



NORFOLK BOREAS OFFSHORE WIND FARM  
Planning Inspectorate Reference: EN010087

Deadline 9

29th April 2020

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**Natural England's comments on Norfolk Boreas In Principle Habitats  
Regulations Derogation, Provision of Evidence Appendix 2 Alde-Ore Estuary  
SPA In Principle Compensation Measures**

Our Ref NE.NB.D9.11.AOE

## **1. Summary of Natural England's advice**

- 1.1. Natural England welcomes the in principle compensation measures presented by Norfolk Boreas for lesser black-backed gulls (LBBGs) at the Alde-Ore Estuary SPA. We believe that these proposals are in principle heading in the right direction. But, Natural England's view is whilst the Applicant's proposal to fund of a project coordinator and scoping study is helpful, there must be a commitment to delivering measures on the ground that would offset the predicted collision risk mortality.
- 1.2. Therefore, we have reviewed all of the options considered by the Applicant as compensation measures and we believe that predator proof fencing for LBBG at the Alde-Ore Estuary SPA has the most potential to be considered as an appropriate compensatory measure to address collision mortality impacts. However, there are other factors, including site suitability and management issues, which need to be considered in determining a suitable location for such fencing.
- 1.3. Natural England considers that it is achievable to have a suitable location identified and a predator proof fence erected before the construction of the windfarm.

## **2. Background**

- 2.1. As noted in our EV9-003 and Deadline 9 responses to the updated Collision Risk Modelling (CRM) for Norfolk Boreas alone submitted by the Applicant in REP5-059 and REP7-029/30, Natural England welcomes the mitigation measures committed to by Norfolk Boreas through reduced numbers of turbines and increased draught heights.
- 2.2. Based on the collision predictions presented in REP5-059 and REP7-029/030 the revised collision predictions are now 2 lesser black-backed gulls (LBBG) from the Alde-Ore Estuary SPA (range of collisions to account for uncertainty in input parameters: 0.4-5), based on the new worst case scenario (WCS) of 14.7MW turbines with a draught height of 30m above mean high water springs (MHWS) and using Natural England's preferred breeding season apportionment rate.
- 2.3. Using the updated WCS figures for both Norfolk Vanguard and Norfolk Boreas (as submitted by the Applicant in REP8-025/026), the in-combination collision total when Natural England's preferred breeding season apportionment rates are applied for Norfolk Vanguard and Boreas for LBBGs at the Alde-Ore Estuary SPA is 54 per annum. This is irrespective of whether Hornsea Projects 3 and 4 are excluded or included in the total as no LBBGs collisions have been apportioned to the SPA from these projects, which we are content with.
- 2.4. The mitigation provided by Norfolk Boreas must either avoid or reduce as far as possible the impacts associated with the development. That mitigation should mean the development will not, alone, have an adverse effect on the integrity (AEoI) of the SPA. Any residual effects of the development which alone are not adverse must be considered in-combination with the residual impacts of other plans and projects.
- 2.5. The revised predicted WCS collision predictions based on Natural England's preferred breeding season apportionment of 2 (range: 0.4-5) equates to less than 1% of baseline mortality of the Alde-Ore Estuary SPA LBBG colony. On that basis, Natural

England agrees that AEol can be ruled out for LBBG at the Alde-Ore Estuary SPA from Norfolk Boreas **alone** and therefore, there is no need for compensation due to Norfolk Boreas **alone**. However, we consider that it is not possible to rule out AEol of this feature due to in-combination collision mortality and that includes a contribution from Norfolk Boreas (2 of 54 birds per annum).

2.6. Whilst Norfolk Boreas's contribution to the in-combination totals for LBBG at the Alde-Ore Estuary SPA has been significantly reduced by the additional mitigation, and the contribution to the overall in-combination mortality totals is relatively small when compared to other protects; Natural England's position remains that Norfolk Boreas still makes a contribution to the total (based on the figures for the revised WCS in REP5-059 and REP7-029/030). It should be noted that the Norfolk Boreas alone figure of 2 (range 0.4-5) is an estimation which is underpinned by a number of assumptions, several of which have considerable uncertainty associated with them. Accordingly, Natural England takes a range-based approach to considering impacts.

2.7. We note that the Galloper offshore wind farm was consented on project alone (119 collisions) and in-combination (270-357) collision predictions that are higher than either the project alone or in-combination totals now predicted by Norfolk Boreas. However, we note that assessment methodologies and Natural England advice regarding these have significantly improved since the Galloper consent (24<sup>th</sup> May 2013). There have been two critical changes: firstly, the shift from the use of Potential Biological Removal (PBR) to the use of Population Viability Analysis (PVA), and secondly, the associated recommendation for interpretation of PVA model outputs using the metrics of counterfactual of population size and counterfactual of growth rate. In addition, there has also been the publication of Natural England's formal Conservation Advice package for the Alde-Ore Estuary SPA and associated conservation objective to restore the SPA's LBBG population, which are available from:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9009112&HasCA=1&NumMarineSeasonality=8&SiteNameDisplay=Alde-Ore%20Estuary%20SPA>

2.8. Natural England therefore welcomes the 'in-principle' compensation measures proposed by Norfolk Boreas for LBBGs at the Alde-Ore Estuary SPA.

### **3. Closure of sandeel and sprat fisheries close to the Alde-Ore Estuary SPA**

3.1. We agree with Norfolk Boreas that based on studies of diet and tracking of breeding adults suggesting that sandeels are not an important component of the diet of LBBGs, changes to sandeel fishery management are unlikely to represent a strong measure for compensation in relation to LBBG.

### **4. Predator control / Productivity improvement – Establish an area within the Alde-Ore Estuary SPA that is protected by predator proof fencing for LBBGs to nest**

4.1. We agree that in principle the installation of predator proof fencing would have the potential to benefit LBBGs at the Alde-Ore Estuary SPA. However, there are other factors, including site suitability and management issues, which need to be considered. Therefore, we welcome that Norfolk Boreas has undertaken consultation with local None Government Departments.

**a. Delivery mechanism**

4.2. Whilst installation of predator proof fencing at an area at Orfordness is likely to have the potential to work for LBBGs at the Alde-Ore Estuary SPA, other factors need to be taken into account, for example:

- Whether such fencing can be installed at the site due to ground conditions and that parts of the site are already covered in subsurface wires;
- Excessive growth of vegetation in the areas used by large gulls has proved an issue that has discouraged their nesting and this has proved impossible to manage by mechanical means due to the network of subsurface wires. Therefore, this would need to be tackled as well, unless a location can be found where vegetation growth is not an issue e.g. a sufficiently sized area of hard standing suitable for nesting LBBG.

4.3. These factors are issues that will need to be considered through the Alde Ore partnership that is being set up for site wider site management.

**b. Spatial scale**

4.4. We agree that provision of predator proof fencing for the benefit of SPA species has the potential to provide orders of magnitude greater than the risk from the Norfolk Boreas development in isolation. However, we also consider that delivery of compensation at a scale appropriate to Norfolk Boreas's anticipated impact is possible.

4.5. The idea of a proportionate approach where Norfolk Boreas contributes in proportion to their share of the predicted impact seems reasonable. It will be necessary to take account of the uncertainty in the in-combination predicted impact totals and of Norfolk Boreas's individual contribution to the total. However, this does highlight the whole issue of additionality which needs to be demonstrated in regard to compensation measures. Given the small number of birds involved and the potential to predator-proof relatively small areas it may be more appropriate for Norfolk Boreas to address the compensation as a stand-alone project (or in tandem with the sister project Norfolk Vanguard if appropriate), and this would be more practical from a planning point of view.

**c. Timescale**

4.6. Natural England considers that it is achievable to have a suitable location identified and a predator proof fence erected before the construction of the windfarm.

**d. Monitoring**

4.7. Natural England notes that while monitoring of the changes in breeding numbers of LBBGs at the Alde-Ore Estuary SPA will be needed as part of the package of

measures to validate the efficacy of the intervention, monitoring in itself is **not** a compensation measure.

## **5. Proposed approach to delivery of compensation**

- 5.1. Consultation is only proposed with Natural England as the relevant Statutory Nature Conservation Body. However, as the proposal regarding LBBGs at the Alde-Ore Estuary SPA would be an onshore scheme, consultation should be undertaken with the wider Alde Ore partnership, to seek their support, as this will be of considerable importance to success. Natural England highlight that a key aspect of ensuring the delivery of sufficient compensation will be the ability to demonstrate the implementation of measures through the mitigation funding already secured.