



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Natural England review of G3.4 Compensation measures for FFC SPA: Compensation  
Connectivity Note - Revision: 01 [REP3-032]

For:

The construction and operation of Hornsea Project Four Offshore Wind Farm, located  
approximately 69 km from the East Riding of Yorkshire in the Southern North Sea, covering  
an area of approximately 468 km<sup>2</sup>.

Planning Inspectorate Reference EN010098

10<sup>th</sup> May 2022

## **Natural England’s advice on the Compensation Connectivity Note [REP3-032]**

The Applicant states that compensation does not necessarily have to be delivered at the site of impact, in this case Flamborough and Filey Coast Special Protection Area (FFC SPA). Natural England agrees that this is in accordance with the hierarchy approach set out in Defra’s draft guidance on compensation for Marine Protected Areas (Defra, 2021). However, we note that as you move down the hierarchy the certainty of success may decrease and “*therefore increase the extent of compensation required...to ensure the biological structure and function of the network is maintained*” (Defra, 2021).

As options to provide compensation with direct benefits to the site of impact (e.g. prey availability) and/or other sites within the National Site Network<sup>1</sup> have not been submitted, consideration must be given to the implications for the current proposals in terms of the nature of the benefits to the National Site Network provided by the compensation and the level of compensation required. This includes both setting the target that the compensation needs to achieve (i.e. the number of individuals that need to be produced to maintain the coherence of the National Site Network), and the amount of compensating activity that is needed to ensure this target can be met.

As stated, the test for compensation delivery is to maintain the coherence of the National Site Network. In the context of these compensatory proposals, this means the network of SPAs classified for guillemot and razorbill – not the general populations of these species. The English National Site Network sites designated for these species are detailed in Table 1, noting there are also Scottish and Welsh SPAs that support these species.

**Table 1:** National Site Network SPAs in England with guillemot and razorbill as a feature.

| <b>SPA</b>                | <b>Guillemot</b>                             | <b>Razorbill</b>                             |
|---------------------------|--|--|
| Flamborough & Filey Coast | Classified feature                           | Classified feature                           |
| Farne Islands             | Classified feature                           | Un-named component of the seabird assemblage |
| Isles of Scilly           | Un-named component of the seabird assemblage | Un-named component of the seabird assemblage |

The key English sites within the National Site Network are therefore FFC SPA and Farne Islands SPAs for guillemot, and FFC SPA for razorbill. Whilst Isles of Scilly also supports these species, it is not classified for either and they are not present in numbers sufficient to have them listed as named components of the sites. This is not surprising given the limited habitat available on Scilly for these species, which generally select nesting sites on or near tall cliffs.

The Applicant proposes to provide compensation by predator eradication on the Channel Islands, outside the National Site Network and the UK. Any increase in nesting guillemot and razorbill at the seabird colonies on the Channel Islands will make no contribution to the UK National Site Network. Therefore, benefits to the UK National Site Network would only accrue

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<sup>1</sup> Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in the UK no longer form part of the EU’s Natura 2000 ecological network. The 2019 Regulations have created a National Site Network on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing SACs and SPAs
- New SACs and SPAs designated under these Regulations

Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

should these colonies in time produce birds that disperse from those colonies and occupy the sites in the network.

Given the test of the compensation measures relates to maintaining the coherence of the National Site Network of SPAs for these species, the question then is what level of dispersal to these National Site Network colonies is likely. The Applicant has demonstrated in REP3-034 that there is the potential for connectivity, however it is also fair to say that the level of ecological connectivity to the above sites is likely to be rather low, given i) the evidence available regarding philopatry of these species, ii) the high dispersal distances required between the Channel Islands and colonies such as FFC SPA and Farne Islands SPA and iii) the number of other guillemot/razorbill colonies to which dispersing birds could recruit, based on the dispersal distances cited by the Applicant in document REP3-034. We note that the at-sea distance from the Channel Islands to FFC SPA is approximately equivalent to the greatest dispersal distance recorded for guillemots in the Baltic Sea and is over double the mean dispersal distance from that study (Lyngs, 1993).

This is not to say that compensatory measures are not possible at the Channel Islands. However, for the compensation to deliver sufficient benefit to the National Site Network (i.e. commensurate to the level of impact at FFC SPA, a key site in the network for these species) it follows that an appropriately large number of fledglings needs to be produced, given that a substantial number of these will either recruit into the natal colony or disperse to non-National Site Network colonies. If an equivalent number of recruits into the National Site Network to those impacted at FFC SPA is not produced, it is hard to see how the National Site Network could be considered maintained. This then poses the challenge of identifying the level of compensation that will deliver sufficient recruits to the biogeographic population to achieve this. This is very difficult to quantify, but it seems clear that the proposed ratio of 2:1 is unlikely to achieve an appropriate level of reinforcement.

In addition, the Applicant proposes to provide compensation through bycatch reduction in the English Channel, targeting wintering guillemot and razorbills. In this case, while connectivity with the impacted site and the National Site Network is undisputed, it is not clear what proportion of wintering birds in the target region may originate from outside the National Site Network. Again, this has implications for the level of compensation required to ensure sufficient benefit to the National Site Network.

The Applicant draws appropriate parallels between predator eradication and the provision of artificial nest sites as compensation for kittiwake from FFC SPA. We note that the comments above also apply to kittiwake. The National Site Network sites in England designated for kittiwake are detailed in Table 2, again noting there are also Scottish and Welsh SPAs that support this species.

**Table 2:** National Site Network SPAs in England with kittiwake as a feature.

| <b>SPA</b>                | <b>Kittiwake</b>                             |
|---------------------------|--|
| Flamborough & Filey Coast | Classified feature                           |
| Farne Islands             | Named assemblage component                   |
| Coquet Island             | Un-named component of the seabird assemblage |
| Isles of Scilly           | Un-named component of the seabird assemblage |

It is evident that FFC SPA is a key site for this species in an English context, being the sole SPA specifically classified for this species. As with the auk species above, the compensatory proposals should seek to maintain the coherence of the National Site Network for kittiwake by

ensuring the biogeographic population is appropriately reinforced to allow it to deliver sufficient recruits to the National Site Network.

We note the Applicant has used Hornsea Three as a case precedent for compensation delivery to the wider population rather than the site of impact, stating that what was proposed was “65-73 breeding adult birds into the regional population” and that nothing in Hornsea Three’s decision letter suggested disagreement with the proposed approach. It is important to note that what was consented on Hornsea Three was the provision of four artificial structures across two locations, each capable of delivering 65-73 birds into the Southern North Sea population according to the Applicant’s calculations. This was following discussion on the best way to achieve the target set for compensation, factoring in a range of considerations. These included the following as set out in the draft Defra (2021) guidance: the extent of the impact; the environmental value and function of the affected feature and compensatory measure; the location of the measure (distance from area of loss); the timeframe for the measure to be functioning; and, the confidence in the measure being entirely effective and the ability for its success to be monitored. Further, the Secretary of State’s HRA accompanying the decision for the Hornsea Three Offshore Wind Farm Order 2020 states that: “*The Secretary of State agrees that the objective of the compensation as the recruitment of 73 adult kittiwake into the Flamborough and Filey Coast SPA population per year is appropriate*” (Section 14.1, page 115). This indicates there is an expectation that an equivalent number of birds will be recruited back to the impacted SPA.

Finally, clarity is needed on Section 6 of the report. We are unclear what is being proposed, but it appears to suggest that Natural England will be responsible for monitoring the success of compensation delivery in relation to FFC SPA. We do not consider it appropriate to rely on SNCBs to monitor the impact of a development or the effectiveness of compensatory measures. We highlight that our role in “assessing the effectiveness of interventions” relates specifically to management measures. It is for the Applicant to demonstrate through their monitoring of the measure that the compensation delivery has been successful in its purpose of maintaining the coherence of the National Site Network. This aspect of the proposals therefore needs clarification.

## **References**

Defra (2021), Best Practice Guidance for Developing Compensatory Measures in Relation to Marine Protected Areas.

[https://consult.defra.gov.uk/marine-planning-licensing-team/mpa-compensation-guidance-consultation/supporting\\_documents/mpacompensatorymeasuresbestpracticeguidance.pdf](https://consult.defra.gov.uk/marine-planning-licensing-team/mpa-compensation-guidance-consultation/supporting_documents/mpacompensatorymeasuresbestpracticeguidance.pdf)

Lyngs, P. 1993. Colony interchange in Baltic guillemots *Uria aalge*. Dansk Ornitologisk Forenings Tidsskrift 87: 247-250