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The Planning Inspectorate
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29 January 2015

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

Introduction

Following submissions made at Deadline V and PINS correspondence dated 13 and 14 January 2015, the RSPB would like to make further submissions. These should be considered in conjunction with our earlier submissions, particularly our submissions for Deadlines IV and V. This submission relates to:

1. The Turbine Area Mitigation Option
2. The Examining Authority's Second Written Questions and Request for Information
3. Post-Construction Monitoring

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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.

1. Turbine Area Mitigation Option

We note the procedural decision made by PINS on 13 January 2015 relating to the Turbine Area Mitigation Option, which you have concluded can be “included in the examination as part of the application received by the Planning Inspectorate on behalf of the Secretary of State on 10 April 2014” (paragraph 1.1).

We note the conclusion that no revised Environmental Statement is deemed necessary (paragraph 5.3).

The RSPB has no specific comments on the Turbine Area Mitigation Option. PINS will be aware through our earlier submissions that the principal outstanding issue for the RSPB was the Applicant’s approach to assessing impacts on gannet and its use of population viability analysis (PVA). This remains an issue notwithstanding the Turbine Area Mitigation Option decision and we comment on this issue further below.

2. Examining Authority’s Second Written Questions and Requests for Information

We have considered the Examining Authority’s Second Written Questions and Requests for Information issued on 14 January 2015. Of particular interest to us is Question 1.3 in Biodiversity, Biological Environment and Ecology, namely:

Natural England and State (sic) of Alderney to provide their views on the RSPB’s Deadline V submission requesting the applicant to undertake a Population Viability Analysis to assess the impacts on gannet.

As we have argued in our representations throughout the Examination, the RSPB considers that the only robust way of determining potential impacts on gannet and the Alderney West Coast and Burhou Islands Ramsar site is by undertaking a site-specific PVA as is described in detail in our Deadline IV and V responses.

Natural England in its response to Deadline IV (paragraph 3.16.3, page 13) stated that it was considering its position in the light of the RSPB's concerns, albeit no further comment was made at Deadline V.

We would reiterate that we are of the view that sufficient data exists to carry out a site-specific PVA for gannet associated with the Alderney West Coast and Burhou Islands Ramsar site, and therefore it is straightforward to calculate the "*Counterfactual of Population Size*" for these colonies.

The Applicant in its response to Deadline V (Navitus Bay Wind Park Written Response to Deadline V 7 January 2015) also comments on the PVA issue (paragraph 34.1, page 53).

Population Viability Analysis

34.1 The Applicant has provided the results of a Potential Biological Removal (PBR) model and a Population Viability Analysis (PVA) for gannet (please see Appendix 5.6 of the SoCG with Natural England that forms Appendix 64 of the Response to Deadline II). These methods were agreed as suitable with Natural England within the SoCG and are the methods that have been commonly accepted within the assessment of other offshore wind farms, including the recently consented Hornsea Offshore Wind Farm – Project One.

34.2 It is also of note that the losses of gannet predicted are well below the precautionary thresholds calculated by the PVA and PBR models (see Table 9 of Response to Rule 17 Request for Further Information relating to the Mitigation Option for the final collision estimates for both the Application scheme and Mitigation Option).

In paragraph 34.1 we do not challenge the Applicant's argument that the methods are "commonly accepted" within offshore wind farm assessments. We do challenge the presumption of using the generic PVA model for site-specific assessments and dispute the suitability of Potential Biological Removal (PBR) models for assessments of this type.

It follows that in our opinion, referring now to paragraph 34.2, it is premature to reach conclusions about the significance of potential impacts on gannet.

3. Monitoring

We welcome the commitment made to post-construction monitoring in the Applicant's Response to Deadline V, Appendix 1, Revised draft Development Consent Order and Deemed Marine Licences. The commitment is set out in detail within Schedule 13, Part 2, at condition 17 of the Deemed Licence under the Marine and Coastal Access Act 2009. Draft condition 17 is reproduced below.

Post construction surveys

17.—(1) *The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least four months prior to the commencement of any survey works detailed within. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.*

(2) *The post construction surveys referred to in **condition 17(1)** must unless otherwise agreed with the MMO have due regard to but not be limited to the need to undertake—*

(a) one high resolution swath bathymetric survey across a representative sample area to be agreed with the MMO to assess any changes in bedform topography and such further monitoring as may be agreed to ensure that cables have been buried or protected;

(b) a survey(s) to determine the location, extent and composition of any benthic habitats of conservation (including Annex 1 Habitat), ecological and or economic importance of the area(s) within the Order limits in which construction works were carried out to validate predictions made in the environmental statement; and

(c) monitoring of movements of Northern gannet from the Alderney West Coast and Burhou Islands Ramsar site colony using appropriate tracking technology, in conjunction with the established monitoring programmes carried out by the States of Alderney (via the Alderney Wildlife Trust) or, in the event that such programmes are discontinued, in accordance with a monitoring strategy to be approved by the MMO in consultation with the States of Alderney. The results will be analysed in comparison to tracking data collected from the colony since 2011, with the aim of establishing the usage patterns of gannet of the turbine area in order to validate predictions made in the environmental statement.

(3) *The undertaker must carry out the surveys agreed under paragraph (1) for 3 years post-construction, which could be non-consecutive years, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with Natural England.*

(4) *The undertaker must carry out post-construction traffic monitoring in accordance with the outline marine traffic and navigational monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.*

We highlighted in our response at Deadline V the desirability of undertaking monitoring in light of the use of the Application Area by gannet and evidence that this includes gannet associated with Alderney colonies.

We recommended that monitoring at both the colonies and at sea (including the Application Area) would give the clearest picture of how gannet interact in and around the proposed wind park and to provide a clear understanding of any effects. We went on to describe possible parameters for this monitoring (RSPB Deadline V response, pages 7 and 8).

From the draft condition we note that the detail of the post construction surveys are to be agreed between the 'undertaker' (Navitus Bay Development Limited (NBDL)) and the Marine Management Organisation (MMO) in consultation with Natural England (by virtue of condition 17(1)).

We further note the requirement to monitor gannet movements from the Alderney West Coast and Burhou Islands Ramsar site colony, including the use of appropriate tracking technology in order to "validate predictions made in the environmental statement" (by virtue of condition 17(2)(c)).

We note the requirement to undertake surveys for three years post construction, which may be non consecutive years (by virtue of condition 17(3)).

The RSPB welcomes this binding commitment to monitoring, but has some additional comments to make.

We would wish it to made explicit that monitoring should take place within the Application Area, this is not currently explicit within draft condition 17(2)(c). In our opinion 'at sea' monitoring within the Application Area (and also preferably a control site) should be undertaken in conjunction with the colony-specific monitoring in order to "validate predictions made in the environmental statement".

Additionally, recent research looking at monitoring results in the offshore environment indicates that the current duration of monitoring effort is typically insufficient to determine changes of the magnitude typically seen¹. Whilst three years is currently typical, it would be highly preferable to monitor over a longer period. Incorporating a review at the end of each year's monitoring and, in

¹ Degraer, S. , Brabant, R. and Rumes, B., (Eds.) (2011) Offshore windfarms in the Belgian part of the North Sea: Selected findings from the baseline and targeted monitoring. Royal Belgian Institute of Natural Sciences, Management Unit of the North Sea Mathematical Models. Marine ecosystem management unit.

particular, after three years, would facilitate a decision as to whether or not monitoring should continue for a defined period as agreed between NBDL and the MMO and Natural England.

We would recommend consideration is given to monitoring over a 10 year period, and a programme of colony based and 'at sea' monitoring efforts undertaken within that period.

The value of colony-based monitoring for gannet has recently been highlighted in a paper in the research journal *Ringling and Migration*. The paper highlights the UK's obligations for gannet conservation, the species' suitability for tracking studies and the important contribution such studies may make to determining potential interactions between gannet and offshore wind farms². The paper's conclusions strongly support the rationale behind the Applicant's colony-based monitoring and the opportunity for it to potentially form part of a wider, coordinated collaborative study.

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

² Furness, R.W. and Wanless, S. (2014) Quantifying the impact of offshore windfarms on Gannet populations: a strategic ringing project. *Ringling and Migration*, Vol 29, No. 2, pps 81-85