

Ms Ava Wood  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

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By email only: [navitusbay@infrastructure.gsi.gov.uk](mailto: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

This submission follows publication of the Examining Authority's Second Written Questions on 14 January 2015. The submission should be considered in conjunction with our earlier submissions, particularly our submissions for Deadlines IV, V and VI. The submission relates to:

1. The Examining Authority's Second Written Questions
2. The Examining Authority's draft Development Consent Order (DCO) including deemed marine licences

## 1. The Examining Authority's Second Written Questions

We have considered the Examining Authority's Second Written Questions and Requests for Information issued on 14 January 2015. Of particular interest to us was 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.*

We have considered the submissions made by Natural England (29 January 2015) and States of Alderney (21 January 2015) in response to the Second Written Questions.

Natural England confirm that a bespoke colony-specific Population Viability Analysis (PVA), as argued for by RSPB, is desirable. They however do not support the production of such a PVA for the development concluding that the applicant's existing generic PVA model is sufficiently precautionary. We dispute this.

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.

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 States of Alderney in their submission support the production of a site specific PVA. They appear to suggest however that this is carried out post consent and pre-construction. They comment that they do not “feel able to argue that the developer should carry out a complete re-assessment of the population at this stage”.

The States of Alderney make valid points regarding the need for robust baseline data and the need for monitoring, which we strongly support. We would comment however that we do not regard the production of a site-specific PVA as a “complete re-assessment”, indeed it is arguably a fairly routine (but important) task as we have outlined in our earlier submissions. Its place however must be as part of the environmental assessment, informing the Examining Authority’s decision on the acceptability of the proposal.

We do not understand the applicant’s apparent reticence to undertake this work, which Natural England, States of Alderney and RSPB all agree is desirable.

## **2. The Examining Authority’s draft Development Consent Order (DCO) including deemed marine licences**

We welcomed in our response to Deadline VI 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.

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).

Having reviewed the current draft condition, we are disappointed to note that there is no requirement to undertake monitoring 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) must be undertaken in conjunction with the colony-specific monitoring in order to "validate predictions made in the environmental statement".

We also note the duration of monitoring remains three years. In our Deadline VI response we highlighted that recent research looking at monitoring results in the offshore environment indicated that the current duration of monitoring effort was typically insufficient to determine changes of the magnitude typically seen<sup>1</sup>. 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 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 re-iterate we 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.

We trust the above comments are clear. If you require any further information or clarification, please contact me.

Yours sincerely



Renny Henderson

Conservation Officer

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<sup>1</sup> 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.