

Ms Ava Wood
The Planning Inspectorate
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5 November 2014

By email only: navitusbay@infrastructure.gsi.gov.uk

Dear Ms Wood

Application by Navitus Bay Development Limited for an Order Granting Development Consent for the Navitus Bay Wind Park, PINS reference EN 010024

RSPB reference number 10029429

1. Introduction

1.1 The RSPB welcomes the opportunity to submit further comments on the proposed Navitus Bay Wind Park. These comments follow submission of our Relevant Representation (23 June 2014) and our Written Representation (20 October 2014) to the Planning Inspectorate.

1.2 Since submission of our Written Representation we have reviewed further Examination documents and have also met the Applicant to discuss our outstanding concerns. Of the recently submitted documents in preparing these comments we have focused on:

- Navitus Bay Development Limited Written Representation dated 20 October 2014

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The RSPB is part of BirdLife International
a partnership of conservation organisations
working to give nature a home around the world.

- Natural England Written Representation dated 20 October 2014
- Navitus Bay Development Limited and Natural England Statement of Common Ground dated 17 October 2014
- Navitus Bay Development Limited and Natural England Statement of Common Ground Fish and Shellfish Ecology dated 17 October 2014
- Navitus Bay Development Limited and Environment Agency Statement of Common Ground Migratory Fish Species dated 17 October 2014

1.3 The Statements of Common Ground between Navitus Bay Development Limited and Natural England are of primary interest to us. It is evident that since the submission of Relevant Representations in June 2014 the Applicant has undertaken further assessment work and/or project modifications, including revisions to proposed construction techniques and mitigation proposals. The Applicant has also provided further evidence to support its position on some matters.

1.4 Regarding ornithology, the new information is principally presented in a series of clarification notes contained as appendices to the Statement of Common Ground between Navitus Bay Development Limited and Natural England. We have considered these notes in detail and in the context of the concerns we raised in our Written Representation.

2. The RSPB's current position

2.1 The RSPB has outstanding concerns. These are described below.

Treatment of offshore migrants

2.2 As noted in our Written Representation, the RSPB criticised the use of Migropath modelling for six species (RSPB Written Representation, paragraph 4.1). The Applicant responded to this criticism and has submitted a revised approach based on apportionment as is attached at Appendix 5.1 of the Statement of Common Ground between Navitus Bay Development Limited and Natural England.

2.3 Within this report, entitled Migrant Apportionment and Collision Risk Assessment, the species descriptions and population estimates used are largely acceptable. However the RSPB does have some concerns over the Biologically Defined Minimum Population Scale (BDPMS) and reference populations used to assess the levels of impacts for some species. Notwithstanding those concerns, we are content that these issues do not change the conclusion that all increases to baseline mortality due to collisions for these species on migration remain below 1%.

2.4 Worst Case Scenario (WCS) apportionments are generally acceptable for all six species. We have some concerns over the evidence base supporting some assumptions, but the assumptions in themselves appear to be precautionary and changes to the approach will not alter the outcomes of the assessments. The overall approach appears to be precautionary and the Collision Risk Modelling (CRM) assessments are precautionary (option 1 or option 2). No WCS results in a predicted significant effect for any of the species examined.

2.5 Some Realistic Worse Case Scenarios (RWCS) are more precautionary than others and we note that some of the assumptions are not backed by empirical evidence. However, this is unimportant since consideration of the RWCS is only needed further consideration if the WCS results in a predicted significant effect.

2.6 We do consider that an omission from the report is consideration of cumulative collision risk impacts for these migrants, both with the recently consented Rampion Offshore Wind Park, but also with other projects in the North Sea for skua and tern species.

3. Collision Risk Modelling

3.1 The RSPB note the revisions made to CRM following Natural England's detailed advice (summarised in Natural England Written Representation, paragraph 6.6.1). This follows standard practice and has resulted in reductions to previously published collision estimates.

3.2 The RSPB welcomes the use of the Band CRM Option 1 model¹ with site-specific flight height data, as this is the most appropriate and precautionary approach to collision risk assessment. However, in the case of gannet, we strongly recommend the Applicant uses a 98% avoidance rate rather than the currently adopted 99% avoidance rate (as adopted within Appendix 5.6 of the Navitus Bay Development Limited and Natural England Statement of Common Ground). The RSPB does not consider that available evidence justifies 99% as an appropriate avoidance rate for gannet CRM, notably so for gannet in the breeding season.

4. Treatment of gannet

4.1 The implications of the revised approach to CRM includes a reduction in the predicted breeding season mortality for gannet associated with the Alderney West Coast and the Burhou Islands Ramsar site. However, the predicted increase in background mortality at this colony is still predicted to be considerably higher than the 1% threshold both for the project alone and in combination with the Rampion Offshore Wind Park (Appendix 5.6 Navitus Bay Development Limited and Natural England Statement of Common Ground, page 22).

4.2 It is the RSPB's opinion that the only robust approach to determining the potential effects of the project alone and in combination with other proposals (including Rampion Offshore Wind Park) on the Alderney colony is to carry out a site-specific Population Viability Analysis (PVA) calculating the "Counterfactual of Population Size" as detailed in our Written Representation (paragraphs 4.3 to 4.17).

5. Other offshore issues

5.1 We note from the Statements of Common Ground between the Applicant and Natural England and the Environment Agency that mitigation measures for migrating adult Atlantic salmon remain under discussion. Mitigation measures in terms of a piling suspension have been agreed for migrating Atlantic salmon smolts.

¹ Band, B. 2012. *Using a Collision Risk Model to Assess Bird Collision Risks for Offshore Windfarms*. Final Report to SOSS (March 2012)

5.2 We also note that Natural England is satisfied that there are unlikely to be significant impacts on any fish or shellfish species, except potential behavioural impacts due to construction piling noise on migrating Atlantic salmon adults (Navitus Bay Development Limited and Natural England Fish and Shellfish Ecology Statement of Common Ground paragraph 5.20).

5.3 The RSPB does not intend to make any further representations on fish issues, deferring to the representations of expert bodies.

6. Onshore issues

6.1 In our Written Representation we highlighted two onshore issues:

- Potential damage to internationally important habitats in the West Moors MOD site due to cabling works and the associated need for the Applicant to consider less damaging alternatives; and
- Potential for an increase of recreational disturbance on internationally important habitats due to displacement of visitors from Hurn Forest during cabling works.

6.2 We understand that following post submission discussions between the Applicant and Natural England, a revised approach to undertaking cabling works within the West Moors MOD site has been agreed in principle. This involves the use of horizontal directional drilling (HDD) techniques. The RSPB understands that details of the approach are to be submitted to the Examination (Natural England Written Representation, paragraph 6.9.3).

6.3 The RSPB would comment that the use of HDD techniques theoretically addresses the risk to internationally designated habitats at West Moors (and elsewhere on the cable route) but requires scrutiny in order to determine risks. The RSPB would like to satisfy itself that the approach is feasible and that appropriate safeguards are in place.

6.4 With regard to the potential displacement of visitors from Hurn Forest to internationally designated habitats, we have considered the additional material presented by the Applicant

which includes a visitor survey (Navitus Bay Development Limited Written Representation, Appendices 17, 18 and 20). The RSPB accepts, in the light of the findings of the visitor survey, the clarification note on recreational disturbance and the proposed mitigation measures, Natural England's conclusions of no adverse effect alone or in combination on the Dorset Heathlands Special Protection Area as a result of the cabling works in Hurn Forest (Natural England Written Representation, paragraph 6.9.5).

7. Conclusions

7.1 Regarding offshore ornithology, having reviewed the currently available information, the RSPB recommends preparation of cumulative collision risk modelling for the six migrant species discussed above. We also recommend the preparation of a site-specific Population Viability Analysis to calculate the "Counterfactual of Population Size" for the Alderney West Coast and the Burhou Islands Ramsar site given the potential impacts on that breeding colony.

7.2 Onshore, the RSPB would like further information on the likely efficacy of the proposed HDD techniques for the West Moors MOD site.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Henderson', with a long horizontal flourish extending to the right.

Renny Henderson

Conservation Officer