THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM

Appendix G4.3 to the Natural England Deadline 4 Submission

Natural England's Kittiwake Compensation Advice on the Applicant's Deadlines 1 and 2 Documents

For:

The construction and operation of North Falls Offshore Wind Farm, located approximately 40 km from the East Anglia Coast in the Southern North Sea.

Planning Inspectorate Reference EN010119

25 April 2025

Appendix G4.3 Natural England's Kittiwake Compensation Advice on the Applicant's Deadlines 1 and 2 Documents

In formulating these comments, the following documents have been considered:

- [REP2-012] 7.2.4 Appendix 4 Kittiwake Compensation Document (Rev 1) (Tracked)
- [REP1-026] 7.2.4.1 HRA Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (Rev 1) (Tracked)

1. Detailed comments

1.1 Overview

Natural England currently considers the Hornsea 3 Part 2 ('H3pt2') method to be the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact. It is of note that the H3pt2 method was conceived to inform the design parameters of artificial nesting structures (ANS) for black-legged kittiwake (kittiwake hereafter).

Natural England generally advises that the scale of implementation of compensatory measures for seabirds should be sufficient to address the 95% upper confidence limit (UCL) predicted impact value. Given the uncertainty regarding OWF impacts, this approach increases confidence in the adequacy of the compensatory measures if the impacts exceed those of the central prediction.

However, it is important to distinguish between the scaling of the measure to be implemented, which will inform the design parameters (e.g. number of nest spaces), and the compensation target to achieve. Habitats Regulations Assessments (HRA) have generally set this target (i.e. success criteria) with respect to the central impact value (CIV) and Natural England consider this usually represents a pragmatic approach.

The application of a ratio to address the uncertainty of success should be set on a case-by-case basis, considering the level of impact, the feasibility of the measure, and its potential effectiveness. Guidance is clear that a 1:1 ratio is only appropriate where there is high confidence in the likelihood of success. Seabird compensation measures to date remain largely un-tested and un-proven, and ratios must reflect this situation. We highlight that the ratio should only be applied to scale the implementation of a measure (i.e., not to increase the target or define success).

Natural England highlight that the application of any method to calculate the scale of compensatory measures (with respect to the number of breeding pairs required to offset a specified annual mortality impact), remains somewhat contentious. The pressing need for independent expert advice on the topic led to the British Trust for Ornithology (BTO) being contracted by Natural England (on behalf of the Collaboration on Offshore Wind Strategic Compensation) to critically review the available methods and determine the most appropriate for this application, or to identify an alternative method. Natural England is currently considering the recommendations made in the BTO report and will update our advice, if necessary, in due course. We have provided the Applicant with an 'in press' copy of the BTO report to inform their approach, noting that the formal research report is not scheduled to be published until sometime in May. In the meantime, our advice remains that given in recent Examination submissions, that the Hornsea 3 part 2 method should be used to calculate the number of breeding pairs required to compensate for impacts on Kittiwake.

1.2 Predicted impacts

Natural England agree with the Applicant's calculated central impact value (CIV) of 0.76 and UCL of 2.72 collisions apportioned to the FFC SPA population per annum. Natural England advises that an adverse effect on the integrity (AEOI) of the SPA cannot be ruled out in-combination but accept that North Falls only makes a small contribution to the in-combination total.

1.3 Natural England's general advice on the proposals

Given the modest contribution that the Applicant's proposal makes to the in-combination collision total for the kittiwake feature at FFC SPA, Natural England considers the general proposal proportionate and appropriate. Indeed, Natural England proposed using the RWE Renewables UK Dogger Bank South 'kittiwakery' for the compensatory requirements of Rampion 2, Five Estuaries and North Falls OWFs during Discretionary Advice Service meetings with these developers.

The Applicant has presented their position as follows, *"between seven and ten breeding pairs are required to produce sufficient fledglings per year that survive to breeding age to compensate for the predicted annual collision mortality for breeding adult kittiwakes from the Flamborough and Filey Coast Special Protection Area (FFC SPA)."*

Natural England request further clarity on how this is to be achieved, in principle, at a shared ANS with relatively limited capacity. Furthermore, consideration should be given to the apportioning of benefits arising at the structure. It is our understanding that Five Estuaries OWF are attempting to secure a share in the ANS equivalent to approximately 48 nesting spaces (Five Estuaries Examination Document REP5-018) for a broadly similar impact. It remains unclear that a contribution in line with the required scale of implementation is possible or proposed by the Applicant. However, it does appear likely that the Applicant is investigating an option that should result in there being sufficient breeding pairs to compensate their CIV, assuming that the ANS is sufficiently colonised.

1.4 Information provided on compensation requirements

The Applicant has presented compensation quanta based on their impact values (CIV and UCI), based on the Hornsea 4 method with additional consideration of philopatry. Scenarios considering a range of influential parameters and demographic rates have been usefully presented. However, the Applicant has not been able to successfully replicate the H3Pt2 calculation methods.

1.5 Natural England's advice on compensation requirements

Natural England continue to advise that for kittiwake ANS, compensatory requirements should be calculated using the H3Pt2 method and be scaled with respect to the UCL impact. To assist the Applicant in following our advice, Natural England have replicated and utilised the H3Pt2 method (including the demographic rates therein) to inform our advice on the scale required as follows:

Using the CIV value of 0.76 results in a target of **5** pairs under a 1:1 ratio.

It is also important that the compensatory proposals should be able to demonstrate that:

i. they could compensate for the UCI value should the impacts of the proposal be greater than the CIV, and
ii. the measure is scaled using a ratio to increase confidence that sufficient benefits will still arise, should the measure underperform.

Using the UCL impact value of 2.72 results in a requirement for **17** pairs, again on a 1:1 basis.

If a 2:1 or 3:1 ratio is applied the required scale of the measure is the provision of **34 or 51 nest spaces** on an ANS, respectively.

Natural England highlight that while the ANS has already been built, which gives comfort around lead-in times, it remains unclear exactly how the Applicant intends to utilise and share the ANS with other interested parties, and if there is sufficient space to satisfy the total requirement. We are keen to understand from the Applicant whether they will be taking a similar approach to Rampion 2 and Five Estuaries in securing a specific share of nest spaces on the 'kittiwakery'.