

DATE: 12 JANUARY 2026

**RESPONSE TO ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB)
STATEMENT**

by

FALKIRK COUNCIL

in relation to

THE GRANGEMOUTH FLOOD PROTECTION SCHEME

DPEA REFERENCE: FPS-240-1

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1. INTRODUCTION

1.1 This statement sets out Falkirk Council's (the “**Council**”) response to the written statement submitted by the Royal Society for the Protection of Birds (henceforth ‘**RSPB**’) (the “**RSPB Statement**”) in connection with the hearing to consider the Grangemouth Flood Protection Scheme (the “**Scheme**”). The Council relies upon and incorporates its response to RSPB’s objection at Scheme notification [FC004.019] and its Hearing Statement (the “**Hearing Statement**”), which address the issues raised by the RSPB in detail. Additionally, the Council has provided a response to each of the key issues raised by the RSPB, and these are dealt with under individual headings below.

2. ENGAGEMENT WITH THE RSPB

2.1 In paragraphs 3.2 to 3.4 of the RSPB Statement, they allege a lack of engagement regarding ecological impacts from the Council despite early engagement attempts from their side and note that there has been no substantive response from the Council since a meeting in December 2022.

2.2 While the Council acknowledges and appreciates RSPB’s interest and expertise in ornithological and ecological matters, it should be noted that RSPB are not a statutory consultee under the Flood Risk Management (Scotland) Act 2009 (the “**2009 Act**”) or its associated regulations – the appropriate statutory consultee for ecological matters is NatureScot. Despite this, the Council have made considerable efforts to engage with RSPB throughout the Scheme’s lifecycle. A timeline of key engagement with RSPB is provided as an appendix to this response.

2.3 Reference to there being no substantive response from the Council since December 2022 is erroneous. The RSPB’s own timeline demonstrates that they attended and engaged with the Council and the wider project team at the stakeholder event on 4th March 2024.

2.4 From late 2022 until late 2023, the Scheme design development was frozen to allow for preparation of the Environmental Impact Assessment (“**EIA**”) Report (the “**EIAR**”) and other Scheme documents in advance of what was the initial Scheme publication date. Additionally, as noted in the Council’s Hearing Statement, it is expected that, post-determination, there will be further detailed design work including the preparation of a programme for construction works, and the Council will engage further with the RSPB and other organisations and interest groups (including other appropriate environmental stakeholders) as deemed appropriate at that stage.

2.5 RSPB state that they ‘*have not had an opportunity to speak directly to the Council or their consultants since December 2022...*’ yet acknowledge they attended the stakeholder event on 4th March 2024. A conservation officer from the RSPB engaged with the project team for at least half an hour at this event. There has also been separate engagement with the RSPB as part of the public engagement in respect of the Habitats Regulations Assessment (“**HRA**”) for the Scheme, discussed further in section 3 below.

2.6 Furthermore, the Council notes that they have agreed to a meeting with the RSPB and NatureScot which is due to take place in January 2026. The Council remains committed to ongoing engagement with all stakeholders including the RSPB as the Scheme proceeds.

3. HABITATS REGULATION ASSESSMENT (HRA)

3.1 In the RSPB Statement at paragraphs 2.2 to 2.3, they state that the Scheme will have Likely Significant Effects on the Firth of Forth SPA and that the Council’s Appropriate Assessment

concludes that adverse effects on site integrity (“AESI”) cannot be ruled out due to disturbance to 11 qualifying species during construction and maintenance. They further note that the Council asserts there are no alternative solutions, claims imperative reasons of overriding public interest (“IROPI”), and proposes compensation accordingly. RSPB noted that their objection is framed in this HRA/IROPI context.

- 3.2 Firstly, the Council considers that evaluation of the HRA [FC006.001 and FC006.002] is not a primary matter for the Hearing, as it is dealt with under the Habitats Regulations, but the Council is willing to assist the reporter in preparing the report and making a recommendation. There is no specific requirement under the 2009 Act and its associated regulations to undertake and make available the HRA as part of the Scheme notification process or documents, as the Habitats Regulations are not engaged until the final determination (i.e. Scheme confirmation). For transparency, the Council has made the HRA materials available and has sought to answer the various points raised by the RSPB.
- 3.3 As set out in section 6 of the Council’s Hearing Statement, an HRA has been carried out for the Scheme under the Habitats Regulations which concluded there was potential in the Firth of Forth SPA/ Ramsar Site for an AESI through disturbance of roosting birds. The Council considers that there are no alternative solutions to the Scheme in its current alignment and design, that there are imperative reasons of overriding public interest, and that suitable compensation has been proposed.
- 3.4 The Council notes that the HRA concluded that an adverse effect on site integrity as a result of disturbance cannot be ruled out. This is because the HRA process is underpinned by the precautionary principle, meaning that it must be established, beyond reasonable scientific doubt, that there is no potential for an adverse effect. Therefore, the mitigation and compensation measures are provided to address a possible adverse effect, rather than a confirmed one, and consequently they are robust and more than adequate.
- 3.5 Significant weight should be afforded to NatureScot’s confirmation of their agreement to the HRA and its conclusions, including the identified compensation measures. NatureScot has been consulted on the HRA for the Scheme for several years, ensuring that the approach to assessment is robust and meets their standards. NatureScot is in agreement with the proposed compensation measures including the selection of two locations close to the areas of potential disturbance (meaning that birds do not have to expend much energy to use an alternative roosting location) and that the sites can be made more suitable to accommodate more roosting birds than their current capacity. The Council are in the process of consulting with the Scottish Ministers on the HRA, pursuant to the process set out in Regulation 48 of the Habitats Regulations that must be complied with prior to the final decision. A response from the Scottish Ministers is expected by late January or early February and will be made public (in addition to sharing directly with NatureScot and RSPB) ahead of any final decision on Scheme confirmation.
- 3.6 As advisers to the Scottish Government on ecological matters, and as a statutory consultee for the Scheme under the 2009 Act, with a duty to have regard to the Habitats Directive, the Council considers that NatureScot’s conclusions [FC006.005] on the matter offer significantly more weight than that of a non-statutory objector such as RSPB.

4. SITE DESIGNATION AND BASELINE CONDITIONS

- 4.1 Paragraphs 4.2 to 4.6 of the RSPB Statement argue that the nearby Special Protection Area (“SPA”) segment is of ‘exceptional value’, and that survey data in the HRA indicates the local study area supports over 25% of the cited SPA populations for 8 separate species. It additionally

states that the mixed conservation status of these species necessitates a particular need to avoid disturbance.

- 4.2 It is acknowledged that the habitats within the study area support notable numbers of SPA qualifying species for foraging and roosting. As noted above, the precautionary principle underpinning the HRA has been applied when assessing potential impacts to the SPA.
- 4.3 A Zone of Influence (“**ZoI**”) for potential disturbance was determined for each qualifying species of the Firth of Forth SPA/Ramsar site. Based on a review of available literature, a 300m ZoI for noise and visual disturbance was assessed as a suitable ZoI for most species, however nine species are more sensitive to visual disturbance. Therefore, an increased ZoI of 650m for visual disturbance was applied to these nine species based on the recommended visual disturbance buffer of the most sensitive species (Curlew). The Council notes that NatureScot has confirmed it is satisfied with the HRA, including the extension of the ZoIs and the baseline used for the assessment [FC006.005].

5. RAMSAR DESIGNATION

- 5.1 Paragraphs 4.8 to 4.9 of the RSPB Statement state that the Firth of Forth Ramsar site mirrors the SPA’s qualifying interests/objections, and that policy requires Ramsar sites to be treated as if they are European sites in land-use decisions, necessitating HRA for Ramsar as well as tightening the legal context for disturbance/compensation adequacy.
- 5.2 The HRA acknowledges that Ramsar sites are afforded the same level of protection as SPAs / Special Areas of Conservation (“**SAC**”) under domestic policy in Section 4.1: ‘*As both the Firth of Forth SPA and Ramsar site occupy the same area and have the same species listed as qualifying species, the assessment of effects will be against the Firth of Forth SPA’s conservation objectives.*’
- 5.3 The HRA was undertaken on this basis and has robustly assessed both the Firth of Forth SPA and Ramsar site.

6. RSPB GROUNDS OF CHALLENGE

- 6.1 The RSPB Statement gives three live grounds of objection in paragraphs 6.1 to 6.2. (1) that insufficient information showing that alternative solutions were fully considered; (2) that there is a lack of proper consideration of mitigation to reduce negative impacts; and (3) that proposed compensation is inappropriate and, in any event, inadequate. They state that they will focus on mitigation shortcomings and compensation defects at the Hearing.
- 6.2 The Council notes that RSPB have provided no further information in respect of ground (1), which relates primarily to the lack of alternatives in the EIAR. The Council considers that alternatives are covered robustly within the HRA.
- 6.3 Regarding ground (2), RSPB states there was a ‘*lack of proper consideration of available mitigation measures to reduce negative impacts*’. This statement appears to be primarily based on the fact the Scheme has not committed to working outwith the wintering bird period (October to March inclusive). The HRA states ‘*Given the complexities and scale of the Scheme, the construction of flood defences along the site cannot be exclusively undertaken outside of the wintering bird season (October – March inclusive)*’. It is acknowledged that additional text to expand upon this point would have been beneficial to the reader. For example, sections of the port and petrochemical plant operate 24 hours per day, and Scheme works within the petrochemical plant can only be undertaken when there is a scheduled shutdown of the plant. Planning such

shutdowns is a lengthy process and is outwith the full control of the Scheme. Permits are also required to work within the petrochemical plant, and these can take considerable time to obtain. It is therefore not possible for the Council to commit to working exclusively outwith the wintering bird season without materially impacting the viability and deliverability of the Scheme, although the Council will seek to limit works to summer months where it is practicable and possible to do so.

6.4 Embedded mitigation during the iterative design process has already reduced the Scheme footprint within the SPA/Ramsar site and potential for LSEs, and there is the potential for further design refinement during detailed design post-consent.

6.5 Section 4.10 of the HRA clearly details mitigation measures to be implemented. This includes:

- 6.5.1 Good practice mitigation measures to reduce noise and visual disturbance will be implemented, including use of screening.
- 6.5.2 Any works undertaken adjacent to the Firth of Forth SPA/Ramsar site within Flood Cells 3 and 6 will be undertaken independently of each other, with at least one winter in between.

6.6 Regarding ground (3), RSPB claim that '*compensation proposals are inappropriate for the [AESI] and are inadequate*'. The AESI is for temporary disturbance of high tide roosts during construction and maintenance activities. The compensation proposals provide alternative high tide roost habitat close to, but outwith, the areas of potential temporary disturbance. This additional habitat will be available long term and not just during construction. Therefore, it is unclear why the compensation proposals are deemed inadequate by the RSPB. Identifying the proposals as inappropriate seems to be linked to the RSPB claim that the sites should not fall within the SPA boundary (which the Council discusses further in section 8 below).

6.7 It is agreed that disturbance of birds can result in less feeding time or an increase in energy expenditure. To avoid a decrease in condition quality of potentially displaced birds during construction and maintenance of the Scheme, the primary consideration when identifying suitable compensatory roosting habitat locations was proximity to the potential disturbance location whilst being sufficiently far from the source of disturbance for it to no longer be an effect.

6.8 A precautionary approach has also been taken in the HRA when determining the potential disturbance ZoI for qualifying species of the Firth of Forth SPA. The ZoI is, in practice, likely to be much smaller than this.

7. MITIGATION

7.1 Paragraphs 6.5 to 6.9 of the RSPB Statement argue that construction should be seasonally restricted to outside October-March to materially reduce disturbance, consistent with NatureScot's HRA guidance and with the approach proposed by the Musselburgh Flood Protection Scheme of limiting seawall works to summer months.

7.2 The Musselburgh Flood Protection Scheme is a materially different scheme which cannot be compared to the Scheme. The Scheme has a major operational port and significant petrochemical/industrial complexities with an UPPER Tier Control of Major Accident Hazards (“**COMAH**”) site in close proximity, which carries considerable constraints for the construction of the Scheme. Construction will require shut downs to parts of the port and industrial complexes to allow the Scheme to be safely constructed. These shut downs require significant planning, and their timing will largely depend on the operators, utilising pre-existing planned shutdowns where possible. If the Council were to prescribe the shutdown periods this would inevitably lead to

significant additional costs due to the unplanned disruption to the businesses that operate in these areas, thus making implementation of the Scheme unviable. It would also potentially lead to delays in construction that could be so significant as to prevent the deliverability of the Scheme.

7.3 The Council will seek to limit works to summer months where it is practicable and possible to do so but cannot rely on this being possible for all works that could cause disturbance. The Scheme is therefore proceeding on a precautionary basis rather than relying on seasonal constraints that are outwith the full control of the Council. The mitigation measures included within the HRA will reduce potential disturbance to qualifying species of the SPA. The implementation of these mitigation measures will be overseen by an Ecological Clerk of Works ('ECoW') who will also watch and monitor bird behaviour during the works. The ECoW will determine if works should be halted and the potential requirement for any further mitigation to limit disturbance of the qualifying species.

8. COMPENSATION

Location inside SPA

8.1 In paragraphs 6.11 to 6.16 of the RSPB Statement, it is argued that compensation should be outwith the SPA to avoid gradual erosion of the network and that this approach is supported by NatureScot casework guidance and EU Commission guidance.

8.2 As noted in the Hearing Statement, the Council would highlight that NatureScot have confirmed that they are in agreement with the HRA including the sufficiency of compensation proposals (including their location within the SPA) [FC006.005].

8.3 While there is a general presumption to avoid works within the designated sites, NatureScot (previously SNH) have been involved in discussions regarding compensation measures at Bothkennar and Kinneil since 2015/2016. The NatureScot Ornithology Advisor agreed in 2019 with the proposal to provide compensation local to the areas of potential displacement and noted that birds on the estuary tended to move to locations on the same side of the estuary rather than move across it, hence the selection of the proposed compensation areas. The areas in question are not currently functional supporting habitats and will be improved to support the qualifying species. That is, while the areas are within the SPA, they do not currently serve the same purpose (nor are they of the same importance) as other areas within the SPA.

Additionality

8.4 In paragraphs 6.17 to 6.21 of the RSPB Statement, they argue that the Council has existing obligations to enhance/maintain its landholdings, and that prior management plans (Kinneil Management/Maintenance Plan) and site proposals (Bothkennar) developed with the Council were not delivered. They further argue that the use of supposedly overdue works as 'compensation' fails the additionality test and signals risk.

8.5 The objective of compensation, and the primary duty of competent authorities, under the Habitats Regulations is to ensure that the overall coherence of the wider protected national site network remains protected.

8.6 There is no legislative basis, or precedent, which states that compensation measures cannot be located within a protected site. Moreover, while it would not usually be appropriate to deliver as compensation a measure which was going to happen anyway, there must be an exercise of considering how likely such a measure is to come forward in the absence of the proposed development and the proposed compensation. If a particular measure has already been committed

to, or there is otherwise a reasonable prospect it will occur anyway, then that measure likely cannot be compensation.

8.7 The more proportionate and sensible test around additionality is whether it is reasonably likely that the proposed compensation would happen anyway in the absence of the Scheme. If yes, it cannot be counted as compensation. Examples of measures which are reasonably likely to happen anyway, and so could not be compensation, would be:

- 8.7.1 if a specific measure was already identified with funding in place to deliver it in a defined timescale; or
- 8.7.2 if a specific measure was already required under a legal obligation, for example as compensation under a condition in a consent already granted and either implemented or reasonably likely to be implemented.

8.8 As RSPB acknowledge, prior management plans for these areas have not been delivered and there is no certainty that they will come forward in the absence of the Scheme. There is no funding in place to deliver the measures, nor is there any mechanism in place which secures their delivery in future, nor is there any legal obligation in place requiring those measures to be implemented.

8.9 The Scheme has liaised with Council biodiversity officers to understand ongoing and planned works at both sites, and officers were consulted on the compensation proposals. There were no active management plans in place for either site, but the biodiversity officers intended to produce these in future. The Scheme asked that cognisance be taken of the compensation measures when developing plans and to have sight of the management plans when produced. As noted in the HRA, the compensation measures '*will be separate, but complementary to any site management plan which may be implemented by Falkirk Council prior to compensatory works commencing, and detailed design would be undertaken in consultation with Falkirk Council*'.

8.10 The Council notes that its compensation proposals have been discussed with RSPB on multiple occasions over the years (e.g. March 2020, February 2021, June 2021 and December 2022), so they have had opportunities to raise concerns and suggest amendments for consideration by the Council. The draft HRA was issued to RSPB in 2024, and no response was received.

Roost network lost

8.11 In paragraphs 6.22 to 6.23 of the RSPB Statement, they argue that three principal roosts currently serve the area – Grangemouth, Kinnel and Bothkennar – and that the loss or reduction of roost viability at Grangemouth with compensation concentrated at the other two roosts compresses choice, increasing energetic costs and disturbing birds further.

8.12 As detailed within the HRA, surveys conducted for the Scheme identified two main aggregations of birds at key high tide roost locations (the breakwater area directly west of the Port of Grangemouth and the sheltered bay at the estuary edge north of the petrochemical plant).

8.13 The HRA identified a potential AESI on high tide roosts only and the HRA includes the following text to ensure that potential disturbance to multiple roost sites at the same time is limited: '*Any works undertaken adjacent to the Firth of Forth SPA/Ramsar site within Flood Cells 3 and 6 will be undertaken independently of each other, with at least one winter in between.*'

8.14 Compensation proposed in the HRA identifies the high tide roost requirements for the 11 qualifying interest species of the Firth of Forth SPA that could be disturbed at high tide roosts. It also explains the measures that would be implemented at each site to make them more attractive to roosting birds. At Kinnel Lagoons, this includes creating four islands specifically as high tide roosts. In paragraph 6.18 of the RSPB Statement, RSPB acknowledge that at Bothkennar Pools

‘there are a number of issues with the functional quality of the existing site in terms of supporting the SPA qualifying species. As the HRA notes, this includes reed growth, which is reducing the available habitat for feeding and roosting birds.’

Disturbance at compensatory sites

8.15 The RSPB Statement at paragraphs 6.24 to 6.27 states that Kinneil and Bothkennar suffer frequent disturbances, and that if they are pushed towards these sites and exposed to greater disruption due to construction displacement from the Scheme, this limits the impact of compensation.

8.16 The HRA identifies that birds utilising the compensation sites will not be subject to disturbance from the Scheme at the alternative roosts. It is acknowledged that some anthropogenic disturbance may arise from members of the public utilising the access paths in the vicinity, but existing vegetation and site topography provide some visual screening. The bird surveys conducted for the Scheme identified that some birds already use the sites for roosting and there is likely to be some habituation to recreational activities.

8.17 During bird surveys conducted for the Scheme, ecologists did not observe a high level of disturbance caused by recreational activities along the estuary or at the compensation sites. As two compensation sites have been provided as part of a ‘belt and braces’, precautionary approach, there will always be roosts available within the vicinity of the Scheme. Should a potential disturbance event unrelated to the Scheme occur at one compensation site, birds would have access to the other site. It is considered unlikely that disturbance events of the scale which would trigger temporary displacement of large numbers of birds would occur concurrently at both compensation sites. Additionally, the wider Forth Estuary provides suitable habitat for any birds which may move further away.

Feasibility and maintenance risk

8.18 At paragraphs 6.28 to 6.29 of the RSPB Statement, they question the capabilities of the Council to maintain the compensation measures given the reduction in ranger staff. The Council considers that these concerns are speculative.

8.19 The compensation is primarily for temporary disturbance during construction, although it is noted that there is the potential for disturbance during periods of maintenance. The HRA notes that the Council will, in the first instance, seek to time maintenance to avoid disturbance (i.e. in the summer). Ongoing maintenance of the compensation measures will be secured as part of wider Scheme maintenance obligations and therefore separate from portfolio-holder funding.

Site selection criteria flawed

8.20 At paragraphs 6.29 to 6.31 of the RSPB Statement, they argue that ecological suitability and proximity to feeding areas should be the prioritised factor, rather than proximity to disturbance prevailing as the overriding factor per the HRA.

8.21 RSPB suggest that *‘everything within the SPA is ecologically justified’*, which implies that the habitat at Kinneil Lagoons and Bothkennar Pools is indeed suitable for qualifying species of the Firth of Forth SPA.

8.22 The Council does not agree that everything within designated sites is ecologically justified as site boundaries were often drawn in a landscape that includes anthropogenic infrastructure. For example, access roads/paths, utility networks and residential/commercial properties or land can be found within their boundaries. At Kinneil Lagoons the existing spit of land is largely made up of concrete rubble and is not used by qualifying species. The compensation measures at this site will turn this land into suitable high tide roosting habitat for qualifying species.

8.23 The compensation sites are ecologically suitable to provide alternative high tide roosts to potentially displaced birds. They are located close to high tide roost areas and the extensive mudflat habitats used for feeding. Both sites currently attract some roosting birds, and the measures will improve the habitat suitability to support more roosting birds.

Compensation options outside SPA

8.24 At paragraphs 6.32 to 6.35 of the RSPB Statement, they identify non-SPA sites as potential alternative compensation option sites, including some identified in the Inner Forth Futurescape Feasibility Study.

8.25 RSPB note that the Inner Forth Futurescape Feasibility Study is an unpublished report and this has not been shared with the project team previously. With regards to offsite compensation, RSPB have previously mentioned reclaiming land at Inch of Ferryton as a compensation measure, which is outwith the Falkirk Council area. As noted at 8.3 above, the selection of the compensation sites followed extensive discussions with (and ultimately agreement from) NatureScot that birds on the estuary tended to move to locations on the same side of the estuary rather than move across it. The Council also notes that RSPB's suggestion that more distant sites be selected contradicts their points around the need to avoid disturbance and increased energy expenditure.

8.26 The compensation measures identified in the HRA are ecologically suitable and close to the potential locations of disturbance and feeding grounds. It is well expected that, in addition to being like-for-like wherever possible, compensation measures should be located as close to the impact as possible. These compensation measures are provided specifically to address the potential adverse effect on site integrity of the Firth of Forth SPA and Ramsar site identified in the HRA. The EIA for the Scheme includes mitigation and enhancement measures which will be implemented in the wider area and provide additional biodiversity benefits for a range of ecological receptors.

9. CONCLUSION

For the reasons outlined above, and as further detailed in the Council's response to objection [FC004.019] and the Hearing Statement, the Council considers that the issues raised by the RSPB have been fully addressed. The Council remains committed to ongoing engagement with the RSPB and other ecological stakeholders and interest groups to manage construction and ongoing impacts and to ensure delivery of the Scheme in a manner that is as efficient and minimally disruptive as reasonably practicable.

Appendix 1: Timeline of key engagement with RSPB:

Date	Correspondence Type	Details
October 2018	Scoping Report	RSPB Scotland consulted on the EIA Scoping Report for the Proposed Scheme.
15 February 2019	RSPB response to scoping report	Written Scoping Opinion response received from RSPB. It was noted that bird data figures and the associated appendix had not been provided.
18 September 2019	Scheme response to RSPB feedback on scoping report	Written response to RSPB sent by Falkirk Council. Bird data figures and the associated appendix were also issued via file transfer.
January to March 2020	Emails between RSPB and project team	RSPB contacted Jacobs ecologist about the Scheme. Jacobs ecologist asked about the IFLI 'Boost the Roost' project and RSPB advised that the work they had planned at Kinneil Lagoons had to be cancelled. A call was arranged to discuss the Scheme.
04 March 2020	Teleconference	Teleconference meeting between Jacobs ecologists and RSPB. This summarised the project progress and the requirement for compensation within the HRA due to potential disturbance to key high tide roosts during construction. RSPB were advised that compensation at Kinneil Lagoons and Bothkennar Pools was being considered due to proximity to areas where birds could potentially be displaced. This was in line with the preference of SNH (now NatureScot) but RSPB disagreed and thought that anywhere on the Forth could be considered. RSPB stated that they had prepared management plans for Bothkennar and offered to share them – Jacobs advised these would be useful.
12 March 2020	Email to RSPB	Minutes of the meeting on 04/03/2020 were issued to RSPB.
02 April 2020	Email from RSPB	RSPB requested minor amendments to meeting minutes. They also provided some information on Inch of Ferryton site where a managed realignment could be undertaken. They advised that the management plans they ' <i>had originally drawn up for Bothkennar...are now rather dated and it would probably muddle things if I shared them</i> '. RSPB explained that the Inner Forth Landscape Initiative (IFLI) had completed some habitat management work and installation of two tern rafts at Bothkennar Pools between 2014 and 2018.
21 December 2020	Email to RSPB	Brief update email to advise that compensation proposal designs had been progressed and to advise the project would arrange a meeting in early 2021.
23 February 2021	MS Teams meeting	Microsoft Teams meeting with RSPB, Jacobs and Falkirk Council. This summarised the project progress, the HRA assessment and details of the compensation proposals which have been developed in consultation with NatureScot. RSPB noted that

Date	Correspondence Type	Details
		flood defences can provide high tide roost opportunities for birds, where the slope is suitable and Jacobs took an action to consider this further.
24 March 2021	Email to RSPB	Minutes of the meeting on 23/02/2021 were issued to RSPB.
19 April 2021	Email from RSPB	<p>RSPB emailed with some suggested amendments to meeting minutes and provided some additional comments.</p> <p>They asked to see the criteria behind the compensation site selection and stated there may be opportunities to deliver more effective habitat work elsewhere in the Inner Forth, including through managed realignment. RSPB stated that they are disappointed in the limited extent of the proposed compensation measures and believe that the works should be more ambitious. They requested additional measures to be included if compensation proposals were to be taken forward at Bothkennar and Kinneil, including creation of an additional island at Kinneil and a new pool/scrape to be included at Bothkennar. RSPB noted that management of the sites will be crucial to the effectiveness of the habitat works and suggested that Habitat Management Plans be created for the sites.</p>
20 April 2021	Email from RSPB	RSPB emailed stating that they are unclear how the numbers of qualifying species that could be affected were calculated and they requested maps of the bird data. They noted that they agree that the area affected is a roosting site, but have not seen enough information to accept that there would not be an adverse effect on the mudflats as feeding areas.
28 April 2021	Email from RSPB	RSPB followed up with some additional thoughts on implementing high-tide roosts on the new flood defences and stated that this should be explored further, even if it meant some loss of intertidal habitat. They noted that some defences had been made steeper to reduce the footprint of the Scheme and stated they believed this trade off should be reviewed and perhaps revised in some sections.
14 June 2021	Email to RSPB	<p>A pdf document was issued to RSPB which included five pages of detailed written responses to comments received from RSPB via email between 19 April and 28 April. This included agreeing that a Habitat Management Plan should be implemented for the compensation sites and that the compensation measures should be in place prior to potential disturbance during construction.</p> <p>Updated minutes were issued for the meeting on 04 March 2021.</p>
17 June 2021	Bird figures issued to RSPB	<p>Figures of the bird survey data collected between 2015 and 2017 were issued via file transfer.</p> <p>RSPB confirmed they received this.</p>
11 November 2021	Email from RSPB	RSPB emailed Jacobs, NatureScot and Falkirk Council with a DEFRA report on the effectiveness of European Site Compensation Measures. They highlighted an example of a

Date	Correspondence Type	Details
		project which had habitat loss in an SAC and provided compensation. NatureScot provided a response to this on 23 December 2021, which noted the example was not directly comparable with the Scheme. NatureScot also noted they do not consider the Scheme has potential to result in coastal squeeze due to the pre-existing coastal defences which were already in place when the SPA was designated.
14 March 2022	Email from RSPB	RSPB reiterated that they would be keen for a meeting to discuss issues relating to the SPA and possible opportunities for enhancement and compensation.
18 March 2022	Email to RSPB	Jacobs emailed RSPB to explain that the environmental assessment for the Scheme is still on hold, but the project team would be happy to discuss updates once this resumes.
29 September 2022	Email from RSPB	RSPB emailed Jacobs, Falkirk Council, NatureScot and SEPA to ask for an update on the Scheme.
22 September 2022	Email to RSPB	Jacobs emailed RSPB to explain that no significant changes have been made to the EIAR or HRA over the past six months and the project focus has been on developing the technical aspect of defences further inland. It was explained that additional ecology surveys (including bird surveys) were being undertaken to provide further information for the EIAR and HRA. A meeting for November/December was proposed.
06 December 2022	Teams Meeting	Meeting between RSPB, NatureScot, Jacobs and Falkirk Council. The compensation sites were further discussed. Details were provided on the proposed high tide roost enhancement measures included as part of the EIAR – this incorporates a suggestion by RSPB in 2021. RSPB noted that the proposals lacked ambition considering the cost and scale of the project. Suggestions were provided that had been raised by RSPB previously and the project had responded to in writing on 14 June 2021.
07 December to 19 December 2022	Email to RSPB	As a follow up to a point raised during the meeting on 06 December, Jacobs ecologist emailed RSPB to ask if they had any information on birds roosting on the reclaimed land south of Grange Burn, but noted Jacobs ecologists were undertaking surveys in the area so could look into this if RSPB did not have any details. RSPB noted that waders had been observed roosting on the edge of this land and made some suggestions that may improve values as a high tide roost. They also noted that the had passed on some other suggestions to NatureScot. Some of these suggestions have been incorporated within the compensation proposals.
22 August 2023	Email from RSPB	Email from RSPB noting they haven't had any correspondence since December 2022 and would like an update on the EIA, HRA and compensation measures for the Scheme.

Date	Correspondence Type	Details
08 September 2023	Email to RSPB	Falkirk Council responded to RSPB stating that the EIAR was due to be issued to statutory consultees and upon receipt of feedback, the project would be in a position to discuss further with RSPB.
11 September 2023	Email from RSPB	RSPB response to Falkirk Council. RSPB noted that they were concerned that compensation and enhancement measures were being progressed to a point where stakeholders could not propose substantial changes. RSPB stated it could be argued that the creation of an island at Kinneil Lagoons is inappropriate as an island was previously suggested as part of a different package of work but never taken forward. This contradicts RSPB's request on 19 April 2021 to include an additional island at Kinneil as part of the compensation measures.
28 September 2023	Email to RSPB	Falkirk Council responded to RSPB advising that a formal response would be issued in due course and that the project was currently continuing to engage with statutory consultees.
16 January 2024	Email from RSPB	RSPB request for update from Falkirk Council and noted that the Scheme was going to the Council's Executive Committee on that date.
04 March 2024	Public engagement event (invite only) at Falkirk Council Town Hall	<p>Discussion between RSPB, Falkirk Council, Jacobs and a local MSP. RSPB reiterated that they were disappointed in the lack of engagement by the Scheme and that the compensation measures lacked ambition. RSPB were reminded that the compensation measures were to address potential temporary disturbance to high tide roosts and would remain in place throughout operation of the Scheme. RSPB were reminded that NatureScot were content with the proposals and RSPB stated that they had several conversations with NatureScot that indicated otherwise. RSPB made it clear that they could publicly suggest the Scheme is only protecting the petrochemical plant and port to facilitate fuel distribution, which would create negative publicity around the Scheme.</p> <p>RSPB stated that they would like the Scheme to commit funding to managed realignment on the Forth estuary. This point was discussed for some time and the project team advised that there was little opportunity to do so in the vicinity of the Scheme due to existing infrastructure.</p>
30 May 2024	Email to RSPB	Falkirk Council emailed RSPB to provide an update on the Scheme.
30 September 2024	Draft HRA issued to RSPB via email	Issue of draft HRA to RSPB.
31 January 2025	Email to all objectors	Email to objectors to advise of Preliminary decision to confirm the scheme without modification
7 April 2025	Email to all objectors	Email to update objectors on Scottish Ministers decision not to call in the scheme

Date	Correspondence Type	Details
3 September 2025	Email to RSPB	Email advising RSPB to of HRA engagement on Participate+
3 October 2025	RSPB response	RSPB response to engagement (online response prior to closing date of 5 Oct)