

Norfolk Projects Offshore Wind Farm Lesser Black-Backed Gull Implementation and Monitoring Plan

Annex 1 Consultation report

Developer: Norfolk Boreas Limited and
Norfolk Vanguard Limited
Document Reference: PB5640.009.0008

Date: October 2022
Revision: Version 1
Author: Royal HaskoningDHV

Photo: Kentish Flats Offshore Wind Farm

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
20/09/22	1.0D	First draft for LBBGSG review	CL/DT	LB	JL
28/10/2022	1.0F	For version for SoS Approval	CL/DT	VR	JL

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Glossary of Acronyms

BEIS	The Department for Business, Energy and Industrial Strategy
DCO	Development Consent Order
DEFRA	Department For Environment, Food and Rural Affairs
ESC	East Suffolk District Council
LBBG	Lesser Black-Backed Gull
LBBGIMP	Lesser Black-Backed Gull Implementation and Monitoring Plan
LBBGSG	Lesser Black-Backed Gull Steering Group
MMO	Marine Management Organisation
PoW	Plan of Works
RSPB	Royal Society for the Protection of Birds
SoS	Secretary of State
SoW	Scope of Work

1 INTRODUCTION

1. This document reports on the consultation which has occurred to date in order to develop the lesser black-backed gull (LBBG) compensation for the Norfolk Vanguard and Norfolk Boreas offshore wind farms (collectively referred to as the Norfolk Projects).
2. This document forms part of the LBBG Implementation and Monitoring Plan (LBBGIMP) which is submitted to the Secretary of State (SoS) for approval prior to the compensation being delivered. Consultation will continue beyond the point at which the LBBGIMP is submitted and therefore this document is provided as a record of the consultation which has occurred thus far in order to establish the LBBGIMP.

2 ESTABLISHING THE LESSER BLACK-BACKED GULL STEERING GROUP

3. Under paragraph 13 of the LBBG compensation requirements within the Norfolk Boreas and Norfolk Vanguard Development Consent Orders (DCO) a LBBG Steering Group (LBBGSG) must be established.

2.1 Defining the Membership

4. The membership of the LBBGSG has been determined through consultation with parties named in paragraph 14 of the Compensation Schedules (Natural England as the statutory nature conservation body and local planning authorities within whose administrative area artificial nests could be sited). To ensure a broad representation of experience and expertise during the development of the compensation measures, other members will be consulted as advisory bodies.
5. As named in the DCO, the core members of the LBBGSG are:
 - a) Norfolk Boreas Limited and Norfolk Vanguard Limited (together the Norfolk Projects);
 - b) Natural England; and
 - c) East Suffolk Council (ESC).
6. Core members have and will continue to be consulted on matters pertaining to (but not limited to) LBBG ecology, location of fencing, detailed design of fencing, timetable for delivery, maintenance and monitoring including planning considerations arising from such matters. Reaching agreement with core members on these issues has and will continue to be the primary focus of the LBBGSG.
7. The following advisory members were not named in the DCO also form part of the steering group:
 - The Royal Society for the Protection of Birds (RSPB); and
 - The Marine Management Organisation (MMO).
8. Advisory members have and will continue to be consulted on aspects of the LBBG Implementation and Monitoring Plan (LBBGIMP) which are relevant to their area of expertise. For example, the RSPB have been consulted on the ecology of the species but are not expected to advise on the planning process for the compensation.

2.2 Plan of Works

9. Natural England requested that the Plan of Works (PoW) was agreed by process whereby the Norfolk projects drafted the document and the LBBGSG make comment as they would not have resource to attend meetings. This approach was taken, and the document developed through several rounds of review with the group.
10. The first draft of the LBBGSG PoW was emailed to all members for review on 10th March 2022, with a request for comments to be returned by 23rd March 2022. Initial comments on the first

draft PoW were returned by ESC on 24th March 2022. A reminder for comments on the first draft PoW was emailed to all members on 30th March 2022, with a request for responses to be returned by April 7th 2022. Natural England and the MMO did not return any comments on the first draft PoW, before the stipulated deadline.

11. A reminder email was sent to Natural England on 14th April 2022, requesting comments on the LBBG PoW, in addition to the Kittiwake Steering Group and Benthic Steering Group PoWs.
12. At the first LBBGSG meeting held on 13th April 2022, the RSPB apologised for not providing comments on the first draft PoW and requested an extension of the time period to review the PoW. It was agreed that the RSPB would return comments on the first draft PoW by 27th April 2022. These comments would be immediately circulated to the LBBGSG for approval or rejection by May 4th 2022, with the intention for the PoW to be submitted to the SoS on May 13th 2022.
13. Natural England returned comments on the LBBG PoW on the 21st April 2022.
14. A reminder email was sent to the RSPB on 25th April 2022 requesting comments on the LBBGSG PoW to be returned by 27th April 2022.
15. Following provision of comments from the RSPB and Natural England, the Norfolk Projects sent out an updated PoW with all comments and how they had been addressed on 6th May 2022. In this email it was requested that members confirm whether they agree with the changes by the 18th May 2022.
16. A reminder of the deadline was sent by the Norfolk Projects early on the 18th May 2022.

3 STEERING GROUP MEETINGS

3.1 Steering Group Meeting 1 (13th April 2022)

17. Invitation letters were emailed to core and advisory members of the LBBGSG on 8th February 2022 and 9th February 2022 by Jake Laws and David Tarrant. The invitations included a request for a response to be returned by 15th February 2022.
18. Signed invitations to engage as a member of the LBBGSG and the date they were returned are listed below and can be found in Appendix 1:
 - The RSPB (15th February 2022);
 - ESC (10th February 2022);
 - The MMO (10th February 2022); and
 - Natural England (21st April 2022).
19. The Department For Environment, Food and Rural Affairs (DEFRA) declined the invitation to engage as members of the LBBGSG due to resourcing constraints.
20. A selection of provisional dates for the first four LBBGSG meetings were arranged using Doodle poll and links were emailed to all core and advisory members on 1st March 2022. Members were asked to use the Doodle poll links to fill in their availability for LBBGSG meetings. For the first LBBGSG meeting which was set to be held in early April, members were requested to respond by 4th March 2022.
21. Two reminder emails were sent on the 3rd March 2022 and 8th March 2022 reminding all members to fill in their availability using the Doodle poll links.
22. Jim Mckie was appointed as Chairperson for the LBBGSG and the LBBGSG members were notified of his appointment prior to the first meeting. Jim is independent of any of the members of the steering group and the organisations they represent and therefore his appointment was accepted by all members.
23. Natural England were unable to find availability for the proposed dates and confirmed they would not attend the first LBBGSG meeting held on 13th April 2022.
24. A first draft PoW was sent to all members of the LBBGSG for review on the 10th March 2022. A deadline of the 23rd March 2022 was set for members to return their comments on the draft PoW.
25. In preparation for the first LBBGSG meeting, the following documents were emailed to all members of the LBBGSG on the 30th March 2022:
 - A proposed meeting agenda with a request for members to provide any amendments or additions by the 5th April 2022 so that the final agenda could be issued on the 7th April 2022;

- A skeleton plan for the LBBGIMP.
26. Members were also reminded to provide comments on the draft PoW and a new deadline of 7th April 2022 was set for members to return any comments on the PoW. Members were requested to have ready their initial comments on the skeleton LBBGIMP, as there would be an opportunity to communicate the comments verbally at the first LBBGSG meeting on 13th April 2022.
27. As Natural England were not available for the first LBBGSG meeting, they were asked to provide comments on the skeleton LBBGIMP prior to the first LBBGSG meeting. Comments were returned on 21st April 2022, following LBBGSG Meeting 1.
28. The final agenda for the first LBBGSG meeting was emailed to all members on 7th April 2022, alongside a reminder for members to review the skeleton LBBGIMP, and have any comments ready for discussion on the 13th April 2022.
29. During LBBGSG Meeting 1 it was confirmed with the Steering Group members that the preference would be to hold one set of LBBGSG meetings and discharge the compensation schedules for both Norfolk Vanguard and Norfolk Boreas in a combined approach as this would be a more efficient use of stakeholders input.
30. During Steering Group Meeting 1 it was agreed that the Norfolk Projects would draft a Scope of Work (SoW) for a survey which would be undertaken to assess the site suitability of the proposed site. The RSPB requested that they have the opportunity review this SoW. A draft SoW was circulated by the Norfolk Projects on 6th May 2022 and comments were received from the RSPB on 16th May 2022. All recommendations proposed by the RSPB were included within the SoW. Natural England also commented at a separate meeting that information on the topography of the land should be collected as that could inform future water management on the site. This element was included in the SoW.
31. The final minutes from LBBGSG 1 can be found in Appendix 5.

3.2 Steering Group Meeting 2 (29th June 2022)

32. Date options for LBBGSG meeting 2 were issued on 6th April 2022 and all parties were able to attend on 29th June 2022. Preparation material for the meeting was sent out on 15th June 2022 which included:
- Final Minutes from LBBGSG Meeting 1 (No comments from attendees of the meeting were received and therefore the draft minutes circulated on the 21st April 2022 were taken as final);
 - A proposed agenda for the meeting – with a request for any additions by the 21st June;
 - An excerpt from the actions log;
 - A first full draft of the LBBG Agreement log (which forms Appendix 3 of this consultation report); and,
 - A confidential first full draft of the LBBGIMP.

33. A final agenda with all pre meeting reading attached again for ease of reference was sent out on 23rd June 2022.

3.3 Steering Group Meeting 3 (12th August 2022)

34. Invitations to the third LBBGSG Meeting were issued to members via email on 20th May 2022 and all parties were able to attend on 12th August 2022.

35. In preparation for LBBGSG Meeting 3 on 12th August 2022, the following were emailed to the LBBGSG on 28th July 2022:

- Final Minutes from Norfolk projects LBBG Meeting 2: For approval at LBBGSG meeting 3;
- A proposed agenda for the meeting on the 12th – with a request for members to provide any amendments or additions by the 5th August so that the final Agenda could be issues on August 8th;
- Norfolk Projects LBBG Compensation Site Suitability Survey Report – with a request for members to have comments ready by August 12th;
- An exert from the LBBGSG Actions log, and;
- The LBBGSG Agreement log (See Appendix 3).

36. The final agenda for LBBGSG Meeting 3 was emailed to members on 4th August 2022. Also contained within this email was a proposed review and sign off programme for the LBBGIMP (see Appendix 2).

37. Members were notified that Chair Jim Mckie would be unable to attend LBBG Meeting 4 in October and that progress was being made with finding an independent stand-in chair.

38. The final minutes from LBBGSG Meeting 3 can be found in Appendix 5.

3.3.1 BEIS Amendment to PoW

39. Following The Department for Business, Energy and Industrial Strategy (BEIS) review of the LBBGSG PoW, BEIS requested that the wording of the Dispute Resolution Mechanism section of the Plan be changed from:

“if the dispute has not been resolved following a referral in accordance with this section, the details would be presented to the Secretary of State for Business Energy and Industrial Strategy alongside the documents for which the Secretary of State has to give approval and the Secretary of State would determine whether to approve those documents.”

to

“if the dispute has not been resolved following a referral in accordance with this section, the core members shall settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the core members, the mediator will be nominated by CEDR.”

40. This was communicated to the LBBGSG via email on 1st August 2022 and a deadline of 12th August 2022 was given for LBBGSG members to either approve or deny this change.

3.4 Steering Group Meeting 4 (5th October 2022)

41. Invitations to the fourth LBBGSG Meeting were issued to members via email on 11th July 2022.

42. In order to finalise the LBBGIMP for submission, Version 2 was circulated to the group on 25th August 2022 in accordance with the agreed timetable for completion which had been discussed at LBBGSG Meeting 2 (see Appendix 2). The email also requested that comments were returned by 15th September 2022.

43. In preparation for the LBBGSG Meeting 4 on 5th October 2022, the following were emailed to LBBGSG Members on the 21st September:

- PDF instructions of how to access Box;
- A proposed agenda for the meeting on the 5th October 2022 – with a request for members to provide any amendments or additions by the 28th September 2022 for the final Agenda to be issued on the 29th September 2022;
- A PDF version of LBBGIMP Version 3 showing track changes and what updates have been made;
- A clean version of LBBGIMP Version 3 with a request for members to make comments on this version;
- A copy of the LBBGIMP Annex 1 Consultation Report and a list of the appendices that will be included in the Annex once complete;
- A copy of LBBGIMP Appendix 2 LBBGIMP review and sign-off programme;
- A copy of LBBGIMP Appendix 3 Agreement Log (see Appendix 3);
- PDF versions of the minutes from LBBGSG Meetings 1, 2 and 3;
- Annex 2 Site Suitability Survey Report (Box link).

44. During the fourth LBBGSG Meeting, it was agreed the purpose of the fifth LBBGSG Meeting was to finalise how the monitoring of LBBGs will be undertaken. During the fourth Kittiwake SG Meeting, members decided that it would be sensible to merge the fifth Kittiwake SG and fifth LBBGSG meetings into one meeting, to discuss the monitoring of both kittiwakes and LBBGs.

45. Members were reminded to return any outstanding comments on LBBGIMP Version 3, with a request to do so by 7th October 2022.

46. The final minutes from LBBGSG Meeting 4 can be found in Appendix 5.

3.4.1 Stand-in Chair

47. Chair, Jim Mckie was unable to attend the fourth LBBGSG Meeting held on 5th October 2022 due to unforeseen circumstances.
48. LBBGSG Members were informed of Jim Mckie's upcoming absence in the third LBBGSG Meeting and informed that the Norfolk Projects was progressing the search for an independent stand-in Chair, but members were also welcome to make suggestions.
49. In an email to the LBBGSG sent on 5th September 2022, Ian Davies, a former deputy head of Marine Scotland Science, was confirmed as the stand-in Chair for the fourth LBBGSG and Kittiwake Steering Group Meetings held on 5th October 2022 and 6th October 2022.

4 LBBGIMP REVIEW

50. A skeleton version of the LBBGIMP was sent to LBBGSG members for review on 30th March 2022, with a request for members to have comments ready for the first LBBGSG Meeting.
51. Following the first LBBGSG Meeting, a first full draft of the LBBGIMP was emailed to members on 14th June 2022, with a request for members to have comments ready by LBBGSG Meeting 2.
52. A reminder email was sent to LBBGSG members on 6th July 2022, with a request for members to review the draft LBBGIMP and return comments by 20th July 2022.
53. On 21st July 2022, Natural England provided comments on the draft LBBGIMP. Norfolk Projects responded to Natural England on 27th July 2022 with further information to address their comments. The RSPB and ESC also returned comments on the draft LBBGIMP. The MMO did not return comments on the draft LBBGIMP.
54. Version 2 of the LBBGIMP was emailed to LBBGSG members on 25th August 2022, with a request for members to review the LBBGIMP and return comments by 15th September 2022. ESC, Natural England and the RSPB returned comments on LBBGIMP Version 2. The MMO had no comments to add and stated they would be deferring to Natural England on the grounds of compensation.
55. A breakdown of the sections to be included in the final LBBGIMP was outlined in the email sent on 25th August 2022. In an email sent to LBBGSG members on the 21st September 2022, it was confirmed that the final LBBGIMP will consist of:
- The LBBGIMP document;
 - Annex 1 LBBG Compensation Consultation Report, with the following 5 appendices;
 - Appendix 1 Signed Invitation Letters.
 - Appendix 2 LBBGIMP review and sign-off programme.
 - Appendix 3 Agreement Log.
 - Appendix 4 Email confirmation from members that the Agreement Log is correct.
 - Appendix 5 Minutes from LBBGSG Meetings.
 - Annex 2 Site Suitability Survey.
56. Version 3 of the LBBGIMP was emailed to LBBGSG members on 21st September 2022, with a request for members to review the LBBGIMP and return comments by the 5th October 2022. At the fourth LBBGSG Meeting, members were reminded to return comments by 7th October 2022.

57. The final version of the LBBGIMP (LBBGIMP Version 4) was circulated to LBBGSG members on 14th October 2022, with a request for members to review the LBBGIMP and return any final comments by 25th October 2022, for submission to the SoS on 28th October 2022.

5 AGREEMENT LOG

58. As described throughout this document an Agreement Log included as Appendix 3 of this report has been progressed by the LBBGSG. This was updated during each meeting and circulated prior to and following each meeting. Members have been asked to review the Agreement Log and if necessary make any amendments in track changes in order to more accurately reflect their position.
59. Emails from LBBGSG members verifying that the Agreement Log represents a true record of their position, and that they have contributed to the production of the LBBGIMP, are provided as Appendix 4 of this document.

APPENDIX 1 SIGNED INVITATION LETTERS FROM LBBGSG MEMBERS.

60. Signed invitations to engage as a member of the LBBGSG can be found on the Norfolk Boreas and Norfolk Vanguard planning inspectorate web pages

Norfolk Boreas:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-boreas/?ipcsection=docs>

Norfolk Vanguard:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-vanguard/?ipcsection=docs>

61. Copies for the documents are also provided below.

East Suffolk Council
Riverside
4 Canning Road
Lowestoft
NR33 0EQ

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE


Date:
08/02/2022

Contact:
E-mail: 

Phone: 

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 2

Alde-Ore Estuary Special Protection Area: Delivery of measures to compensate for the loss of lesser black-backed gull

Invitation to engage as a member of the Lesser Black Gull Steering Group

Dear East Suffolk Council,

Vattenfall's Norfolk Boreas Offshore Wind Farm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the Lesser Black Backed Gull (LBBG) compensation specified within the Development Consent Order (DCO) and detailed in documents supporting the Secretary of State's Decision letter.

In accordance with Schedule 19 Part 2 of the Norfolk Boreas DCO, a Lesser Black Backed Gull Steering Group (LBBGSG) must be formed to consult on the preparation, scope, and delivery of the LBBG compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined LBBG Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the LBBGSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 12 and 13, of Schedule 19, Part 2 (pp 370) of the [Norfolk Boreas DCO](#).

Norfolk Boreas Limited invite you to engage as an advisory member of the (potentially combined) LBBG Steering Group regarding LBBG compensation.

As an advisory member of the LBBG Steering Group you will be invited to input into the process on aspects which directly relate to your organisation, you will be sent relevant documents to review and will be requested to join steering group meetings when appropriate].

We would like to convene the LBBGSG as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in February or early March. At this initial meeting we would like to progress as far as possible the plan of work for the LBBGSG which will include:

- (a) terms of reference of the LBBGSG;
- (b) details of the membership of the LBBGSG;

- (c) details of the schedule of meetings, timetable for preparation of the Lesser Black Back Gull Implementation and Monitoring Plan (LBBGIMP) and reporting and review periods; and
- (d) the dispute resolution mechanism.

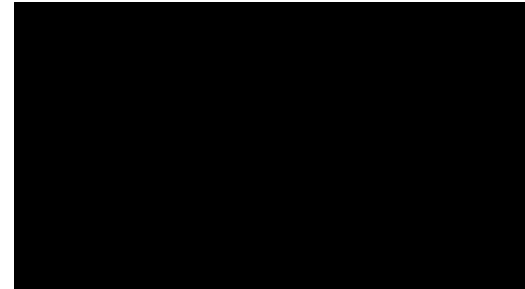
These will form the Plan of Works required to discharge Schedule 19, Part 2 paragraph 13.

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact



For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of East Suffolk Council I confirm participation on the Norfolk Boreas Lesser Black Backed Gull Steering Group



Philip Ridley, Head of Planning & Coastal Management
Signature

10 February 2022

Date

Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE

Date:
08/02/2022

Contact:
E-mail:

Phone:

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 2

Alde-Ore Estuary Special Protection Area: Delivery of measures to compensate for the loss of lesser black-backed gull

Invitation to engage as a member of the Lesser Black Gull Steering Group

Dear Marine Management Organisation,

Vattenfall's Norfolk Boreas Offshore Wind Farm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the Lesser Black Backed Gull (LBBG) compensation specified within the Development Consent Order (DCO) and detailed in documents supporting the Secretary of State's Decision letter.

In accordance with Schedule 19 Part 2 of the Norfolk Boreas DCO, a Lesser Black Backed Gull Steering Group (LBBGSG) must be formed to consult on the preparation, scope, and delivery of the LBBG compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined LBBG Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the LBBGSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 12 and 13, of Schedule 19, Part 2 (pp 370) of the [Norfolk Boreas DCO](#).

Norfolk Boreas Limited invite you to engage as a Core member of the (potentially combined) LBBG Steering Group regarding LBBG compensation.

As a Core member you will be invited to review all documentation, attend all Steering Group meetings, develop and agree the plan of works (as described in Schedule 19) and proactively engage to develop and progress the LBBG compensation.

We would like to convene the LBBGSG as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in February or early March. At this initial meeting we would like to progress as far as possible the plan of work for the LBBGSG which will include:

- (a) terms of reference of the LBBGSG;
- (b) details of the membership of the LBBGSG;

- (c) details of the schedule of meetings, timetable for preparation of the Lesser Black Back Gull Implementation and Monitoring Plan (LBBGIMP) and reporting and review periods; and
- (d) the dispute resolution mechanism.

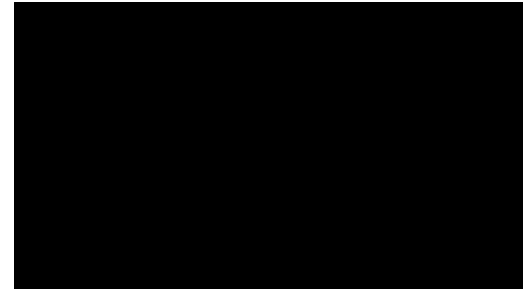
These will form the Plan of Works required to discharge Schedule 19, Part 2 paragraph 13.

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact David Tarrant

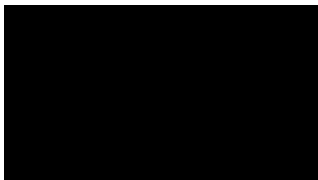


For and on behalf of the Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of the Marine Management Organisation I confirm participation on the Norfolk Boreas Lesser Black Backed Gull Steering Group



10/02/2022

Signature

Date

Royal Society for the Protection of Birds
The Lodge
Potton Road
Sandy
Bedfordshire
SG19 2DL

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE

Date:
09/02/2022

Contact:
E-mail:

Phone:

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 2

Alde-Ore Estuary Special Protection Area: Delivery of measures to compensate for the loss of lesser black-backed gull

Invitation to engage as a member of the Lesser Black Gull Steering Group

Dear Royal Society for the Protection of Birds

Vattenfall's Norfolk Boreas Offshore Wind Farm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the Lesser Black Backed Gull (LBBG) compensation specified within the Development Consent Order (DCO) and detailed in documents supporting the Secretary of State's Decision letter.

In accordance with Schedule 19 Part 2 of the Norfolk Boreas DCO, a Lesser Black Backed Gull Steering Group (LBBGSG) must be formed to consult on the preparation, scope, and delivery of the LBBG compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined LBBG Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the LBBGSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 12 and 13, of Schedule 19, Part 2 (pp 370) of the [Norfolk Boreas DCO](#).

Norfolk Boreas Limited invite you to engage as an advisory member of the (potentially combined) LBBG Steering Group regarding LBBG compensation.

As an advisory member of the LBBG Steering Group you will be invited to input into the process on aspects which directly relate to your organisation, you will be sent relevant documents to review and will be requested to join steering group meetings when appropriate.

We would like to convene the LBBGSG as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in February or early March. At this initial meeting we would like to progress as far as possible the plan of work for the LBBGSG which will include:

- (a) terms of reference of the LBBGSG;
- (b) details of the membership of the LBBGSG;

- (c) details of the schedule of meetings, timetable for preparation of the Lesser Black Back Gull Implementation and Monitoring Plan (LBBGIMP) and reporting and review periods; and
- (d) the dispute resolution mechanism.

These will form the Plan of Works required to discharge Schedule 19, Part 2 paragraph 13.

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact Ruari Lean

[REDACTED]

For and on behalf of Norfolk Boreas Limited,

[REDACTED]

Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager


On behalf of the Royal Society for the Protection of Birds I confirm participation on the Norfolk Boreas Lesser Black Backed Gull Steering Group

[REDACTED]

Signature

15 February 2022
Date

Natural England
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE
Tel: 

Date:
15/02/2022

Contact:
E-mail: 

Phone: 

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 2

Alde-Ore Estuary Special Protection Area: Delivery of measures to compensate for the loss of lesser black-backed gull

Invitation to engage as a member of the Lesser Black Backed Gull Steering Group

Dear Natural England

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Norfolk Boreas Limited invite you to engage as a Core member of the (potentially combined) LBBG Steering Group regarding LBBG compensation.

As a Core member you will be invited to review all documentation, attend all Steering Group meetings, develop and agree the plan of works (as described in Schedule 19) and proactively engage to develop and progress the LBBG compensation.

We would like to convene the LBBGSG as soon as possible and following your acceptance of this invite we will issue a draft plan of works for your review. Then at the first meeting we would like to formally sign off the Plan of Works for the LBBGSG which will include:

- (a) terms of reference of the LBBGSG;
- (b) details of the membership of the LBBGSG;



- (c) details of the schedule of meetings, timetable for preparation of the Lesser Black Backed Gull Implementation and Monitoring Plan (LBBGIMP) and reporting and review periods; and
- (d) the dispute resolution mechanism.

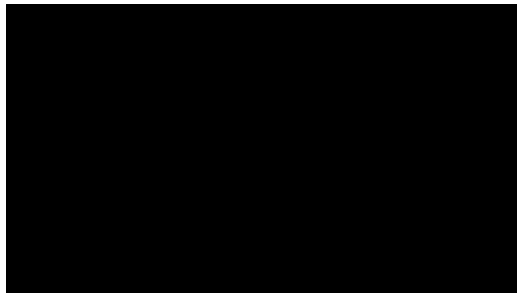
These will form the Plan of Works required to discharge Schedule 19, Part 2 paragraph 13.

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact David Tarrant

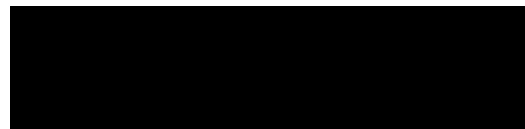


For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of Natural England I confirm participation on the Norfolk Boreas Lesser Black Backed Gull Steering Group



Signature

21st April 2022

Date

APPENDIX 2 LBBG REVIEW AND SIGN-OFF PROGRAMME

62. Provided below is the agreed programme of review and sign off for the LBBIMP

Stage	Date	Time period
DT to circulate V2 of the LBBGIMP for review	25 th August	Two weeks following meeting 3
LBBGSG to review and provide comment	15 th September	Three weeks to review
DT circulate V3 of LBBGIMP to LBBGSG	22 nd September	One Week to address comments
LBBGSG to review and provide comment	At LBBGSG meeting 4 on the 5 th October (before meeting if possible)	Two Weeks
DT circulate V4 of LBBGIMP to LBBGSG	13 th October	One week
LBBGSG to review and provide comment	25 th October	8 days
Finalise and Submit to SoS	28 th October	3 days

APPENDIX 3 LBBGSG AGREEMENT LOG

63. Provided below is the LBBGSG Agreement log at the time of submission of the LBBGIMP to the Secretary of State.

Norfolk Projects Offshore Wind Farms Lesser Black Backed Gull Steering Group Agreement Log



Developer: Norfolk Projects
Document Reference: PB5640.008.0021

Date: October 2022
Revision: Version 1
Author: Royal HaskoningDHV

Photo: Kentish Flats Offshore Wind Farm

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
06/07/2022	1D	Draft for LBBSG review and input	DT	LB/MT	JL
27/07/2022	2D	Draft for LBBSG review and input	DT	MT	LB
16/08/2022	3D	Draft for LBBSG review and input	LB	DT	
14/10/2022	4D	Draft for LBBSG review and input	LB	JL	
28/10/2022	1F	Final version for SoS approval	DT	VR	JL



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Glossary of Acronyms

BEIS	Department for Business, Energy & Industrial Strategy
DML	Deemed Marine Licence
EA1N	East Anglia 1 North
EA2	East Anglia 2
ESC	East Suffolk Council
ITT	Invitation To Tender
LBBG	Lesser Black Back Gull
LBBGSG	Lesser Black Back Gull Steering Group
MMO	Marine Management Organisation
NE	Natural England
PoW	Plan of Work
RSPB	Royal Society for the Protection of Birds
SoS	Secretary of State
SPR	ScottishPower Renewables

1 Background

1. This Agreement Log has been prepared between the members of the Lesser Black Backed Gull (LBBG) Steering Group, to set out the areas of agreement or disagreement in relation to the items which require discussion as detailed in Schedules 19 and 17 of the Norfolk Boreas and Norfolk Vanguard Orders.
2. The members of the LBBG Steering Group (LBBGSG) include
 - The Norfolk Projects,
 - East Suffolk Council (ESC),
 - Marine Management Organisation (MMO),
 - Natural England, and
 - Royal Society for the Protection of Birds (RSPB).
3. The independent chairperson appointed to oversee the LBBGSG was Jim McKie
4. The Steering Group, aims to:
 - Deliver the LBBG compensation in an effective and timely manner,
 - Establish an appropriate monitoring plan to ensure continued success of the LBBG compensation, and
 - Develop appropriate adaptive management measures to ensure LBBG compensation is effect.
5. The agreement log has been structured to reflect the topics of discussion between the members of the LBBGSG and the Norfolk Projects. The agreement log outlines all topic specific matters agreed, not agreed and any actions to resolve the areas of disagreement. Matters that are not agreed will be the subject of ongoing discussion wherever possible to resolve or refine the extent of disagreement between the parties.
6. ScottishPower Renewables (SPR) was in attendance at the third and fourth LBBGSG Meetings (12th August 2022).

2 Agreement Log

Topic	Norfolk Projects	Natural England	MMO	ESC	RSPB	Any Actions required to achieve agreement
Plan of Work						
Agreement on the Plan of Work Paragraph 2 (a to d) of compensation schedule	Drafted and updated to address comments from all KSG members and received email approval from all members to proceed under the terms detailed within. Submitted the documents.	NE are content for updated PoW to be finalised without reference to EA1N and EA2, as long as their other amendments are taken forward. NE sent email agreement regarding the updated PoW on 27/05/2022. BEIS requested amendment approved (with additional paragraph) 12/08/2022.	Agreed to proceed during a call on 20/05/2022 BEIS requested amendment approved (with additional paragraph) 12/08/2022.	ESC were happy to proceed with the revised PoW. Grahame Stuteley sent email agreement regarding the updated PoW on 19/05/2022. BEIS requested amendment approved (with additional paragraph) 12/08/2022	RSPB were happy to proceed with the updated PoW. Andrew Dodd sent email agreement regarding the updated PoW on 17/05/2022. In principle agreement on BEIS requested amendment (with additional paragraph) 11/08/2022, confirmed by email on 17/08/22.	None
Proposed Compensation						
Location (paragraph 15 (a) of Compensation schedule)	Two proposed locations on the Cobra Mist land were initially presented at Steering Group Meeting 1. A preferred option in the south and a backup option in the North. However, following further discussions with the landowner and agreement from the LBBGSG, the backup northern one has been removed from consideration.	Email received 12/05/2022 stating <i>"I can confirm that subject to the outcome of the structure survey and provision of further details on the plans Natural England sees no obvious constraints which could restrict/prohibit the use of the 6ha to the East of Cobra Mist buildings as compensation for LBBG for the Norfolk projects and possibly EA1N and EA2. However, it should be noted that this intervention will not resolve the wider issues in relation to the SSSI site management, either within the 6ha or the wider SSSI unit"</i> No objections raised in relation to amended site boundary (12/08/2022).	When site was presented during LBBGSG meeting 1 no objections were raised to either site. MMO did not attend the second meeting. No objections raised in relation to amended site boundary (12/08/2022).	When site was presented during LBBGSG meeting 1 no objections were raised to either site. No objections raised in relation to amended site boundary (12/08/2022).	In Principle Agreement at meeting 2 subject to seeing the final site suitability survey report. No objections raised in relation to amended site boundary (12/08/2022).	None
Predator Proof Fencing Design (paragraph 15 (c) of Compensation schedule)	The design parameters were presented at Steering Group meeting 2 and the Invitation to Tender (ITT) have been issued to contractors using this as the design basis.	Following circulation of the Spec provided with the ITT NE Provided advise in email sent: 05 July 2022 15:45. The advice provided aligned with the Specifications provided to fence suppliers. Therefore, in principle agreement has now been reached pending comments from site manager (12/08/2022).	No Comment	ESC defers to NE and RSPB for technical expertise regarding design.	Following circulation of the Spec provided with the ITT RSPB Provided advise in email sent: 18 July 2022 09:17 specifically advise on mesh size and recommends larger than the 20mm mentioned by Natural England. Therefore, agreement has now been reached (12/08/2022).	None

Topic	Norfolk Projects	Natural England	MMO	ESC	RSPB	Any Actions required to achieve agreement
Programme						
Programme (paragraph 15 (d) of Compensation schedule)	The programme is driven by the need for the compensation to be in place four full breeding seasons prior to turbines turning. In order to achieve government and project targets that required the fence to be operational prior to the 2023 breeding season. The proposed programme to achieve this was presented at steering group meeting 1 and a recap during meeting 2.	It is agreed that the programme is suitable to deliver the compensation package in time to be in place four full breeding seasons prior to turbines becoming operational (subject to all permissions being in place).	It is agreed that the programme is suitable to deliver the compensation package in time to be in place four full breeding seasons prior to turbines becoming operational (subject to all permissions being in place).	It is agreed that the programme is suitable to deliver the compensation package in time to be in place four full breeding seasons prior to turbines becoming operational (subject to all permissions being in place).	It is agreed that the programme is suitable to deliver the compensation package in time to be in place four full breeding seasons prior to turbines becoming operational (subject to all permissions being in place).	Any amendments to the programme will be discussed and agreed with the SG in good time.
Landowner Engagement						
Demonstration that landowner agreements are being progressed (paragraph 15 (b) of Compensation schedule)	Confirmation that a lease has been signed with the landowner.	No comment	No comment	Agreed	No comment. The RSPB has advised that the National Trust, a neighbouring landowner, is consulted/invited to attend the LBBGSG.	The National Trust, a will be consulted and invited to attend future LBBGSG meetings where relevant.
Compensation Management and Maintenance						
Management	The plan for proposed management was presented at Steering Group Meeting 2.	Agreed in principle subject to final site suitability report.	No comment	Agreed in principle, ESC defer to expertise of NE and RSPB regarding habitat management.	Agreed in principle subject to final site suitability report.	
Maintenance (paragraph 15 (e) of Compensation schedule) - Fence	The plan for proposed maintenance was presented at Steering Group Meeting 2.	Agreed in Principle but need to have discussions with site manager on timing of maintenance. Inspection of skirt to be included in maintenance remit.	No comment	Maintenance of the fence will be linked into the planning application. ESC expects to see details as part of the submission.	Agreed in principle subject further internal discussions. Inspections to commence prior to the breeding season in March (12/08/2022).	The provision for maintenance, has been built into the LBBGIMP and this will be overseen by ongoing engagement with the LBBGSG.
Maintenance (paragraph 15 (e) of Compensation schedule) – Proposals for maintaining the compensation as predator free	Presented the proposed plan for identifying predators/mammals within the enclosure (Section 8 of the LBBGIMP).	Agreed in principle	No comment	Agreed in principle	Agreed in principle	None
	Presented principles at LBBGSG meeting 2 and committed to establishing protocols that will take account of all possible species.	Agreed in principle subject to specific management principles for the species encountered.	No comment	Agreed in principle subject to specific management principles for the species encountered. This comment should not be restricted to poison bait only and should not only cover predators but any animals which become trapped within the fence enclosure.	Agreed in principle subject to further information being provided on the suitability of poison bait for smaller mammals, given concerns about effects on predators including birds, plus agreement on relevant protocols for each species, which are to be discussed at LBBGSG Meeting 5. Important to be clear on “trapping” & release of invasive species (i.e., invasive species are not allowed to be released under	Predator removal protocols for each species will be developed and agreed during LBBGSG meeting 5 in November. Further information is required on suitability of poison bait.

Topic	Norfolk Projects	Natural England	MMO	ESC	RSPB	Any Actions required to achieve agreement
					The Invasive Alien Species (Enforcement and Permitting Order 2019)	
Success Criteria & Adaptive Management						
Monitoring (paragraph 15 (f) of Compensation schedule)	The proposed monitoring programme was presented at Steering Group Meeting 2.	Agreed in principle but need to coordinate with other monitoring studies to make best use of time and effort. This should be possible through the wider LBBG monitoring group that Norfolk Projects will be invited to.	No comment	Agreed in principle, however further work needed on protocols for drone use. Agree with NE and RSPB on need to coordinate monitoring studies.	Agreed in principle but need to coordinate with other monitoring studies to make best use of time and effort. As discussed at LBBG SG2 and in comments on draft Implementation and Monitoring Plan, we recommend a meeting of relevant specialists to work through monitoring requirements.	Norfolk projects to attend the wider LBBG monitoring group and look into the use of drones for surveys.
Adaptive management principles	The proposed adaptive management principles were presented at Steering Group Meeting 4.	Agreed to principles as set out in LBBGIMP.	Agreed to principles as set out in LBBGIMP.	Agreed to principles as set out in LBBGIMP.	Agreed to principles as set out in LBBGIMP.	None
Minutes						
Minutes approved (paragraph 15 (g) of Compensation schedule)	Agree and issued final minutes for each steering group meeting. Final minutes circulated to LBBGSG for: LBBGSG Meeting 1 LBBGSG Meeting 2 LBBGSG Meeting 3 LBBGSG Meeting 4	Meeting 1 minutes approved at LBBGSG meeting 2 Meeting 2 minutes approved at LBBGSG meeting 3 Meeting 3 minutes approved at LBBGSG meeting 4 with minor amendment to Page 6 "add trial after vegetation management" Meeting 4 minutes approved via email confirmation (25.10.2022) with minor amendment to clarify that the KIMP has been developed to provide compensation that meets the objectives set in the HRAs and agreed to differentiate between what compensation the KIMP will provide and NE's view that more compensation is required. NE's view is that the compensation needs to be scaled in order to deliver sufficient compensation for the national site network.	Meeting 1 minutes approved at LBBGSG meeting 2 Meeting 2 minutes approved at LBBGSG meeting 3 Meeting 3 minutes approved at LBBGSG meeting 4 No changes to meeting 4 minutes identified and therefore approved	Meeting 1 minutes approved at LBBGSG meeting 2 Meeting 2 minutes approved at LBBGSG meeting 3 Meeting 3 minutes approved at LBBGSG meeting 4 No changes to meeting 4 minutes identified and therefore approved	Meeting 1 minutes approved at LBBGSG meeting 2 Meeting 2 minutes approved at LBBGSG meeting 3 Meeting 3 minutes approved at LBBGSG meeting 4 No changes to meeting 4 minutes identified and therefore approved	None
SPR Steering Group Meeting Attendance						
Agreement that any agreements reached on technical matters during the Norfolk Projects'	Norfolk Projects agrees with this position	Agreed	Agreed	Agreed	Agreed	None

Topic	Norfolk Projects	Natural England	MMO	ESC	RSPB	Any Actions required to achieve agreement
Steering Group Meetings are also applicable to EA1N and EA2						
Agreement that from a stakeholder resource point of view, there is no need for SPR to conduct a separate round of Steering Group Meetings	Norfolk Projects agrees that there is no need for a separate round of Steering Group Meetings	Agreed	Agreed	Agreed	Agreed	None

3 References

Gov.uk (2019). The Invasive Alien Species (Enforcement and Permitting) Order 2019
[Online] Available at: <https://www.legislation.gov.uk/uksi/2019/527/contents/made>

APPENDIX 4 EMAIL VALIDATION OF AGREEMENT LOG FROM LBBGSG MEMBERS

64. Provided below are emails from steering group members confirming that the Agreement Log contain a true reflection of their positions.

From: [REDACTED]

Sent: 24 October 2022 08:48

To: Caitlin Lyng [REDACTED]

Cc: [REDACTED]

Subject: FW: Norfolk Projects LBBGSG Meeting 4 document review

Importance: High

Dear Caitlin,

On behalf of East Suffolk Council I can confirm, having been briefed by my colleagues, and reviewed the documents that

1. the Lesser Black-Backed Gull Agreement Log is an accurate reflection of our position on all matters for which the Council had an interest in .
2. that the Council have contributed to the LBBGIMP and following a careful review agree with its contents

Many Thanks

[REDACTED]



[REDACTED]

Head of Planning and Coastal Management

East Suffolk Council

[REDACTED]

www.eastsuffolk.gov.uk

www.eastsuffolkmeansbusiness.co.uk

Our ambition is to deliver the best possible quality of life for everyone who lives in, works in and visits East Suffolk.

We are East Suffolk

From: [REDACTED]
Sent: 25 October 2022 16:15
To: David Tarrant [REDACTED]
Cc: [REDACTED]
Subject: Natural England's email agreement with the KIMP and LBBGIMP

Dear All

Lesser Black Backed Gull Implementation & Monitoring Plan(LBBGIMP)

Natural England has contributed to the LBBGIMP and following review we agree to its contents.

Lesser Black Backed Gull Agreement Log

Natural England considers the Lesser Black Backed Gull Agreement Log is an accurate reflection of our position on all matters for which we wish to engage on.

Kind regards

[REDACTED]
Marine Lead Adviser - Major Casework
Southern North Sea
Natural England

Mobile: [REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: RSPB email agreement with the LBBGSG Agreement Log
Date: 26 October 2022 11:53:40

Dear David

Apologies for the delay in responding.

The RSPB confirms that we have no further comments on the documents and:

1. That the Lesser Black-Backed Gull Agreement Log is an accurate reflection of our position on all matters on which we wish to engage.
2. That we have contributed to the LBBGIMP and following review we agree its contents.

Many thanks

[REDACTED]

From: [REDACTED]
Sent: 18 October 2022 15:54
To: Caitlin Lyng [REDACTED]
Subject: RE: MMO email agreement with the LBBGSG Agreement Log

This message was sent from an **e-mail domain unknown to Royal HaskoningDHV**. Please be cautious.

Good afternoon Caity,

I can confirm that the lesser black-backed gull agreement log is an accurate reflection of our position on all matter for which we wish to engage on and that we have contributed to the LBBGIMP and following a review we agree to its contents.

Kind regards,
[REDACTED]

[REDACTED] Marine Licensing Case Officer I
Her Majesty's Government – Marine Management Organisation.
Direct Line: [REDACTED] Mobile: [REDACTED] | [REDACTED] |

[REDACTED]
Our MMO Values: Together we are **Accountable**, **Innovative**, **Engaging** and **Inclusive**
[REDACTED]



APPENDIX 5 MINUTES FROM LBBGSG MEETINGS

65. Provided below at the minutes from:

- LBBGSG Meeting 1: 13th April 2022
- LBBGSG Meeting 2: 29th June 2022
- LBBGSG Meeting 3: 11th August 2022
- LBBGSG Meeting 4: 5th October 2022

Norfolk Projects Offshore Wind Farm Lesser black Backed Gull Steering Group Meeting 1

Teams Meeting

13/04/2022

10:00 – 13:00 GMT

Attendees:

Name	Role	Company
James Mckie JMc	LBBGSG Chairperson	Eurona Consultancy Ltd
Graham Stuteley GM	Core member	East Suffolk Council (ESC)
James Meyer JMe	Core member	ESC
Kathy Wood KW	Market Development, head of consenting	Vattenfall
Louise Bridges LBr	Interim Compensation Manager	Representing Vattenfall
Andrew Dodd AD	Advisory member	Royal Society for the Protection of Birds (RSPB)
Jacqui Miller JMi	Advisory member	RSPB
Adrian Clarke AC	Advisory member and Case Manager for the Norfolk Projects	Marine Management Organisation (MMO)
Peter Ryalls PR	Advisory member and Case officer for the Norfolk Projects	MMO
Mark Trinder MT	Ornithology Consultant	MacArthur Green
David Tarrant DT	Compensation lead and coordinator Representing Vattenfall	RHDHV
Jon Allen JA	Onshore planning	RHDHV
Caitlin Lyng CL	Group secretariate	RHDHV

Apologies:

Louise Burton (Senior Responsible Officer - Natural England) (core member)

Alan Gibson (Senior Responsible Officer - Natural England) (core member)

Naomi Gould (East Suffolk District Council) (core member)

Philip Ridley (East Suffolk District Council) (core member)

Relevant Documents:

1. Norfolk Projects LBBG Steering Group Plan of works (draft 1) Confidential
2. LBBG Implementation and Monitoring Plan Skeleton Draft Confidential

No.	Description	Action
1	<p>Introductions and Aims of the meeting:</p> <p>JMc – Brief overview outlining the challenge that the SoS has set the LBBG steering group</p> <p>ALL – Brief introductions</p> <p>DT – Run through of agenda</p> <ul style="list-style-type: none"> Aim to reach agreement on the Lesser Black Backed Gulls Plan of Works and agree as many aspects as possible of the Implementation and Monitoring Plan (LBBGIMP) to achieve overall aim of getting the document submitted to and signed off by the Secretary of State (SoS). <p>AD – Request to have slide pack.</p>	<p>DT to send AD slide pack with the minutes.</p>
2	<p>Background to why we have the requirements:</p> <p>DT – Vanguard Application for consent submitted in 2018. Boreas application for consent submitted in 2019. Together known as the Norfolk Projects (NPs).</p> <ul style="list-style-type: none"> During consultation period there was a lack of agreement on whether adverse effect on integrity (AEoI) on LBBGs population from the Alde Ore Estuary could be ruled out. Examining authority (ExA) and Department for Business, Energy & Industrial Strategy (BEIS) pushed the Applicant to provide an in-principle derogation case (including making a case there are no alternatives and that the NPs are required as an overriding public interest in terms of energy security). As a result, NPs need to provide compensation for LBBGs. The compensation case has been developed with extensive consultation with Natural England. <p>MT – should be noted, AEoI relates only to cumulative project effects, not projects alone. NPs are not responsible for existing impacts on LBBGs from windfarms, but required to compensate for the predicted addition to this total. In-combination LBBG mortality estimated at 50-60, of which NPs will contribute approximately 5. Compensation is therefore required to offset 5 mortalities per year from the LBBG population.</p> <p>DT – Assessment of potential compensation options informed by work undertaken by Prof. Bob Furness on behalf of Defra:</p> <ul style="list-style-type: none"> Prey enhancement (effective but beyond individual project control and authority); Enhance adult survival (LBBGs no longer listed as a species which can be killed so not feasible to collect data); Predator control (most feasible option). <p>From September 2020 NPs focused on predator control option.</p> <p>For clarification, LBBG compensation has been included in both DCOs:</p> <ul style="list-style-type: none"> Boreas = Schedule 19, Part 2. Vanguard = Schedule 17, Part 2. <p>MT – To note that the 3 aforementioned potential measures were not thought up independently by the NPs. The measures were concluded from the study led by Bob Furness, who undertook this work on behalf of DEFRA 10 years ago.</p>	

No.	Description	Action
	DT – More information on development of compensation proposals is available on the PINS website and we can provide links upon request.	
3 (slide 6)	<p>Aims of the group:</p> <p>DT – NPs aim to:</p> <ul style="list-style-type: none"> • Reduce impacts on the Alde Ore Estuary Special Protection Area (AOE SPA) as far as possible and have done this through mitigation such as increase in rotor draught heights and reducing number of turbines; and • Implementation of compensation which will have a net benefit to the natural environment. <p>Vattenfall's environmental responsibility: <i>'Commit to become climate neutral, to protect nature and biodiversity and to use resources sustainably.'</i></p> <p>Aim of this group:</p> <ul style="list-style-type: none"> • Deliver the LBBG compensation in an effective and timely manner; • Establish an appropriate monitoring plan to ensure continued success of the LBG compensation; • Develop appropriate adaptive management measures to ensure LBBG compensation is effect. <p>DT – Any comments on these aims?</p> <p>No comments were received from the Group.</p> <p>AD – Apologies for not reviewing draft PoW.</p> <p>JMc – This run through gives the Group the opportunity to start their review if they have not as yet nor had the chance to do so.</p>	
Plan of Works (PoW)		
4 (slides 7 to 11)	<p>Review of key principles:</p> <p>DT – PoW needs to be approved by the Secretary of State (SoS) before project can commence (January 2023) – tight time schedule. [<i>post meeting clarification: Therefore the PoW needs to be submitted to the SoS in May to allow three four months for approval and two months for any changes to be agreed if approval is not provided at first time of asking. On this timetable approval would be expecting early December and the project is due to commence in January 2023 therefore failing to submit in May could mean significant and costly delays to the project which is also delays to significant amounts of renewable energy production</i>].</p> <p>DT – Brief summary of PoW participation principles.</p> <p>DT – As there was no unanimous agreement on compensation the SoS had to decide on how compensation should be delivered to the LBBGs.</p> <p>DT – Outlined membership of the LBBGSG.</p> <ul style="list-style-type: none"> • DEFRA declined invitation to this Steering Group. 	

No.	Description	Action
	<p>JMe – Does the PoW put ESC as core member or advisory member?</p> <p>DT – Currently ESC is an advisory member but if we agree on location of compensation today the relevant planning authority will be elevated to core members. As the PoW has been drafted assuming this agreement, therefore ESC has been noted as Core member within these minutes.</p> <p>JMi – Is there any potential of involving the National Trust?</p> <p>DT – PoW makes an allowance for other members to be invited if that is the will of the Group. The location we are proposing to undertake compensation is not on National Trust land, therefore, it is not currently appropriate for the National Trust to be on the Steering Group. We will engage with the National Trust on relevant elements such as experience with predators, predator proof fencing and monitoring.</p> <p>AD – Would envisage that the National Trust may become more relevant, particularly when it comes to discussions of monitoring and integrating,</p> <p>JMc – Noted and they are likely to become an important contact.</p>	<p>NPs to review engagement with NT.</p>
<p>5</p>	<p>Comments received on the PoW and updates required:</p> <p>DT – ESC were the only member to provide comments on the draft PoW. Brief review of GS's comments.</p> <p>DT – The revised version will be sent to members after the meeting [<i>it was subsequently circulated on 14th April</i>]. The NPs recommend that the Group incorporates most of these comments.</p> <p>DT - Point 8 (pg.2 PoW)</p> <ul style="list-style-type: none"> To note that the NPs does not intend to exclude possible future compensation opportunities by working in collaboration with other projects. The text was included so that the scope of the group was not required to consider wider strategic initiatives which are more appropriate for consideration at government level. <p>DT - Point 29 (pg.5 PoW)</p> <ul style="list-style-type: none"> To note that the NPs will provide justifiable reasoning if there is something that should not be disclosed. <p>AD – In regard to the disclosure of information, are you proposing that the RSBP enters into an NDA?</p> <p>DT – No. intention is that existing members work under the Plan of Works (including the confidentiality requirements). Any new members who are brought in, or organisations with which we consult with, may need to sign an NDA if they are not working under this PoW.</p> <p>DT – Point 44 (pg.7 PoW)</p> <ul style="list-style-type: none"> ESC suggest some matters may need to be 'taken away' to committee for authorisation, therefore, the NPs request such matters be raised as early as possible, due to the tight timescale of the projects. 	

No.	Description	Action
	<ul style="list-style-type: none"> DT requested that ESC could highlight as early as possible where this might be the case so that this could be incorporated into programme. <p>DT – A comment provided by Kim Balls via email on the kittiwake PoW recommended reducing the dispute mechanism to resolve dispute in one month rather than two. It is important that both PoWs have same time periods for resolving disputes and we recommend including this in the LBBGIMP.</p> <p>JMc – Suggested that the PSG should agree with that suggestion. Group did not object.</p> <p>DT – Would members prefer the kittiwake and LBBG steering group meetings on the same day (Q1 in slides)?</p> <p>GS – More effective use of resources if meetings are back-to-back.</p> <p>JMc – Agree. It is difficult to find two separate dates.</p> <p>DT – Will endeavour to have both steering group meetings on a single day.</p> <p>AC – If we can do on same day that would be sensible but we do need element of flexibility given everyone’s availability.</p> <p>DT – Before we sign off and submit the PoW to the SoS for discharge, RSPB still need to provide comments.</p> <p>AD/JMi – RSPB will return comments on PoW by 27th April 2022.</p> <p>DT – These new comments will be circulated to the rest of the Group for review. Comments must be approved or rejected by 4th May 2022, with anticipation of submitting agreed PoW to SoS by 13th May.</p> <p>AD – Have you received comments from Natural England (NE)?</p> <p>DT – NE requested that consultation on the PoW was done via email and review of draft documents and that is why we used this strategy and cancelled our intention to have an initial meeting in March to agree plan of works. The draft for comment was sent to NE in early March [10th] and been followed up with several reminders. It was also advised on a call with senior level management (on 4th April) that comments would be provided in time for this meeting (13th April) however to date nothing has been received from Natural England.</p>	<p>NP to supply members with updated PoW draft for further comments.</p> <p>AD/JMi to return comments by 27th April.</p> <p>DT to circulate RSPB PoW comments Group must approve or reject comments by 4th May.</p> <p>DT to submit PoW to SoS on 13th May.</p>
6	<p>Programme for submitting the document to the Secretary of State (SoS):</p> <p>DT – This programme has a tight time schedule and we need to limit the time period in which we get this agreed and signed off by the SoS.</p>	
<p>How to discharge the DCO requirement (LBBG Implementation and Monitoring Plan)</p>		
7	<p>Proposed location:</p> <p>MT – Requirement is that compensation is delivered in a suitable location. The AOE</p>	

No.	Description	Action
(slides 12 to 20)	<p>SPA is the area of focus, within which the key area of interest is in the Cobra Mist site, Unit 16 of the SSSI. It is currently identified as being in unfavorable status (with reference to its suitability to support breeding birds).</p> <p>The aim is to set up a predator proof fenced enclosure for LBBGs to breed in and the landowner has identified two appropriate areas for this. The original Cobra Mist building has breeding LBBG on the roof, so the proximity of this to the fenced enclosure site will be beneficial for colonization of the enclosure.</p> <p>GS – Do you have a timeframe for when breeding will start in the fenced area?</p> <p>MT – We hope breeding will start straight away in the breeding season in 2023. If we are not getting fairly rapid use, we will use additional measures such as food provisioning or decoy LBBGs.</p> <p>AD –Existing birds may relocate to this site but this is not a measure of success.</p> <p>MT- Agree. We will continue to monitor rooftop colony on the cobra mist building.</p> <p>AD – Rooftop colony has historically shown some willingness to move locally.</p> <p>MT – Reminder that compensation requirements are modest, so will need time to see if it is working.</p> <p>AD – Important to note that the Havergate island colony is suffering a decline in productivity and population, with no easily identifiable cause (it is not associated with predation or human influence).</p> <p>MT – Both proposed locations for the fenced area meet NE supplementary advice that the habitat is suitable for LBBG breeding.</p> <p>MT – Slide 17 shows photos of the southern proposed location, taken in February 2022. Important to note that fences are already present at the site.</p> <p>MT – Slide 19 shows photos of the northern proposed location, taken in February 2022. Grass is more sparse compared to the southern area. Discarded railway sleepers are present here, which LBBGs may like to nest alongside.</p> <p>MT – There is a site visit next week with NE and the landowner to identify any management issues that may be associated with these locations.</p> <p>DT – We wanted to ensure that the proposed sites wouldn't be subject to coastal erosion, so we undertook coastal erosion study in this area. Results of the study indicate that these locations will be safe for the next 40 or so years (slide 20).</p> <p>MT – Any comments on these locations?</p> <p>JMe – Understand rational behind choosing these locations. In terms of agreement with the landowner, could you undertake any land management in the future?</p> <p>MT – Yes. But this will be focused on the site and how to keep it in the right state, rather than managing the wider area.</p> <p>JMe – Understood.</p> <p>JMe – Some areas have previously suffered from inundation from storm surges and high winter seas, for instance the Cobra Mist building has been flooded in the past.</p> <p>MT – Another breach of this nature leading to flooding would not be ideal. We will discuss this with the landowner in terms of how we would address this if it should happen. The wall may also be in better condition than it was previously.</p> <p>JMe – Is there a method for sharing this compensation with other projects in the future?</p>	<p>MT to raise this with landowner – how to cope with breach of wall and flooding of site.</p>

No.	Description	Action
	<p>MT – We anticipate that this measure will be successful in significantly offsetting the mortality rate of c. 5 LBBGs per year, attributed to the NPs. Therefore there is expected to be additional capacity available for other projects in the future.</p> <p>DT – If sharing this compensation will benefit both projects involved, then collaboration is an idea. This is something to be explored in the future. Currently we are only providing compensation for the NPs but are in discussions with other developers regarding collaboration.</p> <p>AD – Recommends obtaining a baseline habitat quality assessment for LBBGs and undertaking annual reviews to inform habitat management.</p> <p><i>JMc- As no objections were raised regarding the presented locations and therefore agreement to progress with these will be assumed unless notified within the set timescales elsewhere in the minutes.</i></p>	<p>DT and MT to draft a scope for a survey of the sites, focussing on the structure of the vegetation and will circulate the proposal to relevant members of the LBBGSG [Aim for this Action to be completed by the 29th April]</p>
<p>Break 11:43-12:00</p>		
<p>8 (Slide 22)</p>	<p>Design of fencing:</p> <p>MT – Fencing design will follow approach taken in New Zealand.</p> <ul style="list-style-type: none"> • Small mesh to prevent animals entering. <ul style="list-style-type: none"> - Animals of main concern are foxes, mink and otter. • Not electrified. • Buried at base to stop burrowing animals. • Overhanging top to prevent climbing. <p>The RSPB'S fencing guide will be used to inform.</p> <p>The minimum proposed area to be enclosed is 4 ha, but the area may end up being larger. The intention is to use local contractors.</p> <p>MT – Any comments on the fencing design (Q4 in slides)?</p> <p>JMc – What length of fencing is required?</p> <p>MT – Between 800m-1.5km of fencing.</p> <p>JMe – What height will the fence be?</p> <p>MT – It will be no more than 2m. Visual impact will be minimized by keeping the colouration green or a suitable colour. The fence will be subtle and in keeping with the surrounding environment. There are already many existing fences in the environment and therefore compensation will not result in a significant visual change.</p> <p>GS – Is there a risk that predators may be fenced in that will need to be removed? Will the fence cross any water courses?</p> <p>MT –Once installed there will be a period of monitoring to determine if anything needs to be removed from within the fence. This may be dealt with using traps, or other appropriate measures. We will also do our best to avoid watercourse crossings, but if this is unavoidable then will need to look at how to maintain fence integrity.</p> <p>AD – May need to monitor for badgers, which can swim and have been known to get to Havergate.</p> <p>MT – Stony ground should prevent badgers from burrowing under fence.</p> <p>AD – Talking to the National Trust about their experience of what mammals are present may be useful.</p> <p>JMi – Chinese water deer are sometimes present in the area.</p> <p>MT – Agree. Several were present on the site back in February 2022. Not predatory</p>	<p>AD and JMi to provide LBBGSG with relevant experience on removing mammals from a fenced area</p> <p>NP to include low</p>

No.	Description	Action
	<p>but would not want them to be trapped inside the fences due to possible trampling impacts and welfare considerations.</p> <p>JMi – Will there be continued monitoring for mammals inside the fence once it is installed?</p> <p>MT – Yes. Low level of monitoring will ensure nothing is trapped in the fence, or manages to get in.</p> <p>No further comments were received from the Group.</p>	<p>level monitoring to identify any mammals trapped within the fence in LBBGIMP.</p>
<p>9(slides 24 to 26)</p>	<p>Implementation timetable for delivery of compensation:</p> <p>DT – LBBG compensation must be in place by the start of the breeding season in 2023, at least four full breeding seasons before turbine operation begins in 2027.</p> <p>DT – This is a tight time schedule, but it is achievable.</p> <p>DT – Previous conversations with ESC have confirmed that NPs would need to go to NE for HRA screening advice. An application for fence installation would then be submitted to ESC.</p> <p>JMe – Agree. from a planning perspective that is our understanding. If NE says there will not be a relevant effect. Go to them first and then come to east Suffolk</p> <ul style="list-style-type: none"> - If fence is within parameters from permitted development, then regulation 75 on Habs Regulations means it isn't permitted until we have done appropriate assessment. <p>AD – Would putting a fence in a SSSI be under a permitted development?</p> <p>GS – If the fence is under 2m it would fall under permitted development.</p> <p>DT – Can ESC provide guidance on any other issues that might arise in terms of permitted development?</p> <p>GS – We will have an internal talk and get back to you with comments.</p> <p>JMc – Would the proposed fence be additional to fences already there or would it replace fencing?</p> <p>DT – This would be determined by the site visit next week.</p> <p>MT – It is likely it will be a bit of both.</p>	<p>ESC to inform DT of any issues that might arise for which permitted development would not be achieved and where the fence might not fall under permitted development</p>
<p>10(slide 27)</p>	<p>Progress with landowner agreements (slide 27):</p> <p>LBr – Provided an update on landowner discussions.</p> <ul style="list-style-type: none"> • Vattenfall is currently in discussion with the landowner around several potential areas of land within Cobra Mist site. <p>AD – Historically landowner agreements have caused issues. It is important to ensure the agreement won't undermine the ability of NPs to deliver compensation methods, or any other adaptive management measures, in the future. Is there a possibility of working with NE to review the contract?</p> <p>MT – AD could you provide an example of the sort of issue that needs to be considered?</p> <p>AD – One scheme required mitigation in the form of removing grazing animals. Agreement had been signed years before, but the landowner wanted to continue grazing cattle on their land.</p> <p>LBr – I will pass this on to the parties drafting the agreements.</p> <p>LBr – There is an important challenge around the decommissioning of the project and ending the compensation. Vattenfall is currently looking at 35-year lease framework with landowners. Are there any suggested solutions on agreeing a lease with a landowner when there is no defined end point? One option is to commit to a 30-year lease and then negotiate with landowner to extend lease or investigate new</p>	<p>NPs to ensure that careful consideration is given to the landowner agreements to ensure that they do not preclude anything needed for delivering the compensation</p>

No.	Description	Action
	<p>area to place ANS, once the lease has expired.</p> <p>GS – Nothing additional to suggest.</p> <p>JMe – Nothing additional to suggest. It is important to ensure that in the future it is still viable to keep the proposed fenced site where it is.</p> <p>LBr – Agreed. keeping a particular site in perpetuity may not always be right option, particularly if the physical nature of the site isn't suitable for LBBGs.</p> <p>JMc – It might be useful for members to take this away for internal discussion and provide any feedback on how the NPs can approach this going forward. <i>Post script to meeting: JMc, if no alternative feasible options come forward then the same points as made in the Kittiwake SG minutes should apply and the suggested arrangements with a clear review period before expiry of any agreement should be adopted. Unless notified otherwise within the set timescales elsewhere in the minutes.</i></p>	<p>ALL to look at in perpetuity issue and provide thoughts or examples where this has occurred.</p>
<p>11 (slide 29)</p>	<p>Fencing maintenance schedule:</p> <p>MT – Are there any additional maintenance measures to take into consideration, in addition to the ones outlined here (which will be listed in full in the LBBGIMP)? As aforementioned, we will also include making sure no animals are trapped within the fenced area once it is installed.</p> <p>JMi – Appropriateness of monitoring may be influenced by seasonality and time, for instance, less intense monitoring may be required over a longer time frame.</p> <p>AD – There must be ongoing monitoring to ensure there is no breach of the fence by unwanted animals.</p> <p>MT – Noted.</p>	
<p>12 (slide 30)</p>	<p>Monitoring reporting, and adaptive management:</p> <p>MT – Brief outline of monitoring measures, which will include more intense monitoring initially, with an expectation that this will gradually be reduced to a more basic level as time passes.</p> <p>AD – Agree monitoring regime should be kept under regular review.</p> <p>AD – Would suggest including slightly more sophisticated monitoring measures. The driver behind the decline in Havergate LBBG populations is currently unknown and requires more investigation and monitoring. Food supply is suspected to be a potential problem. It may be useful to get in touch with the SPA LBBG Management Group and come up with an integrated approach to monitoring.</p> <p>MT – Noted. Integration is important.</p> <p>MT – If the compensation isn't delivering, we will revert to adaptive management measures to attract breeding LBBGs to this location, such as:</p> <ul style="list-style-type: none"> • Playback calls; • Decoys; • Habitat management; • Supplementary feeding. 	<p>DT/MT to enquire about SPA LBBG Management Group with NE</p>
<p>13</p>	<p>Conclusions, actions and next meeting:</p> <p>JMc – Very positive working relationship has been established and we have made good progress and please note the tight schedule and timeframes.</p> <p>DT/MT/JMc – Provided a brief overview of actions.</p>	
<p>14</p>	<p>Any other business:</p> <p>No comments.</p>	

Norfolk Projects Offshore Wind Farm Lesser Black Backed Gull Steering Group Meeting 2

Teams Meeting

29/06/2022

14:00 – 17:00 GMT

Attendees:

Name	Role	Company
James Mckie (JMc)	KSG Chairperson	Eurona Consultancy Ltd
Andrew Dodd (AD)	Advisory member	RSPB
Jacqui Miller (JMi)	Advisory member	RSPB
James Meyer (JMe)	Advisory member	East Suffolk Council
Graham Stuteley (GS)	Advisory member	East Suffolk Council
Louise Burton (LBr)	Advisory member and Senior Responsible Officer	Natural England
Martin Kerby (MK)	Advisory member and Principal Advisor	Natural England
Jake Laws (JL)	Senior Consents Manager	Vattenfall
Louise Bridges (LBr)	Compensation lead	Representing Vattenfall
Dave Tarrant (DT)	Compensation lead and coordinator	Representing Vattenfall
Jon Allen (JA)	Onshore planning	Royal HaskoningDHV
Ross Bower (RB)	Ornithology Consultant	Royal HaskoningDHV
Caitlin Lyng (CL)	Group secretariate	Royal HaskoningDHV

Apologies:

Mark Trinder (MT) – MacArthur Green

Kathy Wood (KW) – Vattenfall

Alan Gibson (AG) – Natural England

Phillip Ridley (PRi) – East Suffolk Council

Naomi Goold (NG) – East Suffolk Council

Adrian Clarke (AC) – Marine Management Organisation

Peter Ryalls (PRy) – Marine Management Organisation

Relevant Documents:

1. Final minutes from LBBGSG Meeting 1
2. LBBG Implementation and Monitoring Plan 1st full draft_Confidential
3. Action Tracker
4. Agreement log

No.	Description	Action
1	<p>Introductions and Aims of the Meeting</p> <p>Introductions from members who were not present at LBBG SG Meeting 1.</p> <p>JMc: Reminded the meeting: During discussions should no objections be raised on a proposal, suggestion, or position then JMc will propose to assume there is agreement in principle unless notified otherwise within the set timescales identified in the minutes. If no post meeting comments are received within the timescales then we will assume no objections and proceed. Provided an overview of the agenda and aims of the meeting, which are as follows:</p> <ol style="list-style-type: none"> 1. To sign off minutes from LBBGSG meeting 1 2. To reach agreement the principles of the fence design 3. To reach agreement on site location 4. To agree the maintenance proposals 5. To make progress on agreement of monitoring and management proposals 6. To make progress on agreement on success criteria and adaptive measures <p>DT: PoW submitted to Secretary of State (SoS) on 7th June, but there is no date for when this will be approved.</p> <p>DT: Publishing meeting minutes is a DCO requirement, therefore, minutes will be incorporated into the LBBGIMP and published.</p> <p>JMc: The minutes from LBBG SG Meeting 1 will be accepted as a true record of the meeting. Members were thanked for their cooperation between meetings which allowed the Secretariat to meet their deadlines.</p> <p>LBu: Natural England (NE) had an agreement to provide final comments 10 days after the SG Meeting. NE may not make a comment during the following discussions, but no comment does not mean an agreement.</p>	<p>DT to send out updated actions and agreements log following this meeting.</p>
2	<p>Location update</p> <p>LBr: The northern site has been dropped and the Norfolk Projects is moving forward with southern site. Work is progressing with the landowner to secure agreement. The southern site has largely been agreed as suitable, pending the outcomes of the site suitability survey.</p> <p>JMc: No objections were raised in response to the compensation location update.</p> <p>DT: A site suitability survey was conducted on 15th June by Steve Piotrowski (local gull expert) and Rafe Dewar (MacArthur Green ornithologist). Preliminary findings are as follows:</p> <ul style="list-style-type: none"> - The habitat is generally suitable for the entirety of the area; vegetation differs very little from when it hosted a LBBG colony in the late 1990s. - LBBGs favoured tall grassland during the 1990s. - Proximity to birds nesting on nearby buildings is advantageous. - Chinese water deer are present, which can create disturbance for nesting LBBGs. - Small amounts of strimming is required to maintain the correct height of the sward; this can be undertaken before the breeding season. - The use of decoys could be used to stimulate colonization. <p>AD: During a previous visit to Havergate and Orford Ness, LBBGs were nesting in short vegetation, therefore, a mixture of sward heights may be beneficial, depending on the results of the survey report.</p>	<p>DT to circulate the survey report to the SG for comment once complete</p>

No.	Description	Action
	<p>MK: Queried whether the report had identified any potential constraints on strimming, should large-scale strimming campaigns be needed, due to ground conditions and debris present.</p> <p>DT: Preliminary feedback has identified minimal obstruction on site, with nothing to suggest an inability to conduct mechanized strimming.</p> <p>MK: Queried whether the site suitability report contains any information on how water functions (drainage) on the site. This will provide an understanding of potential future issues and how they can be managed.</p> <p>DT: The survey was undertaken during dry conditions in June. Overall, the site is relatively flat, but the surveyors have noted lower-lying areas and drainage channels and the scope has been adapted to take this into account.</p> <p>AD: The National Trust may have knowledge of the site under different flood conditions.</p> <p>DT: MT has made attempts to contact Glen Pearce, General Manager at Orford Ness but has not received a response.</p> <p>LBu: NE acknowledges the focus is on managing vegetation for LBBGs, but also highlights the importance of managing the site more widely. During a recent site visit with Ed Boyle (National Trust Site of Special Scientific Interest (SSSI) Site Manager), concern was raised that drainage at the site is controlled by the landowner, and Cobra Mist require a drier site, which has implications for how the adjacent SSSI is managed. Ed and Emma Haze (also from the National Trust) are knowledgeable in how drainage at the site works.</p> <p>DT: Whilst this will be taken into consideration, the ability to influence wider drainage within the site is outside of the Norfolk Projects control and the main focus is on delivering compensation within the land parcel of interest.</p> <p>LBu: Due to the interrelationships at the site, drainage within the Norfolk Projects land parcel of interest is part of the problem. This could potentially create concern within the National Trust, due to the issues they are currently facing with site management.</p> <p>JL: Acknowledged the presence of a wider drainage issue within the site but reiterated the focus of this discussion should remain on the suitability of the site to deliver LBBG compensation, rather than wider issues associated with the SSSI.</p> <p>AD: Raised importance of compatibility and maintaining a good relationship with the landowner to deliver compensation.</p>	<p>ALL – conversation with colleagues to identify a contact within the National Trust</p>
3	<p>Design of fencing</p> <p>DT: Fencing spec has been produced based on the Predator Exclusion Fence Manual published by the RSPB and New Zealand-style fencing. Resistance to flood events and rust-proofing is an important element of the fencing design. The spec has been given to tens of suppliers with experience in predator control fencing. Awaiting tenders back from said suppliers and can then assess whether the design will be sufficiently predator proof. Building the fence 1.8-2m high was based on advice found in the RSPB Manual.</p> <p>LBu: NE was not present at LBBG SG Meeting 1 and did not agree to this fencing design. An element concern is if 1.8-2m is tall enough.</p> <p>MK: NE has prepared some preliminary feedback on the fencing design but will need to see the more detailed spec in order to provide further feedback.</p> <p>AD: Noted the basic parameters described in LBBG SG Meeting 1 was subject to more detailed design works.</p>	<p>LBu to consult with NE colleagues regarding suitability of fencing design</p> <p>NE to feedback preliminary feedback on the initial fencing design</p>

No.	Description	Action
	<p>DT: There is still the opportunity to adjust the spec, but the spec was sent to suppliers in order to obtain feedback from technical experts on aspects such as the logistics of transporting the fencing to the site, in addition to the actual fencing design.</p> <p>JMe: 2m threshold height is related to permitted development and increasing the height of the fence will change things from a planning application perspective.</p> <p>JL: Reiterated there is still time to introduce new information into the fencing spec, but procurement is a lengthy process, and this should be moved on as soon as possible in order to keep within the project's tight timeframe.</p> <p>JMc: Noted in principle agreement on the fencing design, subject to further discussion and information obtained from the suppliers.</p>	<p>AD to consult with RSPB colleagues regarding suitability of fencing design</p> <p>JL to issue fencing spec to LBBG SG members, along with further information obtained from suppliers</p>
4	<p>Recap Implementation Timetable for delivery of compensation</p> <p>DT: Currently on track to deliver the compensation despite the PoW being submitted slightly later than planned. Once the HRA screening opinion from NE is received (expected on 30/06/2022), an EIA screening request will be submitted.</p> <p>RB: Queried whether a HRA is required as there is an argument that the LBBG compensation could deliver wider benefits to the site.</p> <p>LBu/MK: As the benefit to the site has yet to be proven, a HRA is required.</p> <p>GS/JMe: Support NE view that a HRA is required.</p> <p>DT: It would be beneficial to have an understanding of timeframes, should conditions be required to secure a HRA.</p> <p>LBu: The likelihood of needing planning permission is high as there will likely be significant effects with impacts that are likely to require mitigation in order to avoid adverse effect on integrity (AEoI) on the site. However, the need for mitigation measures has yet to be confirmed, therefore, there is uncertainty associated with timeframes.</p> <p>JMe: Should NE deem there may be significant effects, there is concern within East Suffolk Council regarding the mechanisms for securing mitigation as a permitted development does not have the ability to secure anything. Attaching conditions to a planning application will ensure the delivery of mitigation measures, but there is currently uncertainty regarding what mitigation measures would be required. Tight timescales (of 8 weeks) apply to both East Suffolk Council and the Applicant in regard to completing an appropriate assessment.</p> <p>JA: Queried whether it would be more efficient to submit a planning application on the assumption that East Suffolk Council would take the same view as NE, following the screening opinion submitted by NE.</p> <p>JMc: Requested that members assist wherever possible through collaboration and sharing experiences to ease the burden on the Secretariat/delivery team.</p>	<p>GS/JMe to have a dialogue with JA/JL regarding progressing with a planning application and how quickly an appropriate assessment can be completed. JA to set up meeting to discuss way forward.</p>
5	<p>Habitat management measures</p> <p>DT: Preliminary findings from the survey conclude that the site is currently in a good condition for LBBG nesting, and that small amounts of strimming conducted in late winter should be considered in order to maintain correct sward heights. Vegetation along the fence lines on both sides will also need management to identify hidden breaches and ensure clear visibility for monitoring.</p> <p>LBu: NE will need to see the final survey report. Flagged the importance of undertaking any activities (from construction to management) at an appropriate time, as there is also a need to take into account the constraints and considerations of the wider area. Early autumn could be an ideal time to undertake work, but this is not confirmed.</p>	<p>NE to discuss with colleagues and Ed Boyle the habitat management measures proposed</p>

No.	Description	Action
	<p>AD: Site Managers will likely know of the ideal time to conduct vegetation management.</p> <p>JMc: Noted that in principle agreement of habitat management principles, subject to further discussion and feedback from NE.</p>	
Break (10 mins)		
6	<p>Update on landowner agreements</p> <p>LBr: Landowner discussions have progressed and are nearing completion. A deadline has been set for July 31st for the signing of contracts. Feedback from LBBG SG Meeting 1 regarding potential restrictions and ensuring any legal agreement provides the flexibility to carry out the required compensation works has been taken into consideration.</p>	
7	<p>Maintenance schedule</p> <p>DT: The first element of the fencing maintenance schedule is maintenance of the fence. Weekly inspections of the fence will be conducted during the breeding season, whilst ensuring no disturbance to nesting birds. Large-scale work will be postponed until after the breeding season but work critical to maintaining the integrity of the fence must be undertaken ASAP. Any faults or breaches will be attended to immediately, including during the breeding season. An inspection will take place following severe weather events. Temporary fencing will be present during repairs to ensure enclosure is still fenced off from predators.</p> <p>MK: Suggested an addition to the maintenance schedule could be to conduct a thorough inspection prior to the breeding season to ensure everything is ready for the breeding season. Advised conducting this inspection following the January springs, which is when incursions are likely to occur.</p> <p>JMc: In-principal agreement of the proposed inspection schedules, subject to further discussion. Urged that early consideration of potential mitigation measures would be useful particularly where emergency measures may have to be considered when there might be potential conflicts of interest.</p> <p>LBU: Important to have contingency plans in preparation for different scenarios encountered during fence inspection and maintenance, i.e., how to ensure nests in close proximity to where maintenance works are being conducted won't be disturbed.</p> <p>JMe: Queried what the decommissioning process is for the fence.</p> <p>DT: The decommissioning process is still being finalized and discussions are ongoing in regard to lease agreement.</p> <p>JL: There is a clause in the contract which allows for an extension of the original lease term.</p> <p>DT: The second element of the fencing maintenance schedule is maintenance of the wider area to ensure predators aren't within the site. This will address two sections in the LBBGIMP which references protocols for predator monitoring and predator removal. Predator monitoring will be combined with fence inspections and include:</p> <ul style="list-style-type: none"> - Sand traps; - Camera traps, and; - Weekly night vision surveys. <p>Monitoring will be less frequent outside of the breeding season and more frequent during the breeding season.</p> <p>JMc: Noted in principle agreement of the proposed predator monitoring measures, subject to further discussion.</p> <p>MK: Flagged the importance of monitoring how well the LBBG colony is performing. There is a general principle of monitoring winding down as colony becomes</p>	<p>DT to amend draft LBBGIMP to start inspections in January</p> <p>DT/JL to feedback to LBBG SG members the decommissioning process once finalised</p> <p>DT to include monitoring reviewing schedule in the LBBGIMP</p>

No.	Description	Action
	<p>established. Would be useful for LBBG SG to review monitoring measures and timeframes.</p> <p>DT: Predators will be removed ASAP during the breeding season, either through physical removal or through the use of humane lethal traps (small animals). Advice will be sought from NE should a licence be required to remove a predator.</p> <p>AD: Would be useful to have a protocol on how to manage each species, as some are likely to be more of a disturbance problem rather than a predation problem, such as Chinese water deer.</p> <p>GS: Flagged risk of LBBGs eating rats poisoned by poison bait boxes.</p> <p>RB: Baited traps have been used successfully in seabird colonies when gulls are present, but this is something to be explored further.</p> <p>JMe: In regard to Chinese water deer, brown hare and other well-established species, there may need some thought as to whether these would remain in the enclosure or be flushed out.</p> <p>MK: The removal of animals within a SSSI may require a SSSI assent. NE will look into providing a single long-term assent for on-going maintenance, but may require discussions with the LPA, who is the regulator.</p> <p>JMc: Noted there has been broad agreement regarding the proposed predator monitoring and removal measures, subject to further discussion.</p>	<p>AD to feedback advice on how best to manage rats</p> <p>RB/DT to review the use of rat bait boxes</p> <p>MK/LBu to look into providing a long-term assent for predator maintenance within the site</p>
8	<p>Monitoring reporting, success criteria and adaptive management</p> <p>LBr: Provided an overview of the monitoring and reporting proposed during year 1 and during years 1 to 3, which will be undertaken in a manner that minimizes disturbance to the colony. Bird nests will dictate where monitoring takes place. An annual report will be produced for the LBBG SG and SoS in October, detailing results and any adaptive management measures that have been proposed. This will be discussed with the LBBG SG to reach agreement on the appropriate level of ongoing monitoring.</p> <p>GS: Summarised a recent incident where monitoring in close proximity to gulls nesting on a rooftop resulted in the gulls attacking a drone. Highlighted the potential for monitoring to result in disturbance.</p> <p>AD: May be beneficial to establish a long-term monitoring programme which focuses on recruitment back into the existing LBBG colony over the lifetime of the project, as this is missing from the LBBGIMP.</p> <p>MK: Ringing is currently taking place at Havergate, therefore, it would be beneficial to work in concert with other ringing efforts. Flagged importance of monitoring LBBG numbers at the site as these feed into adaptive management efforts.</p> <p>LBr: Summarised the following adaptive management measures that would be considered if monitoring indicates lower colonization and success than expected:</p> <ul style="list-style-type: none"> - Use of playback (gull calls) to encourage adults to prospect within enclosure; - Use of decoys; - Further investigation of habitat management within the enclosure to enhance suitability (e.g. mowing during nonbreeding period to reduce sward height), scraping to provide bare ground and/or provision of features (e.g. sleepers) to nest against (although note this is not currently expected to be a limitation), and; - Supplementary feeding to improve chick survival and encourage adults to prospect within enclosure. <p>AD: The use of supplementary feeding would imply the presence of a broader environmental problem related to food availability and supply; therefore, supplementary feeding would be an unsustainable approach in the long-term.</p>	<p>LBu/MK to consult</p>

No.	Description	Action
	<p>LBu: Raised concern over the use of playback calls, decoys and methods of habitat management affecting other features within the site. For instance, mowing during the non-breeding season may disturb wintering birds. NE will need to review the proposed adaptive management measures.</p> <p>JMc: Noted in principle agreement of adaptive management measures subject to further input from NE.</p>	<p>colleagues on adaptive management measures and provide feedback</p>
9	<p>Conclusions, actions and next meeting</p> <p>MK: The first meeting of the Special Protection Area LBBG Management Group took place in June. Attendees included colony managers, local bird ringers and members of the National Trust. An invite is extended to the Norfolk Projects to attend the next meeting, expected to be in September/October.</p>	<p>DT/JL to provide NE with a representative for the next LBBG Management Group meeting</p> <p>LBr/JL to update agreement log with where in principle agreement has been reached.</p>
10	<p>AOB and LBBG SG Meeting 4</p> <p>JMc: LBBG SG members are welcome to get in touch with JMc at any point following the LBBG SG Meeting 2.</p> <p>DT: LBBG SG Meeting 3 will be in August and attended by SPR, as long as members are in agreement. LBBG SG Meeting 4 will be in early October.</p> <p>JMc: Queried SPR's role in the meeting.</p> <p>JL: SPR will be joining in an observational capacity and LBBG SG members will be briefed on SPR's role prior to the meeting. Vattenfall and SPR are working together on regionally coordinated compensation and are in the process of entering a cooperation agreement to formalise this collaboration for Kittiwakes and LBBGs.</p> <p>LBu: NE is not clear on how SPR are intending to progress their compensation measures, and how their attendance at the LBBG SG Meeting 3 will progress their compensation measures. NE would like this to be resolved before the LBBG SG Meeting 3.</p>	<p>CL to find a suitable date for a meeting in October</p> <p>JL to provide clarity on why SPR are attending LBBG SG Meeting 3</p>

Norfolk Projects Offshore Wind Farm Lesser Black Backed Gull Steering Group Meeting 3

Teams Meeting

12/08/2022

10:00 – 13:00 GMT

Attendees:

Name	Role	Company
James Mckie (JMc)	KSG Chairperson	Eurona Consultancy Ltd
Peter Ryalls (PRy)	Advisory member	MMO
Jacqui Miller (JMi)	Advisory member	RSPB
James Meyer (JMe)	Advisory member	East Suffolk Council
Graham Stuteley (GS)	Advisory member	East Suffolk Council
Martin Kerby (MK)	Advisory member and Principal Advisor	Natural England
Alan Gibson (AG)	Senior Responsible Officer	Natural England
Ruari Lean	Project Manager for NV and NB	Vattenfall
Mark Trinder (MT)	Ornithology Consultant	MacArthur Green
Louise Bridges (LBr)	Compensation lead	Representing Vattenfall
Dave Tarrant (DT)	Compensation lead and coordinator	Representing Vattenfall
Jon Allen (JA)	Onshore planning	Royal HaskoningDHV
Caitlin Lyng (CL)	Group secretariate	Royal HaskoningDHV
Yana Bosseva	Offshore Consents Manager	Vattenfall
Marija Nilova (MN)	Offshore Environment Manager	SPR
Ian Mackay (IM)	Senior Project Manager	SPR

Apologies:

Jake Law (JL) Vattenfall

Kathy Wood (KW) Vattenfall

Andrew Dodd (AD) RSPB

Louise Burton (LBU) Natural England

Adrian Clarke (AC) MMO

Philip Ridley (PRi) East Suffolk Council

Relevant Documents:

- Final Minutes from Meeting 2
- LBBG Compensation Site suitability Report
- An extract from the Action tracker provided the end of the agenda document.
- Agreement Log

- Further Information for East Suffolk Council and RSPB on LBBGIMP (It is acknowledged that this was sent allowing only six working days to review rather than the 10 required under the terms of PoW).

No.	Description	Action
1	<p>Introductions and Aims of the meeting</p> <p>JMc provided an overview of the aims of the meeting, which are as follows:</p> <ul style="list-style-type: none"> - To sign off minutes from LBBGSG meeting 2 - Agreement for amendment to be made to the PoW - To review Site Suitability Survey and confirm the site remains suitable - To agree fence design and sign off - To agree the maintenance proposals - To agree monitoring and management proposals - To make progress on agreement on success criteria and adaptive measures <p>JMc Introduced SPR members and reiterated NPS and SPR are working collaboratively. Reiterated members should continue to review Agreement Log. Made SG members (SGMs) aware that JMc is unable to attend LBBG SG Meeting 4.</p> <p>DT Reminded LBBGSG that publishing meeting minutes is a DCO requirement, therefore, minutes will be incorporated into the LBBGIMP and published.</p> <p>DT Q1. <i>Are the group happy to approve the minutes from SG Meeting 2 and for these to be included and published in the LBBGIMP?</i></p> <p>JMc Noted no disagreement and meeting minutes will be accepted as a true record of the meeting.</p>	
2	<p>BEIS amendment to the PoW</p> <p>DT Discussed BEIS amendment to the Plan of Works (PoW) that will be applied to both the kittiwake and LBBG Plan of Works (PoW). Noted RSPB will be providing feedback by 16/08/2022 and that NE have requested the inclusion of the extra paragraph regarding dispute resolution (Paragraph 36 in Ørsted Hornsea Project Three's PoW).</p> <p>MK Confirmed that provided Paragraph 36 is included, NE is in agreement.</p> <p>JMc Noted no objections raised so DT to proceed with amendment and submission to BEIS.</p>	<p>DT to include Paragraph 36 in LBBG PoW</p> <p>AD to have RSPB Head of Environmental Law to review BEIS amendment and provide feedback by morning of 16/08</p>
3	<p>Site Suitability Survey</p> <ul style="list-style-type: none"> - Results - Discussion <p>LBr Noted that the proposed compensation boundary at Orford Ness has been revised and a final boundary has been agreed with the landowner. The area within the revised boundary is still more than sufficient for proposed compensation; 6 ha in total. Boundary has been revised in order to provide a buffer area between the compensation site and National Trust land, as well as a buffer area between the compensation site and an existing boundary fence.</p> <p>JMc Noted no disagreement with the revision of this boundary.</p>	

No.	Description	Action
	<p>MT Summarized the results obtained from the site suitability survey conducted on 15th June by Steve Piotrowski and Rafe Dewar, the report of which was circulated to LBBG SGMs on 28th July. The site has been separated into subsections defined as 'currently suitable', minimal management' and 'requiring moderate management'. Noted that due to the revision of the boundary, the NW corner of the site has been reduced, however this is not expected to have a notable effect on colonization since the area is small and within a section defined as requiring 'moderate management'.</p> <p>MT Q2. Please confirm that following the results of the survey the site is suitable.</p> <p>JMi Noted that the National Trust have reported that foxes aren't a large issue and part of this site has LBBG nesting already (i.e. on buildings) so wondered why LBBGs are not already prepared to nest on the ground. Queried what would be the key factor that would allow this site to host LBBGs.</p> <p>MT Highlighted that not just foxes that may be deterring LBBG from nesting; the presence of Chinese water deer and hares may be creating a disturbance effect.</p> <p>JMi Noted there is a discrepancy in the Site Suitability Report regarding the density of birds used in baseline (two different values presented) and that there may be a need for the removal of arisings, for instance if the presence of 'thatch' becomes an issue.</p> <p>DT Reiterated comments that need actioning quickly will need to be provided as soon as possible to avoid slowing down the programme.</p> <p>MK Suggested that rather than 'random' patch cutting it may be more beneficial to undertake this in a more systematic fashion with predefined plots for strimming. Noted it would be worth having objectives regarding height of vegetation, particularly in areas of site that are less suitable.</p> <p>MT Clarified that strimming will be undertaken in a patchwork manner, however this can be structured and an element of rotation between years may be incorporated into the strimming regime. Highlighted there will be an element of flexibility to the strimming regime, which can be adapted based on how birds respond to strimming and there could be lower intensity strimming in areas of site that are more suitable.</p> <p>MK Queried whether there are opportunities to enhance ponds within the site and make these less seasonal.</p> <p>MT Noted that Next Steps outlined in the Report included an investigation of Havergate habitat conditions where LBBGs are nesting on the ground, which will be used as a comparative piece of information to guide management at Orford Ness. This will occur within the next few weeks</p> <p>MK Advised removing scrub as soon as possible.</p> <p>JMc Concluded that subject to final comments from NE and RSPB, the site has been agreed as suitable.</p>	<p>JMi to provide comments on site suitability survey Report</p> <p>Norfolk Projects to provide detail in LBBGIMP regarding strimming regime</p> <p>NE and RSPB to provide feedback on site suitability survey by 19th August</p>
4	<p>Design of fencing</p> <ul style="list-style-type: none"> - Spec - Comments <p>DT Summarised the fencing design ITT spec, which has been sent to local contractors, and is based on RSPB Predator Exclusion Fence Manual. Confirmed the fence overhang would be made from smooth material or floppy mesh. Confirmed the total height of the fence includes the overhang.</p> <p>MK Queried whether the supplier provide rationale as to why 1.8m height of fence is preferred and how high Chinese water deer can jump</p> <p>DT Noted that the supplier has an existing relationship with the RSPB and has previously installed fences to a height of 1.8m, which has been approved and is</p>	

No.	Description	Action
	<p>sufficient.</p> <p>JMi Confirmed it is very unlikely that Chinese water deer would be able to jump the fence.</p> <p>DT Q3. <i>Following comments shared by NE and RSPB can the fence spec now be agreed?</i></p> <p>JMc Noted members are in agreement.</p> <p>DT provided an overview of the anticipated fence installation, including;</p> <ul style="list-style-type: none"> - Installation period of 2-3 weeks - Never more than 6 and never less than 2 personnel on site - Main installation plant would be either a 10 tonne or 14 tonne digger <p>Noted full installation methodology will be established W/C 15th August for inclusion in the LBBGIMP.</p> <p>MT Confirmed that posts will be pushed in, not hammered in, minimizing noise disturbance during construction.</p> <p>JMc Noted members are in agreement..</p> <p>DT Summarized the Norfolk Projects responses to comments made by NE and RSPB on the fencing design, which will be incorporated into the updated fencing design.</p> <p>JMc Noted that subject to comments provided by NE, there is agreement with fencing spec.</p>	
5	<p>Implementation timetable for delivery of compensation and Planning Application</p> <p>DT Ran through the updated timetable for delivery of compensation. Slightly ahead of procurement schedule. Once fence is installed, will be beneficial to have another LBBGSG Meeting. Noted that the next version of the LBBGIMP will include a timeline for reporting annually to the Secretary of State (SoS). Planning application and SSSI ascent will be submitted at the end of August.</p> <p>GS Queried what date the planning application will be submitted.</p> <p>DT Clarified submission will be at the end of August.</p> <p>GS Noted that if development were deemed to be an EIA development, the determination period would be 13 weeks.</p> <p>JA Noted that Norfolk Projects are working on premise that if it is deemed an EIA development then the timetable will change. Noted progress is being made with contaminated land assessment.</p>	<p>DT to include timeline for annual reporting to SoS in LBBGIMP</p>
Break 11:05-11:20		
6	<p>Update Landowner agreements and planning applications - Report on progress made with the landowner</p> <p>LBr Noted that all parties have successful signed a lease agreement and consultation with the landowner is ongoing.</p>	
7	<p>Maintenance schedule</p> <p>MT Provided an overview of the fencing maintenance schedule.</p> <p>JMi Highlighted the importance of ensuring there is enough time for any repairs to take place before the breeding season commences, given the risk of unfavorable weather conditions.</p> <p>MT Q4. <i>Are proposed inspection schedules acceptable? And if not what further work</i></p>	<p>MT to check ample time for pre-breeding inspections is included in LBBGIMP</p>

No.	Description	Action
	<p><i>is required to Agree this this?</i></p> <p>JMc Noted no disagreement and proposed inspection schedules are acceptable.</p> <p>MT Provided an overview of predator monitoring methods and noted predator monitoring will be reduced during the non-breeding season.</p> <p>MT Q5. Are proposed predator monitoring measures acceptable?</p> <p>JMc Noted no further comments and so this can be accepted.</p> <p>MT Provided an overview of predator removal and noted speed of predator removal will be determined by the time of year, with a swift removal during the breeding season. Lethal removal of animals will be avoided where possible.</p> <p>MK Noted that short statements for the broad approach for the removal of different species would be useful, such as otter, fox, hare, Chinese water deer, mink. Noted it would be beneficial to make all efforts to ensure all mammals are flushed out at the installation phase, before the site is fully enclosed.</p> <p>DT Queried whether there is a seasonal element to animal presence and what species to focus on.</p> <p>JMi Queried whether there would be a requirement to shoot rather than release invasive species (Chinese water deer and mink). Notes that there is legislation that specifies invasive species shouldn't be released. Something to be considered.</p> <p>MT Q6. What further detail is required to establish the protocols.</p> <p>DT Proposed that the LBBGIMP contains a commitment to establish the protocols however the IMP will not actually contain them</p> <p>JMc Noted that there was agreement on this proposal.</p> <p>JMc Notes that subject to review, the maintenance schedule is in agreement.</p> <p>JMe Queried whether poisoning for rat control has been reconsidered.</p> <p>MT Notes the risk of secondary poisoning has been considered. T5cm wide mesh size will not likely exclude rats, but rats are not deemed to be a species of high concern. Humane methods of rat control will be employed if necessary.</p> <p>MK Agreed that rat control is not a top priority. Queried whether it would be clear if a LBBG nest were to fail due to rat predation.</p> <p>DT Noted AD has an action to provide RSPB advice on how to deal with rats.</p> <p>JMi Noted that rats are present in significant numbers at Havergate but the LBBG colony was stable, despite some egg predation.</p> <p>MT Confirmed that if rats are suspected to be an issue, monitoring can be directed towards rat monitoring, including the installation of cameras.</p> <p>JMi Noted that in the RSPB predator fence manual, Appendix 8 has methods to detect predators within a fenced area.</p>	<p>MT to include a commitment to developing species specific removal protocols</p> <p>MT to develop species specific removal protocols</p> <p>LBr to review removal of invasive species</p> <p>DT/MT to include consideration of rat monitoring and control adaptive management measures</p> <p>DT To include a commitment in the LBBGIMP to establish protocols in agreement with steering group</p>
8	<p>Monitoring reporting, Success Criteria and adaptive management</p> <p>MT Provided an overview of proposed monitoring of LBBG colony, with core aspects to be undertaken every year and additional aspects to be looked at in the initial years (e.g. up to year 3) with possibility for extension. Noted any use of drones for monitoring will be approached with caution as large gulls have been known to attack drones. Bird flu restrictions may affect chick ringing. Ideally a collective effort will be used for monitoring. Aware that National Trust have monitoring trials underway at their Orford Ness site. Would be beneficial to have those currently undertaking</p>	<p>MT to contact Emma Hay from National Trust</p>

No.	Description	Action
	<p>monitoring in other locations to undertake monitoring within this site at Orford Ness. To date have not had any responses to attempts to make contact with National Trust.</p> <p>JMi Provided contact details for Emma Hay at National Trust.</p> <p>JMc Q7. <i>Any other monitoring to be considered?</i></p> <p>JMc Noted no other monitoring has been proposed and so can take this as agreement.</p> <p>MT Provided an overview of adaptive management measures that will be triggered should colonization and success be lower than expected. Noted that 20-36 chicks is proposed as the minimum target for productivity.</p> <p>JMi Suggested that measuring recruitment back into colony could be used as an adaptive management trigger, as objective is to have adults that recruit back to the Alde Ore Estuary Special Protection Area (SPA). Noted that if adaptive management measures aren't successful it may be worth investigating external negative factors such as disease or undetected predators, to ensure the site doesn't become a LBBG population sink.</p> <p>MK Highlighted it may be beneficial to have two phases for target setting, the first covering colony establishment and the second once the colony is considered to be established, and that adaptive management measurements should also reflect these phases in terms of what actions would be taken.</p> <p>MT Queried whether external input would be necessary to further inform adaptive management triggers, as was suggested for the Kittiwake SG.</p> <p>MK Agreed that this was not necessary for LBBG.</p> <p>No other members suggested that it would be necessary for LBBG.</p> <p>JMc Q8. <i>Do you agree with these triggers and methods for adaptive management?</i></p> <p>JMc Subject to first few years where adaptive management measures will be agreed through consensus, there is agreement.</p> <p>DT Provided an overview of the timeline for LBBGIMP revision and submission.</p> <p>DT Noted that NE, RSPB and East Suffolk Council have provided comments on the LBBGIMP.</p> <p>MK Highlighted that monitoring for avian predation (in particular due to corvids) should be included and that creating wet areas to suppress vegetation should be considered as an adaptive management measure.</p> <p>DT Proposed that vegetation could be managed differently across the site using an experimental design with different levels: Level 1 Do nothing. Level 2 Control vegetation. Level 3 Reduce sward height. This could help to determine which type of vegetation management is most successful in attracting LBBGs. Noted this is something that would be developed within the LBBGIMP and could feed into an informed adaptive management decision.</p> <p>MK Raised caution at having the vegetation management dictate how the site is managed.</p> <p>DT Q9. <i>Are there any other comments on the LBBGIMP which we have not addressed?</i></p> <p>GS/JMi Confirmed all comments have been addressed.</p> <p>DT Urged members on first review of LBBGIMP to provide comments on anything that is missing and specify how this can be addressed by the Norfolk Projects.</p>	<p>MT to review adaptive management triggers and methods</p> <p>DT to provide responses to NE comments on LBBGIMP</p> <p>ALL members to work to LBBGIMP timeline stipulated to getting document approved</p>

No.	Description	Action
	<p>Urged SGMs to stick to the different deadline stages of the LBBGIMP revision and submission timetable.</p>	
<p>9</p>	<p>Conclusions, actions and next meeting 1. Mop up of previous actions (see Actions log below) and comments on LBBGIMP 2. Agreement Log 3. Conclusions from meeting</p> <p>LBr Ran through Agreement Log. Noted that unless explicit agreement or complete silence, agreements haven't been recorded.</p> <p>JMc Urged members to review Agreement Log, as this is a critical part of the programme.</p> <p>DT Noted that BEIS will accept an email from each SGM stating their agreement with the Agreement Log as proof of agreement. This email stating agreement with the Agreement Log will be requested from SGMs prior to submission in October.</p> <p>MK Queried whether this could be produced in a similar format to a statement of common ground.</p> <p>DT Agreed this would be a sensible approach, although this information may be redacted by BEIS and therefore simple email confirmation was the preferred method of confirmation.</p>	<p>CL to circulate Agreement log, pdf of slide pack and minutes</p>
<p>10</p>	<p>Any other business and date for LBBGSG meeting 4</p> <p>JMc Reiterated he will not be chairing the fourth LBBGSG Meeting but a former Marine Scotland member of staff has been approached to be a stand-in independent chair. Noted LBBGSG can suggest other independent chair candidates.</p> <p>IM Reiterated SPR and Vattenfall are working collaboratively. Noted much progress has been made within this SG Meeting and the agreements that are made within these SG Meetings will be applicable to SPR's projects. Reiterated there is little point for SPR to have another batch of SG Meetings, but a final, separate SPR SG Meeting may be required to wrap up on SPR-specific matters. In addition, from a stakeholder resource point of view there seems to be little benefit in repeating SG Meetings.</p>	<p>MT to come up with a strategy to flush animals out W/C 15th</p> <p>DT/LBr to develop this further in SSSI assent application</p>

Norfolk Projects Offshore Wind Farm Lesser Black Backed Gull Steering Group Meeting 4

Teams Meeting

05/10/2022

14:00 – 17:00 GMT

Attendees:

Name	Role	Company
Ian Davies (ID)	LBBGSG Chairperson	Independent
Peter Ryalls (PRy)	Advisory Member	MMO
Andrew Dodd (AD)	Advisory Member	RSPB
James Meyer (JMe)	Advisory Member	East Suffolk Council
Grahame Stuteley (GS)	Advisory Member	East Suffolk Council
Martin Kerby (MK)	Advisory Member and Principal Advisor	Natural England
Jake Laws (JL)	Senior Consents Manager	Vattenfall
Mark Trinder (MT)	Ornithology Consultant	MacArthur Green
Louise Bridges (LBr)	Compensation Lead	Representing Vattenfall
Dave Tarrant (DT)	Compensation Lead and Coordinator	Representing Vattenfall
Caitlin Lyng (CL)	Group Secretariate	Royal HaskoningDHV
Yana Bosseva (YB)	Offshore Consents Manager	Vattenfall
Marija Nilova (MN)	Offshore Environment Manager	SPR
Ian Mackay (IM)	Senior Project Manager	SPR
Kathy Wood	Head of Consenting	Vattenfall

Apologies:

Philip Ridley (PRi)	East Suffolk Council
Jim Mckie (JMc)	Eurona Consultancy Ltd
Adrian Clarke (AC)	MMO
Jacqui Miller (JMi)	RSPB
Jon Allen (JA)	Royal HaskoningDHV
Ruari Lean (RL)	Vattenfall
Zara Ziauddin (ZZ)	Natural England
Alan Gibson (AG)	Natural England

Relevant Documents:

LBBGIMP Version 3 plus Annexes

LBBG Compensation Consultation Report

Final minutes from LBBGSG Meeting 3

No.	Description	Action
1	<p>Introductions and Aims of the meeting</p> <p>ALL Introductions.</p> <p>ID Highlighted importance of reaching a conclusion on all outstanding matters and resolving any outstanding issues, in time for submission to the Secretary of State (SoS) on October 25th. Ran through the aims and meeting agenda which are as follows:</p> <ol style="list-style-type: none"> 1. To sign off minutes from LBBGSG meeting 3 2. To finalise plans for Monitoring. 3. To finalise plans for adaptive management. 4. To agree approach to addressing all outstanding comments on the LBBGIMP. 5. To agree approach to informing the SoS on the level of agreement <p>DT Reiterated that the overarching aim of the meeting is to get the documents in the final position, with a focus on the Agreement Log, as this demonstrates that all efforts have been made to get agreement on all issues. Thanked members for comments returned on the LBBG Agreement Log and LBBG Implementation and Monitoring Plan (LBBGIMP), and requested any further comments be raised at the appropriate time during this meeting or provided straight after.</p> <p>DT Q1 <i>Are the group happy to approve the minutes from SG Meeting 3 and for these to be included and published in the LBBGIMP?</i></p> <p>MK Highlighted an amendment to the minutes from Meeting 3 to include 'trial' when referencing vegetation management.</p> <p>ID Noted no other objections raised and Minutes therefore accepted subject to the amendment above.</p> <p>DT Provided a recap of the areas of the LBBGIMP that have full agreement, such as location. Landowner agreement is in place and will be followed by an update later on in the meeting. Details of the design of the predator control fencing is also agreed.</p>	<p>AD to provide RSPB comments on LBBGIMP by 07/10</p> <p>CL to amend minutes as per MK's comment</p>
2	<p>Implementation timetable for delivery of compensation and planning application and SSSI assent (Slide 8)</p> <p>DT Noted that the LBBGIMP contains the proposed monitoring measures but doesn't detail how these measures will be carried out. Proposed bringing forward LBBGSG Meeting 5 to November, in order to establish how monitoring will be undertaken and to further discuss the species specific predator eradication protocols. Also noted that the SSSI assent does not cover the visits needed to undertake the intense monitoring programme, and so it would be beneficial to fine tune the details of the monitoring in the meeting before submitting another SSSI assent. The SSSI assent would need to be submitted before January, for monitoring</p>	<p>CL to send round meeting invite for LBBG Meeting 5 for mid-end November</p>

No.	Description	Action
	<p>to begin in March.</p> <p>DT Q2 <i>Would it be possible to bring steering group meeting 5 forward to November to agree final detail and logistics for monitoring in year 1.</i></p> <p>MK Confirmed no disagreement with bringing LBBGSG Meeting 5 forward. Noted that in regard to species-specific management protocols, Natural England would need to get input from their protected species department, therefore, stated a preference for the meeting to be held in mid-late November.</p> <p>AD Noted that the RSPB would also need to get expert input from relevant part of organisation regarding predator control.</p> <p>MT Queried whether Natural England and RSPB had documents available to share regarding species specific management protocols.</p> <p>AD Noted that Aly Mckluskie has provided comments regarding otter removal.</p> <p>DT Queried whether fence installation could begin before December/January.</p> <p>JMe/GS Confirmed that planning application states that works can begin from November.</p> <p>Members agreed that a date in November should be sought for SG5 meeting.</p> <p>Planning Application Update (Slide 10)</p> <p>DT Noted that EIA screening has determined that the application is not EIA and a decision is due to be received on October 25th 2022. Noted SSSI assent was provided on 4th October 2022 by Natural England, and queried whether a separate SSSI assent could be granted to cover both surveys and monitoring. Noted the possibility of having to perform a UXO survey prior to fence installation, but awaiting information from the Ministry of Defence as to the level of risk.</p> <p>MK Will confirm whether the UXO survey requires its own separate assent.</p>	<p>NE and RSPB to consult other parts of organisation regarding predator control</p> <p>AD to check with JMI whether the RSPB has material to share</p> <p>MK to check whether surveys and monitoring can be covered by a single SSSI assent</p>
3	<p>Update Landowner agreements and planning applications (Slide 11)</p> <ul style="list-style-type: none"> - Addressing queries regarding the lease. <p>LBr Recapped that an agreed and signed lease is in place with landowner. Ongoing consultation with landowner in regard to moving installation of the structures forward. In regard to the installation of a temporary storage shed, this has not been included in the SSSI assent or planning permission as it has never been considered a permanent structure. If it becomes apparent a more permanent structure is required, planning permission will be updated.</p> <p>GS Queried when ESC would be contacted regarding this decision.</p> <p>DT Clarified that ESC would be contacted to determine whether a planning permission is required. Noted this decision was made to future-proof the lease as much as possible; something that may need to be considered in the future but not at this point.</p> <p>AD Queried wording in the LBBGIMP regarding water levels.</p> <p>DT Clarified that the landowner was not expecting the Norfolk Projects to change water levels at the site. Should there be an emergency where drainage channels had to be altered to protect the land, the LBBGIMP provides the ability to do this. It is not intended that water levels would be changed for experimental reasons.</p> <p>JL Noted that wording in the LBBGIMP states there will be no interference with water levels within the wider site.</p> <p>MK Suggested including a sentence in the LBBGIMP clarifying this.</p> <p>MT Agreed although stressed the sensitivity of the landowner/developer relationship.</p> <p>MK Noted that Vattenfall should be aware the water management across the entire</p>	<p>DT to include a sentence in LBBGIMP clarifying ability to change water levels</p>

No.	Description	Action
	<p>site may be required in the future.</p> <p>JL Agrees but notes that issues of water level management across the entire site would be wider than just Vattenfall's responsibility, should this come up in the future.</p> <p>Maintenance (Slide 12)</p> <p>MT Recapped the agreement reached on the fencing maintenance schedule.</p> <p>AD Noted that if present, otters would be one of the most challenging predators to catch. Emma Hay of the National Trust may have more information on the likelihood of the presence of otters at the site.</p> <p>LBr/DT Ran through Agreement Log, highlighting areas where agreement had not yet been reached and discussed how to reach agreement.</p> <p>DT Noted that as the species-specific management protocols are to be developed post submission of the LBBGIMP, there will be in action in the Agreement Log that the protocols are to be designed and agreed prior to the installation of the fence and post LBBGIMP submission.</p> <p>ID Q3 <i>Can it be stated in the agreement log that you are happy for these to be agreed post submission of the LBBGIMP?</i></p> <p>ID Noted no objections.</p> <p>MK Suggested simplifying the section in the Agreement Log regarding Programme (paragraph 15 (d) of Compensation Schedule), noting that the main aim is to agree that the proposed programme/timetable is suitable for delivering the compensation.</p> <p>DT Agreed and included a caveat of subject to all permissions being in place.</p> <p>ALL In agreement with this change.</p>	<p>MT to make contact with Emma Hay</p>
4	<p>Monitoring reporting, Success Criteria and adaptive management (Slide 15)</p> <p>MT Provided a recap of how monitoring has evolved and has also been informed by discussions had at the kittiwake Expert Meeting. Noted that Cobra Mist will not be used as a vantage point, but there is the possibility of arranging access along shingle banks that run along the southern end of the site, which would require agreeing access with the National Trust. Steve Piotrowski has shown an interest in undertaking the LBBG monitoring.</p> <p>MT Q4 <i>Any other monitoring to be considered?</i></p> <p>AD Raised a suggestion made by Aly McCluskie that there should be consideration of collecting blood or faecal samples and testing them for avian influenza.</p> <p>MT Agreed this would be captured in a broad sense within the LBBGIMP.</p> <p>ID Noted that the meeting had no other proposals for additional monitoring to meet Consent requirements.</p> <p>MK Raised a comment made by Ed Boyle, SSSI Responsible Officer, suggesting that it would be beneficial to gather information on whether avian predation is an issue. This may be undertaken in a more observational capacity at first. Noted there has been an issue with corvids and egg theft</p> <p>AD Noted that supplementary feeding will likely attract corvids.</p> <p>MT Confirmed that supplementary feeding would require careful consideration and there is awareness of the problems it may cause.</p> <p>Reporting (Slide 16)</p> <p>DT Noted that the annual reporting to the SoS has an element of flexibility involved.</p>	<p>MT to include commitment in LBBGIMP regarding the monitoring/testing for avian influenza</p> <p>MT to include commitment in LBBGIMP to gather information on whether avian predation is an issue</p>

No.	Description	Action
	<p>Adaptive Management (Slide 17-18)</p> <p>MT Highlighted that adaptive management will involve responding to situations accordingly as they present themselves. Noted there would always be an awareness of the wider context, and monitoring and data collection would be done to understand why the colony may be underperforming.</p> <p>AD Noted that the productivity of the LBBG colony at Havergate has been declining due to unknown factors that are still being assessed and RSPB considers there to be a problem with the population in the wider area. A concern was raised that the IMP currently suggests that, if the compensation colony is found to have poor productivity or a declining population at the same time as the same patterns are observed in the wider population, then the causes would not be actively investigated, on the basis that this was not a result of shortfalls in the compensation efforts (and therefore outside of Vattenfall's control). AD was keen that instead, if this should be the case, that Vattenfall should collaborate with other organisations (e.g. the Large Gull Management Group) to investigate causes and identify potential remedies.</p> <p>DT Noted that the Norfolk Projects are still waiting for an invitation to the large gull management group.</p> <p>AD Noted the large gull management group would be another good place to have these discussions on an annual basis.</p> <p>ID Highlighted that the main purpose of the compensation is to compensate for wind farms Boreas and Vanguard.</p> <p>AD Highlighted that there are likely wider issues present that the fencing will not solve. Suggested that if these wider issues have a negative effect on compensation success, these will need to be investigated. There is a responsibility on the compensation deliverers to find out why there is a problem not related to the condition of the fence.</p> <p>ID Queried whether there would be benefit to individuals, projects and organizations responsible for the bulk of the populations collaborating.</p> <p>AD Agreed this would be beneficial.</p> <p>JL Agreed that the Norfolk Projects would need to understand if the compensation was failing due to external reasons and would be willing to engage and contribute as necessary to the research into said wider issues. However, it is not within the Norfolk Project's remit to initiate this research.</p> <p>MK Noted that a date for the Large Gull Management Group is still being decided but would be at some point in November.</p> <p>MK Queried whether 20 chicks would cover the compensation requirements for all four projects.</p> <p>MT Confirmed that 20 chicks will turn into roughly 10 breeding age adults. Vattenfall mortality was approximately 5 chicks and SPR mortality was approximately 1.9 chicks for both wind farms, suggesting that 10 adults is sufficient compensation.</p> <p>IM Noted that these SG Meetings are effectively joint Steering Groups, but with a focus on Vattenfall, and compensation measures discussed apply to both Vattenfall and SPR. There is the opportunity for a close out SG Meeting specifically related to SPR.</p> <p>JL Additionally, should there be disagreements between specific project numbers, these will need to be covered under a separate SG Meeting.</p> <p>MT Confirmed that a record would be kept of the number of adults compensated for, but there is also the opportunity for the LBBGSG to reconvene to discuss the aim of producing >20 chicks/year in 3 out of 5 years.</p>	<p>DT/JL/RSPB/NE to decide upon revised wording on how issues in the wider LBBG population would be addressed</p> <p>MK to send JL an invitation to the Large Gull Management Group once a date has been set</p>

No.	Description	Action
	<p>ID Q5 <i>Do you agree with these triggers and methods for adaptive management?</i></p> <p>ID Noted this is in agreement.</p> <p>Adaptive Management Vegetation Control (Slide 18)</p> <p>MT Highlighted that the aim is to establish the most appropriate strimming regime, and the different parts of the site will have different levels of management and strimming regimes to create a patchwork habitat within the fenced area. How LBBGs respond to area and how the vegetation recovers will inform further actions. If strimming is ineffective for vegetation control, localized modifying of water levels within the site will be explored as long as there is landowner agreement and there are not impacts to the land outside the leased area.</p> <p>MK Suggested it would be beneficial to include this as an adaptive management element of the LBBGIMP.</p> <p>AD Suggested this could be referred to in the LBBGIMP as exploring further habitat measures.</p> <p>MT Highlighted that water level management would be subject to full agreement with the landowner.</p> <p>DT Q6 <i>are there any other comments on the LBBGIMP which we have not addressed?</i></p> <p>AD Confirmed all major comments made by the RSPB have been covered and any minor comments will be returned by 07/10/2022.</p> <p>MK Queried whether the fence would stop otters accessing the fenced area using the culvert.</p> <p>JL Confirmed fencing would continue into culvert to prevent otter access, and that attention would be given to ensuring debris does not impede the flow of the water.</p> <p>JMe Highlighted that the LBBGIMP suggests the results of cutting trial would only go to Natural England or RSPB if agreed, but ESC would still appreciate seeing these results, even if not necessarily advising on them</p> <p>DT Confirmed ESC would be involved in discussions involving the results of the cutting trial.</p> <p>GS/JMe Confirmed no further substantive comments to be added by East Suffolk Council.</p> <p>PRy Confirmed no further substantive comments to be added by the MMO but will return any minor comments by 07/10/2022.</p> <p>DT Proposed each Steering Group Member provide an email confirming the Agreement Log is an accurate reflection of their position, and that they have reviewed and contributed towards the production of the LBBGIMP, in order to minimise the chance of the SoS running further consultation before approving the documents. Queried whether members would be happy with this.</p> <p>AD Noted on leave but will work with JMi to review documents and respond with email agreement.</p> <p>MK Suggested changing 'approve' to 'agreed' in the email agreement statements.</p> <p>ID Noted no other objections and that all LBBGIMP comments have been addressed.</p> <p>DT Clarified the LBBGIMP Version 4 will be the final version and as it has been through a number of review stages we are not expecting substantive comments back.</p>	<p>MT to include commitment in LBBGIMP to consider other habitat measures if strimming is ineffective for vegetation control.</p> <p>RSPB to return final LBBGIMP comments on 07/10/2022</p> <p>DT to amend LBBGIMP to make reporting back on the cutting trial more inclusive of all steering group members</p> <p>MMO to return comments</p>

No.	Description	Action
5	<p>Conclusions, actions and next meeting</p> <ol style="list-style-type: none"> 1. Mop up of previous actions (see Actions log below) and comments on LBBGIMP 2. Any outstanding comments on the LBBGIMP 3. Conclusions from meeting <p>DT Clarified that the SSSI assent granted by Natural England covers the is maintenance of the fence.</p> <p>DT Queried whether the RSPB could provide any advice or had any experience with the initial flushing of animals out of an enclosed area.</p> <p>AD Suggested that having the senior site manager at Suffolk at Meeting 5 may be beneficial.</p>	<p>MT to contact Emma Hay</p> <p>MK to send JL and his plus 1 an invite to meeting (LBBG management group)</p> <p>AD/JMi to contact senior site manager at Suffolk regarding flushing animals out of an enclosed area</p>
6	<p>Any other business and date for LBBGSG meeting 5</p> <p>ID Noted no other business was raised and confirmed a date for LBBGSG Meeting 5 would be in mid-late November. Noted how collaborative Meeting 4 had been.</p> <p>JL Thanked members for their contribution in all SG Meetings.</p>	