

ORNITHOLOGY

ORSTED HORNSEA PROJECT THREE (UK) LIMITED (FERRY ROAD, HARTLEPOOL) COMPULSORY PURCHASE ORDER 2023

REBUTTAL STATEMENT OF EVIDENCE

Robin M. Ward

Technical Director

Niras Group (UK) Limited

1 INTRODUCTION

- 1.1 I am a Technical Director at NIRAS Group (UK) Limited with 38 years' experience in ornithological monitoring and impact assessment, chiefly studying waterbirds and seabirds in the employment of universities, NGOs, UK Government agencies and consultancies.
- 1.2 The purpose of my Rebuttal Statement of Evidence is to address points raised in Mr McConnell's statement of evidence, in relation to alternative locations for the Artificial Nesting Structures (ANS).

2 SEAL SANDS AS AN ALTERNATIVE LOCATION FOR AN ANS

- 2.1 In support of his statement of evidence, Mr McConnell noted at paragraph 5.4 to 5.6 that the Industry Nature Conservation Association (INCA) at PD Ports request had provided an Advice Note (included in Mr McConnell's statement at Appendix 10) identifying two potentially suitable locations within their landholdings for a structure to support nesting Kittiwakes (*Rissa tridactyla*) i.e. an ANS.

Area One – Jetty to the north side of Seaton Channel

- 2.2 The first of two such locations identified was the redundant jetty on the north side of the Seaton Channel. This locality has already however, been deemed as unsuitable following the Acquiring Authority's site selection process, on account of the footprint of the ANS required being too large for the shoreline available within PD Ports' landholding. The small jetty is also the attachment point for the Seal Sands oil pollution boom. This is a critical part of pollution response measures to protect the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Site of Special Scientific Interest (SSSI) in the event of an oil spill. The potential for the ANS to affect rapid boom deployment was therefore another constraint associated with this site.

Area Two – Seal Sands Peninsula

- 2.3 The second location identified by INCA's Advice Note was the Seal Sands Peninsula, a clinker wall that runs north east then north west, of a width that supports a single track emergency access road to two shipping containers (that houses the oil pollution boom) at its northern tip. The western side of the peninsula overlooks the mudflats of Seal Sands, which together are an important feeding and roosting resource for waterbirds for which Teesmouth and Cleveland Coast Ramsar, SPA and SSSI are notified. Regular high tide roosts of waterbirds are located halfway up the western side of the peninsula, at the entrance to and within the tidal enclosure of the peninsula, along the northern shoreline and on its northern tip where is located a traditional haul-out location for Grey Seals (up to 85 animals).

- 2.4 An ANS installed on Seal Sands Peninsula would therefore cause overshadowing with the potential to displace waterbirds from one or more high tide roosts and the upper tidal levels of the intertidal mudflat, the latter potentially reducing the time for which waterbirds can feed within each tidal cycle. Such displacement could increase the extent to which waterbirds suffer fitness consequences, such as reduced survival and/or productivity, through increases in energy expenditure and/or reduced energy intake. For such sites, Natural England has previously highlighted to the Acquiring Authority during site selection discussions at the Offshore Ornithology Engagement Group (OOEG), that the proximity of either a SPA/SSSI high tide roost or SPA/SSSI intertidal mudflat, indicates the site is not suitable for the ANS.

3 STATEMENT OF TRUTH

This Rebuttal Statement of Evidence has been prepared and provided for this inquiry and given in accordance with the guidance of the Chartered Institute of Ecology and Environmental Management (CIEEM). I further confirm that the opinions expressed are my true and professional opinions.



Robin M. Ward
23 January 2024