



**Response to the Examining Authority's
Third Written Questions (ExQ3)
Issued on 1 March 2023
for the
Royal Society for the Protection of Birds**

**Submitted for Deadline 7
8 March 2023**

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 Third Written questions (ExQ3) are set out in the table below.

2. Responses to the Examining Authority's Written Questions

ExQ3	Question to	Question	RSPB response
2. Biodiversity, Ecology and Natural Environment			
2.1	NRW, JNCC, RSPB, NWWT	General Please advise if you have any issues with the Applicant's Response to R17Q1.1 [REP4-008] and the provided template plans, and if issues exist, please reference with explanation and evidence to justify.	The RSPB have no issue with the template plans. However we note that these are only templates and the Applicant acknowledges that the structure and content of the final plans may differ significantly for a variety of reasons. As such the RSPB reserve the right to comment on and/or object to the final plans.
2.3	RSPB, NWWT	General - Mitigation Please advise if you have any issues with Schedule of Mitigation and Monitoring [REP4-021], and if issues exist, please reference with explanation and evidence to justify.	The RSPB re-iterate our request for larger air gap between the lower turbine tip height and the water surface, as this will reduce the number of avian collisions. While we agree with the Applicant that currently the predicted number of collisions is relatively low, there is no reason not to seek to reduce the number further in order to secure protection for vulnerable seabird populations.
2.9	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.21 [REP6-003] and advise on any disagreement with evidence to justify.	<p>a) The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.</p> <p>b) & c) While the RSPB continue to have concerns about the methodologies used to assess impacts on Manx Shearwater, particularly regarding collision risk, we agree with the Applicant that the low numbers of birds recorded on site are indicative that collision impacts on Manx shearwater are not likely to be a significant effect.</p>

ExQ3	Question to	Question	RSPB response
			d) & e) While the RSPB continue to have concerns about the use of Avoidance Rates for gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low.
2.10	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.23 [REP6-003] and advise on any disagreement with evidence to justify.	While the RSPB continue to have concerns about the use of Avoidance Rates for gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low. The RSPB would also like to highlight an error in our previous response. We responded that our preferred Avoidance Rate for gannet during the non-breeding season was 99.2% when our preferred rate is 98.9%, in line with current SNCB advice.
2.12	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.17 [REP6-003] and advise on any disagreement with evidence to justify.	While the RSPB continue to have concerns about the use of Avoidance Rates for gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low. We also note that these conclusions are based on predictions without the application of the Macro-Avoidance correction factor.
2.13	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.12 [REP6-003] and advise on any disagreement with evidence to justify.	The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.

ExQ3	Question to	Question	RSPB response
2.14	Applicant, RSPB, NRW	<p>HRA RSPB Please could you comment on NRW Advisory Deadline 5 addendum ANNEX A: NRW Advisory’s position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA on our statutory advice relating to the Awel y Môr offshore windfarm [REP5-039].</p> <p>To the Applicant and NRW ANNEX A: NRW Advisory’s position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA.</p> <p>Please could you advise on any implications for the Report to Inform Appropriate Assessment [APP-027] and associated annexes?</p>	<p>The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.</p>