



**SCOTTISHPOWER
RENEWABLES**

East Anglia TWO Offshore Windfarm

HRA Compensatory Measures

Applicant: East Anglia TWO Limited
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**Applicable to
East Anglia TWO**



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Table of Contents

1	Introduction	1
2	Sites and features	2
3	Compensatory Measures	3
3.1	Initial screening	3
3.2	Compensatory Measures to be Considered Further	4
4	Next Steps	8
5	References	8



Glossary of Acronyms

AOE	Alde-Ore Estuary
FFC	Flamborough and Filey Coast
ISAA	Information to Support Appropriate Assessment Report
NE	Natural England
OTE	Outer Thames Estuary
OWF	Offshore Windfarm
SNCB	Statutory Nature Conservation Body
SPA	Special Protection Area
UK	United Kingdom



Glossary of Terminology

Applicant	East Anglia TWO Limited
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one offshore construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Habitats Directive	European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora
Habitats Regulations	The Habitats Directive is transposed in UK law as the Conservation of Habitats and Species Regulations 2017.
HRA	Habitat Regulations Assessment is a recognised step by step process which helps determine likely significant effect and (where appropriate) assesses any adverse effects on the integrity of Natura 2000 sites protected under the Birds or Habitats Directives
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms. These will include fibre optic cables.
Likely Significant Effect	Checking for the likelihood of significant effects on Natura sites is a part of HRA. Unless a significant effect can be ruled out, it is considered 'likely' and requires appraisal.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	This includes transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.



1 Introduction

1. East Anglia TWO offshore windfarm (the Project) applied on 25th of October 2019 for an order granting development consent under the Planning Act 2008 (the Application) to authorise the construction, operation and maintenance of the East Anglia TWO windfarm generating stations in the Southern North Sea, with associated offshore and onshore infrastructure.
2. The Application was accepted by the Planning Inspectorate on behalf of the Secretary of State for Business, Energy and Industrial Strategy (the Secretary of State) on 22nd of November 2019 and is subject to examination by the appointed Examining Authority (ExA) between 6th October 2020 and 6th April 2021 (the Examination).
3. In the ExA's Rule 6 letter of the 16th July 2020 the ExA asked East Anglia TWO Limited (The Applicant) under Procedural Decision 18, Question 2 to consider whether:

“there is a need for the project before us to..... engage with the derogation tests set out under stages 3 and 4 of the Habitats Directives and Regulations”

4. It is the Applicant's position in the **Information to Support Appropriate Assessment** (ISAA) (APP-043) that there would be no Adverse Effect on Integrity (AEoI) of any site as a result of either project alone or in-combination effects. The Applicant has engaged with Interested Parties and has considered comments raised in their Relevant Representations but does not consider that any of the issues raised alter the position stated at the time of the application.
5. This document therefore has been written to respond to the ExA's Procedural Decision 18 question which referenced the following statement from the Secretary of State in the Hornsea Project Three decision of 1st July 2020¹

7.3 The Secretary of State is clear that the development consent process for nationally significant infrastructure projects is not designed for consultation on complex issues, such as Habitats Regulations Assessment, to take place after the conclusion of the examination..... It is therefore important that potential adverse impacts on the integrity of designated sites are identified during the pre-application period and full consideration is given to the need for derogation of the Habitat Regulations during the examination.....

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010080/EN010080-003225-Hornsea%20Project%20Three%20Minded%20To%20Letter%20-%201%20July%202020.pdf>



7.4 This does not mean that it is necessary for Applicants to agree with statutory nature conservations bodies (“SNCBs”) if SNCBs consider that there would be significant adverse impacts on designated sites. The final decision on such matters remains for the Secretary of State (though the Secretary of State reserves the right not to request further evidence from Applicants following the examination). Applicants should be assured that where they disagree with SNCBs and maintain a position that there are no significant adverse impacts, but provide evidence of possible compensatory measures for consideration at the examination on a “without prejudice” basis, both the ExA in the examination and the Secretary of State in the decision period will give full and proper to consideration to the question of whether there are or are not significant adverse impacts. It will not be assumed that the provision of information regarding possible compensatory measures signifies agreement as to the existence of significant adverse impacts. The ExA will be required to provide an opinion on the sufficiency of the proposed compensation even if it considers that compensation is not required (in case the Secretary of State disagrees with that conclusion), but such measures would only be required if the Secretary of State were to find that there would be significant adverse impacts (and that the proposed compensatory measures are appropriate).

6. Notwithstanding the Applicant’s position that there will be no AEoI on any designated site, an HRA Derogation Case has been submitted at Deadline 3 (document reference ExA.AS-6.D3.V1) which provides:
 - A rationale for the limits of any further mitigation of effects through alternative design; and
 - Confirmation that there are imperative reasons of overriding public interest for the Project to proceed.
7. This document presents potential options for compensatory measures on a **without prejudice basis** to allow for full consideration of these by stakeholders during the Examination.

2 Sites and features

8. The following Natura 2000 sites and respective qualifying features are considered in this report:
 - Flamborough and Filey Coast (FFC) Special Protection Area (SPA) – Gannet and Kittiwake; and
 - Alde Ore Estuary (AOE) SPA – Lesser Black Backed Gull.



3 Compensatory Measures

3.1 Initial screening

9. In line with the rationale presented above, the Applicant engaged with Natural England and the Royal Society for the Protection of Birds (RSPB) to progress discussions on potential compensatory measures.
10. A screening exercise was undertaken by the Applicant to identify potentially feasible compensatory measures for each of the features listed above. This exercise was undertaken via a review of key literature including Furness et al (2013) and the recent submissions for the Norfolk Vanguard, Norfolk Boreas and Hornsea Project 3 projects. Potentially viable compensatory measures were then presented to Natural England, RSPB and the MMO for comment in September 2020.
11. Natural England and, RSPB provided feedback on the compensatory measures presented which they considered were suitable to be taken forward for further consideration. Accordingly, non-suitable options were dropped from consideration by the Applicant. The MMO provided comments relating to the practical implementation of compensatory measures (for example how these might be licensed) and therefore these comments are not considered further at this stage.
12. Note that in the screening exercise, the Applicant considered but ruled out prey enhancement as a compensatory measure. Prey enhancement would require management of fisheries through, for example, partial or complete closure of a prey fishery (e.g. sandeel). The Applicant ruled this out as this would require either the purchase of quota or introduction of fisheries management (i.e. closed areas, reduction of by-catch) which is not considered to be deliverable. RSPB concurred with the Applicant that

“It is not a viable measure for a developer at this time. It is properly for Government to take the lead in order to ensure adequate food supply for those breeding seabirds in the North Sea and elsewhere affected by fishery management.”
13. Natural England have suggested keeping this option under consideration, however the Applicant’s position (which reflects that of RSPB) is that there are no practical mechanisms to progress this. Therefore, the Applicant will not progress this option.
14. Within the screening exercise, management of the traditional annual “Guga Hunt” (an indigenous practice of collecting approximately 2,000 gannet chicks from Sùla Sgeir by residents of Ness in Lewis, under licence) was considered as one



of a number of potential measures for gannet, whilst noting cultural sensitivities. Both RSPB and NE raised the cultural sensitivity of this option, and the Applicants have decided not to retain this option.

3.2 Compensatory Measures to be Considered Further

3.2.1 Flamborough and Filey Coast SPA

15. This section presents the measures which will be considered further by the Applicant to compensate effects at the FFC SPA upon kittiwake and gannet. The measures considered are:

- Construction of artificial nest sites – **kittiwake** and **gannet**

16. Outline details of these measures are presented in **Table 1** together with suggestions for the next steps provided by Natural England and RSPB.



Table 1 Potential Compensation Measures – Flamborough & Filey Coast SPA

Measure	Species	Benefits & Delivery mechanism	Spatial scale & Timescale	Potential feasibility	Further work required
Productivity Improvement - Construction of artificial nest sites	Gannet	<p>Benefits</p> <p>Increase gannet population in southern North Sea in order to produce additional recruits to replace any potential losses at FFC SPA.</p> <p>Mechanism</p> <p>An offshore structure close to foraging grounds or suitable onshore location. This would be augmented by models of gannets and playback of gannet colony sounds to encourage colonisation of a new location.</p>	<p>Gannet nest on cliffs with large ledges and at high densities on flat surfaces (e.g. Bass Rock plateau). There are unlikely to be any suitable onshore locations south of FFC SPA. Selection of offshore locations would need to take account of existing colonies to avoid foraging overlaps.</p> <p>Could be put in place prior to windfarm operation.</p>	<p>Construction of artificial nest sites could be achieved prior to windfarm operation and therefore is deliverable within the timescales required for the Project.</p>	<p>This measure was accepted as feasible in principle. Further work will be undertaken to explore this measure based on the following point raised by NE and RSPB:</p> <ul style="list-style-type: none"> • Clear evidence of the efficacy of this measure for this species (including the use of models and playback) required
Productivity Improvement - Construction of artificial nest sites	Kittiwake	<p>Benefits</p> <p>Increase kittiwake population in southern North Sea in order to produce additional recruits to replace any potential losses at FFC SPA.</p> <p>Mechanism</p> <p>Kittiwakes readily make use of artificial breeding sites. A small area of wall, measuring 30m by 8m could accommodate 200 pairs. This could be onshore or offshore. Use of fake nests and birds to encourage colonisation of a new location (established method).</p>	<p>The structure would need to be no more than 30m long and 8m high. This would support a population of 200-300 pairs which would produce the same number of fledglings (at c. 1/pair), 50% of which would be predicted to reach adult recruitment age.</p> <p>Colonisation would be expected to occur naturally within 3-4 years (or less, depending on proximity to existing breeding birds) but could be enhanced using playback of kittiwake colony sounds and model kittiwakes.</p>	<p>Construction of artificial nest sites could be achieved prior to windfarm operation and therefore is deliverable within the timescales required for the Project.</p>	<p>This measure was accepted as feasible in principle. Further work will be undertaken to explore this measure based on the following points raised by NE and RSPB:</p> <ul style="list-style-type: none"> • Location: Access to a good food supply • Design: including aspect, height above sea level, shelter from sun/prevailing wind, predators. • Likelihood of colonisation • Productivity rates and timescale to achieve the required population levels • Consideration of predator control measures at the nest site • With other offshore windfarm (OWF) Projects also proposing this option there needs to be clarity over what each Project is compensating for. • The Applicant will consider the final decision on Hornsea Project 3 (due 31st December 2020) and any implications for compensation.



3.2.2 Alde Ore Estuary SPA

17. This section presents the measures which will be considered further by the Applicant to compensate effects at the AOE SPA upon lesser black-backed gull. The measure considered is:
- Predator control
18. Outline details of this measure are presented in **Table 2** together with suggestions for the next steps provided by Natural England and RSPB.

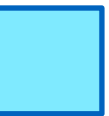


Table 2 Potential Compensation Measures – Alde Ore Estuary SPA

Measure	Species	Benefits & Delivery mechanism	Spatial scale & Timescale	Potential feasibility	Further work required
Predator control	Lesser black-backed gull	<p>Benefit Lesser black-backed gull at AOE SPA are thought to be subject to high levels of egg and chick predation by mammals (especially foxes). Prevention of this predation would greatly enhance productivity and could more than compensate for the loss of 1.4 adults at the Project.</p> <p>Mechanism Fencing to exclude predators could be installed at strategic locations.</p>	<p>If it is assumed that fencing to exclude predators is the agreed final mechanism to take forward, this would require enclosure of a suggested area of around 4ha, although this would be subject to discussion and agreement with stakeholders (and landowner(s)).</p> <p>Could be put in place prior to windfarm operation.</p>	<p>This option is considered to be entirely feasible and straightforward to monitor using surveys of the breeding population and reproductive success.</p>	<p>This measure was accepted as feasible in principle. Further work will be undertaken to explore this measure based on the following points raised by NE and RSPB:</p> <ul style="list-style-type: none"> • With other OWF projects also proposing this option there needs to be clarity over what each project is compensating for. • The Applicant will consider the final position of Norfolk Boreas and any implications for compensation.



4 Next Steps

19. The Applicant will work on the matters raised by Natural England and RSPB in order to develop the detail of the proposals for compensation for each feature listed above. The Applicant intends to provide an update on the options together with the proposed mechanism(s) for securing these (including consideration of points raised on implementation by the MMO), should they be considered necessary, at **Deadline 5**.

5 References

Furness, B., D. MacArthur, M. Trinder & K. MacArthur (2013) Evidence Review to Support the Identification of Potential Conservation Measures for Selected Species of Seabirds