

**Examining Authority's
Rule 17 Request dated 23 October 2012
Response by the
Royal Society for the Protection of Birds**

1 November 2012

Planning Act 2008

In the matter of:

**Planning Application for construction of the Able Marine Energy Park on the
South Bank of the River Humber at Immingham, North Lincolnshire**

**Planning Inspectorate Ref: TR030001
Registration Identification Ref: 10015550**



The Examining Authority has asked for comments by 1 November 2012 on the issues set out below – under the Infrastructure Planning (Examination Procedure) Rules 2010 Rule 17 – request for further information

Natural England's answer to the Panel's second round question 17 makes reference to the "European Management Plan for Black-tailed Godwit" and records that this "states that in Great Britain and Ireland threats to non-breeding birds are acute as the species is especially concentrated at relatively few sites".

The Panel has examined The Management Plan for Black-tailed Godwit (*Limosa limosa*) 2007-2009: Technical Report 019 - 2007 commissioned by the European Commission (DG ENV B2)¹. The understanding of the Panel is that this document which put forward a framework for action in the period 2007 to 2009 was prepared as a response to concern over the decline in the European breeding population of *Limosa limosa limosa*. The document reflects the accepted position that the population of the Icelandic breeding *Limosa limosa islandica*, the sub-species visiting the Humber estuary and other sites in Britain, has been growing in population. Furthermore the section of the document that Natural England has drawn from reads:

"In **Great Britain** and **Ireland** the species is largely restricted to estuaries in winter and on migration, and the species is also especially concentrated at relatively few sites making threats more acute, but conservation measures relatively simpler to implement."

The Panel notes that this document was to be reviewed at the expiry of a three year period and has also become aware of a related document *The International Single Species Action Plan for the Conservation of the Black-tailed Godwit*². This was produced in 2008 by AEWA (the Agreement on the Conservation of African-Eurasian Migratory Waterbirds). The goal stated on page 5 of this document is to "restore the 'Least Concern' status of the Black-tailed Godwit on the IUCN Global Red List of Threatened Species". The document goes on:

"The short term objective is therefore to halt the current decline and contraction of distribution while the long-term objective is to restore all Western Palaearctic populations to a favourable conservation status. In addition, the plan aims at maintaining the favourable status of the *islandica* population".

The Panel invites participants in the examination to comment on the relevance of these documents to matters under examination by the Panel. The Panel would be grateful if it could receive this information by 1 November; you should address your response to the Case Manager (Mike Harris) at the above address/email.

1 http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/black_tailed_godwit.pdf

2 http://www.unep-aewa.org/publications/ssap/bt_godwit/black-tailed_godwit_internet.pdf

The RSPB's response to the Examining Authority's Rule 17 request for further information

1. **Management Plan for the Black-tailed Godwit (*Limosa limosa*) 2007-2009. Technical Report 019 – 2007 Commissioned by the European Commission (DG ENV B2)**
 - 1.1 The Management Plan presents a framework for the restoration of black-tailed godwit populations in the EU and its habitats. It is aimed at all Member States with breeding, staging or wintering populations and so is directly relevant to this proposal which would lead to the loss of the main feeding area in the Humber Estuary for black-tailed godwit during the autumn moult period.

- 1.2 The Plan reaffirms that during migration through Europe, black-tailed godwits make use of a number of specific stop-over sites for feeding and resting (Management Plan, page 33, Management of staging and wintering populations). Large numbers occur on relatively few sites.
- 1.3 In France for example the Plan states that over 90% of its population of black-tailed godwits is concentrated on just seven sites (LPO-Wetlands International 2005) (Management Plan, pages 11, 22). Most of these birds are assumed to be the *islandica* race (Gill *et al.* 2002, Gunnarsson *et al.* 2005a).
- 1.4 By comparison, from the latest published WeBS figures (2009-10) (Annex I attached, page 3) the GB maximum population (i.e. 5 year mean peak) is 34,977 and Northern Ireland maximum population is 1,748 meaning that the UK maximum population is 36,725).
- 1.5 **The top five sites** for black-tailed godwits (please see EX 28.3 part 2 Table 1-6) are (based on 5 year mean peak:

The Wash	9,265
Thames Estuary	5,737
Dee Estuary (England & Wales)	4,811
Ribble Estuary	4,453
Humber Estuary	4,180
Total	28,466

- 1.6 So there is 82% of GB maximum population found at just 5 sites, with 92.38% of GB population on the top 7 sites (Annex I attached, page 4). The Humber Estuary alone supports 12% of the GB population.
- 1.7 As noted by the Examining Authority in its Rule 17 request letter dated 23 October 2012, the fact that the species is largely restricted to estuaries in winter and on migration, and is especially concentrated at relatively few sites makes threats to the species more acute. The Management Plan goes on to say that this makes conservation measures relatively simpler to implement (Management Plan, page 22, Wintering).
- 1.8 However this is taken to refer to conservation measures on these relatively few sites. The fact that black-tailed godwits use only a few sites in large numbers means that such sites can be readily identified, protected and, if necessary, management measures put in place. This is especially so in wintering areas, where black-tailed godwits are generally considered to have high site fidelity (Gill *et al* 2002, Gunnarson *et al* 2005b) (Management Plan, page 12).
- 1.9 The relatively simple implementation of conservation measures on existing sites contrasts with the difficulties associated with attempting to replicate these sites' ecological function on new compensation sites. North Killingholme Marshes holds 5.4% of the international population of the Icelandic race of black-tailed godwits, and North Killingholme Haven Pits over 8% (Annex B2 of RSPB's Written Representations, 29 June 2012, Dr Prater's proof of evidence, page 3, para 3.1). The importance of the ecological functions provided by these two sites is clearly shown by the densities of black-tailed godwits that use them and cannot be easily recreated, as the RSPB has demonstrated in its criticisms of the compensation measures to date. The Applicant has accepted these criticisms (RSPB Written Summary of Oral case, 24 September 2012, pages 3-4, paras 16-17).

1.10 The short-term (3 years) Objectives of the Management Plan (pages 5-6) include the improved management and protection of breeding and wintering sites. To achieve the Objectives the Plan specifies a number of results to be reached during the initial 3-year period. These include further ecological research into issues such as food availability in staging and wintering areas as compared to ecological requirements (Management Plan page 6, Objective 11).

1.11 This acknowledges the information gap on food resource in staging area, which has not been filled in for the Humber Estuary by the Applicant's documentation in relation to North Killingholme Marshes, namely ES Annex 10.1, EX34.2 and EX 28.3 parts 2 and 5, since all these documents rely on a single invertebrates survey carried out in May 2010 (for the RSPB's criticisms of this survey please see Annex B2 of RSPB's Written Representations, 29 June 2012, Dr Prater's proof of evidence page 14, paras 5.18–5.20).

2. International Single Species Action Plan for the Conservation of the Black-tailed Godwit Technical Series No. 37 (AEWA) September 2008

2.1 As noted by the Examining Authority in its Rule 17 request letter a Single Species Action Plan was prepared by AEWA (the Agreement on the Conservation of African-Eurasian Migratory Waterbirds). It should be noted that the aim of the Action Plan was to assist in the fulfilment of obligations under AEWA and the EU Birds Directive (which at the time was the Council Directive 79/409/EEC on the conservation of wild birds).

2.2 One of the 7 conservation priorities of the Action Plan is the provision of adequate support for and the protection and management of important black-tailed godwit staging and wintering areas, which will include the application site (Action Plan, page 6, Executive Summary).

2.3 The Action Plan aims at maintaining the favourable conservation status of the *islandica* population (page 5, Executive Summary). One of the intended results of the Plan is that wintering areas and migratory sites are both maintained or have increased for both *L. l. limosa* & *L. l. Islandica*. (Action Plan, page 32, Table 7).

2.4 An Objectively Verifiable Indicators (OVIs) for this Objective (i.e. a means of determining whether the Objective has been met) is adequate protection of important black-tailed godwit staging areas (Action Plan, Table 7, page 32). Although the Action Plan does not define what is meant by a staging area, it is distinguished from both breeding and wintering areas, and plays an important role in the birds' migratory cycle. There can be no doubt that the package represented by North Killingholme Marsh and North Killingholme Haven Pits provides a vital staging area for black-tailed godwits during the autumn moult and before moving to their wintering areas.

2.5 The Action Plan confirms that after breeding Icelandic godwits move to moulting sites in the UK, in particular the Wash, Humber and Dee estuaries.

2.6 The Action Plan refers to the increasing numbers of breeding birds in Iceland (Action Plan, pages 7-10, Biological Assessment). The RSPB has commented on this previously, in its response to the Examining Authority's Second Written Questions (the RSPB answers submitted on 7 September 2012, page 7, Q.15). In order to maintain the integrity of the SPA network for the Icelandic breeding population, it is vital that the Humber and other relevant SPAs maintain a complementary wintering/passage capacity.

- 2.7 Section 3.2.9 of the Action Plan refers to threats caused by the loss and degradation of habitat of stop-over sites and wintering areas (Action Plan, page 25). This includes the sites used during the autumn period to stock up on food before moving to wintering sites. This threat is rated as of High Importance, i.e. causing or likely to cause rapid declines (20-30% over 10 years) (Action Plan, page 20). This is the second highest of the six categories of threat used in the Plan (Action Plan, page 20).
- 2.8 The RSPB has previously referred to the little adaptive behaviour shown by black-tailed godwits in its answer to the Examining Authority's Second Written Questions (RSPB answers submitted on 7 September 2012, page 9, Q.18).