

Offshore Wind Farm

HABITATS REGULATIONS

ASSESSMENT

Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (Tracked)

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Glossary of Acronyms

AEoI	Adverse Effect on Integrity
AOE	Alde-Ore Estuary
AON	Apparently Occupied Nests
CIMP	Compensation Implementation and Monitoring Plan
DCO	Development Consent Order
DESNZ	Department of Energy Security and Net Zero
GGOW	Greater Gabbard Offshore Wind Farm
LBBG	Lesser Black-backed Gull
<u>LBCSG</u>	Lesser Black-backed Gull Compensation Steering Group
MRF	Marine Recovery Fund
NFOW	North Falls Offshore Wind Farm Limited
OWF	Offshore Wind Farm
RIAA	Report to Inform Appropriate Assessment
RWE	Renewables UK Swindon Limited
<u>SoS</u>	Secretary of State
SPA	Special Protection Area
SSER	SSE Renewables Offshore Windfarm Holdings Limited
UK	United Kingdom

Glossary of Terminology

The Applicant	North Falls Offshore Wind Farm Limited (NFOW).
The Project Or	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.
'North Falls'	

1 Revision 1 Updates at Deadline 1

1. This document is submitted at Deadline 1 to update the Outline Compensation Implementation and Monitoring Plan (CIMP) [APP-188]. This document provides content regarding the delivery of the compensatory measures, as requested by the Planning Inspectorate and Natural England.

12 Introduction

1.12.1 Background

- 4.2. The North Falls Offshore Wind Farm (hereafter 'North Falls' or 'the Project') is an extension to the existing Greater Gabbard Offshore Wind Farm (GGOW), located approximately 40km off the East Anglian coast in England. When operational, North Falls would have the potential to generate renewable power for approximately 400,000 United Kingdom (UK) homes from up to 57 wind turbines.
- 2.3. The Applicant, North Falls Offshore Wind Farm Ltd (NFOW), is a joint venture between SSE Renewables Offshore Windfarm Holdings Limited (SSER) and RWE Renewables UK Swindon Limited (RWE), both of which are highly experienced developers.
- 3.4. As part of the Development Consent Order (DCO) application, the Applicant must provide information to support the Habitats Regulations Assessment (HRA) to be completed by the Competent Authority, the Secretary of State for the Department of Energy Security and Net Zero (DESNZ).
- 4.5. In reference to lesser black-backed gull (LBBG) from the Alde-Ore Estuary Special Protection Area (AOE SPA), the Applicant's Report to Inform Appropriate Assessment Part 4 (RIAA) [APP-178] determines that Adverse Effect on Integrity (AEoI) cannot be ruled out due to predicted lesser black-backed gull LBBG mortality from collisions, when considered in-combination with other offshore wind farms (OWF). Therefore, a suite of documents is presented by the Applicant as part of their DCO application in relation to the obligation for compensatory measures, in which this document, the outline Lesser Black-backed Gull LBBG Compensation Implementation and Monitoring Plan (the outline Lesser Black-backed Gull CIMP) is included.

1.22.2 Purpose of document

- 5.6. The Lesser Black-backed GullLBBG CIMP will be produced post-consent, as conditioned by the Draft DCO (Document Reference: 6.1, Rev 2) and will detail the delivery proposals for agreed compensatory measures. This Outline LBBG CIMP provides the information which would form the basis of the final LBBG CIMP.based on the measures set out in ES Appendix 4 Lesser Black-backed Gull Compensation Document (Document Reference: 7.2.2). As described in the sections below, for each of the project-led measures to be implemented the CIMP will details the:
 - Scale and location;
 - Design;

- Delivery programme;
- Permits and licenses;
- Arrangements for monitoring, maintenance and adaptive management;
- Reporting requirements;
- Implementation and delivery programme; and
- How the Lesser Black-backed Gull CIMP can be approved.
- 7. The purpose of this document is to outline the Lesser Black-backed Gull CIMP, which will in due course be developed in consultation with stakeholders through the Lesser Black-backed gull Compensation Steering Group (LBCSG) and later submitted to the Secretary of State for approval, in line with the DCO.
- 8. As discussed above, this document outlines the Project-led compensatory measure, however all or some of the approach described in this document may be substituted by a strategic compensation measure (see the LBBG Compensation Document [7.2.2, Rev 1].

1.32.3 Consultation

- Pre-consent consultation is described in the Compensatory Measures Overview
 Document Reference [7.2.1, Rev 1] and the Habitats Regulations Assessment
 Compensation Consultation [APP-185].
- 6.10. This section will provide a summary of the consultation that has taken place within the LBCSG during the creation of the Lesser Black-backed Gull CIMP (including any relevant consultation undertaken prior to formal inception of the LBCSG), which will include:
 - Key decisions;
 - · Agreements; and
 - Issues that remain under discussion.
- 7.11. Where any of these outstanding issues occur, information on proposed steps toward resolution will be provided. Additionally, details of proposed future engagements will also be detailed, including the sharing of and further action on monitoring outcomes.
- **8.12.** Matters of discussion for inclusion within the LBCSG, and therefore the group's purpose, will be regarding:
 - Project / studyCompensation design and site selection;
 - Monitoring;
 - Adaptive management options; and
 - Associated triggers.
- 9.13. The specific focus of the LBCSG will be to oversee the delivery of the compensation measures for NFOWNorth Falls.

23 Breeding habitat enhancement

3.1 Implementation and Delivery Roadmap

- 14. The proposed compensatory measure is breeding enhancement. For Lantern Marshes or Gedgrave Marshes this would include anti-predator fencing and management of vegetation.
- 15. The steps that would be followed by the Applicant to deliver the compensation measures are as follows:
 - Establish the LBCSG (Section 3.10);
 - Selection of the locations for deployment of compensation (Section 3.3);
 - Detailed design of the measures (Section 3.4);
 - Secure necessary permits (Section 3.6);
 - Development of the LBBG CIMP in accordance with this document and in consultation with the LBCSG (Section 3.10);
 - Deploy the measures in accordance with the LBBG CIMP;
 - Undertake regular inspections and maintenance of measures (Section 3.7);
 - The effectiveness of compensatory measures will be monitored (Section 3.8.1) and the results reported to stakeholders; and
 - Adaptive management measures (Section 3.8.2) would be adopted should the measure be shown to be unsuccessful. Consultation will be undertaken with the LBCSG to help determine the most appropriate course of action.
- 16. Amendments to, or variations of, the LBBG CIMP would be in accordance with the principles and evidence base set out in the LBBG Compensation Document [7.2.2, Rev 1] or informed by new evidence which may emerge. This would be discussed with the LBCSG and agreed with the Secretary of State (SoS).

2.13.2 Scale and Location

- This section will detail the scale of compensation proposed and how this conforms with the consent decision made by the SoS. This section will go on to detail the specific location where compensation will be delivered, the suitability of the site for the delivery of the compensation measure, and how the required land rights at this location has been secured.
- 18. An area of 4ha will be developed to deliver ecologically effective lesser black-backed gull compensation, irrespective —of whether the measure is developed as a project-led measure or in collaboration with other projects. If the measure is developed in collaboration with other projects, North Falls' contribution will be equivalent to at least 0.2ha to compensate the effect of North Falls (see Section 6s_4 and 5 of the _The base of evidence included in aid of the measures detailed in ES Appendix 4-Lesser Black-backed Gull Compensation Document (Document Reference: [7.2.2, Rev 1]) will provide information on these aspects.

3.3 Location

- 19. This section will detail the specific location where compensation will be delivered, the suitability of the site for the delivery of the compensation measure, and how the required land rights at this location has been secured.
- 20. The primary locations being considered for North Falls project-led measure are Lantern Marshes or Gedgrave Marshes near Orford, East Suffolk.
- 21. Other locations (Outer Trial Bank and Five Estuaries preferred 'VE2' site) are being considered as potential adaptive management and/or collaboration options (see Section 3.8 and 4). These locations could also be considered as a project-led measure, if required.
- 22. The base of evidence for these locations and ongoing site selection process is described in Section 8 of the Lesser Black-Backed Gull Compensation Document (Document Reference: [7.2.2, Rev 1]). An overview of consultations with stakeholders is provided in section 4 of the Compensatory Measures Overview (Document Reference 7.2.1, Rev 1).

2.23.4 Design of Measure

23. This section will detail the design for each element provided as part of the compensation measure following site selection. This will include the ecological design considerations specific to LBBG to allow for the best chance of success for the given measure, including consideration of climate change resilience to ensure the measure will be effective for the life of the Project. An important part of the design will include the evidence provided in support of the measure that is set out in ES Appendix 4 Lesser Black-backed Gull Compensation Document (Document Reference: 7.2.2, Rev 1).

3.4.1 Field surveys

- 24. The following field surveys will be considered for the site which is selected:
- 25. At Lantern Marshes, where LBBG are not currently breeding, further ecological surveys will focus on habitat mapping to enable detailed design of the compensatory measure, taking into account potential mitigation required for other designated features at this site. The Applicant has received previous LBBG data for Lantern Marshes from National Trust which can be used to inform development of compensation at this site.
- 26. At Gedgrave Marshes, where LBBG are not currently breeding and broadscale habitat mapping has been undertaken, no further ecological surveys are proposed in the planning stage of the compensatory measure.
- 27. At the Outer Trial Bank, surveys of LBBG numbers and breeding productivity, as well as a census of mammalian predators would be required.
- 28. In order to assess which site location could potentially be most appropriate, effective and feasible to apply the compensation measure to, pre-compensation field surveys will be necessary to collect up-to-date site-specific data during the

- LBBG breeding season (March to August). Field surveys will collect the following information as a minimum:
- LBBG population, breeding success and productivity;
- Evaluation of habitat suitability for LBBG;
- Assessment of the presence of all mammals invasive and native (e.g. footprints, droppings, burrows etc);
- Assessment of potential sources of disturbance (e.g. presence of public footpaths, arable and pastoral farming locations);
- Assessment of site access; and
- Consideration of logistical constraints.
- 29. Site visits to inform assessment of landscape and visual impacts would also be considered for Lantern Marshes and Gedgrave Marshes.

11.

2.33.5 Implementation and Delivery Programme

- 30. This section will lay out the programme for the application and long-term delivery of the compensation. It will confirm the <u>purpose and stageprogramme for of</u> all consents, land access agreements, and any other relevant approvals that are necessary to enable the enactment of the compensation measures. and will detail how any outstanding consents will be delivered.
- 42.31. The compensatory measure(s) would be installed three breeding seasons prior to operation and remain in place for the operational lifetime of the Project.

3.6 Permits and Licenses

- 32. The Project would secure necessary land rights for the selected site.
- 33. The Project would also secure any further permissions required to deliver the compensatory measure. These may include:
 - Planning permission for the installation of predator-proof fencing would be determined under the Town and Country Planning Act 1990 (as amended); and
 - Site of Special Scientific Interest (SSSI) Assents from Natural England for the works.

2.43.7 Routine Maintenance and Management

34. This section will detail any routine maintenance and management requirements and responsibilities for the compensation measure.

3.7.1 Fencing

35. To ensure that the fence remains an effective barrier to mammalian predators for the duration of the proposed compensation, it will be essential that regular checks of the full length of fence are undertaken, and any damaged areas

<u>quickly repaired, in accordance with guidance provided by White and Hirons</u> (2019):

- During breeding season (March to August).
 - Inspections of the fence at intervals to be agreed with the LBCSG.
 - Any damaged areas to be repaired as soon as practicably possible, ensuring disturbance to nesting birds is reduced.
- Outside of the breeding season
 - Inspections 2-3 times between September and February, with additional inspections after severe weather.
 - Substantial/routine maintenance of the fence (e.g. replacement of degraded wire or posts) should be undertaken during this period to avoid risk of disturbance to nesting birds, ensuring that sufficient time is allowed for completion before the breeding season (before the end of February).
 - Clearance of significant debris accumulation on the fence.
- 36. Any identified damage to the fence that has the potential to allow access by predators would be accompanied by monitoring to confirm presence and undertake additional predator control, if required.

3.7.2 Habitat maintenance

13.37. There may be a requirement for ongoing management of vegetation to provide and maintain suitable habitat for the gulls to nest. Such work would be undertaken outside the LBBG breeding season to avoid disturbance and would also need to be done in accordance with suitable management for other designated features if present.

2.53.8 Monitoring and Adaptive Management

This section will detail the monitoring and adaptive management principles and processes that have beento be developed by the Applicant in consultation with the LBCSG, including under what scenarios adaptive management measures will be required. These measures will be developed in accordance with the evidence provided in support of ES Appendix 4 Lesser Black-backed Gull Compensation Document (Document Reference: 7.2.2, Rev 1). Following the approval of the Lesser Black-backed Gull CIMP, the LBCSG will be engaged in the context of implementing monitoring and adaptive management in an ongoing programme.

3.8.1 Monitoring

39. For North Falls, the success of compensation would be determined through annual monitoring of LBBG breeding numbers within the compensation site using standardised breeding seabird survey methods until such time that the compensatory measure is found to be delivering the scale of required compensation (Section 3.2).

- 40. It is proposed that monitoring will include a combination of the following activities, which are principally derived from Gilbert et al. (1998) and Walsh et al. (1995). The monitoring methods will be agreed with the LBCSG, and will be undertaken from the first breeding season following installation of the compensatory measure:
 - The number of pairs in Apparently Occupied Nests (AON) of breeding
 LBBG using the compensatory measure will be recorded. As it is unlikely
 that all nests will be visible from any given location it will be necessary to
 map observed nests to cross-check between vantage points;
 - Productivity will be estimated at the compensation colony by monitoring breeding success and number of chicks fledged at a representative sample of nests throughout the colony. Mapped pairs will be monitored until such time as chicks can no longer be associated with their nest. Productivity monitoring would include information on failed nests, including evidence such as signs of disease or starvation within the colony, changes in behaviour, and appearance of plastic or other sources of pollution;
 - Implementation of a colour ringing scheme to monitor survival and productivity of LBBGs would greatly aid in attaining data on the colony, and would help show levels of natal philopatry once the project has been underway long enough to recruit birds produced on site back into the breeding population, as well as movement of birds from Orford Ness i.e. where they go to forage or where they recruit (if not on their natal site). This would be conducted by licensed professionals with as minimal disturbance as possible; and will tie into the below measure on observations;
 - Observations to obtain both productivity and count data will be conducted in such a way as to minimise disturbance. For example, observations will be made from within a vehicle or through use of portable hides where possible;
 - Consideration will be given to the use of drones to obtain aerial images of monitored nests and suitable breeding habitat across the site, particularly if areas cannot be effectively viewed from site boundaries without risk of disturbance. Drones would only be used if agreed with the landowner and if they could be used without causing disturbance. A review of best practice drone use indicates that nesting gulls can be intolerant of drones (Edney et al., 2023), although disturbance can be limited with the use of smaller modern drones with better cameras (Natural England, pers. comm., 2024). Use of a thermal imaging drone may also be considered (which may be more effective in identifying nests hidden by vegetation). Drones would only be used if there is high degree of confidence that it would not have any detrimental effects;
 - The availability of suitable breeding ground (i.e. habitat distribution) will be monitored annually at the compensation site;
 - Surveyors will also collect opportunistic observations, such as instances of predation by avian species (e.g., other large gull species and corvids), and human disturbance;

- Monitoring of predator activity will be undertaken, through searches for signs (e.g. tracks and paths, droppings, mammal hair) and use of camera traps. This will be linked to maintenance of the fence (see below); for example the requirement for monitoring may be triggered by evidence of damage or breach of the fence; and
- The above methods will be complemented with high resolution photography, to provide a permanent record of how the site is being used.

3.8.2 Adaptive Management

- 41. Proposed monitoring, as set out in Section 3.8.1 above, would be designed in consultation with the LBCSG to demonstrate whether the targets for compensation are being met. In the event that this is not the case, adaptive management measures would be implemented to address any shortfall. Such measures would take into account the monitoring results and advice from the steering group.
- 44.42. The key metrics that will determine the success of the compensation measures will be the number of AON and the productivity of those nests. However, the evaluation of success would be considered in the context of LBBG breeding success elsewhere, at both a local (i.e. SPA) and regional scale. If low breeding success at the compensation colony was reflected by similar performance at other colonies, then this could be attributed to wider issues (e.g. prey availability, weather or disease), and would not necessarily indicate that remedial measures (i.e. adaptive management) would be required. Conversely, performance at the compensation site below that of other colonies is likely to indicate that the adaptive management measures would be required.
- 45.43. Where a shortfall in breeding success is identified, there would be a requirement to seek to understand the reasons for this. In the initial years of the compensation, it is likely that this would be focused on colonisation factors. For example, there may be evidence that birds are not prospecting within the compensation site, or prospecting but not settling, or settling but abandoning during nest building, and each of these would lead to a requirement for different remedial measures. Data will be collected with the aim of understanding the reasons for whichever of these may be occurring, such as the suitability of the vegetation or disturbance (e.g. mammal movements outside the fence or vehicle movements) and the most appropriate corresponding responses. Once colonisation is established, if rate of growth is below expected levels then the causes would be investigated, to establish whether there are particular areas that are affected, or features that are the likely cause. For example, this could be the result of topography, vegetation structure, the proximity to fences, or areas favoured by predatory bird species (such as corvids or other gull species).
- 16.44. If required, adaptive management measures would depend on the circumstances, but could include:
 - Additional habitat management, conducted over winter and prior to LBBG arrival in spring, to enhance the attractiveness to nesting birds, e.g., through closer sward mowing, patchwork strimming, creation of bare ground, placement of old sleepers (or similar) to provide structures for birds to nest against;

- If avian predation is identified as causing significant loss of eggs then options for reducing this which are not detrimental either to LBBGs or other -AOE SPA conservation objectives will be investigated;
- If initial recruitment is below the target level, then colony call playback and placement of decoy birds within the compensation site will be undertaken (although it should be noted that decoys may also be used to encourage birds to colonise the site from the first breeding season year following compensation installation, in which case this would represent an enhancement of the compensation measure already delivered); and
- In the event that the above methods are undertaken, and the compensation site remains under-utilised or unused, then careful consideration would be given to the potential of alternative or additional locations, such as Outer Trial Bank.

17.—

2.63.9 Reporting

- 45. This section will set out the necessary reporting points in connection with the monitoring and adaptive management. This will therefore set out the objectives and timescales for the reporting.
- 46. An annual monitoring report would be produced that would set out the results of gull and predator monitoring, and details of any maintenance undertaken.

 The report would be produced after the breeding season, with results discussed with the LBCSG.
- 47. The report would include:
 - Results from LBBG colony monitoring (colony counts, mapped nest locations and productivity monitoring);
 - Evidence of mammalian presence within the compensation site;
 - Assessment of whether LBBG population/productivity targets are being met;
 - Details of maintenance and/or predator management measures;
 - Identification of any required adaptive management; and
 - Approach to management and monitoring for the following year.

3.10 Governance

- 48. Following project consent, a LBCSG will be convened with relevant stakeholders and experts invited to be members. Invitees would include Natural England, the RSPB, the relevant Planning Authority and National Trust.
- 49. The LBCSG will be consulted on the final LBBG CIMP which will build on the information in this Outline LBBGCIMP and set out the steps to be taken to put the measures in place. It is envisaged that in the run up to submitting the LBBG CIMP to the SoS, the LBCSG will meet at regular intervals (e.g. 3-4 per year). An independent chair will be appointed to oversee these meetings.

- 50. The LBBG CIMP will then be submitted to the SoS for approval...
- 51. Following approval of the LBBG CIMP the Project will begin the steps as outlined and report to the LBCSG as set out in the final LBBG CIMP. As a minimum, this is likely to comprise an annual meeting following the LBBG breeding season at which the results of the monitoring and next steps will be discussed.
- 18.52. The LBCSG will also be provided with the draft monitoring reports for comment before these are finalised for submission to the SoS no later than the January following each breeding season.

2.6.13.10.1 Approval of the Lesser Black-backed Gull CIMP

19.53. This section will detail how the SoS can approve the Lesser Black-backed Gull CIMP, to with which the delivery of all agreed compensatory measures must be compliant.

34 Collaborative or Strategic Compensation

54. If a collaborative or strategic compensation measure is selected, this would wholly or partly, replace the Project's proposed project-led measure.

Alternatively, this could be part of adaptive management if required.

4.1 Collaboration

55. North Falls is in discussions with Five Estuaries offshore wind farm regarding potential collaboration at their selected VE2 site or at Outer Trial Bank.

4.2 Strategic Compensation

- 56. In accordance with guidance DESNZ (2025), a contribution to the Marine Recovery Fund (MRF) could be made in substitution for project-led or collaborative measures provided the MRF is operational and an appropriate measure to compensate for potential effects to LBBG are available.
- 57. The options in the Library of Strategic Compensation Measures which could be of relevance to LBBG is predator reduction.
- 20.58. If a contribution to a Strategic Compensation Fund becomes a viable compensation measure, a feasible opportunity for the collaborative delivery of compensatory measures arises within the required timescales for North Falls, this section will confirm how a contribution will be made to said Strategic Compensation Fund, such as the MRF, and how such contribution will wholly or partly replace the Applicant's initial proposal of project-led/collaborative measures or as part of adaptive management. the collaborative compensatory measure/s will be delivered.
- 21. If a viable strategic compensation funding mechanism were to become available within the required timescales for North Falls, this section will confirm how a contribution will be made to a Strategic Compensation Fund, wholly or partly, replacing the Applicant's initial proposal of project-led/collaborative measures or as part of adaptive management.

4<u>5</u> Summary

22.59. This section will provide a summary of the delivery proposals detailed above for the agreed compensatory measures for lesser black-backed gull_BBG.

6 References

<u>DESNZ (2025). Guidance - Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance. Available at: Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance - GOV.UK.</u>

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HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Limited

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