

Seran Davies
Marine Licensing
Natural Resources Wales

13 December 2022

By email only to:
Marinelicensing@naturalresourceswales.gov.uk

Your ref: ORML2170

Dear Seran

MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING
ORML2170 Project Erebus Clarification Exercise

Thank you for consulting the RSPB on the above clarification exercise.

We wish to make comment on the following documents relevant to marine ornithology:

- ORML2170 Project Erebus Further Clarifications
- ORML2170 Project Erebus Technical and General Consultation Responses_SEI Response_Further Clarifications v2.0

We welcome the clarifications provided in the above documents but these do not, in all cases, provide an adequate response. We have remaining concerns regarding the following aspects of the assessment:

- Details of survey timings and how this may influence representativeness of baseline data
- Details as to how autocorrelation was accounted for
- Application of 70% macro-avoidance correction to gannet collision estimates
- Scoping in of potential impacts on Manx and Balearic shearwaters

Survey timings

While we welcome the presentation of both the survey flight timings and analysis of GPS tag data, they serve to highlight the discrepancy between timing of surveys and of peak activity. The comparison between abundance estimates from the two methods given in the clarification is spurious as the two methods are very different, not least that the method for deriving estimates from tagging data only uses birds in flight whereas the design-based estimate from aerial survey

uses all birds. Further, the clarification does not consider how the bias in survey timings will influence the density estimates of other species, such as gannet.

Autocorrelation

The RSPB welcome the fact that analysis was carried out to determine if autocorrelation occurred in the survey data. However, we would prefer if more explicit detail was provided of this analysis.

Macro-avoidance correction

The RSPB acknowledge the difference between advice between their position on the 70% macro-avoidance correction and that of NRW and JNCC. However, this doesn't alter our arguments against the use of the correction, nor our inability to review the document recommending it, which remains unpublished.

Manx and Balearic shearwaters

With regard to the flight heights of Manx shearwater, the clarification is incorrect when it says that the telemetry data concur with previous data. The study actually clearly says, based on a large data set and expert opinion, "the assumption that they (Manx shearwater) always fly close enough to the ocean surface as to be well below the sweep area of wind turbines is probably unsafe"¹

Furthermore, despite relying on this paper for other clarification points, the Applicant dismisses it under this point as "anecdotal".

Since the submission of our Written Representations, Marine Scotland Science has published a review of potential wind farm impacts on Procellariiformes². This review highlights the potential for birds, such as Manx shearwaters, to be attracted to, and disorientated by, light, such as those fitted to wind turbines and associated infrastructure. Such attraction and disorientation will substantially increase collision risk and has not been considered at all by the Applicant.

With regard to Balearic shearwater, the Applicant considers that the fact that they were recorded in digital aerial surveys in near France suitable evidence that they would have been recorded if they occurred during the surveys. However, the issues with both detectability (birds not recorded) and correct identification (birds mis-identified) will vary dependent on local conditions. As such the anecdotal evidence of birds recorded elsewhere does not preclude them from being missed during the Erebus surveys. Furthermore, recent evidence from boat-based surveys of the Celtic Sea³, carried out between 2013 and 2017, demonstrated there are significant concentrations of Balearic shearwaters in the Celtic Sea, particularly during October, meaning the lack of detection is likely to be a function of biases within the survey method rather than a lack of occurrence within the wind farm footprint.

¹ Davies K, Padgett O, and Guilford T, 2021. An analysis of Oxnaf Manx shearwater tracking data in relation to the Erebus project. A research project conducted by Katrina Davies, Dr Oliver Padgett, and Prof Tim Guildford Department of Zoology, Oxford University. Confidential Technical Appendix 11.8: Manx Shearwater Data Analysis Report.

² Zoe Deakin, Aonghais Cook, Francis Daunt, Aly McCluskie, Nicola Morley, Emma Witcutt, Lucy Wright and Mark Bolton. (2022) A review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland

³ Phillips, J.A., Banks, A.N., Bolton, M., Brereton, T., Cazenave, P., Gillies, N., Padgett, O., van der Kooij, J., Waggitt, J. and Guilford, T., 2021. Consistent concentrations of critically endangered Balearic shearwaters in UK waters revealed by at-sea surveys. *Ecology and evolution*, 11(4), pp.1544-1557.

We reserve the right to make further comments in future. If you require further information in relation to this matter, please do not hesitate to contact me.

Yours faithfully,



Simon Hugheston-Roberts
Conservation Officer (Casework)

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