



# Awel y Môr Offshore Wind Farm

## Statement of Common Ground 14 – The RSPB

### Deadline 8

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RWE Renewables UK Swindon Limited


Windmill Hill Business Park  
Whitehill Way  
Swindon  
Wiltshire SN5 6PB  
T +44 (0)8456 720 090



Registered office:  
RWE Renewables UK Swindon Limited  
Windmill Hill Business Park  
Whitehill Way  
Swindon

# Signatories

Signed	
Name	Rosie Sutherland
Position	Head of Environmental Law
For	The Royal Society for the Protection of Birds

Signed	
Name	Karen Algate
Position	Senior Consents Manager
For	Awel y Môr Offshore Wind Farm Limited

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# 1 Introduction

## 1.1 Background

- 1 This Statement of Common Ground (SoCG) has been prepared between Awel y Môr Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and the RSPB to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Awel y Môr Offshore Wind Farm (hereafter referred to as 'AyM').
- 2 This SoCG covers the topic of offshore ornithology.
- 3 The need for a SoCG between the Applicant and the RSPB was set out within Rule 6 letter issued by the Planning Inspectorate (PINS) on 23 August 2022.
- 4 Following detailed discussions undertaken through pre-application consultation, the Applicant and the RSPB have sought to progress a SoCG. It is the intention that this document provides PINS with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and the RSPB and will be updated as discussions progress prior to and during the Examination.

## 1.2 Approach to SoCG

- 5 This SoCG began development during the pre-examination phase of AyM. In accordance with discussions between the Applicant and the RSPB, the SoCG is focused on ornithological topics.
- 6 The SoCG is structured as follows:
  - ▲ **Introduction:** Outlining the background to the development of the SoCG;
  - ▲ **The RSPB's remit:** Describing the remit of the RSPB, the relevance of its interest and involvement in the Application, the main areas of discussion within the SoCG and a summary of consultation to date; and

- ▲ **Agreements Log:** A record of the positions of the Applicant alongside those of the RSPB as related to the topics of discussion and the status of agreement on those positions.

### 1.3 The Development

- 7 The Application is for development consent for the Applicant to construct and operate the proposed Awel y Môr project under the Planning Act 2008.
- 8 AyM will comprise up to 50 Wind Turbine Generators (WTGs) and will include infrastructure that is required to transmit the power generated by the turbines to the offshore substation via inter-array cables, before being transmitted via export cables to the proposed onshore substation located to the west of St Asaph Business Park (SABP) and then to the existing National Grid Bodelwyddan substation.
- 9 The key offshore components of AyM will include:
  - ▲ WTGs with associated foundations and scour protection;
  - ▲ Inter-array cables and associated cable protection;
  - ▲ Up to two Offshore Substation Platforms (OSPs) with associated foundations and scour protection;
  - ▲ Up to two offshore export cable circuits and associated cable protection;
  - ▲ A meteorological mast (met mast);
  - ▲ Permanent Vessel Moorings (PVMs) and
- 10 More details on the offshore aspects of the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Offshore Project Description (APP-047).

## 2 The RSPB's remit

### 2.1 Introduction

- 11 The RSPB is a UK Charity and a non-statutory nature conservation body with expertise in ornithology. The Applicant recognises the importance of the RSPB as a consultee due to its extensive role in the Evidence Plan process prior to submitting the Application.
- 12 The SoCG covers technical topics of the DCO application of relevance to the RSPB, comprising offshore ornithology.

### 2.2 Consultation Summary

- 13 Table 1 This section briefly summarises the consultation that the Applicant has undertaken with the RSPB including both statutory and non-statutory engagement during the pre-application and post-application phases.

Table 1: Consultation undertaken with the RSPB pre-application.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
25/11/2019	Project update meeting to provide an overview of the proposed scope of the EIA prior to finalisation of the Scoping Report.
June-July 2020	Scoping Opinion.
18/09/2020	Project update meeting with the offshore ornithology ETG post-scoping. <ul style="list-style-type: none"><li>▲ Project update in terms of the ongoing site selection process and environmental surveys, including the digital aerial surveys; and</li><li>▲ Summary of feedback received in relation to offshore ornithology in the Scoping Opinion;</li></ul>

DATE AND TYPE	DESCRIPTION OF CONSULTATION
	<ul style="list-style-type: none"> <li>▲ Discussion of key aspects of the Scoping Opinion feedback, including flight height estimation, Collision Risk Modelling (CRM) parameters and the seabird displacement assessment; and</li> <li>▲ In the context of HRA, discussion on the screening of designated ornithological sites in relation to the use of mean-maximum foraging ranges defined by Woodward et al. (2019).</li> </ul>
13/11/2020	<p>Follow-up meeting with the offshore ornithology ETG regarding the HRA process and the screening of designated sites. Discussion points included:</p> <ul style="list-style-type: none"> <li>▲ The use of survey data for screening purposes;</li> <li>▲ Screening in relation to the mean-maximum foraging ranges defined by Woodward et al. (2019);</li> <li>▲ Screening in relation to receptor/ impact ranges;</li> <li>▲ Confirmation of the use of up-to-date site information; and</li> </ul> <p>Approach to the assessment of migratory non-seabirds.</p>
29/03/2021	<p>Recap of a missed meeting that discussed:</p> <p>Project update on the progress of the PEIR and HRA and to discuss stakeholder feedback on the ornithology assessment position paper previously circulated to the ETG. Discussion points included:</p> <ul style="list-style-type: none"> <li>▲ The evidence base for HRA screening, including incorporation of the mean-maximum foraging ranges plus one standard deviation and the precautionary nature of screening;</li> <li>▲ The screening of specific Special Protection Areas (SPAs) and species;</li> <li>▲ Update on the digital aerial surveys and the analysis of the first 18 months of data for the purposes of PEIR;</li> <li>▲ Confirmation of the approach to CRM; and</li> <li>▲ The buffers and approach applied to the disturbance assessment.</li> </ul>



DATE AND TYPE	DESCRIPTION OF CONSULTATION
August-October 2021	Statutory consultation on the PEIR under Section 42 of the Planning Act 2008.
23/02/2022	<p>RSPB Meeting</p> <p>Project update meeting to discuss the s42 feedback and other EIA matters:</p> <ul style="list-style-type: none"> <li>▲ Presentation of the final project boundary and design envelope for application;</li> <li>▲ Discussion of feedback from stakeholders;</li> <li>▲ Assessment of red-throated diver displacement and vessel disturbance;</li> <li>▲ Population Viability Analysis; and</li> <li>▲ Cumulative and in-combination assessment.</li> </ul>
08/02/23	Meeting to review the RSPB, NRW and the Applicant's submissions at Deadline 5 (including responses to the Examination Authority's Second Written Questions) and to discuss updates to the draft SoCG before submission to the Examination.

### 3 Agreements Log

- 14 The following sections of this SoCG set out the level of agreement between the Applicant and the RSPB for each relevant component of the Application identified in paragraph 12. The tables below detail the positions of the Applicant alongside those of the RSPB and whether the matter is agreed or not agreed.
- 15 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreement logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 2 below.

Table 2: Position status key.

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or the RSPB is not considered to result in a material outcome on the assessment conclusions.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the RSPB is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

### 3.1 Offshore Ornithology

Table 3: Status of discussions relating to Offshore Ornithology.

DISCUSSION POINT	APPLICANT'S POSITION	RSPB POSITION	POSITION STATUS
<b>ENVIRONMENTAL IMPACT ASSESSMENT</b>			
Planning and policy	The EIA has identified and given due regard to all appropriate plans and policies relevant to offshore ornithology, insofar as relevant to the RSPB's remit.	The RSPB agrees that the Applicant has identified all appropriate plans and policies relevant to offshore ornithology.	Agreed
Consultation	The EIA has had regard to matters raised by the RSPB via statutory and non-statutory consultation activities in relation to offshore ornithology.	Notwithstanding outstanding areas of disagreement detailed below, the RSPB agrees that it has been properly included in statutory and non-statutory consultation and there has been constructive dialogue.	Agreed
Assessment scope and methodology	The EIA has identified and assessed all likely significant effects relevant to offshore ornithology as identified within the Scoping Report and Scoping Opinion.	The RSPB agrees that all likely significant effects have been correctly scoped.	Agreed
	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	The RSPB agrees that the defined study area is appropriate.	Agreed
	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	The RSPB agrees that the MDS has been appropriately defined.	Agreed
	The methods for assessing collision risk have followed SNCB guidance and have been applied accurately.  The Applicant consulted further with the RSPB during a meeting on 8 February 2023 in which the Applicant outlined the approach taken to CRM for gannets (APP-097) and that this advocates the use of a 98.9% avoidance rate for all months. The Applicant confirmed that no additional macro-avoidance factors were applied to the CRM for the assessment of gannet for AyM in the ES Chapter [APP-050] or RIAA [APP-027], though results using a macro avoidance	The RSPB considers that the approach for CRM for gannet should provide for the use of a 98.9% avoidance rate during the non-breeding season and recommends an avoidance rate of 98% in the breeding season. However, the RSPB recognises that the current guidance from the joint SNCBs in the UK advocates for the use of 98.9% for all bio-seasons, so they agree that the Applicant has followed best practice.  The RSPB also does not agree with application of a macro avoidance rate, as per Cook (2021), being applied to gannet for CRM so welcomes the Applicant's impact assessments that do not include this.	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	RSPB POSITION	POSITION STATUS
	<p>were presented in Appendix 4 of the CRM Annex (APP-097) should guidance have been updated post-submission.</p> <p>During the consultation meeting on 8 February 2023 the Applicant acknowledged the RSPB's position that they consider CRM for gannets should use a 98.9% avoidance rate for the non-breeding season and 98% in the breeding season. However, the RSPB recognises that the current guidance from the joint SNCBs in the UK advocates for the use of 98.9% for all bio-seasons, so the RSPB agree that the Applicant has followed best practice and that even if a 98% avoidance rate had been applied for the breeding season there would not be a material difference to the level of impact significance estimated for AyM.</p> <p>In relation to Manx shearwater, the Applicant presented the evidence from site-specific survey data collected to characterise the baseline for AyM, as well as data collected for sister project Gwynt y Mor, that shows that Manx shearwaters are not regularly recorded and only recorded in very low abundances and densities within this region of Liverpool Bay during the daytime. Additional evidence from a further desk study providing details on nocturnal tracking data from Manx shearwaters also confirmed that no flights entered Liverpool Bay or AyM during the hours of darkness. These data were collated in a previous submission to the Examination in response to questions about Manx shearwater from the Isle of Man Government [REP3-009]. Following discussion on these data sets the RSPB agreed in principal that Manx shearwaters were not at risk from AyM due to them being present in very low abundance and densities.</p>	<p>The RSPB considers that future assessments for OWFs need to consider collision risk for Manx shearwater. However, due to the very low abundance of this species known to occur at AyM from the baseline surveys and found from the additional desk study reviewing tracking studies of birds in the Irish Sea the RSPB agrees in this instance that it is appropriate to scope Manx shearwater out of the collision risk assessments.</p> <p>The RSPB agrees with the methods and application of CRM in all other regards.</p>	<p>Agreed</p> <p>Agreed</p>
<p>Change colour Baseline characterisation</p>	<p>Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.</p>	<p>The RSPB is content that the primary and secondary data collated are adequate, although there are outstanding concerns regarding the use of aerial digital surveys (see below).</p>	<p>Agreed</p>

DISCUSSION POINT	APPLICANT'S POSITION	RSPB POSITION	POSITION STATUS
	<p>The survey scopes and methodologies undertaken for aerial digital surveys are adequate for characterising the baseline environment.</p>	<p>The RSPB requested that further consideration may be needed to the potential limitations of aerial digital survey for baseline characterisation, along with the potential for such limitations to affect conclusions. The potential limitations raised included the following:</p> <ul style="list-style-type: none"> <li>▲ Consideration of potential biases in the survey and analysis methods;</li> <li>▲ Consideration of potential response of birds to disturbance arising from the survey;</li> <li>▲ Consideration of spatial autocorrelation;</li> <li>▲ Rationale for the use of a grid rather than transect based design; and</li> <li>▲ Details of external data validation and quality control (if any).</li> </ul> <p>However, following further consultation the RSPB is content that the aerial digital survey methods and additional detailed desk study for AyM are fit for the purpose of characterising the baseline for offshore ornithology for use in impact assessments.</p>	Agreed
	<p>Data gaps and limitations associated with offshore ornithology have been highlighted appropriately, and there will be adequate measures in place for filling data gaps where required.</p>		
	<p>The sensitivity and importance of ornithological receptors has been appropriately and adequately described within the EIA.</p>	<p>The RSPB considers that other OWFs may need to consider different approaches for when assigning appropriate levels of sensitivity and importance to Manx shearwater, which the RSPB considers to be sensitive to collision risk. However, in this instance, due to the very low abundance of this species known to occur at AyM from the baseline surveys and found from the additional desk study reviewing tracking studies of birds in the Irish Sea the RSPB agrees that the levels of sensitivity and importance have been afforded appropriately.</p>	Agreed
Mitigation measures	<p>The mitigation measures identified within the EIA are considered appropriate and adequate in relation to offshore ornithology. As outlined in Condition 34 of (REP4-023), the Marine Licence Principles, the Applicant has proposed to</p>	<p>The RSPB is in agreement with the assessment methodology and agrees that the mitigation measures identified are adequate as there are no likely significant impacts that have not been properly taken into account.</p>	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	RSPB POSITION	POSITION STATUS
	include as conditions of any Marine Licence granted: a vessel traffic management plan and an ornithological monitoring plan.	The RSPB is supportive of the principles of the Applicant's commitment to develop a Vessel Traffic Management Plan and an Ornithological Monitoring Plan, which are proposed to be secured as conditions within the Marine Licence.	Agreed
Outcomes of the EIA	The conclusions of the assessment appropriately reflect the potential effects on offshore ornithology within the study area during the construction, operation and decommissioning phases of AyM.	The RSPB agrees that the conclusions of the assessment appropriately reflect the potential effects on offshore ornithology for all species.	Agreed
	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to offshore ornithology.	The RSPB agrees that the conclusions of the assessment appropriately reflect the potential cumulative effects on offshore ornithology for all species.	Agreed
	No significant adverse effects (in EIA terms) on offshore ornithology are predicted to arise from the development of AyM.	The RSPB agrees that the conclusions of the assessment appropriately reflect the potential effects on offshore ornithology for all species.	Agreed
<b>REPORT TO INFORM APPROPRIATE ASSESSMENT</b>			
HRA Screening	The RIAA has identified all relevant features of designated sites in relation to offshore ornithology that may be sensitive to changes as a result of AyM.	The RSPB agrees with the results of the revised HRA screening.	Agreed.
		As described in the RSPB's response to ExQ3.2.14 (REP7-059) and below, 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, specifically the objective to maintain the distribution of red-throated divers within the SPA.	Not agreed – material impact
Mitigation measures	The mitigation measures identified within the RIAA are considered appropriate and adequate in relation to offshore ornithology.	The RSPB agrees that the mitigation measures identified are adequate as there are no likely significant impacts that have not been properly taken into account.	Agreed
		Nevertheless, the RSPB is supportive of the principles of the Applicant's commitment to develop a Vessel Traffic Management Plan and an Ornithological Monitoring Plan	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	RSPB POSITION	POSITION STATUS
		which are proposed to be secured as conditions within the Marine Licence.	
Outcomes of the RIAA	The conclusion of no Adverse Effect on Integrity (AEoI), either from the project alone or in-combination, at any sites is appropriate in relation to offshore ornithology.	The RSPB's opinion differs from that of the Applicant on some assessment methods used, but overall has no outstanding concerns about the assessment of Manx shearwater for collision risk or gannet for collision risk for AyM. Despite any differences in opinion on some assessment methods the RSPB agrees with the conclusion of no Adverse Effect on the Integrity of all sites and their features for the project alone and in-combination.	Agreed
		As described in the RSPB's response to ExQ3.2.14 (REP7-059), the RSPB does not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red-throated diver can be met, 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.	Not agreed – material impact



RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB

T +44 (0)8456 720 090

Registered office:

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Windmill Hill Business Park

Whitehill Way

Swindon