The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Yorkshire Green Energy Enablement (GREEN) Project

An Examining Authority report prepared with the support of the Environmental Services Team

Planning Inspectorate Reference: EN020024

16 August 2023

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1 INTRODUCTION

1.1 Background

1.1.1 National Grid Electricity Transmission (the Applicant) has applied to the Secretary of State (SoS) for a development consent order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Yorkshire Green Energy Enablement (GREEN) Project (the Application). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the Application, to report its findings and conclusions, and to make a recommendation to the relevant SoS as to the decision to be made on the Application.

1.1.2 The relevant SoS, in this case the SoS for Energy Security & Net Zero (SOSESNZ), is the competent authority for the purposes of the Habitats Regulations[1] for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.

1.1.3 This report compiles, documents and signposts information provided within the Application, and the information submitted throughout the Examination by both the applicant and interested parties, up to Deadline 6 (D6) of the Examination (28 July 2023[2]) in relation to potential effects to European Sites[3]. It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:

Yorkshire GREEN Examination Library

1.1.4 It is issued to ensure that interested parties including the Appropriate Nature Conservation Body (ANCB): Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the SoSESNZ for the purposes of Regulation 63(3) of the Habitats Regulations.

1.1.5 Following consultation the responses will be considered by the ExA in making their recommendation to the SoSESNZ and made available to the SoSESNZ along with this report. The Report on the Implications for European Sites (RIES) will not be revised following consultation.

[1] The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

[2] Inclusive of a late submission submitted by Natural England on 3 August 2023, which was accepted by the ExA as an additional submission on 3 August 2023 (as [AS-024]).

[3] The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/ or are applied as a matter of Government policy, see PINS Advice Note 10.

1.2 Documents used to inform this RIES

1.2.1 The Applicant provided a report entitled Yorkshire GREEN Project No Significant Effects Report (Habitats Regulations Assessment (HRA) Screening) (the 'NSER') [APP-200] with the Application. [APP-200] was subsequently replaced by [AS-018] to address advice issued under Section 51 of the PA2008 at acceptance, relating to footnotes and formatting. The remainder of this RIES will refer to the latest version of the NSER [AS-018].

1.2.1 The NSER is informed by information in the Environmental Statement (ES), including the following chapters:

- Chapter 9 Hydrology [APP-081]; and,
- Chapter 13 Air Quality [APP-085].

1.2.2 In addition to these documents, the ExA has used representations submitted to the Examination by interested parties (IPs), Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the Examination Library.

1.3 Change application

1.3.1 To date, the Applicant has made one change application (at D5) incorporating three change requests [REP5-091] as follows ('the Change Application'):

- reduction in the limits of deviation (within Work No. 2) at the Shipton North cable sealing end compound (CSEC) to reduce interaction with nearby farming activity;
- change to the proposed temporary construction access (within Work No. 5) to pylon SP005 to reduce impacts on residential properties; and
- change to the proposed access to the Shipton CSECs to reduce interaction with potential future farming activity.

1.3.2 On 13 July 2023, the ExA made a procedural decision to accept all three of the proposed changes and the Examination proceeded in consideration of the Change Application.

1.3.3 No relevant HRA matters arose from these changes.

1.4 RIES questions

1.4.1 This RIES contains questions predominantly targeted at the Applicant and NE, which are drafted in *blue, underlined italic text*.

1.4.2 The responses to the questions posed within the RIES and comments received on it will be of great value to the ExA in understanding IPs'

positions on Habitats Regulations. However, it is stressed that responses to other matters discussed in the RIES are equally welcomed.

1.4.3 In responding to the questions, please refer to the ID number.

1.4.4 Comments on the RIES must be submitted by D7 (6 September 2023) at the latest.

1.5 Structure of this RIES

1.5.1 The remainder of this report is as follows:

- **Section 2** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects (LSE), either alone or in-combination with other projects and plans. The section also identifies the issues that have emerged during the Examination, up to D6.
- **Annex 1** comprises a list of the European sites and qualifying features considered by the Applicant in the NSER [AS-018] and identified by IPs during the Examination, up to D6.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European Sites Considered

Introduction

2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment.

2.1.2 The Applicant [AS-018] identified four European sites within the UK National Site Network (NSN) for inclusion in the assessment (see Annex 1 of this RIES).

2.1.3 The location of these sites relative to the Proposed Development is depicted in Figure 5.1 of the NSER [AS-018].

2.1.4 The Applicant has not identified any potential impacts on European sites in other European Economic Area (EEA) States [AS-018]. Only sites forming part of the UK National Site Network are addressed in this report.

Applicant's screening methodology

2.1.5 The NSER [AS-018] considered European sites within 2km of the Proposed Development, or European sites within 20km that are designated for ornithological or bat interest due to the mobile nature of these species (as described in Section 5.1 of [AS-018]).

2.1.6 The NSER [AS-018] also considered whether there was functionally linked land (FLL) used by ornithological features of the European sites within the 20km search area. Referring to NatureScot guidance[4], the Applicant [AS-018] explained that a 20km search distance is *"generally considered to be the maximum distance most non-marine species of birds would regularly travel between foraging and roosting site."* Paragraph 5.1.10 of [AS-018] stated that no further consideration of FLL for bats was undertaken as there are no European sites with bat interest features within the 20km search area.

In-combination effects

2.1.7 Paragraph 7.1.4 of the NSER [AS-018] stated that as there are no pathways for LSE from the Proposed Development alone, there is no potential for any in-combination effects. As such, no plans or projects were identified for consideration.

2.1.8 NE [RR-031] did not dispute the Applicant's approach to in-combination assessment. The draft SoCG with NE [REP1-025] stated that NE agreed with the conclusion of the NSER.

[4] NatureScot (formerly Scottish Natural Heritage), *Assessing Connectivity with Special Protection Areas (SPAs) Guidance*, version 3 (2016)

2.2 The Applicant's screening assessment

European sites within the UK National Site Network

2.2.1 The NSER [AS-018] identified four European sites (and their qualifying features) for which the UK is responsible for inclusion within the screening assessment. The sites are summarised in Table 2.1 below. Annex 1 of this RIES lists the sites and qualifying features in full.

Table 2.1: European sites identified in the Applicant's NSER

Name of European Site	Distance from the Application site (nearest point)
Lower Derwent Valley Ramsar site	6.22km south
Lower Derwent Valley Special Protection Area (SPA)	6.19km east
Lower Derwent Valley Special Area of Conservation (SAC)	6.22km south
River Derwent SAC	5.7km east

2.2.2 During the Examination, Yorkshire Wildlife Trust (YWT) [REP1-026] stated that it considered bird diverters should be fitted within the River Ouse and River Wharfe corridors *"due to the presence of migratory flyways for swan and pink-footed geese"*. YWT further clarified its position in response to our questions at ISH2 [EV-005j] and through its post-ISH2 submission [REP4-043]. YWT identified six additional UK European sites that it considered could potentially be affected by the Proposed Development. The sites and the qualifying features for which YWT raised concerns are described in Table 2.2 of this RIES.

Table 2.2: Additional European sites and qualifying features identified by YWT during Examination

Name of European site	Qualifying features
North Norfolk Coast SPA	Pink-footed goose
North Norfolk Coast Ramsar site	Pink-footed goose of Ramsar Criterion 6 (species and populations occurring at levels of international importance)
Ouse Washes SPA	Whooper swan
Ouse Washes Ramsar site	Whooper swan of Ramsar Criterion 6 (species and populations occurring at levels of international importance)
The Wash SPA	Pink-footed goose

Name of European site	Qualifying features
The Wash Ramsar site	Pink-footed goose of Ramsar Criterion 6 (species and populations occurring at levels of international importance)

2.2.3 YWT [REP4-043] also stated that it considered whooper swan of the Nene Washes SPA and Ramsar site could be affected; however, whooper swan is not a qualifying feature of these European sites[5] and therefore these sites are not considered further in this RIES.

Q2.2.1: To NE and all IPs - *Except for those sites/features listed in Table 2.2 of this RIES, the ExA is not aware of any representations from IPs identifying any additional UK European sites or qualifying features for inclusion in the Applicant's HRA. IPs are invited to comment.*

Potential effect pathways considered

2.2.4 Section 5.3 of the NSER [AS-018] identifies the potential impacts from the Proposed Development, along with the potential geographical extent of effects, and how these relate to the European sites and qualifying features assessed.

2.2.5 The impact pathways considered by the Applicant are:

- Permanent or temporary land take/ land use change (resulting in habitat loss or degradation and/ or loss of fauna).
- Fragmentation of habitats (resulting in a reduction in connectivity).
- Increased noise, vibration, light and movement levels (resulting in disturbance/ displacement).
- Changes in hydrology (resulting in the effects of habitat loss or degradation and/ or loss of fauna).
- Changes in air quality (eg dust or vehicle emissions resulting in habitat degradation).
- Pollution events (including the liberation of sediments and chemicals resulting in habitat loss or degradation and/ or loss of fauna).

2.2.6 NE [RR-031] confirmed that it agreed with the impact pathways identified by the Applicant.

2.2.7 The potential for increased strike risk on bird migration routes was not considered as an impact pathway in the NSER [APP-200]. The ExA (ExQ1 3.5.1 in [PD-007]) requested confirmation from NE that it agreed with the Applicant's decision not to assess increased strike risk on bird migration routes as an impact pathway for LSE.

[5] Whooper swan is part of the wintering waterfowl assemblage of the Nene Washes SPA, which is described as notable but not listed as a qualifying features; it is listed as noteworthy fauna (species occurring at national importance) of the Nene Washes Ramsar site.

2.2.8 NE [REP2-080] confirmed that it was satisfied with the Applicant's approach. It stated that the potential for increased strike risk on bird migration is low and it would *"only consider it on a case by case basis if the proposal was crossing a wetland, or other site designated for species such as swans or geese that may be more susceptible to this risk."* NE confirmed that this was not the case for the Proposed Development.

2.2.9 YWT [REP4-043] disputed the Applicant's approach to bird strike as an impact pathway. This matter is addressed in Section 2.4 of this RIES.

***Q2.2.2: To NE and all IPs** – Except for the increased strike risk on bird migration impact pathway, the ExA is not aware of any representations from IPs identifying additional effect pathways for assessment in the Applicant's HRA. IPs are invited to comment.*

2.3 Summary of Applicant's conclusion on LSE

2.3.1 The Applicant's conclusions in respect of screening are presented in Section 5 and Table 6.1 of the NSER [AS-018].

Sites for which the Applicant concluded no LSE on all qualifying features

Lower Derwent Valley SPA

2.3.2 Table 6.1 of the NSER [AS-018] concluded that the Proposed Development would have no LSE on the qualifying features of the Lower Derwent Valley SPA, as neither the SPA nor any FLL lies within any ZoI of the Proposed Development. It is stated that two species (golden plover and teal) that are qualifying features of the SPA were recorded in the Order limits during surveys[6], but it is considered unlikely that these birds originated from the SPA due to the distance being greater than the maximum 3km foraging range of the species. The Applicant referenced guidance from the Government of Ireland[7] to support its assertion about maximum foraging distances.

Lower Derwent Valley Ramsar site

2.3.3 Table 6.1 of the NSER [AS-018] concluded that the Proposed Development would have no LSE on the qualifying features of the Lower Derwent Valley Ramsar site, based on the same rationale as for the Lower Derwent Valley SPA. One species (teal) that is a qualifying feature of the Ramsar site was recorded in the Order limits during surveys, but it is considered unlikely that these birds originated from the Ramsar site for the same reasons as described above.

2.3.4 The Applicant's conclusions in relation to both the Lower Derwent Valley and Ramsar site and their qualifying features were not disputed by NE [RR-031, REP1-025] or YWT [REP1-026] during the Examination.

Lower Derwent Valley SAC and River Derwent SAC

[6] Bird surveys carried out in February and March 2021, and October 2021 to March 2022; results summarised in Section 5.2 of the NSER [AS-018] and reported in full in ES Appendices 8E, 8F and 8G [APP-130 to APP-132]
[7] Government of Ireland, *Bird Foraging Table*, version 6 (2016)

2.3.5 Table C.1 in Appendix C of the NSER [AS-018] provided an overview of pre-application consultation. North Yorkshire County Council (NYCC) stated that the River Derwent SAC should be considered in the HRA.

2.3.6 Paragraph 5.1.16 of the NSER [AS-018] identified that the River Derwent is designated as a SAC, which is located circa 5.7km from the Order limits. It stated that the SAC lies outside of the 2km zone of influence (ZoI) used by the Applicant for considering potential LSE from the Proposed Development (where no ornithological or bat qualifying features are present) and that the Order limits are also located outside of the River Derwent catchment. The Applicant therefore concluded that the SAC did not need to be considered further in the assessment.

2.3.7 Table C1 in Appendix C of the NSER [AS-018] stated that otter is a qualifying feature of the SAC and noted a possible impact pathway to otter arising from risk of pollution of the River Ouse, which would be crossed by the Proposed Development three times. The NSER concluded that there was negligible potential for effects to otter because of the proposed embedded mitigation to protect surface water, as set out in the Embedded Measures Schedule [REP6-035] and Code of Construction Practice [REP6-037], secured by Requirement 5 of the draft DCO (dDCO) [REP6-025].

2.3.8 NE [RR-031] did not dispute this conclusion and confirmed [REP1-025] that it agreed with the conclusions of the NSER. NE [RR-031] confirmed that it is satisfied that the Proposed Development is unlikely to have a significant impact on the Lower Derwent Valley SAC, and that *"no LSE are anticipated/ no impact pathways have been identified."*

2.3.9 It is unclear from the NSER [AS-018] as to whether the Applicant is referring to the Lower Derwent Valley SAC or the River Derwent SAC or both in terms of the conclusion to screen out from further assessment. Section 5 appears to refer to the River Derwent SAC, as this is located circa 5.7km from the Order limits, and Table C1 in Appendix C sets out the reasons why the Applicant has screened out the River Derwent SAC. However, Figure 5.1 in [AS-018] shows the location of both SACs, and that the boundary of the Lower Derwent Valley SAC is the same as the Lower Derwent Valley Ramsar site. Appendix D of [AS-018] included a copy of the Natura 2000 Data Form for the Lower Derwent Valley SAC, but not for the River Derwent SAC.

***Q.2.3.1: To the Applicant** - Clarify whether the decision to screen out LSE to SACs at the River Derwent relates to the Lower Derwent Valley SAC or River Derwent SAC or both? Provide reasoning to support the response. Please also submit a copy of the Natura 2000 Data Form for the River Derwent SAC.*

***Q.2.3.2: To NE** – Confirm whether you are content with the Applicant's screening assessment in respect of the River Derwent SAC.*

2.4 Examination matters relating to screening

2.4.1 The matters raised in the Examination up to D6, for which the ExA seeks clarity in relation to LSEs screened out by the Applicant, are summarised in this section.

Strike risk to bird migration routes during operation

2.4.2 As described at Section 2.2 of this RIES, YWT [REP1-026, AS-023, REP4-043, REP5-039] considers that there is potential for increased strike risk on bird migration routes during operation of the Proposed Development and that bird diverters should be fitted as embedded mitigation at the River Ouse and River Wharfe crossings.

2.4.3 The ExA sought clarification from YWT at ISH2 about its concerns and potential implications for the Applicant's HRA. YWT responded to the ExA's questions at ISH2 [EV-005j] and subsequently submitted a written summary of its comments in [REP4-043].

2.4.4 YWT [REP4-043] confirmed that its concerns were about potential for bird strike in the vicinity of the River Ouse crossing, which it considered could result in population effects at a designated site level for pink-footed goose of the North Norfolk Coast SPA and Ramsar site, and The Wash SPA and Ramsar site, and whooper swan of the Ouse Washes SPA and Ramsar site.

2.4.5 YWT [REP4-043] stated that these *"species are known to short-stop in the Lower Derwent Valley and in the lower Ouse in considerable, although varying, numbers during their spring migration."* YWT stated that these species *"will also fly at lower levels along this river corridor during conditions of poor visibility or darkness, increasing the risk of collisions."*

2.4.6 YWT [REP4-043] confirmed that the River Wharfe crossing was less of a concern albeit there was possibility of bird strikes to local populations. YWT's [REP4-043] and response to ExQ2 3.0.5 [AS-023] did not consider that infrastructure in this location could result in an effect pathway to features of a European site.

2.4.7 At ISH2 [EV-005j], the ExA also sought clarification from the Applicant as to its position on the use of bird diverters and its response to YWT's concerns.

2.4.8 The Applicant [REP4-023] provided a written summary of its comments, explaining that it installs and maintains bird diverters where there is evidence of an identified risk or historic evidence of collisions. The Applicant noted that YWT's concerns related to replacement of existing OHL at the River Ouse, albeit in a slightly different location. The Applicant reiterated that there was no evidence base for installing diverters in this location and effects on European sites from the Proposed Development have been screened out.

2.4.9 The Applicant [REP4-023] stated that a 20km ZoI was used, which is standard for a project of this nature based on the maximum distance relevant bird species will travel from roost/ nest sites to foraging areas. It stated that NE had agreed on the European sites to be considered in the HRA, which were the Lower Derwent Valley SPA and Ramsar site. The Applicant noted that the European sites identified by YWT were located between 130km to 180km south east of the Proposed Development at the closest point.

2.4.10 The Applicant [REP4-023] acknowledged YWT's concern about migrating birds stopping in the Lower Derwent and Lower Ouse but stated that geese

and swan generally fly at heights of 150m or more above ground level during migration, ie above the maximum height of the proposed pylons[8]. The Applicant also stated that *"…flight activity may be influenced by changing weather… [but] it is generally acknowledged that birds will being their migration in good weather conditions…it is extremely unlikely that significant numbers would migrate at low levels in bad weather along the River Ouse at the exact point of the overhead lines."*

2.4.11 At D5, in response to YWT's comments at D4 and our ExQ2 [PD-011], the Applicant [REP5-082, REP5-083] provided clarification and further information to support its position that there is no effect pathway from bird strike to European sites, as follows:

- The Applicant's winter transect surveys (as summarised in [APP-200]) did not record whooper swan and recorded three instances of pink-footed goose (peak count of 86 individuals) flying very high.
- In response to ExQ2 3.0.1, the Applicant confirmed population numbers for the relevant bird features:
  - Ouse Washes SPA: wintering population of 963 individual whooper swan at time of designation, increased with the latest five-year British Trust for Ornithology (BTO) Wetland Bird Survey (WeBS) to 8,167 individuals[9];
  - The Wash SPA: wintering population of 33,265 pink-footed goose on the citation (2015), with the latest BTO WeBS peak mean recording 30,525 individuals[10]; and
  - North Norfolk Coast SPA: wintering population of 23,802 pink-footed goose on the citation (2015), with the latest BTO WeBS peak mean recording 46,984 individuals[11].
- Current population trends are 104%/ 52% increase for pink-footed goose and 244%/ 27% increase for whooper swan nationally over 25 year/ 10 year periods up to 2020/21[12].
- WeBS count data for whooper swan and pink-footed goose at the Lower Derwent Ings recording area, recording a five-year peak mean of 160 birds and 1,735 birds respectively[13].

[8] The Design Drawings [REP6-024] include an Indicative Maximum and Minimum Lattice Pylon Heights plan indicating that the tallest proposed pylon would be 57m. Allowing for the limits of deviation as set out in Article 5(1)(c) of the draft Development Consent Order [REP6-025] (deviation vertically upwards not exceeding 6m) the maximum height of any pylon would therefore be 63m.

[9] BTO WeBS peak mean 2017/18 to 2021/2022

[10] Ibid

[11] Ibid

[12] Referencing Austin, G.E., Calbrade, N.A., Birtles, G.A. Peck, K., Wotton, S.R., Shaw, J.M., Balmer, D.E. and Frost, T.M, *Waterbirds in the UK 2021/22: The Wetland Bird Survey and Goose & Swan Monitoring Programme (2023)*. BTO, RSPB, JNCC and NatureScot. BTO, Thetford.

[13] BTO WeBS peak mean 2017/18 to 2021/2022

- Evidence to support its comments about the flight heights of geese and swans during migration, noting a study that found the average height ranged from 119.8m to 1,135.6m, with birds at inland sites flying higher[14] and a further study concluding that favourable local weather conditions were key in triggering migration[15].
- In response to ExQ2 3.0.3, the Applicant confirmed that it is not aware of any records of bird strike at existing OHL on the River Ouse or River Wharfe.
- In response to ExQ2 3.0.8, the Applicant confirmed that it had requested records of bird strike from Yorkshire Ornithological Club (YOC) and YOC confirmed on 30 June 2023 that it did not hold any for the OHL crossing along the River Ouse.

2.4.12 The Applicant [REP5-082] stated that based on available evidence and consultation with NE, it concluded that there is a negligible risk of population effects at designated site level from the Proposed Development and that fitting of bird diverters would constitute a disproportionate level of mitigation.

2.4.13 The ExA [PD-011] sought clarification from the Applicant as to any evidence it held about the effectiveness of bird diverters and any mechanism proposed for securing installation should evidence of collision be recorded once the Proposed Development is operational.

2.4.14 The Applicant [REP5-083] stated it has not set a trigger threshold for retrospective installation but where evidence of a sustained pattern of collisions is brought to its attention, it would take advice from professional ornithologists and the relevant statutory nature conservation organisation. It would seek to install diverters where evidence suggests they would significantly reduce collision risks that affect statutory interests. The Applicant [REP5-084] submitted a copy of its approach to bird diverters.

2.4.15 The Applicant [REP5-083] confirmed that there is no provision within the dDCO [REP6-025] for post-construction monitoring of bird strike and that based on evidence provided it does not consider that it is required.

2.4.16 The ExA [PD-011] also sought further evidence from YWT in support of its position. YWT [AS-023] indicated that YOC maintains records of whooper swans and pink-footed goose and that *"it is widely understood that whoopers are wintering on the Ouse and Nene Washes and the pink footed geese are from North Norfolk."*

2.4.17 YWT [AS-023] stated that without daily inspections beneath the OHL during migration season it was not possible to conclude that they are not causing strikes, as foxes and other predators remove carcasses quickly,

[14] Horton, K. G., Van Doren, B. M., Stepanian, P. M., Farnsworth, A. and Kelly, J. *Where in the air? Aerial habitat use of nocturnally migrating birds* (2016) Biol. Lett. 12: 20160591

[15] Erni B., Liechti F., Underhill L. G., and Bruderer B. *Wind and rain govern the intensity of nocturnal bird migration in central Europe—a log-linear regression analysis* (2002) Ardea 90, 155–166

and that without evidence of current strike level a precautionary approach must be taken to avoid impacts in the first instance.

2.4.18 YWT [AS-023] referenced studies that indicated reduction in mortality of mute swans due to OHL collision following installation of bird diverters[16], and a 93.5% reduction in bird fatalities observed compared to the period before installation[17].

2.4.19 YWT [AS-023] clarified that the River Wharfe does not seem to be a major migration corridor for bird features of European designated sites although it remained concerned about strikes in this area at certain times.

2.4.20 The SoCG with YWT [REP5-039] submitted at D5 shows the positions of the Applicant and YWT are unchanged.

2.4.21 At D6, the Applicant [REP6-058] commented on YWT's responses to ExQ2 (in [AS-023]). The Applicant reiterated the responses it provided in [REP5-083] and stated that there is no evidence to indicate that the proposed OHL crossing over the River Ouse would pose a significant risk of collision to species which would lead to population effects at a designated site level.

2.4.22 The Applicant [REP6-058] confirmed that as part of a desk study carried out in 2020, it had obtained data from the North and East Yorkshire Ecological Data Centre, YOC and Yorkshire Naturalist Union's Yorkshire Bird Report 2015. It stated that records relating to whooper swan were limited to the YOC 2019 report, with all records being more than 2km from the proposed River Ouse crossing.

2.4.23 The Applicant [REP6-058] acknowledged that predators are likely to quickly remove evidence of bird strike for smaller species but stated that given the presence of regularly used public footpaths it would be expected that any evidence of collision-related deaths would have been reported, which is not the case.

2.4.24 In response to ExQ2 [PD-011], NE [REP5-115] reiterated its previous advice that impacts on qualifying features of the Lower Derwent Valley SPA and Ramsar site could be ruled out; however, it did not respond to our request to comment on YWT's concerns about whooper swan and pink-footed goose of the additional six European sites.

2.4.25 The ExA [EV-009i] therefore requested further comment from NE on this matter following ISH4.

2.4.26 NE [AS-024] confirmed that it *"has assessed the development in line with our Impact Risk Zones (IRZs) for impact pathways on designated sites. Natural England does not hold evidence to support that bird populations from the Ouse Washes, Nene Washes, The Wash and North Norfolk Coast designated sites would be impacted by the proposed scheme."*

***Q2.4.1: To YWT** – Please confirm whether there is any change to your position in respect of potential for bird strike at the River Ouse to result in*

[16] Frost, D. *The use of 'flight diverters' reduces mute swan Cygnus olor collision with power lines at Abberton Reservoir, Essex, England* Conservation Evidence (2008) 5, 83-91

[17] Gallis, M. & Sevcik, *M. Monitoring of effectiveness of bird flight diverters in preventing bird mortality from powerline collisions in Slovakia*

population effects at a designated site level to whooper swan and pink-footed goose, in light of NE's advice in [AS-024].

2.5 Summary of Examination outcomes to date in relation to screening

2.5.1 A total of four European sites were screened by the Applicant prior to Examination. The Applicant's screening conclusions are presented in Table 6.1 of the NSER [AS-018]. The Applicant concluded that there would be no LSE on all European sites it screened.

2.5.2 NE [RR-031, REP1-025] and YWT [REP1-026] did not dispute the Applicant's conclusion of no LSE on these four European sites and their qualifying features, and no other IPs raised concerns about the screening conclusions in the NSER [AS-018] during Examination up to D6.

2.5.3 YWT [REP4-043] raised concerns about an additional impact pathway of increased risk of strike to bird migration routes, which it considered could affect six European sites not assessed by the Applicant in [AS-018]. The European sites and relevant qualifying features are described in Table 2.2 of this RIES. The Applicant [REP5-082, REP5-083] concluded that there would be no LSE on these European sites. NE [AS-024] agreed with the Applicant but YWT [REP5-039, AS-023] maintained its concerns.

ANNEX 1 LIST OF SITES (AND QUALIFYING FEATURES) IN THE NSN CONSIDERED IN THE APPLICANT'S HRA AND RAISED DURING EXAMINATION UP TO D6

Sites and qualifying features screened by the Applicant in its NSER [APP-200]

- Lower Derwent Valley SPA:
  - Bewick's swan (non-breeding);
  - ruff (non-breeding);
  - golden plover (non-breeding);
  - teal (non-breeding);
  - wigeon (non-breeding);
  - shoveler (breeding); and
  - waterfowl assemblage.
- Lower Derwent Valley Ramsar site:
  - Criterion 1: species-rich alluvial flood meadow habitat which plays a substantial role in the hydrological and ecological functioning of the Humber Basin;
  - Criterion 2: a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates and a leafhopper, for which Lower Derwent Valley is the only known site in Great Britain;
  - Criterion 4: the site qualifies as a staging post for passage birds in spring, with nationally important numbers of ruff and whimbrel;
  - Criterion 5: winter waterfowl assemblage of international importance; and
  - Criterion 6: peak winter counts of wigeon and teal.
- Lower Derwent Valley SAC:
  - All qualifying features.
- River Derwent SAC:
  - All qualifying features.

Sites and qualifying features raised by YWT [REP1-026, REP4-043, AS-023, REP5-039]

- North Norfolk Coast SPA:
  - pink-footed goose (non-breeding).
- North Norfolk Coast Ramsar site:
  - Criterion 6: species/ populations occurring at levels of international importance (peak winter counts of pink-footed goose).
- Ouse Washes SPA:
  - whooper swan (non-breeding).
- Ouse Washes Ramsar site:
  - Criterion 6: species/ populations occurring at levels of international importance (peak winter counts of whooper swan).
- The Wash SPA:
  - pink-footed goose (non-breeding).
- The Wash Ramsar site:
  - Criterion 6: species/ populations occurring at levels of international importance (peak winter counts of pink-footed goose).