



**Response to the Examining Authority's First Written
Questions**

**for the
Royal Society for the Protection of Birds**

Submitted for Deadline 1

20 February 2023

Planning Act 2008 (as amended)

In the matter of:

Application by Equinor for an Order

**Granting Development Consent for the Sheringham and Dudgeon Extension
Projects**

Planning Inspectorate Ref: EN010109

RSPB Registration Identification Ref: 20033327

Question number	Question addressed to	ExA question	RSPB comments
Q1.3 Benthic ecology , Intertidal, Subtidal and Coastal effects			
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods			
Q1.3.1.1	Local Authorities Environment Agency Natural England Royal Society for the Protection of Birds Marine Management Organisation	Intertidal and Subtidal areas Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.	The RSPB notes this question. We will defer responses to this question to other organisations better placed to address the question.
Q1.3.4 Effects on the Marine Conservation Zone			
Q1.3.4.1	Marine Management Organisation Natural England Norfolk Wildlife Trust East Inshore Fisheries and Conservation Authority Royal Society for the Protection of Birds	Measures of Equivalent Environmental Benefit (MEEB) The Applicant has proposed planting of oyster beds with the Marine Conservation Zone (MCZ) as a MEEB [APP-084]. In this respect: a) Of the options set out in Table 7-1 [APP-083], do you agree with the Applicant's assessment of the feasibility of providing other MEEB? b) If the answer to (a) is no, set out what options are available or preferred instead of oyster bed planting? c) Would the planting of a 1ha oyster bed in itself have ramifications for the composition and quality of the MCZ or would it be a superficial surface element unlikely to upset the balance of the conservation objectives?	The RSPB notes this question. We will review responses from other organisations and respond as appropriate at Deadline 2.

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		<p>d) Would the oyster bed (not currently within the MCZ) attract different fish, prey and predator species to the area?</p> <p>e) Would the oyster bed, directly or indirectly, support the food resource for foraging birds?</p> <p>f) What is the likelihood of success of oyster beds establishing in the locality and what confidence can the ExA place upon this MEEB in recommending to the SoS BEIS about discharging their obligations under the MCA?</p>	
Q1.3.4.3	<p>Natural England Environment Agency Marine Management Organisation Norfolk Wildlife Trust East Inshore Fisheries and Conservation Authority Royal Society for the Protection of Birds</p>	<p>MEEB and Sandeels Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].</p> <p>a) Could sandeel habitat be artificially formed and sustained in the MCZ?</p> <p>b) If so, would that area be afforded protection from the fishing industry due to the designation?</p>	<p>The RSPB notes this question. The RSPB welcomes that the Applicant has made the link between prey availability and seabird population health and recovery. We agree that the lower availability and quality of small fish is impacting seabirds and needs to be addressed and that surface feeding birds that are highly dependent on sandeels are faring the worst as a result. The RSPB would support measures that increased prey availability kittiwakes, Sandwich terns and other seabird. We will review and respond in more detail at Deadline 2.</p>
Q1.12. Habitats and Ecology Offshore			
Q1.12.1 Effects on Ornithology			
Q1.12.1.1	<p>Natural England Royal Society for the Protection of Birds</p>	<p>Quality of Data There are instances within the ES [APP-097, Paragraphs 172, 240, 313] where the Applicant raises issues with data and the approach taken to using it. In these respects:</p>	<p>While methodological concerns remain, progress towards resolving a number of issues was made during the pre-application discussions for this project. We continue to have significant concerns</p>

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		<p>a) Are you concerned that, in several places, the Applicant has stated “it was not considered possible to produce reliable and precise design-based density estimates for offshore ornithology receptors for DEP-N and DEP-S, only DEP as a whole” and, if so, do you consider that this undermines the Applicant’s conclusions on the significance of adverse effects?</p> <p>b) Is it appropriate and proportionate for the Applicant to have relied upon written sources to gather data across the export cable corridor rather than undertaking baseline ‘on-site’ surveys?</p> <p>c) The Applicant acknowledges departing from Natural England’s suggested mortality rates, because such rates are higher. Do you consider there to be sufficient justification for this departure and if not, why not?</p> <p>d) Are you content with the approach undertaken with regards to assessing the overall effects of the Proposed Development considered alongside other projects?</p>	<p>relating to the project’s in-combination and cumulative collision risk and displacement impacts including their assessment. The RSPB has provided our detailed comments on the Applicant’s methodology and our outstanding concerns in Section 4 (pp.30-39) of our Written Representations.</p>
Q1.12.1.3	Natural England Royal Society for the Protection of Birds	<p>Use of a Scientific Study In Relevant Representation [RR-083], in relation to studies on seabird activity, it states that the study undertaken by Cook in 2021 has not been adopted by SNCBs and therefore cannot be relied upon for its data on collision risk modelling.</p>	<p>The RSPB sets out our detailed position on the Cook (2021) paper in paragraphs 4.21-4.26 (pp.34-37) of our Written Representation.</p>

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		a) Are the findings of Cook 2021 currently disputed? b) What is the process of adoption for a scientific paper and is there a timescale in which such an evidence base would be either adopted or rebuked (reported on)? c) What would be an appropriate equivalent evidence base from which evidence could be relied upon that you say the Applicant should have referred to instead?	
Q1.14. Habitats Regulations Assessment			
Q1.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects			
Q1.14.1.10	Applicant Natural England RSPB	Norfolk Boreas and Norfolk Vanguard DCO Decisions Do the SoS's HRAs and decisions on the Norfolk Boreas and Norfolk Vanguard projects affect the process or conclusions of the HRA undertaken for this Proposed Development by the Applicant, including the deliverability and timing of the proposed compensation measures, especially in relation to the kittiwake interest feature of the Flamborough and Filey Coast SPA?	The RSPB sets out our detailed position on the implications of decisions from other Offshore Wind Farm projects to compensation measures in paragraphs 5.9-5.21 (pp.45-48) of our Written Representation.
Q.1.14.1.21	Natural England RSPB Marine Management Organisation Norfolk Wildlife Trust	Marine Recovery Fund The Applicant has set out compensatory measures for those species/ features identified as where an AEoI cannot be ruled out. The Applicant has stated however, that it may not implement such compensatory measures if the 'Marine Recovery Fund' (or equivalent) is introduced by the Government.	The RSPB notes this question. We will respond in detail at Deadline 2.

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		<p>a) Is it appropriate for the Applicant to substitute in a contribution towards a strategic compensation fund as opposed to proactively implementing its own proposed package of physical and proactive compensatory measures (bearing in mind the fund does not yet exist)?</p> <p>b) Would there be any guarantees that the contribution to the fund would be directed specifically towards compensating for the adverse effects of the Proposed Development on sandwich terns and kittiwakes?</p> <p>c) From what you know of the fund, is it purely to be directed to whatever project the Government allocates as needing attention rather than project specific?</p>	