



THE PLANNING ACT 2008  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

**Natural England's Ornithology Comments on Applicants Deadline  
13 Implications of the Vanguard decision and Hornsea Project  
Three letter on Norfolk Boreas [REP13-025]**

**Deadline 14**

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25<sup>th</sup> August 2020

Our Ref: NE.NB.D14.02.OrnImp

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# **Natural England's Ornithology Comments on Applicants Deadline 13 Implications of the Vanguard decision and Hornsea Project Three letter on Norfolk Boreas [REP13-025]**

## **1. Offshore Biodiversity, Biological Environment and Ecology**

### **a. Headroom**

The Applicant notes that the Secretary of State (SoS) is aware of the potential lower numbers of predicted seabird mortalities than previously calculated based on built scenarios as opposed to the assessed or consented scenarios ("headroom"). However, we note that whilst the HRA for Norfolk Vanguard refers to 'headroom' in the context of the Flamborough and Filey Coast (FFC) SPA kittiwake, it does not specify the evidence that supports this view, or seek to quantify the extent of 'headroom' that is available. Natural England is therefore not in a position to advise the ExA on how 'headroom' has been taken into account in the Norfolk Vanguard decision.

As set out in our response to point R17.1.2 of our Deadline 13 response [REP13-038], our position regarding headroom remains as that set out in our previous responses [REP6-049, REP7-048 and our response to the Applicant's response to ExA question 3.2.1.2 in REP9-042]. In summary, Natural England recognises that headroom is a significant issue, however it is a highly complex one, and it is important to note that there is not yet an agreed way forward at present. The Applicant's approach has also not been subjected to judicial scrutiny. There are issues/uncertainties associated with the Applicant's proposed approach, and issues with the approach developed by MacArthur Green for The Crown Estate (TCE), and hence Natural England's advice that it is not used. Until these issues are addressed and an industry wide approach is agreed we recommend that the default 'standard' approach is appropriate. We do not disagree that there is likely to be some headroom; however the exact extent of any potential headroom is not agreed.

If this approach to 'headroom' is conducted simply on a project-by-project basis this has significant risks of inconsistency of approach across applications. Therefore, we consider that this issue needs to be addressed strategically on behalf of the whole sector, including developing consensus on an approach. However we do recognise that this is not possible in timescale for the Norfolk Boreas examination, and therefore we continue to recommend that 'consented' values are used.

With regard to the revised collision predictions the Applicant has calculated for the Hornsea Project One 'as built' layout, Natural England notes the queries we have raised in REP6-049 regarding uncertainties over whether the correct density data has been used and concerns regarding use of only Option 1 figures and concerns highlighted regarding site-specific flight heights used in the CRM of Hornsea projects.

Whilst these matters are outstanding it would not be safe to assume that Hornsea Project One provides the headroom calculated.

b. Norfolk Boreas contribution to the cumulative totals

Please see our response to ExA question 5.8.6.2 also provided at Deadline 14 (Our ref: NE.NB.D14.01.ExWQ5) regarding the availability of updated figures for Hornsea 3 following the mitigation and additional data submitted by this project post-examination. Therefore, considering the recent SoS decisions on Thanet Extension and Norfolk Vanguard and 'minded to consent' for Hornsea 3, our advice regarding updated cumulative assessments (collision, displacement and collision plus displacement) remains as set out in our Deadline 13 response [REP13-038].

**2. Offshore ecology and requirements of the Habitats Regulations – Flamborough and Filey Coast (FFC) SPA and Alde-Ore Estuary SPA**

As set out in our Deadline 9 responses [REP9-046 and REP9-047] the Norfolk Boreas mean collision predictions of 14 kittiwakes per annum from the FFC SPA and 2 lesser black-backed gulls (LBBGs) per annum from the Alde-Ore Estuary SPA are the central values of estimations which are underpinned by a number of assumptions, several of which have considerable uncertainty associated with them. Therefore consideration should be given to the range of predicted collision figures: the range of FFC SPA kittiwake collisions from Norfolk Boreas is 4-28 birds per annum and the range of Alde-Ore Estuary SPA LBBG collisions from Norfolk Boreas is 0.4-5 birds per annum.

a. FFC SPA kittiwakes

As noted in our Deadline 13 response [REP13-038] to point R17.1.8 and in our response to the ExA question 5.8.6.2 also provided at Deadline 14 (Our ref: NE.NB.D14.01.ExWQ5), we highlight that the in-combination total of collision mortality across consented plans/projects has already exceeded levels which were considered to be of an adverse effect on integrity (AEol) to kittiwake at FFC SPA – we have concluded that an AEol cannot be ruled out since the Hornsea Project Two examination. Therefore, any additional mortality arising from these proposals would be considered adverse. We note that further predicted collisions of this feature of the SPA will have been added to the in-combination total presented at the Hornsea Project Two examination since from a further 5 projects located in English waters (Hornsea Project Three, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two). We consider that the Norfolk Boreas project does make a meaningful added contribution (3.9% based on central estimate) to this in-combination impact. Therefore, our advice remains **that there is an AEol of the FFC SPA kittiwake feature due to in-combination collision mortality and that includes a contribution from Norfolk Boreas.**

b. Alde-Ore Estuary SPA LBBGs

As noted in our Deadline 13 response [REP13-038] to point R17.1.6 and in our response to the ExA question 5.8.6.2 also provided at Deadline 14 (Our ref: NE.NB.D14.01.ExWQ5), no lesser black-backed gull (LBBG) collisions were apportioned to the Alde-Ore Estuary SPA from Hornsea Project Three or Hornsea Project Four (which we have agreed with). Therefore, as no further information has been submitted by the Applicant on this matter, the in-combination predicted collision total remains at 54 LBBGs from this SPA using Natural England's preferred apportionment rates for Vanguard and Boreas (or 53 using the Applicant's preferred rates). The Norfolk Boreas project does make a predicted contribution of 2 collisions per annum (range 0.4 – 5 collisions) to the overall in-combination total of 54 collisions per annum (i.e. 4% contribution based on central estimate). No further updates have been undertaken to the Alde-Ore Estuary SPA LBBG PVA and so the outputs and consideration of these remain as that set out in our Deadline 7 response [REP7-047].

**Therefore, our advice remains that as this feature has a restore conservation objective, and because there are indications that the population might even decline from current levels, we continue to advise that we cannot rule out AEol of Alde-Ore Estuary SPA through impacts to LBBG, in-combination with other plans and/or projects (see REP9-045) and the Norfolk Boreas project does make a contribution to this in-combination impact.**

c. Norfolk Boreas contribution to the cumulative totals

As noted in our Deadline 13 response [REP13-038] to point R17.1.8, FFC SPA kittiwakes have a relatively large foraging range and this makes it particularly prone to in-combination effects 'stacking up', as birds will be fairly widely distributed in the breeding season. This means birds from the FFC SPA colony will be interacting with a substantial proportion of the southern North Sea offshore wind farms in the breeding season, and with the majority of North Sea projects in the non-breeding periods. Hence there is an associated risk that in ruling out AEol on the basis that individual projects have a minor contribution to the in-combination collision total, that total, which has already reached a level where adverse effects could arise, will only increase. Furthermore, as that in-combination total continues to increase with additional offshore wind farm projects consented in the North Sea, the percentage contribution of individual projects to that increasing total will tend to decrease, which could lead to further decisions being made on the basis of individual projects having minor contributions. This risks the impacts on the SPA becoming an example of 'death by a thousand cuts'.

Please also see our separate response to the ExA question 5.8.6.1 also provided at Deadline 14 (Our ref: NE.NB.D14.01.ExWQ5) regarding de minimis.