



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

Written Summary of Oral Case

Deadline 1: Monday 20 February 2023

Issue Specific Hearing 1 (ISH1)

Strategic Offshore Matters, including Development Consent Order - Wednesday 18 January 2023

Application: EN010109

East Suffolk Council: 20032925

ISH1	
Agenda Item	East Suffolk Council Submissions
<p>Session 1</p> <p>1. Welcome by Lead Member of the Examining Authority</p>	<p>1. Speakers available on behalf of East Suffolk Council (ESC):</p> <ul style="list-style-type: none"> • Grahame Stuteley, Senior Energy Projects Officer, ESC • James Meyer, Senior Ecologist, ESC
<p>Session 1</p> <p>2. Procedure for running the Issue Specific Hearing</p>	<p>2. ESC received no questions from the Examining Authority.</p>
<p>Session 1</p> <p>3. Efficacy of Compensation Measures (ornithology)</p> <p>The Examining Authority wishes to explore various aspects of the compensation measures proposed within the Applicant’s derogation case, including any perceived deficiencies or areas where improvements could be made.</p> <p>i. The overarching approach to compensation including the balance between project-led measures and “strategic” and “collaborative” measures as part</p>	<p>i. ESC received no questions from the Examining Authority.</p> <p>ii. ESC received no questions from the Examining Authority.</p> <p>iii. ESC received no questions from the Examining Authority.</p> <p>iv. ESC received no questions from the Examining Authority.</p> <p>v. To summarise our position further for the Examining Authority, ESC supports kittiwake compensation measures where these are appropriately located with a balance of planning considerations having been given sufficient weight in site selection. We will however oppose any additional capacity for nesting within populated, sensitive, or urban areas (such as within the Town of Lowestoft as we have already mentioned) in order to minimise human interaction with nesting kittiwakes and to avoid further exacerbating the existing issues associated with nesting sites such as noise, smell and the accumulation of bird mess.</p> <p>The introduction of additional nesting capacity at existing sites in the Town would burden the Council and the owners of the buildings on which the birds are nesting with ongoing cleaning and maintenance requirements.</p>

of any future Marine Recovery Fund

ii. An overarching view as to how compensation is managed within the draft Development Consent Order

iii. Whether conclusions of an Adverse Effect on Integrity on the gannet feature of the Flamborough and Filey Coast Special Protection Area can be agreed, and implications for the Examination going forward

iv. The efficacy and suitability of Loch Ryan as a site to support sandwich terns, including funding for the compensation

v. The extent of success in artificial nesting sites for kittiwakes, and the extent to which offshore options could be developed further

vi. The measures and options available in respects of auks, including the merit of the compensation package currently drafted

We are also concerned that kittiwake compensation measures are not being considered strategically given the expected quantity of projects coming forward in our region over the next decade. Any proposal for artificial nesting compensation within East Suffolk will therefore be required to demonstrate that every opportunity for coordination with other projects has been fully explored before any new (or enhanced capacity at existing sites) will be considered or supported.

Other developers with similar compensation requirements have been steered away from Town centre areas where public interactions with nesting birds are possible, and we will be taking a consistent approach with any future project requiring kittiwake compensation in our District.

In summary, we support a strategic and collaborative approach to compensation measures, and we are keen to work with the Applicant in finding an acceptable solution to kittiwake compensation requirements, however we will continue to raise significant concerns regarding the introduction of additional artificial nesting capacity within the town of Lowestoft where issues already exist.

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).

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.

The Examining Authority asked ESC to help summarise the burden that other projects are putting on Lowestoft in light of the other recent DCO's which have been granted for offshore wind farms with kittiwake compensation requirements being included, could we quantify the burden that is coming to Lowestoft in terms of providing those artificial nests.

ESC confirmed that there are some requirements which have recently been put forward with regards to the Vattenfall / SPR at the Port of Lowestoft and also we have been liaising with Orsted regarding Hornsea Three

and Hornsea Four. The burden relates to the existing issues in the Town which efforts are being made currently to resolve, we are trying to avoid a proliferation of artificial nesting structures in an already sensitive area around Lowestoft and adding additional capacity to such nesting sites within the Town itself would only exacerbate the issues.

The Examining Authority asked ESC to clarify the position a bit further, noting the focus is on Lowestoft, although it is not necessarily before us here in terms of the strategic approach, could an option be other onshore nesting sites but not in Lowestoft yet still within the East Suffolk District, or would our preference be for offshore artificial nesting sites and where do we think the approach should go.

ESC advised that it very much depends on the constraints at each site, it is a very site-specific assessment, but it would need to be away from any potential conflict with the existing population to avoid that interaction with people. For example, the Port of Lowestoft site has no public access so that is a better option regarding such interactions, offshore structures are a discussion ESC would be open to having with the Applicant however no such proposal has been discussed to date. Any such option would require careful siting in order to avoid terrestrial planning constraints including consideration of the seascape visual impacts given the highly designated nature of the East Suffolk Coast.

ESC understands that the Applicant's current preference for kittiwake compensation is in Gateshead as stated at the hearing, however asked at what stage a conclusive decision will be made as we would be disappointed for Lowestoft to be brought back on the table in the very late stages of this examination.

The Examining Authority asked ESC if the Applicant were to come back and rely on ESC with their proposal as it is, would the Council's position be to object to the Application stating that the compensation measures are not appropriate, and if the Council could clarify our position on this.

ESC confirmed that we wouldn't wish to add anything other than what we have said already, we wouldn't support anything within the Town of Lowestoft itself for the reasons already stated, coordination with other developers is a favourable option and we would be open to discussions for other sites if these were in a suitable location avoiding any conflicts, but we don't have any further comment to add at this stage.

	vi. ESC received no questions from the Examining Authority.
<p>Session 2</p> <p>4. Marine Mammals</p> <p>i. The scope and content of the Marine Mammal Mitigation Protocol and whether the matter of disturbance is adequately addressed or requires further detail</p> <p>ii. The extent of the assessment of underwater noise and whether this is adequate for all marine mammals and the efficacy of the Site Integrity Plan as mitigation</p> <p>iii. Process and timing for arriving at a decision on foundation type(s) for each of the turbines proposed and likelihood of a decision during the Examination</p> <p>iv. Whether additional conditions are required within the draft Deemed Marine Licences for vessel management to avoid conflict with marine mammals</p>	ESC left ISH1 at the close of Session 1.
Session 2	ESC left ISH1 at the close of Session 1.

5. Benthic Ecology

i. The Measures of Equivalent Environmental Benefit available to the Applicant and what, if any, implications arise from the chosen method of oyster bed planting

ii. Whether the draft Development Consent Order and its supporting documentation provides suitable means of securing the Measures of Equivalent Environmental Benefit

iii. Any evidence regarding the Conservation Status of the Cromer Shoal Chalk Beds Marine Conservation Zone and how the general approach to the cumulative effects upon the Marine Conservation Zone is assessed

iv. Whether the conservation objectives for the Marine Conservation Zone would be affected, and if so, how any adverse impact can be mitigated

v. Further to iv above, whether any cable protection within the

<p>Marine Conservation Zone would result in adverse conservation impacts, including when considered in cumulation with other projects</p> <p>vi. Whether the micro-siting of cabling and other infrastructure would be a sufficient method to avoid adverse impacts to priority habitats and other features of ecological importance</p>	
<p>Session 3</p> <p>6. Environmental Statement and the Marine Environment</p> <p>i. Worst-case scenarios and the mitigation hierarchy, with particular reference to the development options at Dudgeon Extension Project</p> <p>ii. The extent to which the Applicant is relying on releasing “headroom” and applying Rochdale Envelope principles in its assessments and delivery of the project</p> <p>iii. To identify the relevant policies from the Marine Plans</p>	<p>ESC left ISH1 at the close of Session 1.</p>

<p>and whether the Proposed Development is in conflict with them</p>	
<p>Session 3</p> <p>7. Shipping and Navigation</p> <p>The Examining Authority would seek to explore answers to several aspects, with reference to paragraphs 2.6.147 to 2.6.175 of the National Policy Statement EN-3, including:</p> <ul style="list-style-type: none">i. Site selection (or definition) with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries with particular regard to approaches to ports and to strategic routes essential to regional, national and international tradeii. Measures to minimise negative impacts to as low as reasonably practicable and if not, what additional measures could be implemented	<p>ESC left ISH1 at the close of Session 1.</p>

<p>iii. Will there be any unnecessary or unmitigated conflict with the safety of recreational craft</p> <p>iv. Concerns with regards to Search and Rescue capability</p> <p>v. Regarding helicopter access to oil and gas offshore platforms (particularly Waveney, Blythe and Elgood), will the mitigation options, such as an obstacle free 1NM arc around Waveney or commercial agreements for example, be sufficient to result in impacts being limited to moderate adverse</p>	
<p>Session 4</p> <p>8. Fishing and Fisheries</p> <p>i. Discussion as to the extent of agreement for the Outline Fisheries Liaison and Co-Existence Plan as an approach for sufficient mitigation and/or compensation for the affected fishing industry.</p> <p>ii. The effects of the development as proposed, along with cumulative effects from other plans, projects and activities, on</p>	<p>ESC left ISH1 at the close of Session 1.</p>

<p>the UK potting fleet, through displacement effect for example, and whether any effect could be mitigated with justifiable disturbance payments and/or cooperation agreements</p>	
<p>Session 4</p> <p>9. Development Consent Order matters</p> <p>i. Whether a version of the draft Development Consent Order which includes all provisions relating to strategic compensation can be provided.</p> <p>ii. The mechanisms in place to ensure two different asset holders (generation assets (Schedules 10 and 11) and two transmission assets) working in the same area would collaborate together, especially with regard to in-combination effects, if transfer of benefit were to happen</p> <p>iii. Clarification on how separate ownership of the Deemed Marine Licenses would impact responsibility for undertaking</p>	<p>ESC left ISH1 at the close of Session 1.</p>

joint project works, and post consent submissions, in response to the concerns raised by Marine Management Organisation [RR-053]

iv. How can the Applicant reassure the Examining Authority and Interested Parties that coordinates in the draft Development Consent Order are checked and correct?

v. Justification that four months' timescale for submission of discharge documents, and an objective comparison of the implications of the four months' timescale, six months' timescale, and no timescale including precedence for all vi. Mitigations that Natural England require to be secured in the draft Development Consent Order and Deemed Marine Licenses, that are concerning for the Applicant [RR-063, Page 6]

vii. Timescale of addressing the drafting and consistency matters

<p>raised by Marine Management Organisation and Natural England</p> <p>(Matters relating to Compulsory Acquisition and Temporary Possession will be covered in First Written Questions and later Hearings)</p>	
<p>Session 4</p> <p>10. Procedural decisions, review of actions and next steps</p>	<p>ESC left ISH1 at the close of Session 1.</p> <p>The Examining Authority set out Action 4 - ESC to confirm if there would be spare capacity for Kittiwake compensation measures resulting from other agreed projects that the Applicant could piggyback onto if needed – Deadline 1.</p> <p>This formed part of the Examining Authority’s Written Questions 1 / WG1 – and ESC have responded to these separately.</p>
<p>Session 4</p> <p>11. Closing remarks</p>	<p>ESC left ISH1 at the close of Session 1.</p>
<p>7. Close of hearing</p>	