



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Annex 1D - Record of HRA Derogation Consultation

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Glossary of Acronyms

AEol	Adverse Effect on Integrity
DCO	Development Consent Order
Defra	Department for the Environment and Rural Affairs
DEL	Dudgeon Extension Limited
DEP	Dudgeon Offshore Wind Farm Extension Project
DOW	Dudgeon Offshore Wind Farm
EPP	Evidence Plan Process
ETG	Expert Topic Group
EU	European Union
FFC	Flamborough and Filey Coast
GW	Greater Wash
HRA	Habitats Regulations Assessment
HPMA	Highly Protected Marine Area
IFCA	Inshore Fisheries and Conservation Authority
LPA	Local Planning Authority
MEEB	Measures of Equivalent Environmental Benefit
MMO	Marine Management Organisation
MOD	Ministry of Defence
MPA	Marine Protected Area
NNC	North Norfolk Coast
NPS	National Policy Statement
OWF	Offshore Wind Farm
OWIC	Offshore Wind Industry Council
OWIC DS	Offshore Wind Industry Council Derogation Subgroup
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SEL	Scira Extension Limited
SEP	Sheringham Offshore Wind Farm Extension Project

SNCB	Statutory Nature Conservation Body
SoS	Secretary of State
SOW	Sheringham Shoal Offshore Wind Farm
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
UK	United Kingdom

Glossary of Terms

Dudgeon Offshore Wind Farm Extension site	The Dudgeon Offshore Wind Farm Extension offshore lease area.
Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension site as well as all onshore and offshore infrastructure.
DCO Order Limits	The area subject to the application for development consent, including all permanent and temporary works for DEP and SEP.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, potential Special Protection Areas, Special Protection Areas, Ramsar sites, proposed Ramsar sites and sites compensating for damage to a European site and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017, although some of the sites listed here are afforded equivalent policy protection under the National Planning Policy Framework (2021) (paragraph 176) and joint Defra/Welsh Government/Natural England/NRW Guidance (February 2021).
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the EIA and HRA for certain topics.
Sheringham Shoal Offshore Wind Farm Extension site	Sheringham Shoal Offshore Wind Farm Extension lease area.
Sheringham Shoal Offshore Wind Farm Extension Project (SEP)	The Sheringham Shoal Offshore Wind Farm Extension site as well as all onshore and offshore infrastructure.
The Applicant	Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the named undertakers that have the benefit of the Development Consent Order. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.

RECORD OF HRA DEROGATION CONSULTATION

5.1 Introduction

5.1.1 Background

1. The Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) are proposed extensions to the existing Sheringham Shoal and Dudgeon Offshore Wind Farms (SOW and DOW). When operational, SEP and DEP would have the potential to generate renewable power for around 785,000 United Kingdom (UK) homes from up to 23 wind turbines at SEP and up to 30 wind turbines at DEP.
2. Equinor New Energy Limited (The Applicant) is submitting an application for a Development Consent Order (DCO), including a **Report to Inform Appropriate Assessment (RIAA)** (document reference 5.4). For the kittiwake feature of the Flamborough and Filey Coast Special Protection Area (SPA) and the Sandwich tern feature of the North Norfolk Coast SPA and Greater Wash SPA, the **RIAA** (document reference 5.4) concludes that an adverse effect on site integrity (AEol) cannot be ruled out due to in-combination collision risk impacts for kittiwake and in-combination combined displacement and collision risk impacts for Sandwich tern. For all other sites and features assessed in the **RIAA** (document reference 5.4), a conclusion of no AEol is reached.
3. In light of the Applicant's conclusions for kittiwake and Sandwich tern, the Applicant is providing a Habitats Regulations Assessment (HRA) derogation case (**Habitats Regulations Derogation: Provision of Evidence**, document reference 5.5) to inform Stage 3 of the HRA process. Additionally, in response to feedback from consultation undertaken during the pre-application period (including on the draft RIAA provided as part of the section 42 consultation) and discussions with the ornithology compensation Expert Topic Group (ETG), the derogation case includes the gannet, guillemot and razorbill features of the Flamborough and Filey Coast SPA. However, the Applicant's **RIAA** concludes no AEol for these features; therefore, the HRA derogation case and associated compensatory measures are provided on a 'without prejudice' basis for these species. This approach is in accordance with the draft Overarching National Policy Statement for Energy (NPS EN-1) (BEIS, 2021a), the draft National Policy Statement for Renewable Energy (NPS EN-3) (BEIS, 2021b) and statements from the Secretary of State (SoS) in the Hornsea Project Three and Norfolk Boreas decisions.

5.1.2 Purpose of Document

4. This document provides a detailed account of all the consultation undertaken in relation to the Applicant's HRA derogation case and specifically in the development of compensatory measures. This document is intended to show the extensive and iterative consultation process undertaken during the pre-application phase, which has informed the Applicant's approach to the development of compensatory measures as well as the nature and details of the compensatory measures themselves.

5. This document supplements information presented in the **Consultation Report** (document reference 5.1), which provides a high-level overview of HRA derogation consultation as well as detailed records of consultation undertaken as part of the Evidence Plan Process (EPP), in line with the Planning Inspectorate's Advice Note 10: Habitats Regulations Assessment relevant to Nationally Significant Infrastructure Projects (January 2017) (N.B AN 10 was subsequently updated in August 2022, v9, but after the finalisation of the SEP and DEP DCO application).
6. Key information in the **Consultation Report Appendix 1** (document reference 5.2.1) relevant to this document includes ETG meeting minutes and agreement logs. This document does not seek to duplicate this information and should therefore be read in conjunction with the **Consultation Report** (document reference 5.1) and supporting appendices.

5.2 Consultation

5.2.1 Overview

7. The Applicant has given early and detailed consideration to the requirement for compensatory measures and has consulted with a range of stakeholders at regular intervals throughout the pre-application process. Feedback from the consultation has been used to shape the development of the compensatory measures. This is in line with the recommendations in Defra *et al.* (2021) which states:

“Applicants should recognise the possible need for compensation early on in the process and should discuss all potential compensatory measures with the responsible authority at an early stage of development. These discussions will be exploratory in nature to assist the Applicant in demonstrating the potential efficacy and feasibility of compensatory measures to regulators.”
8. An overview of the pre-application engagement is provided in **Plate 1** and **Table 1**. The latter includes all engagement up to 12 August 2022 however, engagement with stakeholders is ongoing.
9. For clarity, the Applicant is also providing a without prejudice derogation case, including proposals for measures of equivalent environmental benefit (MEEB) under the Marine and Coastal Access Act with respect to the Cromer Shoal Chalk Beds Marine Conservation Zone (refer to **Marine and Coastal Access Act Derogation: Provision of Evidence** (document reference 5.7) for details). In some cases consultation on HRA compensation and MEEB has been undertaken in tandem and so there is some reference to MEEB within this document. For a full record of MEEB derogation consultation, see **Appendix 1 In-Principle Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Measures of Equivalent Environmental Benefit (MEEB) Plan** (document reference 5.7.1).

Derogation Consultation

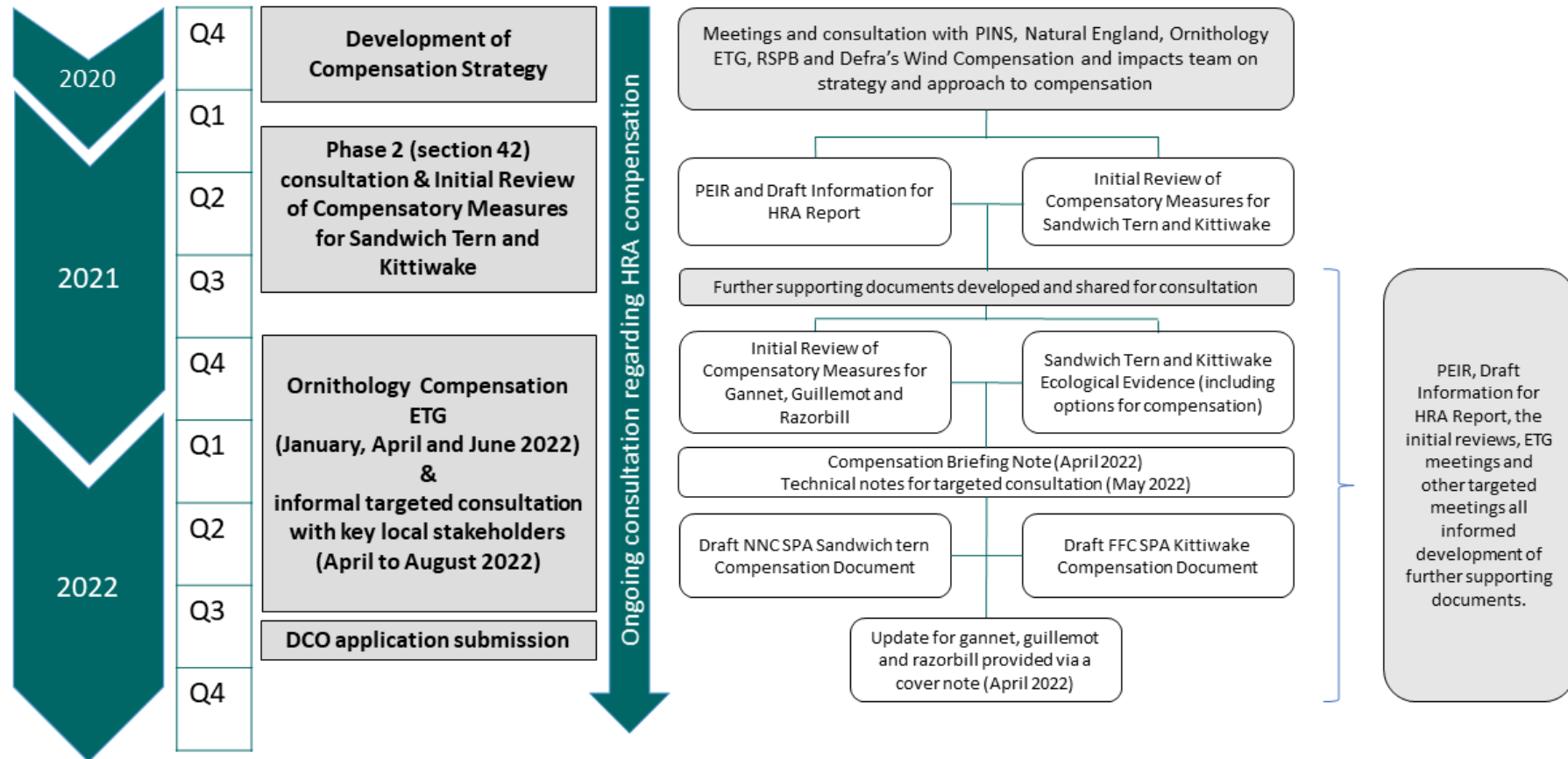


Plate 1: Overview of Pre-Application Consultation on Derogation and Compensatory Measures

5.2.2 Summary of Engagement with Section 42 Consultees

5.2.2.1 Natural England

10. Engagement with Natural England with respect to HRA compensation was first undertaken in November 2020 via a briefing note issued by the Applicant outlining its proposed approach to compensation. Natural England provided a written response to this note prior to the Offshore Ornithology ETG3 meeting, which was held in December 2020.
11. To date, Natural England has attended a total of seven pre-application meetings as well as numerous monthly update meetings, commencing in June 2020, which have covered HRA compensation. This engagement included four ETG meetings in December 2020, January 2022, April 2022 and June 2022, as well as a one-to-one meeting in June 2021 to discuss feedback provided on the Draft Outline In-Principle Compensation Plan and a targeted meeting to discuss the site selection work for Sandwich tern compensation. In addition, Natural England has been issued documents for consultation on seven separate occasions and provided written feedback in three instances. Feedback has also been provided via email on an ad-hoc basis at the Applicant's request.

5.2.2.2 Marine Management Organisation

12. The Marine Management Organisation (MMO) was first consulted with respect to HRA compensation in December 2020 during the Offshore Ornithology ETG3 meeting. To date, the MMO has attended a total of five pre-application meetings with respect to HRA compensation, including four ETG meetings between November 2020 and June 2022 and a one-to-one meeting in May-July 2021 to discuss feedback on the Draft Outline In-Principle Compensation Plan. The MMO has been issued documents for consultation on five separate occasions, but has not provided written responses on this subject.

5.2.2.3 Royal Society for the Protection of Birds

13. The Royal Society for the Protection of Birds (RSPB) was initially consulted with respect to HRA compensation during the Offshore Ornithology ETG3 meeting in December 2020. To date, the RPSB have attended six pre-application meetings covering HRA compensation, including four ETG meetings between November 2020 and June 2022 (one Offshore Ornithology ETG and three Ornithology Compensation ETGs) and two targeted meetings which took place on 10th May 2022 and 24th May 2022. These targeted meetings included discussions with the RSPB Bycatch Team to discuss bycatch prevention measures for guillemot, razorbill and gannet in the UK and Europe and to discuss alternative locations to deliver restoration of breeding habitat for Sandwich tern, respectively. The RSPB have been issued documents in writing on six occasions and provided written feedback on three occasions. Feedback has also been provided via email on an ad-hoc basis at the Applicant's request.

5.2.3 Summary of Engagement with Others

5.2.3.1 The Planning Inspectorate

14. Engagement with the Planning Inspectorate (PINS) with respect to HRA compensation commenced in November 2020 with the issue of a briefing note by the Applicant outlining its proposed approach to compensation. A further project update meeting also took place in November 2020. To date, the Applicant has had five pre-application project update meetings (December 2020 to July 2022), which have been undertaken in accordance with Section 51 of the Planning Act 2008 and specifically covered HRA derogation. PINS were invited to attend the Ornithology Compensation ETG meetings and subsequently attended the first one in January 2022. PINS has been issued written information on five occasions but has not provided written responses on this subject.

5.2.3.2 Defra

15. Engagement with Defra began in December 2021, when a meeting was held to discuss the Applicant's proposed approach to developing compensatory measures. Defra and the Applicant have had four pre-application meetings between December 2021 and July 2022. These meetings have been focused on the Applicant's approach to ornithological compensation (and MEEB). The Applicant has also used this engagement to seek advice and guidance on the correct interpretation of the draft Defra Guidance (2021) and implications of the emergence of the Offshore Wind Environmental Improvement Package to 2017 Extension Projects, including SEP and DEP.

5.2.3.3 National Trust

16. The first record of consultation with the National Trust was in May 2021 with the issue of the PEIR and Draft Information for HRA Report for consultation. A dedicated meeting was held with the National Trust in December 2021 to provide a more detailed introduction to the project and outline proposed compensatory measures for Sandwich tern at Blakeney Point, which is managed by the National Trust. The National Trust has attended four pre-application meetings covering HRA derogation, including two ornithology ETG meetings in January 2022 and April 2022. As they could not attend ETG3 in June 2022, a separate update meeting was held in July 2022 to provide a summary of outcomes and discuss further potential opportunities to support Sandwich tern conservation within NNC SPA. Further engagement via email has also been undertaken with the Countryside Manager for the Farne Islands SPA to discuss the Applicant's Sandwich tern compensatory proposal for this location.

5.2.3.4 Other Local Stakeholders

17. The following stakeholders have been consulted pre-application on specific components of the Applicant's compensation proposals:
- NNC / GW SPA Sandwich tern:
 - Marine Scotland

- NatureScot
 - Crown Estate Scotland
 - Ministry of Defence (MOD)
 - Relevant landowners
 - FFC SPA kittiwake:
 - Gateshead Council
 - East Suffolk Council
 - Lowestoft Kittiwake Partnership (via ABPmer and RSPB representatives)
 - FFC SPA gannet, guillemot and razorbill:
 - North Eastern IFCA
 - Northumberland IFCA
 - Individual fishers and fishing representatives in the northeastern region
18. More generally, engagement with the Wash and North Norfolk Marine Partnership has also been undertaken on two occasions between March and June 2022 to discuss broader environmental matters and opportunities specific to the Wash and North Norfolk area. This engagement included a discussion of the Applicant's compensation (and MEEB) proposals.
19. Seventeen meetings have been held with local stakeholders between May 2021 and July 2022. One email exchange with the Northumberland IFCA was also noted, along with one-to-one telephone conversations with individual fishers and fishing representatives.

5.2.3.5 The Offshore Wind Industry Council Derogation Subgroup

20. The Offshore Wind Industry Council Derogation Subgroup (OWIC DS) was formed in August 2021 to support the work of the Pathways to Growth Coordination Group, specifically in relation to HRA derogation, which is recognised as a key barrier to the growth of offshore wind.
21. The OWIC DS is a developer collaboration of which Equinor is an active member. Equinor has, on behalf of the Applicant, undertaken regular engagement with this forum during the pre-application phase for SEP and DEP to support the wider offshore wind industry's work towards developing a strategic compensation delivery mechanism.

Table 1: Pre-Application Programme of Engagement (Ordered Chronologically By Commencement Date)

Date	Consultee(s)	Activity	Details
Initial Development of HRA Compensation Strategy			
November 2020	PINS, Natural England	Outline Approach to Compensation note issued for consultation	Submission of a note outlining the Applicant's proposed approach to compensation, dated 18 November 2020.
November 2020	PINS	Meeting	Project update meeting held to discuss the Applicant's proposed approach to compensation (i.e. note dated 18 November 2020).
November 2020	Natural England	Consultation response	Natural England provided written comments on the Applicant's Outline Approach to Compensation note dated 18 November 2020.
December 2020	Ornithology ETG: MMO, Natural England, RSPB	Meeting	Initial discussion on the Applicant's proposed approach to developing compensatory measures pre-application. See the Consultation Report Appendix 1 (document reference 5.2.1) for minutes of this meeting.
January 2021	Defra's Offshore Wind Compensation and Impacts team	Meeting	An initial meeting was held to discuss the Applicant's proposed approach to developing compensatory measures pre-application (Defra was issued with a copy of the Outline Approach to Compensation note dated 18 November 2020 prior to the meeting).
Section 42 / Phase Two consultation			
29 April 2021 – 10 June 2021	All	Preliminary Environmental Information Report (PEIR) and Draft Information for HRA Report issued for consultation	<p>Section 42 / Phase Two consultation on the PEIR and the Draft Information for HRA Report, which covered Stage 1 screening (i.e. identification of sites screened for further consideration in the draft Appropriate Assessment).</p> <p>At the point of submission of the Draft Information for HRA Report, the Applicant's assessment conclusions and position on HRA derogation were:</p>

Date	Consultee(s)	Activity	Details
			<ul style="list-style-type: none"> • North Norfolk Coast SPA (NNC SPA): No AEoI on the Sandwich tern feature (either alone or in-combination). Without prejudice derogation case is required. • Flamborough and Filey Coast SPA (FFC SPA): No AEoI on the kittiwake feature (either alone or in-combination). Without prejudice derogation case is required. • Flamborough and Filey Coast SPA (FFC SPA): No AEoI on the gannet, guillemot and razorbill features (either alone or in-combination). Without prejudice derogation case is <u>not</u> required. <p>As such, a Draft Outline In-Principle Compensatory Measures Plan for Sandwich tern (NNC SPA) and kittiwake (FFC SPA) was prepared in parallel to the Draft Information for HRA Report.</p>
<p>Consultation on the Draft Outline In-Principle Compensation Plan (for Sandwich Tern and Kittiwake)</p>			
<p>March 2021</p>	<p>Natural England</p>	<p>Draft Outline In-Principle Compensation Plan issued for consultation</p>	<p>The Draft Outline In-Principle Compensation Plan described potential in-principle compensatory measures for NNC SPA Sandwich terns and FFC SPA kittiwakes. This document was provided to Natural England for consultation to ensure that the without prejudice compensatory proposals for Sandwich tern and kittiwake took account of stakeholder advice as early as possible during the pre-application process.</p> <p>It should be noted that the Draft Outline In-Principle Compensation Plan has been provided as part of the DCO application as Annex 1A: Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake (document reference 5.5.1.1). However, it is referred to in this document as per the original title at the point of consultation.</p>
<p>May 2021</p>	<p>Natural England</p>	<p>Consultation response</p>	<p>Natural England provided comments on the Draft Outline In-Principle Compensation Plan.</p>

Date	Consultee(s)	Activity	Details
May 2021	RSPB, National Trust (site managers at Blakeney Point)	Draft Outline In-Principle Compensation Plan issued for consultation	Equinor provided the Draft Outline In-Principle Compensation Plan for consideration alongside the Section 42 / Phase Two consultation.
May – July 2021	Natural England, RSPB, MMO	Meetings	One-to-one meetings were held with each stakeholder to review and discuss feedback provided on the Draft Outline In-Principle Compensation Plan and, where possible, agree on the next steps
December 2021	National Trust	Meeting	The Applicant undertook a dedicated meeting with National Trust to introduce them to SEP and DEP and outline in further detail proposed compensatory measures for Sandwich tern, focusing on proposed measures at the breeding colony at Blakeney Point (which is managed by National Trust). The Draft Outline In-Principle Compensation Plan was provided before this meeting to inform discussions.
Ongoing Consultation on Supporting Documents			
November / December 2021	Natural England, RSPB, MMO, National Trust	<p>Several supporting documents were issued for consultation</p> <p>These documents were also shared with Defra for information only.</p>	<p>The following documents were shared for consultation ahead of Ornithology Compensation ETG1 (January 2022):</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note • Considerations of compensation options for Sandwich terns and kittiwakes (MacArthur Green, 2021a) • Approach to guillemot, razorbill and gannet without prejudice compensatory measures <p>Consideration was given to guillemot, razorbill and gannet at this stage, recognising that other offshore wind farm (OWF) projects had recently proposed in-principle compensation plans for other breeding seabird qualifying features of the FFC SPA. Furthermore, in relation to SEP and DEP, Natural England advised in their s42 response that, once the final analysis of the data is included for this and other projects, there may be other species for which an AEol cannot be ruled out.</p>

Date	Consultee(s)	Activity	Details
			<p>It should be noted that 'Considerations of compensation options for Sandwich terns and kittiwakes' and 'Approach to guillemot, razorbill and gannet without prejudice compensatory measures have been provided as part of the DCO application as Annex 1B: Sandwich Tern and Kittiwake Ecological Evidence (document reference 5.5.1.2) and Annex 1C: Initial Review of Compensatory Measures for Gannet, Guillemot and Razorbill, respectively. However, these documents are referred to in this document as per their original titles at the point of consultation.</p>
<p>December 2021 / January 2022</p>	<p>Natural England, RSPB, National Trust</p>	<p>Consultation response</p>	<p>Natural England, RSPB and National Trust provided written responses to the documents issued in November/December 2021.</p>
<p>April 2022</p>	<p>Natural England, RSPB, MMO, National Trust, PINS</p>	<p>HRA Compensation Briefing note issued ahead of the Ornithology Compensation ETG2 (April 2022)</p>	<p>The briefing note described the main developments concerning the proposed compensatory measures since the last consultation round to enable more targeted engagement around the critical remaining issues and questions.</p> <p>This note also informed ETG members of the Applicant's updated position with respect to the conclusions of the draft RIAA and subsequent HRA derogation:</p> <ul style="list-style-type: none"> • Sandwich tern from the NNC/GW SPA – the draft RIAA concluded that AEoI cannot be ruled out as a result of predicted mortality due to collision risk and combined displacement and collision risk when considered in-combination with other OWFs. As such, the Applicant has provided compensatory measures as part of its DCO application to compensate for the predicted effects of SEP and DEP. • Kittiwake from the FFC SPA - the draft RIAA concludes that AEoI cannot be ruled out as a result of predicted mortality due to collision risk when considered in-combination with other OWFs. As such,

Date	Consultee(s)	Activity	Details
			<p>the Applicant has provided compensatory measures as part of its consent application to compensate for the predicted effects of SEP and DEP.</p> <ul style="list-style-type: none"> Gannet, Guillemot and Razorbill from FFC SPA - The draft RIAA concludes no AEoI as a result of predicted mortality due to combined displacement and collision risk (gannet) and displacement (guillemot and razorbill), either alone or in-combination with other OWFs. In the event that the SoS cannot conclude no AEoI with respect to these features, the Applicant has developed without prejudice compensatory measures that could be applied to compensate for the predicted effects of SEP and DEP. <p>This updated position was informed by ongoing work on the various supporting ornithological assessments, feedback received during the latest round of consultation in January 2022, and recent decisions taken by the SoS and other OWF projects.</p> <p>Feedback from consultees on the HRA Compensation Briefing note was provided verbally during Ornithology Compensation ETG2 (April 2022).</p>
May 2022	Natural England, RSPB, MMO, National Trust, PINS	A technical note was issued for consultation	<p>To address specific actions from Ornithology Compensation ETG2, the Applicant issued the following technical note:</p> <ul style="list-style-type: none"> Productivity benefits of improving artificial nest sites for kittiwake in Lowestoft and Gateshead <p>Feedback from consultees on this technical note was provided verbally during Ornithology Compensation ETG3 (June 2022). RSPB also provided a written consultation response in July 2022.</p>
June 2022	Natural England, RSPB, MMO, National Trust, PINS	Several supporting documents were issued for consultation	<p>The following documents were shared for consultation ahead of Ornithology Compensation ETG3 were:</p> <ul style="list-style-type: none"> SEP and DEP HRA Compensation cover note

Date	Consultee(s)	Activity	Details
			<ul style="list-style-type: none"> •Draft NNC SPA Sandwich Tern Compensation Document – covering nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan only •Draft FFC SPA Kittiwake Compensation Document – covering nest site improvements only <p>Feedback from consultees on these documents was provided verbally during Ornithology Compensation ETG3.</p>
<p>ETG Meetings – minutes of meetings and agreement logs are provided as part of the Consultation Report Appendix 1 (document reference 5.2.1)</p>			
<p>Offshore Ornithology ETG3: December 2020</p>	<p>Natural England, RSPB, MMO</p>	<p>Meeting</p>	<p>An update was provided by the Applicant on its plans for early pre-application engagement with ETG members on potential compensatory measures for kittiwake and Sandwich tern. The Draft Outline In Principle Compensation Plan was shared prior to the PEIR, including the identification of specific questions to aid consultees’ in responding.</p>
<p>Ornithology Compensation ETG1: January 2022</p>	<p>Natural England, RSPB, MMO, National Trust and PINS (invited to attend)</p>	<p>Meeting</p>	<p>This meeting covered a review and discussion of the following documents issued to ETG members in November 2021:</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note • Considerations of compensation options for Sandwich terns and kittiwakes • Approach to guillemot, razorbill and gannet without prejudice compensatory measures <p>It should be noted that ‘Considerations of compensation options for Sandwich terns and kittiwakes’ and ‘Approach to guillemot, razorbill and gannet without prejudice compensatory measures have been provided as part of the DCO application. These documents are referred to as Annex 1B: Sandwich Tern and Kittiwake Ecological Evidence (document reference 5.5.1.2) and Annex 1C: Initial Review of Compensatory Measures for Gannet, Guillemot and Razorbill, respectively.</p>

Date	Consultee(s)	Activity	Details
Ornithology Compensation ETG2: April 2022	Natural England, RSPB, MMO, National Trust and PINS (invited to attend)	Meeting	This meeting covered a review and discussion of the information presented in the HRA Compensation Briefing note, which was provided to ETG members ahead of Ornithology Compensation ETG2.
Ornithology Compensation ETG3: June 2022	Natural England, RSPB, MMO and PINS (invited to attend)	Meeting	<p>This meeting covered a review and discussion of the following documents issued to ETG members ahead of Ornithology Compensation ETG3.</p> <ul style="list-style-type: none"> •SEP and DEP HRA Compensation cover note •Draft NNC SPA Sandwich Tern Compensation Document – covering nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan only •Draft FFC SPA Kittiwake Compensation Document – covering nest site improvements only <p>This review was undertaken against the Natural England ‘checklist’. This meeting also included further review and discussion of compensation options for gannet, guillemot and razorbill.</p>
Further Targeted Engagement with ETG Members and Other Stakeholders			
June 2020 to July 2022 Monthly Meetings	Natural England	Meetings	These un-minuted monthly ‘catch-up’ meetings allowed the Applicant to update Natural England on recent project developments, including discussions on compensation proposals.
12 February 2021 20 September 2021 20 January 2022 19 July 2022	PINS	Meetings	In accordance with Section 51 of the Planning Act 2008, the Applicant has undertaken regular consultation with PINS to obtain advice in relation to the DCO application for SEP and DEP. Discussion of HRA derogation matters specifically commenced in November 2020 with the initial development of the HRA compensation strategy (see above).
30 June 2021 16 December 2021 15 March 2022	Defra’s Offshore Wind Compensation and Impacts team	Meetings	Meetings were held to provide general project updates, although the focus was on HRA compensation (and MEEB) with discussions around the proposed compensatory measures and their iterative development. Defra also provided updates on their approach to and development of

Date	Consultee(s)	Activity	Details
12 July 2022			strategic compensation measures (e.g. prey enhancement) to support future OWF development.
16 February 2022	ABPmer (as a member of the Lowestoft Kittiwake Partnership)	Meeting	To understand who is involved/leading the development of the Lowestoft Kittiwake Partnership and the organisation's ambitions.
21 March 2022 6 June 2022	The Wash and North Norfolk Marine Partnership	Meeting	Meeting held to understand the views and representations of the partnership on other local offshore projects, Highly Protected Marine Areas (HPMAs), and local MPA management plans. A further meeting was held to provide an update on the Applicant's compensation (and MEEB) proposals for SEP and DEP and to provide information on the broader environmental and community initiatives promoted by Equinor within North Norfolk.
5 April 2022	NatureScot and Marine Scotland	Meeting	<p>One of the compensation measures considered for Sandwich tern is the restoration of breeding habitat at Loch Ryan, Scotland. A meeting was therefore held with NatureScot and Marine Scotland to understand:</p> <ul style="list-style-type: none"> • Whether this option was worth pursuing further or whether there are fundamental challenges/obstacles which could hinder/prevent delivery; • the processes and stakeholders who would need to be involved moving forward, including the permissions and licences that would be required; and • timescales for permissions and licences.
8 April 2022 3 May 2022 26 May 2022 14 July 2022	Gateshead Council	Meetings	Meetings were held with Gateshead Council to discuss the Applicant's proposal for the Saltmeadows kittiwake nesting tower potential and to provide the council with the opportunity to feed into the outline design. Potential challenges/obstacles to implementation or delivery were also discussed, and the proposals updated accordingly.
27 April 2022 25 July 2022	North Eastern IFCA	Meeting	An initial meeting was held to discuss gillnetting activity in the east and north-eastern region and local bylaw considerations. A further meeting was held in July to discuss greater detail gillnet activity in the east and

Date	Consultee(s)	Activity	Details
			north-eastern region, including details of active gillnetters, seasonality of the fishery, targeted areas and typical target species.
28 April 2022 20 June 2022 11 July 2022	MOD	Emails	Several requests were made to the MOD as the relevant landowner for information related to Foulness SPA. Identifying the appropriate MOD department to assist with the enquiry has proved challenging for the Applicant.
3 May 2022	Crown Estate Scotland	Meeting	Meeting held to outline the Applicant's Sandwich tern proposal at Loch Ryan, Scotland and to understand what leases and/or licence would be required and whether there is potential for any conflict with other project proposals in the area.
10 May 2022	RSPB Bycatch Team	Meeting	Meeting held to discuss bycatch prevention measures for guillemot, razorbill and gannet in the UK and Europe.
18 May 2022	East Suffolk Council	Meeting	Following an initial email sent to East Suffolk Council on 12 May 2022, this meeting was held to clarify aspects of the Applicant's proposal for artificial nesting structures for kittiwakes in Lowestoft.
24 May 2022	Natural England and RSPB	Meeting	Meeting held to discuss alternative locations suggested by RSPB on 13 May 2022 to deliver restoration of breeding habitat for Sandwich tern closer to the North Norfolk Coast.
21 June 2022	Lowestoft Kittiwake Partnership	Meeting	A meeting was held to introduce the SEP and DEP project and the Applicant's proposal for artificial nesting structures for kittiwakes in Lowestoft and to learn more about the aims and ambitions of the partnership.
28 June 2022	RSPB	Consultation response	Following discussions on alternative locations to deliver restoration of breeding habitat for Sandwich tern, RSPB shared some recommended design principles for Sandwich tern compensation sites.
4 July 2022	National Trust	Meeting	National Trust could not attend Ornithology Compensation ETG3, so a separate meeting was held to provide an update on the discussions and outcomes of this meeting. There was also a targeted discussion about a potential opportunity to support the work of the National Trust at

Date	Consultee(s)	Activity	Details
			Blakeney Point as an added value measure and in addition to the compensation measures proposed for Sandwich tern.
18 July 2022	East Suffolk Council	Pre-application consultation request	<p>The Applicant submitted a formal pre-application consultation request to East Suffolk Council seeking feedback on a proposed shortlist of locations for delivering artificial kittiwake nesting in Lowestoft. The Applicant also sought input on any other suggested sites that should be taken forward for further consideration. As part of the Applicant's submissions, the following technical note was also provided for information:</p> <ul style="list-style-type: none"> • Technical Note: Pre-application consultation on locations for improved artificial kittiwake nesting at Lowestoft
25 July 2022	Individual fishers and fishery representatives	Telephone	One-to-one telephone calls were held with individual fishers and representatives to discuss gillnetting activities in the northeastern region.
25 July 2022	Northumberland IFCA	Email	An email exchange was had to discuss gillnet activity in the east and north-eastern region, including details of active gillnetters, seasonality of the fishery, targeted areas and typical target species.
9 August 2022	National Trust	Email	Email exchange with the Countryside Manager for the Farne Islands SPA to further discuss Sandwich tern compensatory proposal for the Farne Islands SPA.
2021 – ongoing	OWIC DS	Meetings	At the strategic level, Equinor is engaged in the OWIC DS, a developer collaboration seeking to support the industry in working towards strategic compensation delivery.

5.3 Consultation on Compensatory Measures

22. Since the close of the Section 42 statutory consultation period on 10 June 2021, the Applicant has undertaken extensive consultation with Section 42 consultees and others to mature its compensatory proposals and identify any potential barriers to implementing and securing the proposed measures.
23. **Table 2** below provides a complete list of ongoing consultation activities undertaken between 11 June 2021 and 12 August 2022 in relation to the development of compensatory measures. However, engagement with stakeholders is ongoing. This table includes information on key feedback and how this has been considered and reflected within the compensation proposals for:
- NNC SPA / GW SPA Sandwich tern – **Appendix 2 Sandwich Tern Compensation Document** (document reference 5.5.2);
 - FFC SPA kittiwake – **Appendix 3 Kittiwake Compensation Document** (document reference 5.5.3); and
 - FFC SPA gannet, guillemot and razorbill – **Appendix 4 Gannet, Guillemot and Razorbill Compensation Document** (document number: 5.5.4).
24. This table includes reference to the Draft Outline In-Principle Compensation Plan for Sandwich tern and kittiwake, recognising that this was consulted on alongside the Section 42 Consultation on the PEIR, with engagement extending beyond 10 June 2021.
25. Meeting minutes and agreement logs for the Ornithology Compensation ETG meetings held between January 2022 and June 2022 can be found in the **Consultation Report Appendix 1** (document reference 5.2.1), with a summary provided in **Table 2** below.

Table 2 Record of ongoing consultation activities in relation to the compensatory measures for offshore ornithology

Date	Consultees	Format	Details	Summary of key feedback and outcomes
Consultation on the Draft Outline In-Principle Compensation Plan for Sandwich Tern and Kittiwake and Supporting Evidence Documents				
April - May 2021	Natural England	Written communication/consultation response	<p>In March 2021, the Applicant provided the Draft Outline In-Principle Compensation Plan to Natural England describing potential in-principle compensatory measures for North Norfolk Coast SPA Sandwich tern and Flamborough and Filey Coast SPA kittiwake. Natural England provided a written response to this and comments were also discussed in a meeting.</p>	<p>Natural England welcomed the consultation being undertaken at this early stage of the pre-application process and indicated that further consideration was required of the options that had been presented.</p> <p>With respect to both Sandwich tern and kittiwake, Natural England indicated that prey enhancement/fisheries management options should not be scoped out at this stage, citing their ongoing engagement with Defra and other parties (i.e. in recognition of the fact that such strategic measures would need to be delivered by government).</p> <p>With respect to Sandwich tern, Natural England advised that they could not support the proposals at NNC SPA on account of additionality issues, potential impacts on other designated sites and, in the case of the control of gulls, the protected nature of Mediterranean gulls. They also advised that <i>“If a robust package of compensatory measures that relate to the impacted SPA cannot be identified, then actions which could benefit the wider network of sandwich tern colonies would need to be considered. It may be that there are locations that have previously held sandwich tern colonies, but no longer do so, due to factors that could be targeted by conservation measures e.g. restoration of lagoon islands, management of disturbance etc.”</i> As a result of this feedback the Applicant widened its consideration of measures to include sites outside NNC SPA.</p> <p>With respect to kittiwake, Natural England considered that there was likely to be merit in exploring options to</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>utilise existing offshore structures in UK waters to create artificial nest sites, and that identifying suitable locations will now be a limiting factor with regard to coastal sites. They felt it was unclear how the proposed adjustment of existing artificial nest sites would be additional to what is already proposed by other projects. As a result of this feedback the Applicant further explored the potential for offshore artificial breeding sites and developed detailed information describing the intended productivity benefits of the adjustment of existing artificial nest sites.</p>
<p>May - July 2021</p>	<p>RSPB, National Trust (site managers at Blakeney Point)</p>	<p>Written communication</p>	<p>In May 2021, the Applicant provided the Draft Outline In-Principle Compensation Plan to wider stakeholders for consideration alongside the Section 42 / Phase Two consultation.</p>	<p>N/A</p>
<p>December 2021</p>	<p>National Trust</p>	<p>Written communication / meeting / consultation response</p>	<p>National Trust provided a written consultation response to the following documents that were shared with Ornithology ETG members in November / December 2021 ahead of Ornithology Compensation ETG1 in January 2022:</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note 	<p>National Trust provided further information about its current management of Blakeney Point. This information assisted the Applicant in identifying and appraising potential compensatory measures at this breeding colony within the NNC SPA. This engagement has informed the Applicant's approach to identifying compensatory measures and has, in part, led to the delivery of compensatory measures at Blakeney Point being discounted primarily on the grounds of 'additionality' considerations. See Table 6-2 in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) for further information.</p> <p><u>Strategic/government-led prey enhancement measures</u></p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
			<ul style="list-style-type: none"> • Considerations of compensation options for Sandwich terns and kittiwakes • Approach to guillemot, razorbill and gannet without prejudice compensatory measures. <p>Prior to this the Applicant held a meeting with National Trust on 21st December 2021 to update them on the project and to share all of the information provided to date with the ETG members on compensatory measures.</p>	<p>National Trust confirmed that <i>“our view is that prey enhancement measures have the potential to make the biggest difference in the future and there is scope for development of compensation in this area.”</i> They also stated that <i>“we would welcome more evidence being available to site managers to gain a better understanding of the links between prey availability and productivity”</i>.</p> <p>The Applicant wholly supports the National Trusts position with respect to this and is committed to continuing to support industry-wide and Government efforts to specifically explore prey enhancement as a strategic compensatory measure for offshore wind, including the development of the necessary supporting evidence. Further information regarding this is provided within Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p> <p><u>Sandwich tern</u> The National Trust raised concerns about whether the measures proposed could be considered <i>“additional to the resources already in place”</i> as their management <i>“is kept under review and where additional measures are identified these are implemented”</i>. National Trust did, however, support the option of restoring a third breeding site within the NNC SPA, although it raised some concerns concerning the nature of this as a compensation measure and practical considerations.</p> <p>In light of this feedback from the National Trust and other ETG members on the Applicant's proposals, the option to deliver compensatory measures at NNC SPA was discounted and not considered further. Several</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>challenges were also identified in relation to restoring a third breeding site, including uncertainty as to whether this would represent compensation and, most critically, the potential adverse implications for the existing colonies at Scolt Head and Blakeney Point. As such, this measure was also discounted. See Table 6-2 in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) for a complete list of discounted measures.</p>
<p>January 2022</p>	<p>Natural England</p>	<p>Written communication / consultation response</p>	<p>Natural England provided a written consultation response to the following documents that were shared with Ornithology ETG members in November / December 2021 ahead of Ornithology Compensation ETG1 in January 2022:</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note • Considerations of compensation options for Sandwich terns and kittiwakes 	<p>Natural England welcomed the information provided by the Applicant to support the considerations of the ecological merits of ornithological compensation measures for DEP and SEP.</p> <p><u>Strategic/Government led prey enhancement measures</u> Natural England advised that <i>“any strategic options will have to have regulatory ‘buy in’ at the time of consent”</i>.</p> <p>The Applicant has continued to engage with Defra regularly to understand the direction of travel for strategic measures. As part of its approach to strategic compensation, the Applicant has proposed an option to contribute to a Strategic Compensation Fund wholly or partly in place of the Applicant’s proposed project-led measures or as an adaptive management measure. This approach is considered to reflect Defra’s proposal to introduce legislation to enable the establishment of the Marine Recovery Fund and confirmation that this can be recognised by PINS and the SoS in determining whether compensatory measures have been secured. The Applicant is also committed to continuing to support industry-wide and Government efforts to specifically explore prey enhancement as a strategic compensatory measure for offshore wind. Further information is</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
			<ul style="list-style-type: none"> Approach to guillemot, razorbill and gannet without prejudice compensatory measures 	<p>provided within Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p> <p><u>Sandwich tern</u> Natural England stated that “<i>securing delivery of compensation north of the border has been a challenge identified by other developers seeking compensation options and therefore advised that further exploration with Scottish regulators would be required</i>”. Natural England also highlighted that “<i>the ‘compensation hierarchy’ will need to be followed i.e., delivery at NNC SPA, and then wider national designated site network and then wider with clear linkages to NNC SPA populations ensuring that abundance is maintained</i>”.</p> <p>As outlined in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) and Annex 2B: Sandwich Tern Nesting Habitat Improvements Site Selection (document reference 5.5.2.2), the Applicant’s approach to identifying potential compensatory measures focused initially on North Norfolk Coast SPA before widening to consider nearby and more distant SPA and non-SPA sites. This approach aligns with the draft Defra Guidance (Defra, 2021). The iterative development of the proposals (including site selection) has been undertaken through a detailed consultation process with relevant stakeholders via the Ornithology Compensation ETGs (see the Consultation Report Appendix 1 (document reference 5.2.1) for a record of meeting minutes and agreement logs). As documented, it was necessary to look further afield in light of stakeholder feedback and challenges around additionality in delivering compensation within</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>the NNC SPA. In doing so it was recognised by the Applicant that measures to restore breeding sites outside of North Norfolk Coast SPA from which Sandwich terns have been lost would significantly improve the geographical coherence of the Sandwich tern breeding range in Britain and Ireland.</p> <p>The Applicant has since consulted with the Marine Scotland Licensing Operations Team, who confirmed that there is currently no formal Scottish policy on the delivery of compensation measures for projects located elsewhere in the UK.</p> <p>To the Applicant's knowledge, there are no Scotwind sites where Sandwich tern is likely to be impacted (Scottish Government, 2020a; 2020b). As such, there is little prospect of the restoration of the Loch Ryan island being carried out as compensation for impacts by future Scottish offshore wind projects. Furthermore, Scotwind sites, including W1 on the west coast, would be far beyond the maximum foraging range of any Sandwich terns nesting at Loch Ryan. Therefore restoration of Sandwich tern breeding habitat at this location is not considered a future risk to offshore wind development. As such, the Applicant foresees no significant regulatory challenges securing the delivery of compensation for Sandwich tern at Loch Ryan, Scotland.</p> <p><u>Kittiwake</u> Natural England confirmed that it had <i>"no objections to deployment [of an offshore nesting structure] in waters off of Northumberland should evidence be provided to demonstrate with confidence the ecological merits of the options and location will enable the impacts to FFC SPA Kittiwake population to be offset, without detriment to</i></p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p><i>the existing designated populations on that coast".</i></p> <p>Natural England also requested more information to demonstrate the additionality that would be provided by improving an existing onshore structure.</p> <p>Following further review and stakeholder consultation, the Applicant discounted the construction of new onshore or offshore artificial breeding structures for kittiwakes as a project-led measure. See Table 6-2 in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) for further information. Additional detail was provided to ETG members regarding the additionality of the Applicant's proposed approach to improving existing artificial nesting sites during subsequent HRA Compensation ETG meetings. The following technical note was also issued to ETG members: Productivity benefits of improving artificial nest sites for kittiwake in Lowestoft and Gateshead, which was shared in May 2022.</p> <p><u>Auk species</u></p> <p>Natural England referred the Applicant to recent advice to PINS on the Hornsea Four Project, Norfolk Boreas, Norfolk Vanguard and East Anglia ONE North and East Anglia TWO projects. Natural England advised <i>"that reliance on the approach taken by these projects for auks is unlikely to suffice going forwards and so more detailed and/or further compensation measures for auks should be explored"</i>.</p> <p>The Applicant has carefully reviewed Natural England advice concerning other OWF projects and given regard to this where appropriate within its compensation proposal (see Appendix 4 Gannet, Guillemot and Razorbill Compensation Document, document</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>reference 5.5.4). However, there remain limited suitable compensatory measures for these species.</p> <p>Natural England provided no advice with respect to gannet.</p>
December 2021	RSPB	Written communication / consultation response	<p>RSPB provided a written consultation response to the following documents that were shared with Ornithology ETG members in November / December 2021 ahead of Ornithology Compensation ETG1 in January 2022:</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note • Considerations of compensation options for Sandwich terns and kittiwakes • Approach to guillemot, razorbill and gannet without prejudice compensatory measures 	<p><u>Strategic/Government led measures and Sandwich tern</u> RSPB agreed with the Applicant that <i>“prey availability is a key factor (alongside suitable breeding habitat) determining where terns (of any species) distribute around the Norfolk coast and other locations”</i> but highlighted that it is not the only <i>“factor affecting breeding success, with tidal flooding, predation and recreational disturbance being significant factors that can affect colonies along the Norfolk coast”</i>. RSPB also queried whether measures proposed could be considered <i>“additional to resources that are already directed to management of the tern colonies to address existing pressures, especially along the Norfolk coast”</i>. In any case, RSPB highlighted that <i>“it will need to be clearly demonstrated that any proposals will meet the ecological requirements of Sandwich tern”</i> and that there <i>“may be scope to consider sites that are not within the current protected area network”</i>. In reference to the possible restoration of a third Sandwich tern breeding site within NNC SPA, RSPB confirmed that there is <i>“merit in assessing potential options”</i>, and that such work is <i>“already being considered by the Norfolk Coast Partnership”</i> and that <i>“RSPB is taking a lead role on supporting this work”</i>.</p> <p>RSPB also noted that there may be gaps in the sites listed by the Applicant, including RSPB Minsmere within the Minsmere to Walberswick SPA and Scroby Sands within the Outer Thames Estuary SPA. As a result, the</p>

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				<p>Applicant considered these sites but did not take them forward because breeding by Sandwich terns at both sites has been low and highly sporadic.</p> <p>As outlined in Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8), the Applicant continues to support the strategic delivery of prey enhancement measures. Furthermore, the Applicant has explored all other factors suggested by RSPB as affecting the breeding success of Sandwich tern. In the majority of cases, delivery of compensation at SPA sites (including NNC SPA) has been discounted based on challenges around demonstrating additionality – see Section 6.1 of Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) and Annex 2B: Sandwich Tern Nesting Habitat Improvements Site Selection (document reference 5.5.2.2) for further information. As such, this has led the Applicant to consider non-SPA sites such as Loch Ryan, where there is scope to restore the geographical coherence of the Sandwich tern breeding range in Britain and Ireland. Outline design details for the compensatory measures proposed at Loch Ryan can be found in Section 6 of Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2). The Applicant followed up with RSPB on their work looking into the restoration of breeding sites in NNC SPA during the subsequent HRA Compensation ETG in January 2022, but no further information was provided.</p> <p><u>Kittiwake</u> RSPB agreed “<i>that artificial nesting structures are a possible compensation measure</i>” but reiterated its</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>response to Norfolk Vanguard regarding the information and evidence required to sufficiently demonstrate that any structure would achieve the ecological requirements. Furthermore, concerning onshore artificial nesting structures, RSPB advised that <i>“understanding the reasons why kittiwakes colonise some locations and not others, and what influences their breeding success at those locations, is critical evidence in determining whether this compensation measure has a reasonable guarantee of success.”</i> RSPB also noted, <i>“the importance of community support in e.g. Lowestoft as an important issue to take in to account given the range of local opinions with respect to urban nesting kittiwakes”</i>.</p> <p>Following further review and stakeholder consultation, the Applicant discounted the construction of new onshore or offshore artificial breeding structures for kittiwakes as a project-led measure. See Table 6-2 in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) for further information. The Applicant has carefully examined breeding in the Tyne and Lowestoft area with dedicated surveys undertaken to investigate features of nest sites, nesting success and the scale of any conflict between kittiwakes and the local community (MacArthur Green, 2021b). Furthermore, the Applicant has undertaken targeted consultation with Gateshead Council, East Suffolk Council and the Lowestoft Kittiwake Partnership to better understand and take account of the local context. See below for further information regarding consultation with local stakeholders</p>
<p>HRA – Ornithology Compensation ETG Meetings (minutes of meetings and agreement logs provided in the Consultation Report Appendix 1 (document reference 5.2.1)</p>				

Date	Consultees	Format	Details	Summary of key feedback and outcomes
<p>ETG1: 26 January 2022</p>	<p>Natural England, RSPB, MMO, National Trust and PINS (invited to attend)</p>	<p>Written communication / consultation response / meeting</p>	<p>The following documents were shared for consultation ahead of Ornithology Compensation ETG1:</p> <ul style="list-style-type: none"> • SEP and DEP compensatory measures cover note • Considerations of compensation options for Sandwich terns and kittiwakes • Approach to guillemot, razorbill and gannet without prejudice compensatory measures 	<p><u>Overarching</u> Natural England provided feedback on the draft Defra guidance (Defra, 2021), cautioning the Applicant to take care “<i>not to get caught out by changes in guidance</i>”. RSPB highlighted that it did not support the draft Defra guidance in its current form, particularly in relation to the compensation hierarchy Level 4 (i.e. non-like for like).</p> <p>Natural England also emphasised that whilst they can provide advice on the ecological merits of the measures, they can’t say what options to progress.</p> <p>The Applicant has only been able to work with the guidance available at the time but has engaged proactively with Defra to anticipate as far as possible any updates in the final guidance. The Applicant also had confirmation from PINS in September 2021 that the appropriate transitional arrangements would be in place.</p> <p>Both Natural England and RSPB recommend the Applicant consider a ‘package approach’ (i.e. putting forward different measures, sites, scales, etc.) which includes measures that have a reasonable guarantee of success but which combined can offset the risks and uncertainties in relation to any one component.</p> <p>The Applicant has taken this feedback on board a developed a package of compensation measures where possible. See Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8) for further information.</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
			<p>During the ETG, the Applicant provided a general project update and a summary of the activities undertaken. An overview of the information presented in the documents above was also provided, along with a list of shortlisted compensation options.</p>	<p><u>Prey enhancement through fisheries management (as compensation for Sandwich tern, kittiwake, guillemot and razorbill)</u></p> <p>Natural England advised that to pursue this measure, the Applicant would need to bring along Defra as it would ultimately provide the mechanism that would enable this to progress. RSPB supported the measure in principle but also queried whether it was deliverable in the short term.</p> <p>The Applicant has frequently engaged with Defra during the pre-application process to discuss the strategic delivery of fisheries management as compensation for offshore wind and has been proactive within the OWIC DS on this matter. It should be noted that some progress has also been made with the recent emergence of Defra's strategic compensation pilot looking at prey availability for seabirds. Whilst the Applicant appreciates that there is currently no mechanism to deliver prey enhancement (strategically or at the project level), it continues to advocate for this measure given its potential to provide far more compensation than required for SEP and DEP alone. It has also included an option within its draft DCO to support fisheries management as compensation should a viable mechanism become available (i.e. via the Defra strategic pilot. For further information on the Applicant's approach to this, see Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p> <p>Natural England also queried whether there was greater opportunity to do something with local sprat fisheries on</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>a project-led basis. The Applicant considered opportunities for management of the local/inshore sprat fishery however it was apparent that the UK (English) fishery in the relevant area was small and inconsistent so not suitable to target. This is reflected by the ICES 2021 report which indicates that about 90% of the North Sea sprat catch is taken by Danish boats and most of the rest by Sweden, Norway, Germany. UK catches are a minute proportion of the total so are very unlikely to drive sprat stock dynamics. As such, this option was not taken forward.</p> <p><u>Sandwich tern measures</u></p> <p>In relation to measures proposed within SPA sites, there were detailed discussions about opportunities within NNC SPA and whilst National Trust were supportive of creating a third breeding site, theirs and Natural England's dynamic management approach is likely to preclude the option of delivering compensation at Blakeney Point or Scolt Head due to additionality challenges.</p> <p>Natural England and RSPB's advice during this meeting led the Applicant to rule out other SPA sites including: Havergate (Alde-Ore Estuary SPA); and Inchmickery & Isle of May (Forth Islands SPA).</p> <p>A more detailed discussion was had about the Farne Islands SPA and Foulness SPA. Concerning the former, National Trust advised speaking to the site team. The Applicant has since engaged with the Countryside Manager for the Farne Islands to obtain more specific and up-to-date site management information. Foulness was recognised as tricky because it is owned by the MOD and therefore complicated by access restrictions.</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>As such, little is known about the status of Sandwich tern breeding at this site. The Applicant has sought to engage with the MoD on this matter since April 2022 but has been unable to make any progress. In July 2022, RSPB and Natural England were able to provide an update on the likely cause for the decline in Sandwich tern at this site and work being undertaken on site by RSPB to try and encourage terns back. Whilst the possibility of implementing compensatory measures at Foulness SPA has not been completely discounted by the Applicant at this stage, the Project has not been able to progress matters through engagement with the MoD.</p> <p>Natural England queried whether changing coastal processes might be an issue at Loch Ryan. Additional information addressing this point is provided in Section 6 of Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) and concludes on a slight predicted change to this coastline.</p> <p><u>Kittiwake measure</u> Natural England and RSPB supported artificial nest site improvements in Lowestoft, recognising that no other developer has proposed this. However, they also cautioned that it might prove difficult to demonstrate the benefits with so much interest from other developers in Lowestoft. Whether this measure is feasible depends on the scale of SEP and DEP's predicted impacts. Natural England also appreciated the potential community benefits of reducing the town's negative interactions with kittiwakes.</p> <p>The Applicant has undertaken dedicated survey work in Lowestoft to investigate features of nest sites, nesting</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>success and the scale of any conflict between kittiwakes and the local community (MacArthur Green, 2021b). In addition, engagement with local stakeholders, including East Suffolk Council and the Lowestoft Kittiwake Partnership, has been undertaken to understand the local context further. Since the draft RIAA, there has been very little change in the predicted impacts to FFC SPA kittiwake. As such, the Applicant remains confident that there is sufficient capacity in Lowestoft to deliver the necessary level of compensation. See Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) for further supporting information.</p> <p>Offshore nesting structures were also discussed, including identifying appropriate sites, likely success and decommissioning risks. Reference was made to work undertaken for the Hornsea Four Project.</p> <p>Following further review and stakeholder consultation, the Applicant discounted the construction of new onshore or offshore artificial breeding structures for kittiwakes as a project-led measure. See Table 6-2 in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) for further information.</p> <p><u>Guillemot and razorbill measures</u> Discussions were centered around measures already proposed by other projects (e.g., rat eradication and bycatch prevention), recognising that there are limited compensatory measures for these species. Natural England and RSPB outlined the issues linked to these. The key issue is having robust ecological evidence and suitable sites (in the case of rat eradication). Natural England advised tracking the Hornsea Four examination</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>and engaging through OWIC on a more UK-wide approach.</p> <p>The Applicant has closely tracked the Hornsea Four examination during pre-application and has continued to engage proactively and regularly (bi-weekly meetings) via the OWIC DS. However, it has remained challenging for SEP and DEP to align with industry-wide strategic opportunities due to the reality of timings and the need to have sufficiently progressed project-led measures for application. Nonetheless, the Applicant recognises that collaborative delivery of compensation measures such as predator eradication/control and bycatch reduction might represent a more realistic medium-term opportunity (whilst more long-term strategic opportunities are matured). As such, the Applicant has included within the draft DCO wording an option to collaborate with another developer in the delivery of compensation wholly or partly in substitution for project-led measures or as an adaptive management measure. Further information can be found in Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4)</p> <p><u>Gannet measures</u> The Applicant confirmed it was taking forward bycatch reduction and alternative nest site measures for gannet at this point (as have previously been proposed by other developers). The extent of compensation required in light of the increasing gannet population in the FFC SPA and the favourable conservation status of this species was queried.</p> <p>Natural England confirmed that the in-combination impact is putting the SPA at risk of adverse effect, so</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>compensation is required. The establishment of new colonies was considered speculative, but bycatch reduction is likely to be more suitable for gannet (than guillemot and razorbill). RSPB noted that much work with the relevant fishery would be required to implement bycatch reduction measures.</p> <p>The Applicant followed up with RSPB in response to their feedback during ETG1 and spoke directly with their Bycatch Team (on 10 May 2022). See below for a summary of this meeting and the regard given to the feedback received.</p>
<p>ETG2: 25 April 2022</p>	<p>Natural England, RSPB, MMO, National Trust and PINS (invited to attend)</p>	<p>Written communication/meeting</p>	<p>An HRA Compensation Briefing Note was issued to stakeholders in April 2022 to provide an update on the specific compensatory measures that had progressed following the Ornithology Compensation ETG1 and taking account of feedback received. Verbal feedback was provided during Ornithology Compensation ETG2.</p>	<p><u>Overarching</u> ETG members welcomed continued consideration of a package of measures rather than proposing one of several goes ahead. Whilst further discussion was requested with respect to this; broadly the view was that this was a sensible approach.</p> <p><u>Sandwich tern</u> The Applicant provided an overview of proposed measures and recent progress. In addition to SPA sites previously identified, Lindisfarne SPA was also discussed with Natural England, confirming that they did not consider this “being a particularly suitable option” for several reasons. The Applicant agrees with this position and discounted Lindisfarne SPA as an option (not least because such measures would likely need to include installation of permanent fencing which would not be practical in this area given the extent of the dunes and existing tourism and recreation activities).</p> <p>There was a detailed discussion regarding the effectiveness and additionality of measures proposed for the Farne Islands SPA, with both RSPB and Natural</p>

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				<p>England expressing concerns with respect to this. The Applicant's proposal has been informed by the information presented in the Management Plan and engagement with National Trust (who manages the site) to understand what constitutes 'normal management measures'. The measures proposed are supported by scientific literature and examples from other SPA sites (e.g. Isle of May). Therefore, the Applicant has no concern regarding the effectiveness of the measures discussed and has subsequently taken these forward as part of the package of measures outlined in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p> <p>RSPB raised whether there were any opportunities in Norfolk or Suffolk for larger areas of habitat to be created. 'Additionality' was discussed again both in relation to Blakeney Point and the wider NNC SPA, with RSPB confirming that it was working with the Norfolk Coast Partnership to look at pressures on Sandwich tern in north Norfolk and had been exploring the option for establishing a third breeding site.</p> <p>This feedback and other challenges outlined in Section 6.2 of Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2) led the Applicant to discount measures to improve breeding success at Blakeney Point and restoration/creation of a third breeding site within NNC SPA. National Trust's feedback also led to updates to the measure's title to better reflect its intended purpose.</p> <p>Concerning the Applicant's proposal for Loch Ryan, Natural England confirmed that they liked the proposal but queried, along with RSPB, the likely success of a</p>

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				<p>pontoon structure. There was a clear preference and consensus from stakeholders that an inland pool with islands would be preferred over a pontoon based on likely effectiveness.</p> <p>As detailed in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2), the Applicant is progressing the inland pool as a preferred option but has retained the pontoon within its proposal as an alternative option accounting for various uncertainties associated with each measure. Only one of the options would be required to be delivered since either would be capable of providing the necessary level of compensation.</p> <p>RSPB raised concerns about the level of detail they expected to see in the DCO application noting the target submission date (at the time) of June 2022. Expectations around the 'ratio' of compensation required in light of the distance between NNC SPA and this compensation site were also discussed, along with land rights. Natural England suggested consulting with PINS to establish what they would expect the application to consider regarding land ownership.</p> <p>The Applicant considered it important to take the necessary time pre-application to carry out a thorough and methodical process for identifying suitable compensatory measures and locations, informed by extensive pre-application consultation and draft Defra Guidance (Defra, 2021). This approach aimed to ensure the Applicant landed on a robust proposal with in-principle support from both DCO and local stakeholders, which it considers to have been broadly achieved. The Applicant decided to delay DCO submission for</p>

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				<p>approximately nine months (from the end of 2021 to early summer 2022), partly to allow this process to be undertaken thoroughly. The decision to postpone submission for a further three months (to the end of summer 2022) afforded the Applicant additional time to further progress certain aspects of its compensatory proposals, primarily with respect to outline design and land rights. Discussions with relevant landowners are underway to secure land rights to deliver nesting habitat improvement measures at Loch Ryan. Furthermore, the proposal for Loch Ryan is considered sufficiently flexible to account for any necessary adjustments to scale as well as respond to any developments related to ongoing landowner negotiations (see Appendix 2 Sandwich Tern Compensation Document, document reference 5.5.2) for further information). The level of information provided is therefore considered sufficient to enable an appraisal of the suitability of the Sandwich tern compensation proposal and to give confidence that the proposed measures can be secured.</p> <p>Natural England reiterated that an option that provided genuine benefit to the NNC SPA would be preferred but appreciated that some strategic avenues are difficult to access although progress is being made.</p> <p>During pre-application, the Applicant has engaged regularly with Defra and the OWIC DS to identify any early strategic opportunities to deliver compensation that would directly benefit NNC SPA. Defra's commitment to deliver a Marine Recovery Fund has been welcomed. The Applicant has included the option within its compensation proposals to participate in this scheme (wholly or partly in place of its project-led measures) should it become available in the necessary</p>

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				<p>timescales for SEP and DEP (see Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit, document reference 5.8). However, the Applicant understands that this is likely to be a generic scheme. Therefore there is no guarantee that the funds raised would be used to benefit NNC SPA directly.</p> <p><u>Guillemot and razorbill</u></p> <p>A discussion was had on gillnet fisheries and bycatch in the region of the salmon fishery at Filey Bay, where current bycatch mitigation measures have worked well. There was interest from stakeholders in understanding what the gill net fisheries are targeting and in which seasons. It is understood that there is likely to be bycatch if it is demonstrated that gill net fishing is undertaken.</p> <p>The Applicant subsequently engaged with NEIFCA, NIFCA and various fishers and fishing representatives in the northeast region during the pre-application. This engagement has informed the Applicant's proposal outlined in Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4).</p> <p>In relation to predator eradication, the ETG confirmed that considering this on a solely collaborative basis was sensible. RSPB raised concerns about the effectiveness of predator eradication for guillemot and razorbill. However, Natural England confirmed that evidence from Lundy suggests it is possible, but success is likely to be highly site-specific.</p>

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				<p>With this in mind, the Applicant considered it even more imperative to consider predator eradication on a collaborative basis focusing efforts on the most optimal sites where the chance of success is highest. As such, this measure has been taken forward as an option for collaborative delivery. As outlined in the Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8), the Applicant is continuing to mature its approach to collaborative delivery in line with wider industry developments and will provide an update on this in due course. Recognising the relative immaturity of this collaborative option, the Applicant put forward project-led delivery of bycatch reduction as the principle compensatory measure for guillemot and razorbill (Appendix 4 Gannet, Guillemot and Razorbill Compensation Document, document reference 5.5.4).</p> <p><u>Gannet</u> During this meeting, the Applicant reiterated the challenge of identifying suitable compensatory measures for gannet and the lack of support for and uncertainty of measures proposed to date had led the Applicant to consider a non like-for-like option for this species.</p> <p>RSPB understood the challenge faced by the Applicant but reiterated their position that compensation is required for gannet and referred the Applicant to RSPBs feedback on the Hornsea Four examination. Natural England confirmed that they thought gannet bycatch reduction might be a good avenue to explore. It was also stated that: <i>“if numbers (impacts) are very modest then Natural England see the possible benefit in looking</i></p>

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				<p><i>at other measures that might not normally be recognized as compensation on their own, such as bycatch reduction trials".</i> Natural England encouraged a like-for-like route where possible.</p> <p>Following this ETG meeting, the Applicant consulted with the RSPB bycatch team to further explore bycatch reduction opportunities for gannet (as well as guillemot and razorbill). This engagement principally led the Applicant to consider the option to undertake research looking at the bycatch baseline and bycatch reduction trials in southern Portugal, where the bycatch of UK gannet is considered the greatest. Whilst the Applicant recognises that this may not, strictly speaking, represent compensation in accordance with draft Defra guidance (Defra, 2021), it is a like-for-like measure which would make a valuable contribution to understanding gannet bycatch within the main wintering area for the UK population and could unlock future conservation/compensation that would likely benefit FFC SPA gannet directly. See Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4) for further information.</p> <p>During this meeting, Natural England first confirmed to the Applicant that it was looking at reducing the level of precaution in the gannet impact assessment through adequate consideration of macro-avoidance. It was confirmed that this updated guidance might be forthcoming within the timescale of the Hornsea Four examination (i.e. summer 2022), but the date of publication was not confirmed. However, Natural England considered it possible that with consideration of this updated guidance, the requirement for the Applicant to consider compensation for gannet could fall away.</p>

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				<p>The Applicant felt it necessary to continue maturing it's without prejudice compensation proposal for gannet accepting that updated guidance from Natural England might become available ahead of application, leading to Natural England agreeing with the Applicant's RIAA conclusion of no AEol on FFC SPA gannet. In this instance, a compensation proposal for this feature would no longer be required.</p> <p><u>Kittiwake</u> In response to the Applicant's proposal for artificial nesting ledges in Lowestoft, Natural England queried delivery timescales and whether measures could be implemented quickly given their relative simplicity. Natural England considered there to be a risk of diminishing returns if this measure was implemented simultaneously or after other OWF project compensation proposals for kittiwake.</p> <p>The Applicant has provided an outline implementation and delivery roadmap for the nest site improvement measure in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) (see Section 6.4.8). This provides an indicative timeline for compensation delivery reflecting the worst-case option (i.e., modifying an existing kittiwake tower at Gateshead). Based on this indicative programme, the Applicant intends to implement the measures as soon as possible, but at least three breeding seasons prior to operation. However, it is recognized within Appendix 3 Kittiwake Compensation Document (document reference 5.5.3) that the measures proposed at Lowestoft could more than likely be implemented sooner than this (subject to obtaining the necessary</p>

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				<p>permissions), given their relative simplicity in design and implementation.</p> <p>Natural England was keen to understand more about the Applicant's proposal at Gateshead and whether nesting habitat availability is a limiting factor given that the overall Tyne colony is increasing. Natural England also queried how 'success' would be monitored and assessed and requested further detail with respect to this.</p> <p>Following this request, the Applicant prepared a technical note outlining the productivity benefits of improving artificial nest sites for kittiwake in Lowestoft and Gateshead. This information was shared with the Ornithology Compensation ETG in May 2022 for feedback (see below). The Applicant undertook a survey of kittiwake nesting in the Tyne area in 2021. This found evidence of birds still nesting at unfavourable locations (e.g. hotel windowsills) and, in most cases, failed to breed (MacArthur Green, 2021b). There is therefore considered to be scope to provide additional, more optimal nesting habitat for kittiwakes to move to and where they are likely to breed more successfully.</p> <p><u>Collaborative approaches to compensation</u> In addition to feedback on collaborative proposals for specific measures outlined above, RSPB highlighted the challenges of apportioning the "compensation benefit" to specific projects from a collaborative approach. RSPB considered this "<i>an area that needs careful thought and joint working</i>".</p> <p>The Applicant agrees with RSPB in the challenges of a collaborative approach but highlights that significant</p>

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				<p>work is being undertaken by the offshore wind industry, Defra and others to develop a governance structure and funding mechanism to deliver strategic compensation. Many of the challenges of delivering compensation on a collaborative basis are the same as delivering compensation strategically, so progress in either workstream is likely to benefit the other. As outlined in Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8), the Applicant anticipates that significant progress with regard to collaborative delivery of compensation could be made in the near term, especially with further developments in strategic delivery of compensation and as more consented projects move forward with implementing their compensatory measures.</p>
<p>ETG3: 29 June 2022</p>	<p>Natural England, RSPB, MMO and PINS (invited to attend)</p>	<p>Written communication/meeting</p>	<p>In June 2021, the following documents were issued to stakeholders for verbal feedback during Ornithology Compensation ETG3:</p>	<p><u>Collaborative / strategic compensation</u> During this meeting, there was a detailed discussion between Natural England and the Applicant about a specific strategic idea to implement a nature recovery zone in the wider Greater Wash area to protect benthic habitats and prey availability. However, Natural England appreciated that any such measure wouldn't "be available in the timescales for SEP and DEP, and so won't have the offsetting capabilities" but did suggest that the Applicant could consider a proposal to support evidence gathering. Clarity around this idea has come very late during the pre-application phase, and there has been insufficient time for the Applicant to explore this option with other relevant stakeholders meaningfully. Nonetheless, as outlined in Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8), the Applicant remains</p>

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			<ul style="list-style-type: none"> • SEP and DEP compensation ETG Cover Note (provide an overarching update including on compensatory measures for guillemot, razorbill and gannet as well as collaborative and strategic measures) • Draft NNC SPA Sandwich Tern Compensation Document (covering proposal for Loch Ryan only) • Draft FFC SPA Kittiwake Compensation Document (covering nest site improvement proposal only) 	<p>committed to exploring strategic measures to improve prey availability for seabirds, including Sandwich tern, kittiwake, guillemot and razorbill.</p> <p><u>Sandwich tern</u> Natural England considered that it should be the Applicant's priority to focus on Loch Ryan and deliver the best possible habitat creation as the primary compensation measure Sandwich tern. Natural England felt that nesting habitat improvement at the Farnes would <i>"only deal with fringe issues on site compared with e.g., vegetation management and gull predation deterrence which the updated management plan will go some way to addressing"</i>.</p> <p>The Applicant acknowledged this feedback and has included nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan as a preferred compensation measure for Sandwich tern (see Appendix 2 Sandwich Tern Compensation Document, document reference 5.5.2). The proposal for Farne Islands SPA (or possibly Foulness SPA) has been included recognizing the time it may take for Sandwich tern to adopt the inland pool and breed in sufficient numbers to sufficiently compensate for the predicted impacts of SEP and DEP. The measures proposed for the Farnes are considered simple yet effective and, if implemented at a sufficient scale, could provide significant and timely benefits to Sandwich tern breeding at Farnes Islands SPA.</p> <p>Natural England and RSPB consider the use of bamboo canes at Farnes SPA to deter predators to be a standard management measure. However, this is contrary to feedback from National Trust, which</p>

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			<p>One of the key aims of this ETG was to run through the Natural England check list for each of the key compensatory measures for Sandwich tern and kittiwake, with discussion on gannet, guillemot and razorbill if time allowed. The Applicant also provided further details with respect to the 'package' of compensatory measures that the ETG can expect to see within the application for each species.</p>	<p>manages the site and confirmed that bamboo canes aren't being used at the moment. RSPB also highlighted that it had invested in cameras to aid predation monitoring and queried whether gull control would be an option. Natural England confirmed that National Trust has the ability to control gulls but is challenging to implement with the Farnes being a large archipelago SPA.</p> <p>In relation to Loch Ryan, Natural England highlighted the importance of engaging with the relevant Scottish stakeholders and PINS, particularly with respect to compulsory purchase powers and how this might fit with the DCO regime, which only applies in England and Wales. RSPB also queried the status of landowner negotiations and discussions with the local planning authority.</p> <p>The Applicant has engaged with several key Scottish stakeholders with respect to its proposal at Loch Ryan, including Marine Scotland, NatureScot, Crown Estate Scotland – see below for further information. Discussions are also underway with the relevant landowners to obtain land rights to implement the proposed measure. The Applicant's preference is to avoid the use of compulsory purchase powers. However, if it was proved necessary, these powers are considered available to the Applicant through the relevant generation licences held under section 6 Electricity Act 1989. The Applicant felt it important to step through the stakeholder engagement process carefully and to ensure the relevant landowners had been contacted before commencing pre-application consultation with Dumfries and Galloway Council, which is scheduled for early autumn 2022.</p>

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				<p>Natural England queried the validity of the pontoon option in the event land at Loch Ryan cannot be secured and whether other locations to deliver nesting habitat improvements for Sandwich tern are being considered.</p> <p>The Applicant confirmed that the focus remained on Loch Ryan and has stepped through a detailed and iterative process informed by previous engagement with the ETG to arrive at this location. This process is detailed in Annex 2B Nesting Site Habitats Improvements Site Selection (document reference 5.5.2.2).</p> <p>RSPB shared a note regarding specifics of the design and provided criteria/principles against which designs will be assessed to determine whether proposals will be viable. The scale of delivery was noted as important in considering success and that it remains unclear how many pairs need to be delivered to compensate for birds lost over the life of the project to maintain the Sandwich tern population. The Applicant has had regard to these comments and the design criteria/principles in finalising its proposals for Sandwich tern (see Appendix 2 Sandwich Tern Compensation Document, document reference 5.5.2).</p> <p>Natural England noted that any high level objectives need to be set in the context of maintaining the coherence of the network and needs to show how the increase in birds in this location offsets the potential impacts. The Applicant has reflected this in its proposals, noting in particular that the restoration of lost breeding range goes beyond maintaining the coherence</p>

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				<p>of the network to restoring it (see Appendix 2 Sandwich Tern Compensation Document, document reference 5.5.2).</p> <p>RSPB noted that avoiding disturbance is easier when providing habitat at a larger scale. This could also present adaptive management opportunities going forward that might be beneficial for long-term management. The Applicant has incorporated consideration of disturbance into the proposed design of the measures (see Appendix 2 Sandwich Tern Compensation Document, document reference 5.5.2). The natural topography and landscaping of sites currently being considered at Loch Ryan with respect to the creation of an inland pool provide natural protection from human disturbance (see Annex 2B Nesting Site Habitats Improvements Site Selection, document reference: 5.5.2.2 for further information).</p> <p>RSPB also queried whether there is good prey availability in and around Loch Ryan and whether more birds could be supported, noting that it would not be known how other species might respond, so having a larger area provides a greater margin for error to ensure that the required number of Sandwich terns can be accommodated. Consideration of prey availability has been a key factor in the development of the proposed measures at Loch Ryan with further information on this presented in Annex 1B: Sandwich Tern and Kittiwake Ecological Evidence (document reference 5.5.1.2).</p> <p>Natural England noted that from their perspective the Applicant’s proposal for Loch Ryan looked like a well-defined location and a good draft plan.</p>

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				<p>RSPB raised the question of the speed of colonization. The Applicant has provided examples of other comparable sites and has presented details in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p> <p>RSPB noted that a winter programme for installation may be best avoided due to ground conditions. The Applicant has reflected this in the proposed timeframes presented in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p> <p>With respect to scale, Natural England noted that presenting a range of scenarios will give a better idea of the levels of risk. In the case of a very transient colony, setting up to hold more than 140 would give an extra level of certainty that the numbers could be achieved. The Applicant considers that numbers might well increase far above the 120-150 pairs nesting there historically and has factored this into its proposed outline design as reflected in Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p> <p><u>Avian flu</u> This was noted by all to be a very concerning development. RSPB and Natural England advised that they are looking into the impact of this. Evidence that the virus can live for over a year in freshwater pools so there is a concern that the virus will still be active next year.</p> <p><u>Kittiwake</u> Natural England advised that they were struggling to see how the nest site improvement proposals are</p>

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				<p>different to what other developers have proposed elsewhere. Suggested that implementation of the measures earlier rather than later would help address some of these concerns. RSPB noted that the key challenge will be the similarity between the objectives proposed and the Lowestoft Kittiwake Partnership's objectives, so showing the difference will need to be carefully worked out. Natural England also highlighted that it might be difficult to show added value with other developers.</p> <p>Natural England also understood that there are other works that will create disturbance at Gateshead, e.g. works on the Tyne bridge, so other measures are being implemented to provide for the kittiwakes that nest there. Monitoring requirements will also need careful coordination. The Applicant has given careful consideration to the productivity benefits of the proposed measures, how these relate to the necessary timeframes for implementation, as well as monitoring requirements, and has reflected this in the finalisation of its proposals submitted in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3).</p> <p>Natural England asked whether there had been any progress on offshore structures (collaborative approach) and how this might be presented in Examination, noting that their advice to Hornsea 4 has steered that project towards an offshore solution. The Applicant had previously undertaken a review of the scope for provision of artificial breeding sites for kittiwakes on offshore structures (Annex 1B Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake (document reference 5.5.1.1)). Subsequent to this the Applicant reviewed the existing structures off Northumberland that could provide a suitable</p>

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				<p>opportunity for kittiwake compensation, which indicated a lack of such structures in this area. As such this option was not considered by the Applicant to present a credible option for delivery of compensation for SEP and DEP and was discounted as a project-led measure. Further details of how the Applicant proposes to deliver this measure as part of a collaborative approach are set out in Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p> <p><u>Gannet</u> Natural England advised that it is likely that for a site like SEP & DEP the risk of collision for gannets may be reduced by ~80% once their updated advice on displacement had been made available, and that this may be sufficient to avoid the need for compensation. Whilst the updated advice on displacement from Natural England is outstanding, the Applicant decided to include its without prejudice compensatory measures for gannet with its DCO application (in accordance with advice from Natural England and Defra) but with the expectation that it may be possible to agree with Natural England that Compensation will not be required in relation to gannet.</p> <p><u>Guillemot and Razorbill</u> Natural England asked whether discussions have identified bycatch around Flamborough or within the auk foraging range of Flamborough? The Applicant gave a brief update on its ongoing consultation activities in this regard and has included the latest information in Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document number: 5.5.4)</p>

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				<p>(also see 'engagement with other local stakeholders' below).</p> <p><u>Overview of Application Documents</u> Natural England advised that it would be useful to have a draft DCO schedule for each tranche of compensation so the NE legal team can consider it with respect to what has been secured and what has been deferred. This has been provided by the Applicant (in August 2022) for comment prior to examination.</p>
Other engagement with ETG members				
10 May 2022	RSPB Bycatch Team	Meeting	Meeting held to discuss bycatch prevention measures for guillemot, razorbill and gannet in the UK and Europe.	<p>RSPB confirmed that bycatch data covering the UK was pretty poor, but gannet was not considered a priority species (due to the low level of longlining fishing in UK waters). However, auk bycatch in fixed nets is a concern. RSPB confirmed that gannet bycatch is likely to be more of an issue in southern Europe, where the UK longlining fleet is based (along with French and Spanish flagged vessels), and purslane fishing occurs. Bycatch survey coverage in Europe is also poor, so RSPB flagged challenges in demonstrating any reduction in bycatch as a result of the compensatory measures as well as political challenges.</p> <p>RSPB also shared some initial findings from looming eye technology trials for auks which did not look promising. Other interventions were discussed, e.g. spatial or temporal fisheries closures, net attendance, gear switching etc. It was recognised that the toolbox to reduce bycatch in gill nets wasn't extensive.</p> <p>Following the feedback received during this meeting, the Applicant considered it not feasible to deliver compensation measures in Europe for gannet due to</p>

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				<p>regulatory/policy barriers. However, the Applicant felt that a research proposal to better establish the scale and pattern of bycatch in southern Europe and investigate reduction measures (with the research having the potential to help unlock opportunities for strategic action, but with the actual implementation of any such measures being subject to government/EU action intervention). For guillemot and razorbill, there was still considered to be merit in pursuing bycatch prevention as a compensatory measure either on a project-led or collaborative basis. See Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4).</p>
24 May 2022	Natural England and RSPB	Meeting	To discuss five alternative locations proposed by RSPB to deliver restoration of breeding habitat for Sandwich tern closer to the North Norfolk Coast.	<p>The Applicant provided a brief overview of its approach to identifying suitable sites to deliver compensation for Sandwich tern. RSPB also provided further context to its suggestions, confirming that Sandwich tern are present on the Humber at the right time of year and so likely to be searching for suitable breeding habitat. Thus, if habitat was created and other species were attracted to the area that might help bring in Sandwich tern, habitat creation at these locations could be effective.</p> <p>Natural England confirmed the lack of historical nesting of Sandwich tern in the Lincolnshire region. Some additional constraints were also highlighted, including proximity to existing offshore wind farms (e.g. Inner Dowsing, Lincs, Lynn, Race Bank etc.), whether there is sufficient space at these locations and implications for existing Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) designations. It was also queried whether trying to create a smaller satellite colony near a bigger colony was the best approach. Breeding at Scolt Head and Blakeney Point does not appear to be limited by the nesting habitat availability or</p>

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				<p>to show density-dependent productivity. Therefore in this instance, there does not appear to be a strong case for favouring sites closer to the north Norfolk coast. Finally, island lagoon creation has been undertaken before (e.g. Freiston Shore), but there hasn't been much interest in those locations from breeding Sandwich tern. Natural England considered habitat creation quite transformational, but the risk of non-occupancy is a concern for the sites proposed by RSPB. On balance and factoring in the potential to restore Sandwich tern breeding range, Natural England supported the proposal at Loch Ryan.</p> <p>Following this feedback, the Applicant discounted the proposed sites suggested by RSPB, with Loch Ryan remaining the preferred location. The Applicant's site selection process is detailed in Annex 2B Nesting Site Habitats Improvements Site Selection (document reference 5.5.2.2).</p>
30 May 2022	Natural England, RSPB, PINS, MMO, National Trust	Written communication / consultation response	<p>Following the Ornithology Compensation ETG2 in April 2022, the Applicant shared the following technical note to provide stakeholders with further information about the potential productivity benefits of nest site improvement measures for kittiwake.</p> <p><i>Technical Note: Productivity benefits of improving artificial nest</i></p>	<p>RSPB noted that it considers the existing Saltmeadows tower at Gateshead to be in "a state of disrepair and in need of refurbishment". However, it is recognised that "there was merit in revamping the tower to make it more optimal for nesting kittiwakes".</p> <p>The Applicant has been engaging with Gateshead Council, which is responsible for the Saltmeadows tower, since April 2022 and is aware of the structure's current condition and ongoing inspection programme. The Applicant intends to undertake a site inspection with engineers to fully appraise the integrity of the existing tower in the autumn of 2022 to inform more detailed design of its compensatory measure. As outlined in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3), the Applicant is</p>

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			<p><i>sites for kittiwake in Lowestoft and Gateshead</i></p> <p>In July 2022, RSPB provided a written response to this technical note</p>	<p>proposing complete refurbishment of the ‘top side’ and reorientation of all artificial nesting surfaces to a more optimum northeast/northwest direction as proposed by RSPB. The Applicant is also considering options to move the structure on the site to improve access for ongoing monitoring (following feedback from Gateshead Council).</p> <p>RSPB stated that from a purely ecological perspective, the Applicant’s proposal for Lowestoft “<i>feels likely to be successfully taken by kittiwakes when compared with new structures somewhat removed from existing nesting sites</i>”. However, RSPB did express concerns with respect to the additionality of the measure considering the work of the Lowestoft Kittiwake Partnership, which is “<i>actively discouraging unsafe use of deterrents and encouraging nesting sites in sustainable places</i>”.</p> <p>The Applicant sought to engage with ABPmer (as a member of the Lowestoft Kittiwake Partnership) as early as February 2022. However, the organisation had only recently been established, and its ambitions had yet to be defined. In the meantime, it was necessary for the Applicant to continue developing its compensatory measures for kittiwake. After meeting with the Lowestoft Kittiwake Partnership in June 2022 and discussing the Applicant’s proposal in light of the vision and objectives of the partnership, it is considered that there is good alignment between the two interests and significant scope for collaboration. Regarding the additionality concern raised by RSPB it is noted that Lowestoft Kittiwake Partnership is not set up to implement such measures itself but that the proposed measures, to be implemented by the Applicant, are very well aligned with</p>

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				<p>the objectives of the partnership. The Applicant continues to engage with the Lowestoft Kittiwake Partnership and will be attending an event hosted by them for the offshore wind industry in late August 2022.</p> <p>RSPB also highlighted the need for “<i>monitoring of nesting attempts and productivity within Lowestoft to demonstrate an improvement from the baseline</i>”. It was also advised that the Applicant should coordinate with other offshore developers to ensure “<i>consistency in approach and method of analysis in order to demonstrate additionality within the context of the selected location</i>”.</p> <p>The Applicant recognises the need to undertake baseline surveys and the value of delivering coherent long-term monitoring with other developers. It remains engaged with the Lowestoft Kittiwake Partnership as well as other developers to identify opportunities for more strategic, joined-up delivery of monitoring within Lowestoft.</p> <p>RSPB expressed reservations regarding the Applicant's ability to demonstrate the success of its compensatory measures and wished to see a detailed methodology with respect to this.</p> <p>The Applicant has provided monitoring information within Section 6.4.7 of Appendix 3 Kittiwake Compensation Document (document reference 5.5.3), including details on measuring success.</p> <p>RSPB warned that there is “<i>never a guarantee that kittiwakes will take to brand new structures and there have been instances where new ledges have been</i></p>

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				<p><i>placed along the Tyne as mitigation for development and completely ignored by the birds. Therefore there will be a need to consider additional compensation options to allow for any failure, complete or partial”.</i></p> <p>Based on site-specific examples at Lowestoft (e.g. new ledges installed on the BT building in 2021), there is evidence of swift and successful uptake of suitable artificial nesting ledges by kittiwake. MacArthur Green (2021b) provides 12 recommendations regarding the design of artificial breeding sites for kittiwakes to maximise chances of success. These have been considered within the outline design detailed in Section 6.4.5 of Appendix 3 Kittiwake Compensation Document (document reference 5.5.3). The Applicant is also considering other compensatory measures at alternative locations as well as opportunities for strategic or collaborative delivery of compensation for kittiwake (see Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit, document reference 5.8).</p>
28 June 2022	RSPB	Consultation response	Following a meeting on 24 May 2022 to discuss alternative locations to deliver restoration of breeding habitat for Sandwich tern, RSPB shared some recommended design principles for Sandwich tern compensation sites.	The Applicant reviewed the design principles proposed by RSPB ahead of Ornithology Compensation ETG3 on 29 June 2022 for wider discussion with ETG members. A summary of this engagement is provided above. The Applicant agreed with the majority of the design principles proposed by RSPB and are reflected within the outline design details for this compensatory measure (see Section 6.4.5 of Appendix 2 Sandwich tern Compensation Document , document reference 5.5.2). However, the Applicant considers that a more modest-sized inland pool would be sufficient to fully compensate for SEP and DEPs predicted impacts to NNC / GW SPA Sandwich tern – evidence to support

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				<p>this view is also provided within Section 6.4.3 of Appendix 2 Sandwich tern Compensation Document, document reference 5.5.2). Furthermore, as demonstrated by the highly successful St John’s Pool example in Caithness, freshwater pool conditions can also attract breeding Sandwich terns.</p>
4 July 2022	National Trust	Meeting	<p>National Trust could not attend Ornithology Compensation ETG3, so a separate meeting was held to provide an update on the discussions and outcomes of this meeting. There was also a targeted discussion about potential opportunities to support more local Sandwich tern conservation efforts within North Norfolk (as a ‘added value’ measure as opposed to compensation)</p>	<p>National Trust welcomed the Applicant’s consideration of more local conservation support for Sandwich tern and reiterated their interest in being part of any such an initiative, given that National Trust manages one of the two breeding colonies for Sandwich tern in NNC SPA.</p> <p>The Applicant is continuing to explore opportunities with local stakeholders to support Net Gain and conservation initiatives within the North Norfolk area.</p>
25 July 2022	RSPB	Email	<p>The Applicant followed up with RSPB and Natural England to see whether any further information about Sandwich tern breeding at Foulness SPA could be obtained from local site teams.</p>	<p>RSPB confirmed that the main reason for terns leaving the site is thought to be a shift in where the cockleshell bank lies, with this moving more onshore and therefore becoming open to predation. There is also believed to be an increased large gull presence in some years.</p> <p>RSPB suggested recharge of the cockleshell bank could be an option to restore Sandwich tern breeding at this site and is something that has been suggested to the MoD Conservation Committee but would require research into the hydrodynamics of the area to confirm</p>

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				<p>the viability of the project. <i>“A wider utopia style project”</i> was also suggested as part of a wider project.</p> <p><i>“Currently the RSPB has been working on the cockleshell bank where it is by installing a Little Tern lure and decoys along this year with an electric fence to protect from fox predation”.</i></p> <p>Based on this information, there is considered to be some merit in further exploring options for Sandwich tern compensation at Foulness SPA. The Applicant is therefore continuing efforts to engage with the MoD in this regard. However, limited engagement with the MoD has made it difficult to mature this option to date, so any further progress might be limited. Therefore, although it remains a potential option for the Applicant, it is considered less preferable to progressing compensation measures at Loch Ryan or the Farne Islands SPA and is reflected as such within Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p>
26 July 2022	Natural England	Email	The Applicant followed up with RSPB and Natural England to see whether any further information about Sandwich tern breeding at Foulness SPA could be obtained from local site teams.	Natural England echoed the feedback provided by RSPB, confirming that <i>“there are no Sandwich terns breeding at Foulness and unfortunately there haven’t been for many years. The cockle banks at Foulness Point and the raised sediment Maplin Bund previously provided good habitat for Sandwich terns, meeting their preference for low-lying offshore islands. These habitats have deteriorated due to coastal processes and in recent decades, any small numbers of opportunist terns utilising Foulness Point have been impacted by predation. Making progress on addressing these problems has been complicated by MoD access restrictions. The RSPB project to promote suitable habitat for nesting terns has focused on little terns at</i>

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				<p><i>Foulness Point and some progress has been reported in recent years to the Foulness Conservation Group.</i></p> <p>Natural England advised that the priority should be maintaining the existing RSPB project, including monitoring and progressing further actions, accounting for any successes. Whilst Natural England would support measures to identify a positive way forward to provide suitable habitat for the terns, <i>“the hydrodynamics & potential effects on designated site features would need to be carefully considered with an HRA.”</i> This is likely <i>“to require considerable design and modelling work to achieve. In terms of delivery, this is therefore best considered as a medium-to-long-term option, and therefore perhaps not that suited to a project-specific compensatory measure.”</i></p> <p>The Applicant notes Natural England’s feedback and hasn’t discounted this option entirely but does recognise that it is less preferable to progressing compensation measures at Loch Ryan or the Farne Islands SPA due to the reasons Natural England describes. Nonetheless, the Applicant is continuing efforts to engage with the MoD to understand better the conditions at Foulness and whether there might be any measures that could be feasibly delivered at the project-led level that would have measurable gains for Sandwich tern breeding. This position is set out within Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2).</p>
Engagement with Other Local Stakeholders				
November 2020	PINS	Meeting	Project update meeting covering an initial discussion with PINS	The Applicant requested clarification on how much information the Examining Authority requires on the sufficiency of consultation. PINS confirmed that the

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			<p>regarding its approach to derogation. During this meeting, the set out its intended approach for derogation, based on the approaches of Norfolk Vanguard and Hornsea Three. The general principle of this approach is early engagement with consultees and a transparent decision-making process; the Applicant confirmed that the EPP is a suitable approach for this. The Applicant also intends to identify the long list of compensatory options based on suitability, which will be completed before consultation on the PEIR.</p>	<p>Applicant's intended approach will be adequate and that more work done in the pre-application stage mitigates potential risks in examination.</p> <p>The Applicant has adhered to the approach outlined during this meeting, having prepared the Draft Outline In-Principle Compensation Plan for Sandwich tern and kittiwake in March 2021 for consultation alongside the PEIR. Since this meeting, the Applicant has engaged extensively with ETG members and others to progress its compensatory measures as far as possible ahead of application. It has also had regard for other recent consent decisions for Norfolk Boreas, East Anglia One North and East Anglia Two and closely tracked the examination of the Hornsea Four Project, noting similarities in the compensation measures proposed.</p> <p>As part of its transparent approach, the Applicant has also provided detailed information about the locations of its proposed compensatory measures both during pre-application consultation and within its application documents, particularly with respect to Sandwich tern (Appendix 3 Sandwich Tern Compensation Document, document reference 5.5.2) and kittiwake (Appendix 3 Kittiwake Compensation Document, document reference 5.5.3). The reason for doing so has been to permit meaningful and targeted discussions about the proposed compensation measures in accordance with the Natural England checklist.</p>
February 2021	PINS	Meeting	<p>Project meeting update during which the Applicant provided an update on HRA derogation and sought advice from PINS on the</p>	<p>In response to an enquiry from the Applicant about whether derogation approaches should only be guided by SNCBs engagement, PINS confirmed that it would be valuable to engage widely on this topic and that providing an evidence trail of any engagement will be important for examination.</p>

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			<p>breadth of stakeholder engagement that should be undertaken during the pre-application process and necessary regard for derogation in light of assessment uncertainty at this stage to ensure a smooth acceptance and examination.</p> <p>The Applicant confirmed that the Projects position was continuing to evolve, reflecting upon the Hornsea Three DCO decision made by the SoS and following the progress of the East Anglia One North and East Anglia Two applications currently in examination. The Applicant set out that it intended to engage constructively with the Statutory Nature Conservation Body (SNCB) during pre-application to ensure that any derogation case can be fully considered at examination.</p>	<p>Following this feedback, the Applicant has sought to engage proactively and constructively with a wide range of stakeholders and specialist teams within the relevant organisations (e.g. RSPB Bycatch Team) to obtain both overarching and specific advice on certain aspects of its compensatory proposals. Evidence of this engagement is outlined within this document. The Applicant considers it has broad stakeholder support for its compensation proposals, particularly from local stakeholders. Significant effort has been made to ascertain potential barriers (e.g. conflict with other local plans or projects, local policy, local stakeholder objective, etc.) that could prevent or delay securing and implementing the proposed compensatory measures to satisfy the Examining Authority that the proposed measures are feasible and securable.</p> <p>PINS confirmed that its role in pre-application is to act in an advisory capacity regarding procedures and legislation. PINS confirmed that a revised version of Advice Note 10 (on HRA) is currently being drafted and that the timeframe for completion is to be confirmed (at the time of writing it had not been updated).</p> <p>The Applicant has sought to consult regularly with PINS for feedback on proposed compensatory measures but notes that Advice Note 10 has not been updated at the time of writing. Nonetheless, the Applicant has had regard for the most recent guidance on HRA derogation, including the available version of Advice Note 10 (Version 8, November 2017), the draft Overarching National Policy Statement for Energy (NPS EN-1) (BEIS, 2021a), draft National Policy Statement for Renewable Energy (NPS EN-3) (BEIS, 2021b) and draft</p>

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			<p>The Applicant also identified sites and features for which (at this stage) a derogation under the Habitats Regulations may be required, including FFC SPA for kittiwake and NNC SPA for Sandwich Tern.</p>	<p>Defra guidance for developing compensatory measures in relation to Marine Protected Areas (Defra, 2021). As outlined, the Applicant has engaged proactively with Defra on its draft guidance to anticipate as far as possible any updates in the final guidance (that is due to be published by the end of 2022) that could have a bearing on the compensation proposals for SEP and DEP.</p>
<p>September 2021</p>	<p>PINS</p>	<p>Meeting</p>	<p>In light of the Hornsea Three decision, which encouraged the need for derogation, the Applicant reiterated that it was preparing without prejudice in principle derogation cases, subject to further discussions with key consultees, including Natural England.</p> <p>The Applicant also informed PINS that consultation on the draft compensation and derogation proposals was being undertaken in parallel with its Phase 2 Consultation exercise and that meetings to gain stakeholder feedback on its proposals were being scheduled to which PINS had been invited to attend.</p>	<p>In relation to the Applicant's consultation on draft compensation and derogation proposals, PINS advised it would be able to attend to listen to the discussion and provide procedural advice where applicable.</p> <p>PINS advised the draft consultation version of the Energy National Policy Statements (NPS) had been published recently, which included new advice on derogation and compensation. Defra was also running a consultation: "Marine Protected Areas: guidance for developing compensatory measures" (closing 30 September 2021).</p> <p>The Applicant acknowledges these publications and current open consultations and has considered these where appropriate. At the time, there was uncertainty as to whether the NPS would be designated before submission of the application and how Defra would respond to the consultation. PINS noted transitional arrangements would be in place for applications before the updated NPS EN-3 has been designated (this is still to happen).</p> <p>During the pre-application process, the Applicant considered all relevant draft/final policy and guidance and has sought to align its derogation case with this as</p>

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			<p>The Applicant stated it was keen to understand what other sites/ species may need to be included in considering any compensatory measures and the case for derogation.</p>	<p>much as possible. Further information can be found in the Habitats Regulations Derogation: Provision of Evidence (document reference 5.5) and the supporting appendices, including Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2), Appendix 3 Kittiwake Compensation Document (document reference 5.5.3), Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4). Information related to the Applicant's response to the British Energy Security Strategy (published in April 2022) and subsequent Offshore Wind Environmental Improvement Package is provided within Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p>
<p>January 2022</p>	<p>PINS</p>	<p>Meeting</p>	<p>The Applicant provided a general update to its derogation work, including:</p> <ul style="list-style-type: none"> • Pre-application consultation through EPP via ETG meetings • Development of long and short lists of options for each site with a suitability ranking process. 	<p>PINS advised that the prioritisation of SNCB feedback to other projects (namely Hornsea Four) might be to ensure consistency of advice.</p> <p>The Applicant has continued to closely monitor the Hornsea Four examination for early anticipation of SNCB advice for SEP and DEP, as well as engage with SNCBs via the EPP and informally during monthly catch-up meetings. The latter was intended to allow discussion of derogation matters more in the round, considering developments on other projects. Nonetheless, succeeding the Hornsea Four project so closely in the consenting process has presented challenges to the Applicant, particularly in anticipating the requirement for derogation for certain designated sites and features.</p> <p>The Applicant stated at the time that it had regular ongoing engagement with Defra. PINS asked if this</p>

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			<ul style="list-style-type: none"> The second iteration of ornithology compensation information that was with stakeholders at the time. <p>The Applicant also explained its careful consideration of emerging outcomes from other projects and emerging policy and guidance and highlighted some challenges it faced with obtaining timely advice from SNCBs.</p>	<p>engagement is on a project or industry group basis. The Applicant confirmed that it is both and regular catch-ups had occurred at the project level and highlighted that it had also been involved with an industry-led group on strategic compensation. Further detail of this engagement is provided within this document.</p>
July 2022	PINS	Meeting	<p>During the July 2022 meeting, the Applicant provided PINS with a final update on its compensatory proposals and outlined the challenges facing the SEP and DEP project in seeking consent during a time of significant policy change (i.e. in response to the British Energy Security Strategy), and in</p>	<p>No formal meeting note was available at the time of writing. The following therefore represents the Applicant's account of the meeting.</p> <p>PINS welcomed the project update and was sympathetic to the challenges faced by the Applicant in seeking consent at this point. PINS emphasised that whilst the update was helpful, they can only consider the application on paper and therefore urged the Applicant to ensure its application contained all the necessary information and evidence to support its compensation proposals.</p>

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			<p>light of emerging precedence in recent decision making for other offshore wind farms granted consent in the southern North Sea.</p>	<p>The Applicant has responded to this feedback by providing further relevant information in relation to the consultation that has been undertaken to understand more about changes in the external landscape (e.g. meetings with Defra and regular engagement via the Offshore Wind Industry Council Derogation Sub-group). This consultation information is detailed within this document and also referenced within the following: Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2), Appendix 3 Kittiwake Compensation Document (document reference 5.5.3), Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4) and the Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8), as well as in the Consultation Report Appendix 1 (document reference 5.2.1).</p>
<p>30 June 2021</p>	<p>Defra's Offshore Wind Compensation and Impacts team</p>	<p>Meeting</p>	<p>To provide general project updates, although the focus was on HRA compensation (and MEEB) with discussions around the proposed compensatory measures and their iterative development.</p>	<p>The Applicant noted that the potential measures identified at this stage include both project/site specific measures and those of a more strategic nature.</p> <p>Defra provided updates on their approach to and development of strategic compensation measures (e.g. fisheries management) to support future offshore wind farm developments. It was noted that the ongoing MMO work on sandeel fishing closures may lead to a reduction in total pressure on sandeel and potentially reduce the need for compensatory measures for kittiwake and other seabird species. Defra are exploring the role that fisheries management could have in providing strategic compensation and is considering setting up an advisory group of developers, fishing industry, SNCBs, RSPB to help take this forward. Defra referred to its upcoming draft guidance on</p>

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				<p>compensatory measures, but noted that it does not address strategic compensation in great detail.</p> <p>The Applicant noted that it will keep Defra updated on the ongoing development of its compensation plans during the pre-application period and a further meeting will be arranged once the next iteration of the plans and the draft guidance are available, likely Q4 2021.</p>
<p>16 December 2021</p>	<p>Defra's Offshore Wind Compensation and Impacts team</p>	<p>Meeting</p>	<p>To give a brief update of progress with the development of the compensatory measures and challenges faced and to understand Defra's thoughts on progress and recommendations for next steps.</p>	<p>The Applicant advised that it had recently taken the decision to move the DCO application submission date from end 2021 to Q2 2022, which would give more time to consider compensation requirements in detail.</p> <p>Defra indicated that the ongoing work around fisheries measures was quite fast moving and that it might well be that some of the in-combination issues on seabirds could be addressed in a timescale which is helpful for SEP and DEP. Other discussion points included the potential to take an adaptive approach to monitoring [the relevant seabird populations] to address the Secretary of State's desire to show that strategic fisheries management can be monitored and proved to be successful. Involvement from the MMO would be useful in this regard. Looking at the potential to partner with other developers for kittiwake compensation was also suggested.</p> <p>The Applicant stated that it had struggled to engage the MMO on this matter and also that it was difficult to understand how best to balance the ongoing development of project-led measures whilst strategic measures are also being investigated, for example via the OWIC DS. The Applicant has responded to the feedback given around the strategic and collaborative measures through the development of its Strategic and</p>

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15 March 2022	Defra's Offshore Wind Compensation and Impacts team	Meeting	To provide an update of progress with the development of the compensatory measures and to understand the latest thinking and work undertaken by Defra in this regard.	<p>Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (document reference 5.8).</p> <p>Further discussion was held around fisheries management measures – Defra advised it was working on a Frequently Asked Questions (FAQ) about how cross-border/transboundary working would look, with a plan to publish that in June 2022 which should provide clarity about where there is common ground. Further significant updates on fisheries management measures were not available and Defra advised that it was unlikely that there would be an outcome in time for SEP and DEP DCO application submission.</p> <p>Defra also confirmed that the release of its updated best practice guidance on compensation had been delayed, however Defra confirmed that “...<i>broadly speaking the compensation hierarchy won't change, especially the first three levels. The fourth level may change slightly but shouldn't affect any of your measures. May be that more explanation around the hierarchy is provided i.e. provide a greater level of interpretation.</i>” The Applicant has considered this feedback in the development of its non like-for-like without prejudice compensation measure for gannet to enhance the conservation of wandering and migrant shorebirds and waterfowl at Loch Ryan (alongside delivering compensation for Sandwich tern). See Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference: 5.5.4) for further information.</p> <p>With respect to two of the potential measures suggested by the Applicant for gannet, either reduction of hunting of adult gannets at sea or in the harvest of chicks, Defra's view was that neither of these were likely to be</p>

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				<p>viable. The Applicant raised the prospect of non like-for-like compensation for gannet given the lack of other credible options. Defra advised that secondary benefits could be considered compensation but the ratio would need to be much higher and measures would need to be in place much longer before the impact is having an effect. Defra also suggested reducing disturbance at SPAs (notwithstanding additionality issues) as a possibility worth looking into.</p> <p>The feedback given on gannet has been incorporated with the Applicant's proposals as reflected in Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document reference 5.5.4).</p> <p>Defra asked if the Applicant could provide some information on what the project feels Defra could most help with in terms of the key challenges currently facing the offshore wind industry with respect to compensation. The Applicant provided a responses via email after the meeting.</p>
12 July 2022	Defra's Offshore Wind Compensation and Impacts team	Meeting	To provide a project update, and an update from Defra on matters related to the British Energy Security Strategy, additionality, without prejudice derogation for gannet; and red throated diver (RTD) collaborative compensation pilot.	<p>Defra advised that:</p> <ul style="list-style-type: none"> • It was continuing to consider how strategic measures could be implemented e.g. through the MRF, which it expected to be available in late 2023. A 'library' of measures will be developed over time and some may be easier to implement than others and some may require their own legislation. • It was developing further guidance on the issue of additionality with the aim of including this with the updated Defra guidance which is due to be published at the end of 2022. In the meantime the project needed to work with the information that was available.

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				<ul style="list-style-type: none"> The RTD collaborative compensation pilot was limited to the Outer Thames Estuary. The Applicant explained the challenge it faced in deciding whether without prejudice compensatory measures for gannet should be included with its DCO application, particularly in the face of the expected updated Natural England advice on displacement. Defra suggested that on balance it seemed the better option to include a without prejudice compensation proposal within the DCO application.
16 February 2022	ABPmer (as a member of the Lowestoft Kittiwake Partnership)	Meeting	To understand who is involved/leading the development of the Lowestoft Kittiwake Partnership and the organisation's ambitions.	<p>ABPmer confirmed that the Lowestoft Kittiwake Partnership had only recently been established and was still developing its Terms of Reference. As such, the ambitions of the partnership were not yet established.</p> <p>The Applicant has sought to engage with the Lowestoft Kittiwake Partnership at the earliest opportunity and has since had a follow-up discussion on 21 June 2022 to ensure that its compensation proposals align with the emerging vision and objectives of the partnership. The Applicant will also be attending an event hosted by the partnership for the offshore wind industry in late August 2022.</p>
5 April 2022	NatureScot and Marine Scotland	Meeting	To understand from an environmental, licensing, and policy perspective whether an inland pool or pontoon at Loch Ryan as compensation for predicted impacts to Sandwich tern were options worth exploring further and identifying any key	<p>From an ecological perspective, NatureScot was, in principle, supportive of the proposed measures for Sandwich tern at Loch Ryan, subject to the development of the proposals in more detail.</p> <p>Marine Scotland Licensing Operations Team could not see any challenges in Equinor submitting a Marine Licence application to install a pontoon. It was also confirmed that there is currently no formal Scottish policy on delivering compensation measures in Scotland for projects elsewhere in the UK.</p>

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			<p>challenges/obstacles that cannot be resolved. To also understand the processes and stakeholders who would need to be involved going forward, including the permissions and licences that would be required.</p>	<p>Marine Scotland Science expressed understanding and support for the rationale behind the proposed measures.</p> <p>This has led the Applicant to take forward both an inland pool and pontoon as potential compensatory measures for SEP and DEP (see Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2)). Engagement with NatureScot and Marine Scotland regarding this proposal is ongoing.</p>
<p>8 April 2022 3 May 2022 26 May 2022 14 July 2022</p>	<p>Gateshead Council</p>	<p>Meetings</p>	<p>Meetings were held with Gateshead Council to discuss the Applicant's proposal, including outline design, monitoring and management considerations.</p>	<p>Several meetings have been undertaken to discuss the Applicant's proposal and potential considerations related to implementation (e.g. structural integrity of the existing tower, monitoring, maintenance security, etc.). This led the Applicant to modify its proposal to include, for example, moving the structure if necessary so as not to inhibit ongoing monitoring of the existing Saltmeadows tower. Outline design details for the proposed measure are presented in Appendix 3 Kittiwake Compensation Document (document reference 5.5.3). The next steps are to undertake a site visit and structural survey of the existing Saltmeadows tower and to continue progressing discussions regarding a land options agreement to secure the site.</p>
<p>27 April 2022</p>	<p>North Eastern IFCA</p>	<p>Meeting</p>	<p>An initial meeting was held to discuss gillnetting activity in the east and north-eastern region and local bylaw considerations.</p>	<p>The information provided by NEIFCA during this meeting informed the Applicant's initial appraisal of bycatch prevention opportunities in north-eastern region and subsequent engagement with other local fishing associations within the area of interest (Appendix 4 Gannet, Guillemot and Razorbill Compensation Document, document reference 5.5.4).</p>

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3 May 2022	Crown Estate Scotland	Meeting	Meeting held to outline the Applicant's Sandwich tern proposal at Loch Ryan, Scotland and to understand what leases and/or licence would be required and whether there is potential for any conflict with other proposals in the wider area.	<p>Crown Estate Scotland confirmed that a Marine Works Consent application would be required for a floating pontoon structure and a sea bed lease. The inland pool is unlikely to require any consent or lease from Crown Estate Scotland unless the inland pool is fed via seawater and therefore requires a pipe to be placed on the foreshore and sea bed.</p> <p>Crown Estate Scotland also informed the Applicant of several other project proposals at Loch Ryan.</p> <p>The Applicant has considered the requirement for consents and leases in the outline implementation and delivery roadmap – see Appendix 2 Sandwich Tern Compensation Document (document reference 5.5.2). The Applicant has also undertaken engagement with relevant local stakeholders (e.g. RSPB) to avoid conflict with other project proposals at Loch Ryan.</p>
18 May 2022	East Suffolk Council	Meeting	To provide further background to SEP and DEP and the development of compensatory measures for kittiwake. The Applicant provided the Council with a briefing note describing its proposals in relation to Lowestoft.	<p>Following a summary of the Applicant's intended approach to compensation, discussions were centered around potential sites, compensation scale, planning requirements, and legal protections for the measures. East Suffolk Council noted the potential benefits of the proposed measures and was keen for subsequent dialogue to explore further.</p> <p>The Applicant submitted a formal pre-application enquiry to seek the council's advice on the Applicant's initial site selection work. A formal pre-application enquiry was submitted to East Council Suffolk on 18 July 2022. This included the following submissions:</p> <ul style="list-style-type: none"> SEP and DEP Pre-application consultation on locations for improved artificial kittiwake nesting

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<ul style="list-style-type: none"> SEP and DEP Kittiwake Productive Note 30052022_Lowestoft <p>A response is expected towards the end of August 2022.</p>
6 June 2022	The Wash and North Norfolk Marine Partnership	Meeting	To provide an update on the Applicant's compensation (and MEEB) proposals for SEP and DEP and to provide information on wider environmental and community initiatives within North Norfolk.	<p>The Applicant provided an update on its HRA derogation position, including proposed compensatory measures, particularly in relation to Sandwich tern. The Applicant also highlighted its wider environmental and community initiatives within North Norfolk</p> <p>The Partnership was grateful to be kept up to date with the Applicant's compensation proposals and to be informed of funding opportunities to help support the partnership's work.</p>
21 June 2022	Lowestoft Kittiwake Partnership	Meeting	Meeting to introduce the SEP and DEP project and the Applicant's proposal for artificial nesting structures for kittiwakes in Lowestoft and to learn more about the aims and ambitions of the partnership.	<p>The partnership confirmed that they were looking for support from offshore wind developers to help support the vision of the partnership but confirmed that they would like to bring all interested parties together. In the meantime, it was able to share some guidance for building managers in Lowestoft.</p> <p>The Applicant confirmed that it would like to be included in future discussions on supporting the partnership and will be attending an event hosted by them for the offshore wind industry in late August 2022. The Applicant also confirmed that it would continue to keep the partnership up to date with progress on the Applicant's compensation proposal for kittiwake.</p>
25 July 2022	North Eastern IFCA	Meeting	Meeting held to further discuss gillnetting activity in the east and north-eastern region	The additional information provided by North Eastern IFCA during this meeting informed some of the details presented Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (document

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>reference 5.5.4) with respect to bycatch prevention. It should be noted that the Applicant has also put forward an option to delivery bycatch reduction collaboratively with other developers as an alternative to project-led delivery (see Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit, document reference 5.8).</p>
25 July 2022	Northumberland IFCA	Email	Email exchange to discuss gillnetting in the northern region.	<p>NIFCA confirmed that whilst gillnetting in the Northumberland region has reduced significantly in the past 20-30 years, there remains a small number of fishers actively gillnetting in the region with nets set year-round. Target species include cod and some flattish, although there is one fisherman who is trialing netting for turbot.</p> <p>Whilst the scale of gillnetting activity in the north is relatively small, the low level of compensation required for guillemot and razorbill is also small (i.e. predicted loss of 6 and 0.5 birds, respectively). Therefore there is considered to be merit in taking this compensatory measure forward (see Appendix 4 Gannet, Guillemot and Razorbill Compensation Document, document reference 5.5.4). The Applicant has also put forward an option to deliver bycatch reduction collaboratively with other developers as an alternative to project-led delivery (see Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit, document reference 5.8).</p>
25 July 2022	Individual fishers and fishery representatives	Telephone	One-to-one telephone calls to discuss gillnetting activities in the northeastern region for individual fishers.	<p>Informal discussions were had with individual fishers and fishery representatives to discuss gillnetting activity, including seasonality, typical areas targeted and typical target species. This information has informed the Applicant's proposal outlined in Appendix 4 Gannet,</p>

Date	Consultees	Format	Details	Summary of key feedback and outcomes
				<p>Guillemot and Razorbill Compensation Document (document reference 5.5.4).</p>
<p>9 August 2022</p>	<p>National Trust</p>	<p>Email</p>	<p>Email exchange with the Countryside Manager for the Farne Islands SPA to further discuss Sandwich tern compensatory proposal at the Farne Islands SPA.</p>	<p>The Applicant provided further background to SEP and DEP and the need to develop compensatory measures for Sandwich tern. This included key considerations such as the requirement for measures to be ‘additional’ and for success to be quantifiable.</p> <p>A positive response was received from National Trust, who outlined several opportunities for further measures to be delivered at the Farne Islands SPA as well as feedback on the Applicant’s current proposals. Whilst the Applicant recognises that there are perhaps some additionality considerations to navigate with respect to its proposal for the Farnes, there are considered to be tangible opportunities to successfully deliver the necessary level of compensation required for Sandwich tern at this site. The Applicant is continuing to engage with the National Trust in this regard, with a further meeting scheduled in September 2022.</p>

5.4 References

BEIS 2021a. Draft Overarching National Policy Statement for Energy (EN-1). 132 pp.
BEIS 2021b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3). 107 pp.
Defra 2021. Best practice guidance for developing compensatory measures in relation to Marine Protected Areas 22 July 2021 Version: For consultation
MacArthur Green 2021a. Considerations of compensation options for Sandwich terns and kittiwakes. Report to Royal Haskoning. 79 pp.
MacArthur Green 2021b. Kittiwakes nesting on artificial structures: features of nest sites and nesting success at Lowestoft, Tyne and Dunbar. Report to Equinor.
Scottish Government. 2020a. Sectoral Marine Plan for Offshore Wind Energy. October 2020. 79 pp.
Scottish Government. 2020b. Sectoral marine plan: appropriate assessment. Appropriate Assessment for Sectoral Marine Plan for Offshore Wind Energy (2020). October 2020. 178 pp.