



Written Submission
for the
Royal Society for the Protection of Birds
Response to Secretary of State's consultation dated 18 May 2023

Submitted 15 June 2023

Planning Act 2008 (as amended)

In the matter of:

**Application by Hornsea Project Four Limited for an Order
Granting Development Consent for the Hornsea Project Four Offshore Wind
Farm**

Planning Inspectorate Ref: EN010098

RSPB Registration Identification Ref: 20029909

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1. Introduction

- 1.1. The RSPB thanks the Secretary of State for his invitation to comment on the information provided by the Applicant in response to the Secretary of State's request of 5 April 2023: specifically, the updated assessment of impacts on the ornithology features of the Flamborough and Filey Coast Special Protection Area (the SPA) in the protective provisions provided.
- 1.2. We understand the Secretary of State is exploring scenarios to resolve the various protective provisions and to understand the implications of each scenario for the ornithology features of the SPA.
- 1.3. Below we set out our brief comments on the additional information and its implications:
 - for the RSPB's conclusions on the impacts of Hornsea Project Four on relevant interest features of the SPA (c.f. the RSPB's submission dated 9 March 2023);
 - for the requirement to provide compensation measures for adverse effects on the integrity of the SPA;
 - and next steps with regard to further information needed before making a decision to consent one of the alternative scenarios including presentation of the correct outputs of population models.

2. RSPB comments on the additional information provided by the Applicant in response to the Secretary of State's request of 5 April 2023

Implications of the updated assessment of impacts on the ornithology features of the Flamborough and Filey Coast Special Protection Area (the SPA) in the protective provisions for the RSPB's conclusions on adverse effect on integrity

2.1. The RSPB has reviewed the following submissions by the Applicant:

- Covering letter dated 16 May 2023 to the Planning Inspectorate;
- Technical Note: Impact of Protective Provisions on Seabird Modelling. Request for Further Information. Date: 16 May 2023. Document Reference: G13.2. Revision: 01;
- Appendix to Technical Note: Impact of Protective Provisions on Seabird Modelling. Request for Further Information. Date: 16 May 2023. Document Reference: G13.3. Revision: 01.

2.2. We note the Applicant has agreed with Natural England a revised approach that models seven of the thirteen scenarios. The RSPB agree that this approach is useful for an initial exploration of changes in scale of impact.

2.3. For impacts arising through distributional change, the approach of recalculating the resultant mortality is in line with the SNCB guidance. However, we note that the approach does not take into account any changes in the strength of distributional response due to the change of density of the turbines within the array. This change in turbine density is because while the array footprint is reduced for all scenarios, the number of turbines remains the same. The Applicant's own review of auk displacement (REP1-069) noted that turbine density, represented by total windswept area as a percentage of the array area footprint, is associated with a significant change in distribution response. There is currently no approved method of incorporating this into the assessment, but we highlight to show that considerable uncertainty remains in the assessment of these scenarios, and a proportionate need for precaution is required in any decision with regard to scale of impact and consequent need for compensation.

2.4. For collision risk, the Applicant's approach is somewhat simplistic due to time constraints. It does have some merit as an initial exploratory method, but the RSPB recommend that for any preferred scenario, full collision risk modelling is carried out in order to minimise uncertainty and the consequent need for precaution.

Population Viability Analysis

2.5. The Applicant has provided the results of Population Viability Analysis for a range of impacts on the gannet, kittiwake, guillemot and razorbill populations of the Flamborough and Filey Coast SPA, in tables 23, 26, 30 and 34 of Technical Note: Impact of Protective Provisions on Seabird Modelling. Request for Further Information. Date: 16 May 2023. Document Reference: G13.2. These outputs are fundamental to the ability of the Secretary of State to come to conclusions regarding the significance of adverse effects. However, the values

presented are wholly implausible for the Counterfactual of Population Size and Counterfactual of Population Growth Rate, as is the relationship between these metrics. **This error is severe.** It seems likely that these errors are a result of mis-labelling. However, without the Applicant checking these and resubmitting in a correct form, it is impossible to come to full conclusions as to the scale of impact related to the revised scenarios.

The RSPB's preferred scenario

- 2.6. Based on the information provided by the Applicant, it is apparent that Scenario 13 would be the least damaging to the ornithology features of the Flamborough and Filey Coast SPA. This is due to the decreases in predicted mortality of guillemot and razorbill arising through distributional change (displacement and barrier effects) due to the presence of the turbines. However, there is no notable change in the predicted collision mortalities of kittiwake and gannet, although full collision risk modelling has not been carried out for this or any other of the scenarios.
- 2.7. In order to fully understand the impacts of scenario 13, (and any of the Applicant's preferred scenarios), the RSPB request that full collision risk models are done for relevant scenarios, with correct PVA output presented incorporating the results.

Implication for the requirement to provide compensation measures for adverse effects on the integrity of the SPA

- 2.8. Based on the RSPB's preferred approach, it is apparent that none of the scenarios avoid in-combination adverse effects on the integrity of the SPA with respect to gannet, kittiwake, Guillemot and Razorbill.
- 2.9. Based on the initial exploratory analysis of collision risk, none will avoid adverse effects on the integrity of the SPA with respect to collision impacts on gannet and kittiwake arising through the project alone. Furthermore, in the absence of a correctly presented PVA, we are unable to come to conclusions on adverse impacts on the integrity of the SPA arising through distributional change on guillemot and razorbill arising through the project alone.
- 2.10. Therefore, it is the RSPB view that compensation measures are required for each impacted feature of the SPA.
- 2.11. The RSPB's conclusions on the inadequacy of the Applicant's compensation measures remains as set out in its REP6-069 to the examination and summarised in its submission to the Secretary of State dated 9 March 2023. The tables from REP6-069 were repeated in Annex B of our 9 March 2023 submission). It remains our considered view that the significant uncertainties that remain undermine the ability to assess and determine whether a specific compensation measure can meet the ecological, technical and legal requirements, to enable the Secretary of State to have confidence that it will have a reasonable guarantee of success, and thereby protect the overall coherence of the relevant species' National Site Network.

Next steps with regard to making a decision on the DCO consent

- 2.12. The RSPB's conclusions on the base case scenario remain the same as set out at the end of the examination and most recently, in its submission dated 9 March 2023 (the latter based on updated information from the Applicant).
- 2.13. If the Secretary of State decides to proceed on the basis of the Hornsea Project Four Development Consent Order as it stood at the end of the examination, then no further ornithology modelling work is required.
- 2.14. However, if the Secretary of State is minded to consent Hornsea Project Four on the basis of one of the 13 alternative scenarios relating to protective provisions then, before consent for a revised DCO could be granted, as we set out above we consider it would be necessary to carry out scenario specific modelling work in order to ensure the Secretary of State:
 - Is presented with full and comparable information on the predicted magnitude of impacts of the revised scenario on various features of the Flamborough and Filey Coast SPA (including Population Viability Analysis – growth rate and population size). This should consider any revisions the Applicant may wish to make to the layout and parameters of that scenario. Such information would be needed to inform the Habitats Regulations Assessment, tailored to the chosen scenario. This is especially as the Applicant's further information suggests that some impacts could be worse than predicted for the base case scenario;
 - Is able to identify precisely the potential compensation requirements for each adversely affected SPA feature and enable the Secretary of State to determine whether or not those compensation requirements can be met.
- 2.15. It is vital that the RSPB and other interested and relevant stakeholders are then consulted further on this required information.