Written Submission

for the

Royal Society for the Protection of Birds

Response to the Examining Authority's First Written Questions

(ExQ1)

Submitted for Deadline 3

12 November 2024

Planning Act 2008 (as amended)

In the matter of:

Application by Morgan Offshore Wind Limited for an Order

Granting Development Consent for the Morgan Offshore Wind Farm

Planning Inspectorate Ref: EN010136

RSPB Registration Identification Ref: 20049575

Contents

1. Introduction

1.1. The RSPB's response to the Examining Authority's First Written Questions (ExQ1) are set out in the table below.

ExQ1	Question to:	Question	RSPB response
MARINE ORNITHOLOGY			
MO 1.8	The Applicant Natural England RSPB	Highly Pathogenic Avian Influenza (HPAI) Paragraph 5.5.6.3 [APP-023] of ES Volume 2, Chapter 5 refers to 61 bird species being affected by HPAI, in particular gannet and great skua. Paragraph 5.6.2.4 states that the overall recoverability defined for the purposes of assessment is based on the longer-term population trends and not the impacts caused by HPAI which are as yet unknown. Natural England [RR-026 and REP1-053] refer to a lack of consideration of HPAI and at Annex 2 provides its September 2022 advice on impact assessment. The Royal Society for the Protection of Birds (RSPB) [RR-035] acknowledge that it is currently unclear what the population scale impacts of the HPAI will be, but note that it is likely that they will be severe, meaning that "seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments", and therefore advises a high level of precaution to be included in examination of impacts arising from the Proposed Development. It also does not consider that such concerns have been adequately considered in the Assessment.	The Applicant in RR035.10 refers to ES Volume 2, Chapter 5 [APP-023] paragraph 5.6.2.4 as having addressed potential impacts of High Pathogenicity Avian Influenza (HPAI) I on the assessment. However, this paragraph makes clear that a population's recoverability, as included in the impact assessment criteria, is based on the longer-term population trends and not the impacts caused by HPAI. The RSPB acknowledge that the Applicant has used the most recent population counts for all SPAs but while some of these incorporate impacts of HPAI, they do not reflect the potential longer term impacts on these populations. Since 2021, HPAI has killed hundreds of thousands of wild birds across Europe and the Americas, reflecting a change in infection dynamics and a shift to new hosts, including seabirds (Lane et al. 2023). Between April and September 2022, more than 200,000 seabirds were recorded dead in Scotland alone. This represents an unprecedented epidemic in seabirds across the North Atlantic, with several species previously unknown to have been impacted by HPAI, being severely impacted in 2022 (Cunningham et al. 2022). Most detections reported by DEFRA in 2023 have been auks, gannets, fulmar, kittiwakes and other gulls and terns.

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		The Applicant in its responses to both NE and the RSPB [PD1-017] states that the effect of HPAI has been considered in line with Natural England's guidance, and refers to ES Volume 2, Chapter 5 [APP-023] paragraph 5.6.2.4 of and assessments for individual species in section 5.9. The Applicant considers it has incorporated HPAI into the assessments as best as possible, based on the available information. Can the Applicant: i) Signpost the ExA to the individual species assessments which are of relevance in terms of potential HPAI effects in section 5.9 of ES Volume 2, Chapter 5 [APP-023] or elsewhere in the submission, and provide any additional or updated information on HPAI which would assist the Examination. ii) 'HPAI' is not listed in the acronyms list for ES Volume 2, Chapter 5 [APP-023]. Ensure it is added to any future version. Can Natural England: iii) Provide clarification on whether Annex 2 [RR-026] is up-to-date, in particular point 11 which refers to advice to Defra underpinning an English Seabird Conservation and Recovery Plan.	The impacts of HPAI and thus reductions in colony sizes may be manifested through the direct effects of mortality or the indirect effects arising through physiological constraints due to infection. These could arise for example, through impaired foraging ability or lower productivity. The severity and rate of recovery from these effects will determine the utilisation of space by seabird populations and consequently their interactions with wind farms. As well as changes to population numbers, HPAI infection is likely to cause variation in space use over time between individual birds and colonies, in part due to a likely decrease in competition, but also potentially related to physiological changes, such as in vision and fitness. This change in space use will be reflected in changes in the extent of interactions with wind farms, and in the lethal and sub-lethal consequences of those interactions. Recent research into the impact of the 2022 HPAI outbreak on gannet movements and space use has revealed that surviving gannets instigated unprecedented long-distance exploratory movements during the outbreak, likely as a short-term response to HPAI-related disturbance (Jeglinski et al. 2023). Breeding gannets tracked several months following the outbreak showed a high degree of breeding colony fidelity and foraging time budgets that are characteristic for the species, but

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		iv) Provide details of the most up-to-date version of this document and point to its contents which the ExA should be aware of. **Can the RSPB:** v) Provide a response to the Applicant's response to RRs [PD1-017] (in particular references RR-035.10, 35 and 37) and confirm if you consider any additional information or assessment is required from the Applicant, and why, regarding HPAI effects.	birds showed reduced foraging effort, that is foraging trips were shorter in duration, and in maximal and total distance travelled, compared to data from previous years, likely because of reduced competition (Gremillet et al. 2023). The Applicant, RR035.35, suggests that the PVA modelling is overly precautionary for Great Black-backed Gull population of the Isles of Scilly. The RSPB disagrees. Firstly their evidence of a lack of connectivity is based on an relatively old citation (Wernham et al., 2002, which is cited but not included in the references of APP-098. Presumably it refers to the 2002 Migration Atlas: Movements of the Birds of Britain and Ireland) which only provides limited evidence of a lack of connectivity, based on ring recovery. Secondly, not only does the assessment not account for changes in longer term trends in the population through the impacts of HPAI, but it gives no consideration any of the potential changes in space use and consequent interaction with the proposed development that could also occur. The Applicant argues, RR035.37, that the effect of HPAI has been considered within the assessments presented in paragraph 5.6.2.4 and in individual species assessments. As noted above, paragraph 5.6.2.4 only highlights that a population's recoverability, as included in the impact assessment criteria, is based on the longer-term population trends and not the impacts caused by HPAI. The

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			individual species assessments do, in some cases, include counts that include populations impacted by HPAI, but does not consider long term implications of the outbreak on population numbers and their use of the marine environment. Cunningham, E.J.A., Gamble, A., Hart, T., Humphries, L.M., Philip, E., Tyler, G. and Wood, M.J., 2022. The incursion of Highly Pathogenic Avian Influenza (HPAI) into North Atlantic seabird populations: an interim report. Seabird, 34, 1-8 Gremillet, D., Ponchon, A., Provost, P., Gamble, A., Abed-Zahar, M., Bernard, A., Courbin, N., Delavaud, G., Deniau, A., Fort, J. and Hamer, K.C., 2023. Strong breeding colony fidelity in northern gannets following High Pathogenicity Avian Influenza Virus (HPAIV) outbreak. bioRxiv, 2023-05. Jeglinski, J.W.E., Lane, J., Votier, S.C., Furness, R.W., Hamer, K.C., McCafferty, D., Nager, R.G., Sheddan, M., Wanless, S. and Matthiopoulos, J., 2023. HPAIV outbreak triggers enhanced colony connectivity in a seabird metapopulation. doi:10.21203/rs.3.rs-3128162/v1. Lane, J.V., Jeglinski, J.W., Avery-Gomm, S., Ballstaedt, E., Banyard, A.C., Barychka, T., Brown, I., Brugger, B., Burt, T.V., Careen, N. and Castenschoid, J.H., 2023. High pathogenicity avian influenza (H5N1) in Northern Gannets: Global spread, clinical signs, and

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			demographic consequences. Ibis: doi.org/10.1111/ibi.13275