



**Response to the Examining Authority's
First Written Questions (ExQ1)
Issued on 27 September 2022
for the
Royal Society for the Protection of Birds**

**Submitted for Deadline 1
24 October 2022**

Planning Act 2008 (as amended)

In the matter of:

**Application by Awel y Môr Offshore Wind Farm Limited for an Order Granting
Development Consent for the Awel y Môr Offshore Wind Farm**

**Planning Inspectorate Ref: EN010112
RSPB Registration Identification Ref: 20031695**

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1. Introduction

1.1. The RSPB's responses to the Examining Authority's First Written questions (ExQ1) are set out in the table below. Where helpful, we have cross-referred to relevant RSPB written submissions.

2. Responses to the Examining Authority's First Written Questions

ExQ1	Question to:	Question	RSPB response
2. Biodiversity, Ecology and Natural Environment			
2.8	NRW, JNCC, RSPB,	<p>Offshore – General</p> <p>Are you satisfied that there is no disturbance assessment available to assess other construction activities such as drilling, dredging, vessel activity? If no, please explain your reasons and provide evidence justification.</p>	Due to ongoing resource constraints, we reserve the right to respond to this question at a future Deadline.
2.38	RSPB	<p>Offshore – Ornithology</p> <p>Are you satisfied with the applicant's approach to Statutory Nature Conservation Bodies Interim Advice on The Treatment of Displacement for Red-Throated Diver (2022)? If not, please explain your reasons and provide evidence in justification.</p>	The Applicant's approach, as detailed in our Written Representations, does not consider the conservation objective of " <i>maintaining or restoring the extent and distribution of the habitats of the qualifying features</i> " in the context of the displacement of red-throated diver within the SPA, leading to the redistribution of these birds and a functional reduction of the size of the SPA.
2.39	NRW, JNCC, RSPB, NWWT	<p>Offshore – Ornithology</p> <p>Are you satisfied with the existing baseline data and for a future baseline to be informed by extrapolation of the currently available data by reference to policy and plans, other proposal applications and expert judgement? (Paragraph 40, [APP-050]). If not, please explain your reasons and provide evidence justification.</p>	In our Written Representations, we list further details of the survey methodology that we require to be provided in order to have confidence in the baseline survey data.

ExQ1	Question to:	Question	RSPB response
2.41	NRW, JNCC, RSPB, NWWT	<p>Offshore – Ornithology</p> <p>Are you satisfied:</p> <p>a) That the site-specific baseline surveys and sample sizes could not be used to accurately calculate site-specific flight heights for the four species selected for CRM, and consequently band 2 and 3 were applied and presented in the report? Paragraph 2.1 [APP-097];</p> <p>b) With the list of migratory birds screened in for modelling migropath and broad front modelling in table 1 in ES Volume 4 [APP-098];</p> <p>c) With the worked example for apportioning gannet collision mortalities to colonies during migration free breeding season (April to August) table 1 [APP-032]; and</p> <p>d) With the potential likely significant effects listed within the Matrixes? ES Report 5.2 [APP-033].</p> <p>If not, please explain your reasons and provide evidence justification.</p>	<p>a) The RSPB agree that in the absence of a reliable and fully validated method for obtaining flight height data during site-specific surveys that the Johnston <i>et al.</i>, height data used for Band Model options 2 and 3 are the most reliable. However we consider that the outputs of Option 2 are, at present, the most reliable.</p> <p>b) The RSPB are content with the species list.</p> <p>c) The work example has been shown correctly, however the RSPB would prefer that the full breeding season is used. It is also not clear which model scenario the collision mortalities presented are derived from.</p> <p>d) We disagree with the scoping out of Manx shearwater. Please refer to our Written Representation paragraphs 4.15 to 4.20.</p>
2.91	NRW, DCC, RSPB	<p>Onshore – Habitats and Species</p> <p>Are you satisfied with:</p> <p>a) The designated sites listed in Table 5: Designated Sites Scoped out of the Assessment ES Volume 3, Chapter 5 [APP-066];</p>	<p>This is not an area covered in our Relevant Representation.</p> <p>We defer to Natural Resources Wales and Denbighshire County Council as to whether they are satisfied with the level of information presented.</p>

ExQ1	Question to:	Question	RSPB response
		<p>b) The targeted scope of the wintering bird survey and that significant effects on other wintering bird species are unlikely and surveys for other species were not considered necessary (ES Volume 5 – Annex 5.3 [APP-126]); and</p> <p>c) That assessment of noise impact upon ecological receptors is not required for the cable route or OnSS (paragraph 105 of ES Volume 3, Chapter 10 [APP-071]).</p> <p>If not, please explain reasons and provide evidence justification.</p>	
2.97	NRW, JNCC, RSPB, NWWT	<p>RIAA</p> <p>Are you satisfied with:</p> <p>a) Table 57 and no adverse effect on integrity alone and in- combination? (ES Report to Inform Appropriate Assessment [APP-027]);</p> <p>b) Table 6 – summary of the screening conclusions for all receptors (excluding ornithology) (ES RIAA Annex 1 [APP-028]); and</p> <p>c) The minimum air gap of 21.9m referenced in table 1 turbine and array parameters used to inform Collision Risk Models [APP-097].</p> <p>If no to any of the above points, please identify and explain your reasons and provide evidence justification.</p>	<p>a) We disagree with the assessment of no adverse effect on integrity alone and in- combination for Liverpool Bay SPA and its feature red-throated diver;</p> <p>We also disagree with the assessment for the following Manx Shearwater SPAs:</p> <ul style="list-style-type: none"> • Copeland Islands SPA • Irish Sea Front SPA • Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA <p>We also disagree with the assessment for the following gannet SPAs.</p>

ExQ1	Question to:	Question	RSPB response
			<ul style="list-style-type: none"> • Grassholm • Great Saltee Island • Ailsa Craig <p>Furthermore, the Table omits two Manx shearwater SPAs Rum SPA & St Kilda SPA.</p> <p>b) This is not an area covered in our Relevant Representation.</p> <p>c) The RSPB would prefer to see a higher air gap in order to reduce the number of potential collisions. Evidence to support the use of higher air gaps to significantly reduce predicted collision mortality has been presented is Johnston <i>et al.</i>, (2014)¹.</p>
2.98	NRW, JNCC, RSPB, NWWT	<p>RIAA</p> <p>Are you satisfied with the potential impacts considered at designations within Table 1.1.</p> <p>If no, please identify the designation(s), explain your reasons, and provide evidence justification (ES Integrity Matrices [APP-034]).</p>	<p>For reasons detailed in our Written Representations, we disagree with the scoping out of collision impacts for Manx Shearwater at the following SPAs:</p> <ul style="list-style-type: none"> • Copeland Islands SPA • Irish Sea Front SPA • Rum SPA • St Kilda SPA • Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA

¹ Johnston, A., Cook, A. S., Wright, L. J., Humphreys, E. M., & Burton, N. H. (2014). Modelling flight heights of marine birds to more accurately assess collision risk with offshore wind turbines. *Journal of Applied Ecology*, 51(1), 31-41

ExQ1	Question to:	Question	RSPB response
13. Marine – Natural			
13.12	NRW, JNCC, RSPB, NWWT	Offshore – General Are you satisfied that there is no disturbance assessment available to assess other construction activities such as drilling, dredging, vessel activity? If no, please explain your reasons and provide evidence justification.	See response to Qu 2.8.