



The Planning Act 2008

*Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project*

East Suffolk Council's response to The Examining Authority's written questions and requests for information (WQ1)

Issued on Friday 27 January 2023

Deadline 1: Monday 20 February 2023

Application: EN010109

East Suffolk Council: 20032925

Q1.14. Habitats Regulation Assessment

Q1.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects

Questions for East Suffolk Council

East Suffolk Council Response

**Q1.14.1.16**

**Kittiwake Compensation and Strategic Approach**

Explain what your expectations are with regards to establishing a strategic position on the requirement for kittiwake compensation. Is this specific to your District or something that can be produced to contribute directly to this Examination?

To elaborate on East Suffolk Council's (ESC's) strategic position and associated matters raised within our Relevant Representation (RR-030), ESC supports a strategic and collaborative approach to gull compensation measures, and we are keen to work with the Applicant in finding an acceptable solution to kittiwake compensation requirements should such requirements be progressed within our District. However, we will continue to raise significant concerns regarding the introduction of additional artificial nesting capacity within the town of Lowestoft where issues surrounding human/bird interactions already exist. Every opportunity for coordination between projects must be fully explored before a new or expanded artificial nesting site is progressed. However, any such proposal within the town will not be supported for the reasons stated.

We have been liaising with the Applicant on this matter, requesting that an alternative solution to any compensation proposed within the town is identified, considering the planning concerns discussed and set out in our Relevant Representation (RR-030). However, we understand following the discussions held at Issue Specific Hearing 1 (Wednesday 18 January 2023) that the Applicant is now progressing a preferred kittiwake compensation option at Gateshead which is fully supported.

Despite this, and to assist this Examination, ESC's strategic position seeks to avoid proliferation of artificial nesting structures within our District, particularly around sensitive areas with existing human/bird conflicts such as within the town of Lowestoft itself. Experience indicates that compensation proposals for kittiwake artificial nesting aims to be located in proximity to existing colonies of kittiwakes and this results in hot spots within the East Suffolk District where different developers seek to explore similar requirements in similar locations, exacerbating existing issues.

To clarify ESC's preferences on kittiwake compensation measures in numerical order:

- 1 – compensation provided elsewhere out of district avoiding existing conflicts and local sensitivities;
- 2 – if provision is sought within ESC, Applicants will be required to coordinate provision reducing local impacts associated with human / bird conflicts (i.e. relating to noise, smell, mess, hygiene concerns and visual appearance at nest sites);

	<p>3 – only once preference 1 and 2 have been fully exhausted will a new bespoke project alone solution be considered, however this will require planning input for site selection and constraint mapping from the initial stages with no guarantees of local planning authority support should such provision be deemed to exacerbate existing issues.</p>
<p><b>Q1.14.1.24</b></p> <p><b>Compensation Measures for Kittiwake</b></p> <p>b) East Suffolk Council to confirm, at this stage, whether there would be spare capacity for kittiwake compensation measures resulting from other agreed projects, and the possibility of the Applicant 'buying into' that compensation.</p>	<p>ESC aims to answer this question to assist the Examination, however it would be for the individual project developers to fully explore all opportunities for coordination rather than the Local Planning Authority.</p> <p>While there could be scope for additional capacity at other agreed projects for the coordination of kittiwake nesting provision, noting that other sites have already been rigorously tested to avoid human bird conflicts, any such proposals would require landowner agreement and planning permission.</p> <p>We have set out our order of preference in answer to Q1.14.1.16 above. However, whilst the Applicant has expressed a preference to locate such provision at Gateshead as opposed to East Suffolk as originally intended, it is essential that any deviation from Gateshead back to progressing compensation measures within East Suffolk is not left until the latter stages of this Examination, reiterating the concern already expressed at ISH1.</p> <p>However, there may be no planning reasons why coordination would not be possible at these sites and commercial decisions between developers should not restrict or limit possible coordination efforts with robust justification being requested from all parties should coordination not be deemed viable at a given location.</p>