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9 October 2013

Dear Helen

**Proposed Navitus Bay Wind Park
Consultation under section 42 of Planning Act 2008
Preliminary Environmental Information 3 (PEI3), September 2013
RSPB Comments**

Please find attached the RSPB's response to the Proposed Navitus Bay Wind Park Preliminary Environmental Information 3 (PEI3). Our comments are set out in the attached appendix, in relation to both offshore and onshore elements of the proposal. In both instances these relate principally to the assessment of potential impacts on ornithological interests.

We trust our comments are useful. Please do not hesitate to contact me should you require any clarification or further information.

Yours sincerely



Renny Henderson
Dorset Conservation Officer

**Appendix
Proposed Navitus Bay Wind Park
Preliminary Environmental Information 3 (PEI3), September 2013
RSPB Comments**

Thank you for providing us with a copy of Preliminary Environmental Information 3 (PEI3) dated September 2013. The RSPB has provided comments on PEI1 and PEI2 in letters dated 23 December 2011 and 30 July 2012 respectively.

The RSPB has also engaged in a series of meetings discussing ornithological and Habitats Regulations issues, most recently to discuss the treatment of migrating birds especially nightjar.

The RSPB welcomes the opportunity to provide comments on PEI3 as part of our ongoing engagement with this proposal.

Introduction

The RSPB invests considerable resources in assessing the impacts of proposed wind farm developments both onshore and offshore, and we will object to any that significantly threaten protected or vulnerable sites and/or important populations of birds and other species.

The RSPB has the following detailed comments on the contents of PEI3.

Reference	RSPB Comment
Chapter 2, 2.219, 2.227- 2.229	<p>Crossings</p> <p>We note the comment regarding detailed design and method statements for crossings in areas with environmental sensitivity. The RSPB wishes to consider this information in advance of submission of the ES.</p>
2.246-2.247 2.304	<p>Pre-construction activities</p> <p>Pre-construction surveys will be necessary prior to installation in a number of locations. The RSPB wishes to consider this information in advance of submission of the ES.</p> <p>Programme assumptions</p> <p>We would highlight the strict necessity of scheduling “environmental clearance” and “reinstatement work” outside the bird breeding season, and where appropriate outside sensitive periods for wintering birds (for example in the Avon Valley).</p>
Chapter 4, 4.9	<p>Habitats Regulations Assessment Overview</p> <p>The RSPB has been engaged in discussions over the Habitats Regulations Assessment (HRA) process with NBDL and other stakeholders, notably Natural England.</p> <p>The admittedly tentative conclusion presented in paragraph 4.9 of “no adverse effects on integrity of an European site” will need to be tested by the evidence of the Environmental Impact Assessment (EIA) and the Habitats Regulations Assessment (HRA). It is not, at present, defensible.</p> <p>It is disappointing that further information on the core conservation issues being considered by the HRA were not presented in the PEI3, as it would have been valuable for stakeholders to understand the considerable barriers the proposal</p>

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	<p>must address successfully if it is to be consented, by virtue of potential impacts on protected habitats and species. These core issues should also include information on the in-combination assessment required, an aspect NBDL's ecological advisers are fully aware of but which is not presented in the PEI3. This is disappointing as again the PEI3 fails to portray fully the consenting landscape and range of information requiring assessment.</p>
Chapter 12	<p>Ornithology</p> <p>Whilst the PEI3 presents further information, it is very disappointing that existing baseline information collected on birds has not been made public. The RSPB has made several requests that baseline information be published. Its release would have assisted stakeholders when reviewing Chapters 12 and 27.</p> <p>In particular, we have commented before regarding the existence of local ornithological knowledge held by what might be loosely referred to as the Dorset and Hampshire 'birding' community. An opportunity for these groups to comment on the baseline evidence before this PEI3 stage would have been valuable in terms of appropriate and desirable public engagement but also clearly in terms of ensuring the EIA process captures the full range of ornithological knowledge.</p>
12.14	<p>Scope of the assessment</p> <p>The RSPB supports the high level "key issues" for ornithological assessment, including:</p> <ul style="list-style-type: none"> • Disturbance and/or displacement of seabirds • Collision risk • Impacts on bird populations listed as features of national and international designated sites
12.33	<p>The RSPB note the use of the Band model (Band 2012) for undertaking the collision risk modelling (CRM). This is common practice. There are a number of versions of the model and we are unclear from the PEI3 which version has been adopted, confirmation of this, and in particular the assumptions regarding flight heights adopted is critical.</p>
12.41-12.44	<p>Modelling methodology</p> <p>We were promised, but have not yet received, explanatory notes on the APEM Migro-path model. It was clear at the meeting where the Migro-path model was discussed that stakeholders were having difficulty following the logic of the model, its sensitivities and robustness.</p> <p>A technical note on both the mechanics of the Band model (as amended) and the Migro-path model (discussed below) should be made available to inform stakeholders of this crucial element of the ornithological assessment work for the EIA and HRA.</p> <p>The RSPB wishes to consider this information in advance of submission of the ES.</p>
Table 12.11	<p>Ornithology Nature Conservation designations</p> <p>We have two comments on this Table.</p>

	<p>Chesil Beach and The Fleet SPA and Ramsar site appears to have been omitted despite it being one of the most proximate to the proposal.</p> <p>Christchurch Harbour SSSI does not form a component part of any SPA.</p>
12.63	<p>Abundance and distribution of key seabirds within the Turbine Area</p> <p>We note the comments regarding the low level of records of both seabirds and other migrants.</p> <p>This aspect of the proposal remains one of the most critical for the RSPB. NBDL will need to satisfy ourselves and others that the survey effort, information gathering and analysis undertaken (including modelling) is fit for purpose.</p> <p>This is an ongoing debate but one which is critical to the assessment of impacts of this proposal in the opinion of the RSPB and many others concerned with the impacts of this proposal on birds.</p>
12.108	<p>Migrant species (non seabirds)</p> <p>As NBDL is aware, the RSPB has been keen to promote further assessment of the possible impacts on migrant species, especially wildfowl, waders and passerines.</p> <p>There has been an emphasis on nightjar and we welcome the efforts underway to determine risk to this species which is a feature of the extensive heathland and forestry habitats of East Devon, Dorset and Hampshire which lie in the proposal's hinterland.</p>
12.105	<p>We welcomed the holding of a nightjar workshop in June 2013, and look forward to considering the full details of the migration modelling and collision risk modelling described in paragraph 12.109.</p> <p>The RSPB wishes to consider this information in advance of the ES.</p>
12.154	<p>Nightjar do not appear on the citations of either the Solent and Southampton Water SPA or Poole Harbour SPA.</p>
12.155	<p>We note the reference to "an update to the modelling work presented here has been agreed with NE. This work is ongoing and will be reported within the forthcoming ES for the Project".</p> <p>The RSPB wishes to consider this information in advance of the ES.</p>
12.201-12.205	<p>Collision Risk</p> <p>Please see our comments under paragraphs 12.33 and 12.41-12.44 above.</p>
12.223	<p>Gannet</p> <p>Recent research has revealed long distance foraging patterns for this species which would bring the species into the Study Area from continental breeding colonies. Gannet is considered to be at risk from offshore wind farms given their foraging behaviour and flight heights.</p> <p>We note that "uncertainty" exists over the assessment of impacts on English Channel gannet, and that further work is currently underway to "fully quantify the potential for the Project to have determinable effects on the regional population of breeding gannets".</p>

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	The RSPB wishes to consider this information in advance of the ES.
12.249	Summary of the CRM predictions for the key seabirds Please see our comments under paragraphs 12.33 and 12.41-12.44 above.
12.250-12.252	CRM results for Migrant Birds Please see our comments under paragraphs 12.33 and 12.41-12.44 above. The RSPB reserves its position on the findings presented in this section and Tables 12.38-12.41 in particular, until such time we have had the opportunity to review the operation and assumptions involved in the use of the Band and Migro-path models.
Chapter 28 21.45	Onshore ornithology Survey methodology Table 28.5 identifies that further surveys are currently being undertaken. We would welcome sight of these.
21.47-21.50	We note the discussion of the headline findings of the breeding and wintering bird surveys. We note that a significant section of the route was not surveyed. This will require survey before submission of the ES.
21.5	Impact Assessments We note the findings of the surveys and the conclusions that there would be an affect on bird populations without mitigation. We support this conclusion and would highlight the need for appropriate mitigation to be adequately defined and secured.
21.51	Disturbance of birds wintering in the Avon Valley SPA and Ramsar site We note the conclusion that impacts on wintering birds are possible. Comparison of the area of habitat affected by potential disturbance relative to the overall area of the SPA/Ramsar site is unhelpful. The issue is the significance of the potential disturbance to the protected features.
21.104	We note the commitment to additional evaluation, consultation and further survey effort in the general area potentially affected by construction activity. Given the protected status of this area and the existing survey findings this is necessary.
21.5.2	Impacts on nightjars using heathland habitats Habitat loss, disturbance It is clear that there are possible impacts on breeding nightjar as a consequence of the construction of the cable route infrastructure (paragraphs 21.105-21.112). Further assessment work is necessary and discussion of potential mitigation measures to avoid or reduce possible impacts. The RSPB wishes to be involved in these discussions.

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21.6	<p>Potential mitigation</p> <p>We note the discussion of potential mitigation measures for over wintering birds within the Avon Valley and for nightjar (21.113-21.124).</p> <p>We support these suggestions in principle but would comment further assessment is required in order to demonstrate, with confidence, that affects on wintering birds and breeding nightjar are effectively avoided or reduced. The RSPB wishes to be involved in these discussions.</p>
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