitoring

Topic	Norfolk Boreas Limited's position	RSPB's position	Final position
			and that cumulative impact levels are under-rated in the description.
	However, the Applicant also considers that in many instances studies for offshore wind farm effects on seabirds designed to reduce uncertainties and precaution in assessments need to be conducted at a strategic rather than project level. The Applicant is a key supporter of strategic monitoring initiatives and has a proven track record in this area (e.g. through the Scientific Research and Monitoring Programme for the European Offshore Wind Development Centre and involvement in the Offshore Renewables Joint Industry Programme).	Agreed and note the role of the RSPB in supporting and advising on the initiatives highlighted.	Agreed

**The names inserted below are to confirm that these are the current positions of the two parties contributing to this SOCG**

Printed Name	Rosie Sutherland
Position	Head of Environmental Law
On behalf of	The Royal Society for the Protection of Birds
Date	05 March 2020

Printed Name	Jake Laws
Position	Norfolk Boreas Consents Manager
On behalf of	Norfolk Boreas Limited (the Applicant)
Date	05 March 2020