



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Draft Statement of Common Ground:
Natural England (HRA Derogation)

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Glossary of Acronyms

AEoI	Adverse Effect on Integrity
CI	Confidence Interval
CIMP	Compensation Implementation and Monitoring Plan
CRM	Collision Risk Modelling
DAS	Discretionary Advice Service
DCO	Development Consent Order
DEL	Dudgeon Extension Limited
DEP	Dudgeon Offshore Wind Farm Extension Project
EPP	Evidence Plan Process
ETG	Expert Topic Group
FFC	Flamborough and Filey Coast
GRCSG	Guillemot and Razorbill Compensation Steering Group
GW	Greater Wash
HDD	Horizontal Directional Drilling
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitat Regulations Assessment
HVAC	High-Voltage Alternating Current
HVAC	High Voltage Alternating Current
IFCA	Inshore Fisheries Conservation Authority
KCSG	Kittiwake Compensation Steering Group
LEB	Looming Eyes Buoy
MEEB	Measures of Equivalent Environmental Benefit
NNC	North Norfolk Coast
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NPS	National Policy Statement
OSP	Offshore Substation Platform
PEIR	Preliminary Environmental Information Report
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SEL	Scira Extension Limited

SEP	Sheringham Offshore Wind Farm Extension Project
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Sites of Special Scientific Interest
STCSG	Sandwich Tern Compensation Steering Group
UK	United Kingdom

Glossary of Terms

Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
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.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
The Applicant	Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited and Dudgeon Extension Limited are the named undertakers that have the benefit of the DCO. 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.

1 Introduction

1.1 Background

1. This draft Statement of Common Ground (SoCG) has been prepared by Equinor New Energy Limited (the Applicant) and Natural England. It identifies areas of the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) Development Consent Order (DCO) application (the Application) where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Act 2008: Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this draft SoCG.
3. This draft SoCG has been structured to reflect matters relating to Habitats Regulations Assessment (HRA) Derogation with a specific focus on offshore ornithology compensation. Separate SoCGs with Natural England are also being prepared in relation to the following:
 - **Draft SoCG: Natural England (Onshore)** [document reference 12.13], submitted at Deadline 1; and
 - **Draft SoCG: Natural England (Offshore Ornithology)** and **Draft SoCG: Natural England (Offshore)** which the Applicant is intending to submit at Deadline 2.
4. The applicable matters considered within this SoCG apply to Natural England's statutory remit which is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
5. The Applicant has provided a **Report to Inform Appropriate Assessment (RIAA)** [APP-059] which provides the competent authority with information on the potential for adverse effect on the integrity of European designated sites.
6. **Table 1** lists the Special Protection Areas (SPA) and offshore ornithology features relevant to the Applicant's derogation case provided within the **HRA Derogation Case: Provision of Evidence** [APP-059]. The **RIAA** [APP-059] concludes that an in-combination adverse effect on integrity cannot be ruled out for the breeding Sandwich tern feature of the North Norfolk Coast (NNC) SPA and the Greater Wash SPA and for the breeding kittiwake feature of the Flamborough and Filey Coast (FFC) SPA. The Applicant maintains that there will be no adverse effect on integrity of the guillemot and razorbill features of the Flamborough and Filey Coast SPA as a result of the Projects, alone or in-combination. However, 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), a compensation proposal has also been provided with respect to the guillemot and razorbill features of the FFC SPA on a without prejudice basis. This approach is in accordance with the draft Overarching National Policy Statement (NPS) for Energy (NPS EN-1), the draft

National Policy Statement for Renewable Energy (NPS EN-3) and statements from the Secretary of State in the Hornsea Project Three and Norfolk Boreas decisions.

7. Regarding the requirement for compensation for the gannet feature of the FFC SPA, Natural England within Appendix C of their Relevant Representation [RR-063] note that:

“Natural England can advise that on the basis of the information so far provided, we believe there will be no requirement for provision of gannet compensation. As such we have not provided detailed comments on the without-prejudice proposals for delivery of compensation for that species”.

8. The Applicant has submitted at Deadline 1 an **Apportioning and HRA Updates Technical Note** [document reference 12.3] which has recalculated mortalities for the gannet feature of the FFC SPA based on updated Natural England guidance on collision risk modelling (CRM) parameters (provided in Appendix B1 of the Natural England Relevant Representation) and an updated gannet apportioning method as requested in the Natural England Relevant Representation [RR-063]. The worst case upper 95% confidence interval FFC gannet combined collision risk and displacement mortalities have reduced by approximately 4 i.e. from 10 to 6 adults per year. Natural England will provide formal advice on this matter once an updated in-combination assessment (including impacts from Hornsea Project Four) is submitted into the Examination. Discussions around the potential for other adverse effects are ongoing regarding other ornithology receptors e.g. red-throated diver at Greater Wash SPA.

Table 1: Relevant effects and RIAA conclusions

Site	Feature	Effect	RIAA Assessment Conclusion
NNC SPA	Sandwich tern	In-combination collision risk In-combination combined displacement and collision risk	Adverse effect on site integrity cannot be ruled out.
Greater Wash (GW) SPA	Sandwich tern	In-combination collision risk In-combination combined displacement and collision risk	Adverse effect on site integrity cannot be ruled out.
FFC SPA	Kittiwake	In-combination collision risk	Adverse effect on site integrity cannot be ruled out.
	Guillemot and razorbill	In-combination displacement risk	No adverse effect on site integrity.
	Gannet	In-combination collision risk In-combination combined displacement and collision risk	No adverse effect on site integrity.

1.2 Overview of SEP and DEP Compensation Measures

9. Since submission of the DCO application, the Applicant has been working to mature the compensation proposals and will seek to provide updates at appropriate points

throughout the Examination. The Applicant has and will continue to consult with Natural England (**Section 1.3**) (and other stakeholders) as the measures are matured which will facilitate refinement and agreement of topic-specific matters that will be reflected in future iterations of this SoCG.

10. Compensatory measures were considered in the context of different delivery models including strategic, collaborative and project-led measures. The delivery models reflect how the Applicant considers each measure could be most feasibly, effectively and proportionately delivered, relative to the Projects' predicted impacts.
11. A summary of the compensation measures being considered by SEP and DEP and their delivery model options are presented in **Table 2**.

Table 2: Summary of proposed compensatory measures and delivery model

Measure	Project-led	Collaborative	Strategic
Sandwich tern (NNC SPA / GW SPA)			
Nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan	✓		
Improved breeding success at SPA sites other than NNC (e.g. the Farne Islands SPA or Foulness SPA)	✓		
Prey enhancement through sandeel stock recovery and sprat stock protection – ecosystem-based management approach			✓
Kittiwake (FFC SPA)			
Nest site improvements to enhance breeding success	✓		
Construction of new artificial breeding sites for kittiwakes onshore or offshore		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
Guillemot and razorbill (FFC SPA)			
Bycatch reduction	✓	✓	
Predator eradication from a breeding colony		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
Gannet (FFC SPA)			
Bycatch reduction research proposal – better establish the scale and pattern of bycatch and investigate reduction measures	✓	✓	
Non like-for-like compensation option – enhance the conservation of wintering and migrant shorebirds and waterfowl at Loch Ryan	✓		
All			
Strategic Compensation Fund			✓

12. Prey enhancement through sandeel stock (and sprat stocks in relation to Sandwich tern) recovery and ecosystem-based management is considered by the Applicant to be the most effective means of increasing breeding success and therefore populations of Sandwich tern, kittiwake, guillemot and razorbill. This is evidenced by information presented in **Annex 1B Sandwich Tern and Kittiwake Ecological Evidence** [APP-066]. However, as outlined in the respective species compensation documents (see **Table 3**), this would necessitate, for example, a decision by Department for the Environment, Food and Rural Affairs (Defra) to legislate to reduce fishing pressure on sandeels in UK waters as strategic compensation for offshore wind, *[a course of action for which there is no commitment to from Defra and therefore may not be achievable]*. Given the huge potential of such an action to provide far greater compensation than even the most precautionary estimates of losses incurred due to SEP and DEP and offshore wind in total, prey enhancement is included as a key part of the Applicant's proposals for Sandwich tern, kittiwake, guillemot and razorbill compensation, but as a measure that could only be delivered strategically. Nonetheless, an option for the Applicant to pay a financial contribution towards the establishment of prey enhancement as a strategic compensation measure or as an adaptive management measure (should a mechanism become available within the necessary timescales for SEP and DEP) has been included within the **Draft DCO (Revision C)** [document reference 3.1]. Further details are set out in the **Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit** [APP-084] and **Habitats Regulations Assessment Derogation and Compensatory Measures Update** [document reference 13.7].
13. Given that the strategic prey enhancement measure is reliant on the development of an appropriate industry wide delivery mechanism, a table detailing specific technical matters for agreement is currently not included within this SoCG; however, **Table 13** has been included in order to present the status of agreement between the Applicant and Natural England with respect to Schedule 17 of the **Draft DCO (Revision C)** [document reference 3.1] which includes wording of DCO conditions with respect to a Strategic Compensation Fund (i.e. the Marine Recovery Fund or equivalent).
14. Similarly, with respect to measures which the Applicant aims to take forward (if required) on a purely collaborative basis i.e. construction of new artificial breeding sites for kittiwake onshore or offshore and predator eradication from a guillemot and razorbill breeding colony, these measures are also not included within this SoCG. These measures present an opportunity for collaboration which seeks to capitalise on existing learning and suitable locations (where these are limited) to either co-locate measures or deliver a single measure which can compensate for the predicted impacts of multiple projects. However, measures considered in the context of the collaborative delivery model do not currently form a component of the package of compensatory measures proposed for SEP and DEP but rather represent alternative options that may become available to the Applicant in the near future. It has been necessary to adopt this approach as discussions with other developers on the nature of an appropriate delivery mechanism for collaborative delivery are not yet sufficiently matured for the Applicant to rely upon these measures. However, discussions with other offshore wind developers are ongoing, and the Applicant will

continue to explore the potential for collaborative delivery of these measures with prospective partners and other relevant stakeholders. **Table 13** has been included in order to present the status of agreement between the Applicant and Natural England with respect to Schedule 17 of the **Draft DCO (Revision C)** [document reference 3.1] which includes the wording of DCO conditions relating to collaborative delivery of compensation.

15. The remaining tables within **Section 2** represent the draft SoCG with the Applicant and Natural England in relation to the compensatory measures considered for delivery on a project-led basis only. These are included in the following bullet list; however, it should be noted that with respect to the option to install a pontoon for Sandwich tern at Loch Ryan (**Section 2.2**) and for nesting habitat improvements for kittiwake in Lowestoft (**Section 2.5**) that since these options are not currently being actively progressed, the Applicant is seeking agreement with Natural England not to pursue discussions during Examination regarding these. This is in recognition of the positive progress being made with respect to securing the inland pool option at Loch Ryan for Sandwich tern and to securing the option to modify the existing kittiwake tower at Gateshead for kittiwake:
- Sandwich tern:
 - Nesting habitat improvements and restoration of lost breeding range through installation of an inland pool or a pontoon at Scar Point, Loch Ryan (**Table 6** and **Table 7**).
 - Improved breeding success at SPA sites other than North Norfolk Coast – Farne Islands SPA (**Table 8**).¹
 - Kittiwake:
 - Nest site improvements to enhance breeding success in Gateshead (**Table 9**).
 - Nest site improvements to enhance breeding success in Lowestoft (**Table 10**).
 - Guillemot and razorbill:
 - Fishery bycatch reduction (**Table 11**).
16. Topic specific matters agreed, not agreed and matters that remain under discussion between the Applicant and Natural England are included within this draft SoCG. Matters that are not agreed will be the subject of ongoing discussion between the Applicant and Natural England to reach agreement wherever possible, or to refine the extent of disagreement between parties.
17. Throughout the draft SoCG the phrase “Agreed” identifies any point of agreement between the Applicant and Natural England. The phrase “Not Agreed” identifies any point that is not agreed between the Applicant and Natural England. See further details in **Section 1.5**.

¹ It should be noted that whilst the Farne Islands SPA is currently the focus of the Applicant's efforts to improve breeding sites at SPA sites other than NNC, potential measures at Foulness SPA are also being considered as part of the Applicant's overall package of measures for Sandwich tern.

1.3 Consultation with Natural England

18. The Applicant has engaged with Natural England on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
19. During the Section 42 statutory consultation, Natural England provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 10th of June 2021. HRA Derogation proposals were not included within the formal Section 42 consultation; however, outline proposals were consulted upon in parallel.
20. The Applicant has undertaken extensive pre-application consultation with respect to HRA derogation. A detailed description of this pre-application consultation with Natural England and other stakeholders is provided in **Annex 1D Record of HRA Derogation Consultation** [APP-068] and is not repeated here.
21. **Table 3** presents the list of documents relevant to HRA Derogation that were submitted for the DCO application and that have informed the development of this SoCG. If and when these documents are updated during the Examination period, their revision status and Planning Inspectorate document references will be updated within each iteration of this SoCG. The HRA derogation agreement log is provided in **Annex 1**.

Table 3: Derogation and compensation documents relevant to this SoCG

Document Title	Document Revision	PINS Document Reference
Appendix 1 Compensatory Measures Overview	a	APP-064
Annex 1A Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake	a	APP-065
Annex 1B Sandwich Tern and Kittiwake Ecological Evidence	a	APP-066
Annex 1C Initial Review of Compensatory Measures for Gannet Guillemot and Razorbill	a	APP-067
Annex 1D Record of HRA Derogation Consultation	a	APP-068
Appendix 2 Sandwich Tern Compensation Document	a	APP-069
Annex 2A Outline Sandwich Tern Compensation Implementation and Monitoring Plan (CIMP)	a	APP-070
Annex 2B Sandwich Tern Nesting Habitat Improvements Site Selection	a	APP-071
Appendix 3 Kittiwake Compensation Document	a	APP-072
Annex 3a Outline Kittiwake CIMP	a	APP-073
Appendix 4 Gannet, Guillemot and Razorbill Compensation Document	a	APP-074
Annex 4a Outline Gannet, Guillemot and Razorbill CIMP	a	APP-075
Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (MEEB)	a	APP-084
Habitats Regulations Assessment Derogation and Compensatory Measures Update	a	Document reference 13.7

22. In addition, the Applicant has undertaken post-submission consultation with Natural England regarding HRA derogation as described in **Table 4**. This consultation is ongoing throughout the pre-Examination and Examination period.

Table 4: Summary of post-submission consultation with Natural England regarding HRA derogation

Date	Contact Type	Topic
16/09/2022	Document	<p>Natural England provided comments on draft versions of the Applicant's Offshore Ornithology ES chapter (including Technical Appendices and Annexes) and RIAA. These documents were provided to Natural England for comment under their Discretionary Advice Service (DAS) in June 2022.</p> <p>The Applicant provided responses to these on the 28th of October.</p> <p>Outcomes of this review and the Natural England Relevant Representation [RR-063] have triggered the requirement for further assessment work which has altered the assessment mortality numbers and therefore the scale of compensation required.</p>
21/10/2022	Email	<p>With regard to the requirement for a gannet compensation case, Natural England informed the Applicant that:</p> <p><i>Providing there are no further significant changes to the collision and displacement figures provided for SEP and DEP, Natural England is likely to reach a conclusion of no AEOI when considering the in-combination impact including SEP and DEP, and hence are unlikely to require compensation for this species/SPA. However we do welcome the provision of the without prejudice compensation proposal for gannet submitted as part of the application should this be required.</i></p> <p>The Applicant and Natural England agree that an HRA derogation case / compensation proposal for gannet is not required (see Table 12).</p>
15/11/2022	Meeting	<p>Meeting held to discuss Natural England's comments on draft submissions (see first row of this table) and the Applicant's comments to these. The Applicant and Natural England sought to agree the necessary workstreams required to address outstanding matters.</p>
22/11/2022	Meeting	<p>HRA Offshore Ornithology Compensation ETG 4: The Applicant provided an update on progress relating to the species-specific compensation proposals.</p> <p>Having had early sight of the Natural England Relevant Representation [RR-063], the Applicant discussed the key points within that and sought to identify specific areas for agreement along with areas where additional work was required in order to address comments and allow the parties to reach a consensus.</p> <p>The requirement to demonstrate the quantification of productivity benefits for kittiwakes and Sandwich terns was discussed, which the Applicant intends to address through the technical notes described in Section 1.4.</p>

1.4 Ongoing and Planned HRA Derogation Workstreams

23. Notwithstanding the ongoing maturation of the Applicant's proposed compensatory measures which involves a large body of work (e.g. desk-based studies, fisheries consultation, site investigations, surveys, securing land agreements, design development, pre-application consultation with the relevant planning authority,

environmental assessment work and submission of relevant planning and licence applications) on which the Applicant will provide updates throughout the Examination period, the following ongoing or planned workstreams aim to address specific technical queries from Natural England regarding the compensatory measures:

- Submitted at Deadline 1:
 - **Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note** [document reference 13.1]; and
 - **Sandwich tern – Quantification of Productivity Benefits Technical Note** [document reference 13.1].
- Planned for submission at an early stage in the Examination:
 - Auk Bycatch Reduction Feasibility Statement

1.5 Summary of ‘Agreed’, ‘Not Agreed’ and ‘In Discussion’ Matters

24. In order to easily identify whether a matter is ‘agreed’, ‘not agreed’ or ‘in discussion’, the colour coding system set out in **Table 5** has been used.
25. Details on specific matters that are ‘agreed’, ‘not agreed’ or ‘in discussion’ between the Applicant and Natural England are provided within the tables in **Section 2**.

Table 5: Position status key

Position Status	Position Colour Coding
Agreed The matter is considered to be agreed between the parties.	Agreed
Not Agreed – no material impact The Matter is not agreed between the parties. However, while Natural England does not agree with the approach taken by the Applicant, Natural England does not consider this will result in material impact to the assessment conclusions. The matter is considered to be closed for the purposes of this SoCG.	Not Agreed – no material impact
Not Agreed – material impact The matter is not agreed between the parties. The outcome of the approach taken by the Applicant is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed – material impact
In discussion The matter is neither ‘agreed’ nor ‘not agreed’ and is a matter where further discussion is required between the parties (e.g. where documents are yet to be shared with Natural England).	In discussion

2 Statement of Common Ground

26. A summary of the consultation undertaken to date with Natural England and the matters agreed or not agreed (based on discussions and information exchanged between the Applicant and Natural England during the pre-application and

examination phases of the Application) are set out below for each of the draft SoCG topic areas.

27. Each SoCG table for each compensatory measure addresses the following areas for agreement where appropriate:
- Efficacy of the compensatory measure;
 - Site selection, design and construction;
 - Timescale for delivery;
 - Monitoring, maintenance and adaptive management;
 - Decommissioning / implementation period;
 - Securing consents and agreements; and
 - Draft DCO wording.

2.1 Sandwich Tern Compensation – Nesting Habitat Improvements and Restoration of Lost Breeding Range through Creation of an Inland Pool at Scar Point, Loch Ryan

Table 6: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation – nesting habitat improvements and restoration of lost breeding range through creation of an inland pool at Scar Point, Loch Ryan

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p>	<p>Natural England consider the principal method of compensation for Sandwich tern at Loch Ryan to represent the best available option for project-level delivery. The provision of breeding habitat at a location that has a historical population (no longer present), but with apparently suitable conditions to support a colony once again with sufficient intervention represents a major potential conservation gain for the species.</p> <p>In principle Natural England are supportive of the measure.</p> <p>However, Natural England remains of the opinion that further development, refinement, and expansion is required before this primary measure can be considered effective and secured.</p>	Agreed
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p>	<p>The measure is likely to be technically deliverable, though some issues such as water supply need to be properly established, and some degree of certainty regarding likely success can be established from the evidence.</p>	In discussion
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The measure has strong ecological merit through its ability to fully compensate for the number of Sandwich terns predicted to be subject to mortality from collision risk and through its ability to</p>	<p>As noted in Section 1.4, the Applicant is preparing a Sandwich Tern - Quantification of Productivity Benefits Technical Note [document reference 13.4], upon review of which Natural England anticipates being able to provide an updated position.</p>	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	<p>restore the lost breeding range of the species, building resilience in the UK Sandwich tern population.</p> <p>The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document [APP-069] and at ETG meetings.</p>		
4	<p><u>Scale of Compensation Required</u></p> <p>Compensation required would be to increase Sandwich tern numbers by more than the equivalent of the upper 95% confidence interval (CI) of ca. 12-17 adults (mean ca. 6-7 adults) estimated to be subject to annual mortality during operation (see the Apportioning and HRA Updates Technical Note [document reference 13.3]).</p> <p>If Sandwich terns recolonised then the measure is capable of supporting at least 120-150 breeding pairs producing about 100 chicks per year (equivalent to about 38 adults) which is more than sufficient to compensate for the impacts of SEP and/or DEP.</p>	<p>The scale of compensation is not yet clearly defined, and the methodology for determining the population required to compensate a specific level of estimated mortality has not been described. Natural England acknowledge that the Applicant proposes compensating for the estimated upper 95% confidence interval impact through the habitat creation measure.</p> <p>As noted by the Applicant in Section 1.4, the Applicant is preparing a Sandwich Tern - Quantification of Productivity Benefits Technical Note [document reference 13.4], upon review of which Natural England anticipates being able to provide an updated position.</p>	In discussion
Site selection, design and construction			
5	<p>The selected location at Loch Ryan is suitable. The Applicant has followed a thorough site selection process to maximise the likelihood of colonisation / restoration of lost breeding range potential as described in Annex 2b Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071]. No other more suitable sites have been identified through the pre-application consultation process.</p>	<p>The measure could help re-establish the species range, increase resilience by reducing reliance on a few major breeding colonies, and deliver ancillary net gain benefits to other species.</p> <p>Natural England agrees with the suitability of the area and identified preferred site within it. The species conservation benefit of increasing resilience by range restoration and population dispersal is particularly highlighted by the recent Highly Pathogenic Avian Influenza (HPAI) outbreak.</p> <p>However, it would be useful to clearly identify and prioritise locations other than Loch Ryan as 'insurance' in case of insurmountable issues</p>	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
		with acquiring or developing a site there, or for potential adaptive management options if required.	
6	<p>The Applicant has undertaken a thorough review of appropriate inland pool characteristics and parameters from similar examples in the UK and overseas, had regard to the Royal Society for the Protection of Birds' (RSPB) design principles for Sandwich tern compensation sites (RSPB, 2022) and has incorporated design features to maximise the likelihood of colonisation by Sandwich tern (see Appendix 2 – Sandwich Tern Compensation Document [APP-069]).</p> <p>An inland pool area of at least 80m diameter with an additional buffer area (formed from water since that will increase the chance of colonisation) is sufficient to enable colonisation by Sandwich terns.</p> <p>A land parcel which would enable an increase in the size of pool either from the outset or in the future as an adaptive management measure is being negotiated with potential landowner(s).</p> <p>The Applicant can confirm that a site visit by technical specialists and a topographic survey are scheduled to be undertaken in late January / early February 2023. The results of these surveys will help inform the engineering design of the inland pool and confirm the most appropriate water supply.</p>	<p>The scale of the lagoon and islands design is relatively limited. While it is accepted that sufficient island space is proposed to accommodate a breeding population approximating that which was present at the site historically and would be expected to address the estimated impact, we urge a more ambitious approach to lagoon habitat creation that seeks to reduce uncertainties by increasing the attractiveness of those islands. For example, a setting of a larger expanse of open water around the islands is likely to reduce perceived predation risk and encourage colonisation. This would also maximise the potential for wider biodiversity benefits.</p> <p>Natural England agree that increasing the size of islands within the pool is not likely to impact colonisation potential. However, provision of a greater number of islands with differing substrates within a larger lagoon could increase the likelihood of colonisation, given the limited understanding of what drives Sandwich tern nest selection.</p> <p>Natural England understands that the Applicant is in the process of procuring a planning and design consultant to take forward the inland pool proposals and intends to submit updates on site selection and design progress during the Examination.</p> <p>In addition, as noted in Section 1.4, the Applicant is preparing a Sandwich Tern - Quantification of Productivity Benefits Technical Note [document reference 13.4]. Upon review of this further information, Natural England anticipates being able to provide an updated position following review of the Sandwich tern note and provision of updates on the site selection process.</p>	In discussion
Timescale for delivery			
7	No operation of any turbine forming part of the authorised development may begin until the measures set out in the Sandwich Tern CIMP have been implemented.	The outline roadmap for the implementation of the habitat provision compensation measure aims to allow 2 full breeding seasons of operation prior to first power at SEP and DEP.	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	<p>The strong qualitative merit of restoring lost breeding range is recognised, which can be balanced against any mortality deficit accrued whilst development and colonisation of the inland pool is occurring.</p>	<p>Sandwich tern recruit into the breeding population in their third year, and therefore the measure could in theory be delivering adults into the wider breeding population at the point of impact. However, colonisation of habitat is highly uncertain in terms of time taken, and uptake/growth. With a 2-year lead in it is highly likely that the measure will accrue a mortality debt in the formative years. Calculations relating to the scale of the measure required to compensate a specified impact should be stress tested against mortality debt scenarios, especially when further adaptive management options are limited.</p> <p>As noted in Section 1.4, the Applicant is preparing a Sandwich Tern - Quantification of Productivity Benefits Technical Note [document reference 13.4], upon review of which Natural England anticipates being able to provide an updated position.</p>	
<p>Monitoring, maintenance and adaptive management</p>			
8	<p><u>Adaptive Management</u></p> <p>The Applicant’s proposed approach to adaptive management as set out in Appendix 2 – Sandwich Tern Compensation Document [APP-069] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the Sandwich Tern Compensation Steering Group (STCSG).</p>	<p>Noting Natural England’s position in ID 5 and 7 and as provided in our Relevant Representation [RR-063], concerns remain regarding the limited options presented for adaptive management.</p> <p>We note that any adaptive management measures agreed with the Sandwich Tern Compensation Steering Group (STCSG) will require agreement by the Secretary of State (SoS).</p>	In discussion
9	<p><u>Monitoring</u></p> <p>The Applicant’s proposed approach to monitoring as set out in Appendix 2 – Sandwich Tern Compensation Document [APP-069] is appropriate. Monitoring results will be shared with the Sandwich Tern Compensation Steering Group (STCSG) on an annual basis.</p>	<p>The monitoring requirements should be informed by and established in line with the methodologies employed in the ‘quantification of productivity benefits – Sandwich tern’ report yet to be submitted by the Applicant. Until Natural England receive this report we can only provide high level comment, however it will be essential that both numbers of birds breeding and breeding success are measured. The current proposal says using a drone ‘should also allow monitoring of breeding success achieved by birds’, it should be clarified if this is the case or not.</p>	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
		<p>The monitoring is planned to take place for ‘the operational lifetime of SEP and DEP. Natural England advises this should commence once the measure is in place and be for at least that time (and really should be for the length of operation (e.g. 40 years) from once birds start to colonise.</p> <p>Again this would be better defined once we’ve seen the quantification of productivity benefits report.</p> <p>Predation levels should be monitored – particularly in terms of adaptive management</p> <p>It would seem sensible to include some wider monitoring of the biodiversity gain at the compensation site. This could be a variety of monitoring needs depending on the final scale and design of the package.</p>	
10	<p><u>Maintenance</u></p> <p>The Applicant will be responsible for management / maintenance of the compensatory measures for the operational lifetime of the authorised development.</p> <p>Regarding the ongoing protection and management of the site beyond the operational period of SEP and DEP see ID 12 of this table.</p>	<p>Natural England advises that the Applicant may wish to explore whether the policy protection for compensation sites in the National Planning Policy Framework (NPPF) has an equivalent in Scottish policy, given the site lies outside England (and NPPF only applies in England)</p>	Agreed
11	<p>The Applicant will engage with all relevant parties in the finalisation of the Sandwich Tern CIMP to agree the details of the monitoring and maintenance programme.</p>	<p>Natural England agrees in principle with this approach.</p>	Agreed
Implementation period			
12	<p>The measure will remain in place and be maintained for the operational lifetime of the authorised development. Consultation will be undertaken with the STCSG in the final few years of wind farm operation, to help determine the most appropriate course of action for onward management and maintenance of the site. As outlined in the Draft DCO (Revision C) [document reference 3.1],</p>	<p>Natural England agrees to the measure remaining in place and be maintained for the operational lifetime of the authorised development, and the need to seek SoS approval in consultation with the relevant SNCB before decommissioning.</p>	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
	<p>the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant SNCB.</p>		
Securing consents and agreements			
13	<p>The Applicant's proposed approach to securing consents and agreements as set out in Appendix 2 – Sandwich Tern Compensation Document [APP-069] is appropriate.</p> <p>The Applicant can confirm that discussions with landowners to secure the necessary land within the preferred Area of Search are progressing positively and draft Heads of Terms have now been provided to key parties. Pre-application consultation with the Local Planning Authority (Dumfries and Galloway Council) is also underway. The Applicant is on track to secure the necessary consents and land agreements in accordance with the outline implementation roadmap set out in Table 6-4 in Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p>	<p>A site has not yet been secured, and at the point of submission to the Planning Inspectorate, efforts to do so appeared preliminary.</p> <p>Natural England understands that the Applicant is in the process of procuring a planning and design consultant to take forward the inland pool proposals and intends to submit updates on site selection and design progress during the Examination.</p> <p>Natural England will provide further comment once these updates are submitted.</p>	In discussion
DCO wording			
14	<p>Draft DCO wording is provided in Schedule 17 of the (Revision C) [document reference 3.1] and is appropriate.</p>	<p>Natural England has provided comments on Schedule 17 of the Draft DCO within Appendix A of the Natural England Relevant Representation [RR-063] and understands that the Applicant will be providing a response to these at Deadline 1.</p> <p>Natural England will be providing updated comments on the updated draft DCO as submitted into examination at Deadline 1.</p>	In discussion

2.2 Sandwich Tern Compensation – Nesting Habitat Improvements and Restoration of Lost Breeding Range through Installation of a Pontoon at Scar Point, Loch Ryan

28. It should be noted that the creation of an inland pool (**Table 6**) remains the preferred option for delivering nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan. Based on realistic, but precautionary assumptions on breeding numbers and success, this option is considered to be capable of compensating for predicted Sandwich tern mortalities from SEP and DEP and, as such, represents the core component of the Applicant's proposed package of compensatory measures for Sandwich tern, which includes other project-led and strategic measures.
29. The Applicant recognises that there is little support from Natural England (or RSPB) for the installation of a pontoon at Loch Ryan as an alternative to the inland pool. Whilst it remains the Applicant's view that the pontoon option has ecological merit and is technically feasible, in light of stakeholder views and recognising the positive progress being made with respect to securing the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage. The Applicant is therefore seeking agreement with Natural England within **Table 7** not to pursue discussions during Examination regarding the installation of a pontoon at Loch Ryan, but rather focus efforts on the inland pool option, which has good stakeholder support, strong ecological merit and a high chance of successfully delivering the required level of compensation.
30. Should there be a need to revisit the pontoon option at a later stage (for example, in the unlikely event that the inland pool at Loch Ryan cannot be secured or is not entirely successful), the Applicant is confident that this could be progressed on a more accelerated programme to that outlined in **Appendix 2 – Sandwich Tern Compensation Document** [APP-069] and that stakeholders' concerns related to design, location and efficacy could be adequately addressed within this timeframe.

Table 7: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation – nesting habitat improvements and restoration of lost breeding range through installation of a pontoon at Scar Point, Loch Ryan

ID	The Applicant Position	Natural England Position	Position Summary
Other matters as required			
1	Whilst it remains the Applicant's view that the pontoon option has ecological merit and is technically feasible, in light of Natural England's (and RSPB's) views and recognising the positive progress being made with respect to securing the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage.	Natural England have very little confidence that a pontoon structure will be colonised by Sandwich tern and do not consider it an appropriate compensatory measure. We agree with the decision not to actively progress the pontoon option further and to focus on progressing the inland pool option.	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
	As such, the Applicant proposes not to pursue discussions with Natural England during Examination regarding the installation of a pontoon at Loch Ryan, but rather focus efforts on seeking agreement on the inland pool option.		

2.3 Sandwich Tern Compensation – Improved Breeding Success at SPA sites other than North Norfolk Coast – Farne Islands SPA

Table 8: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation - improved breeding success at SPA sites other than North Norfolk Coast – Farne Islands SPA

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p>	<p>Natural England are supportive of efforts to restore the Sandwich tern population on the Farne Islands.</p> <p>However, vegetation management (resulting in limitations to nesting space) and predation from large gulls are anticipated to be addressed through the forthcoming National Nature Reserve (NNR) plan. It is difficult to support the delivery of compensation through measures that are not thought of sufficient importance to be delivered by the site management plan.</p>	In discussion
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p> <p>Discussions with National Trust regarding the nature of the measures and their feasibility together with the requirement to address additional concerns raised by stakeholders are ongoing.</p>	<p>Both nest boxes/shelters and bamboo canes have previously been used on the Farne Islands for the benefit of breeding terns, and boxes/shelters are likely to be deployed in the future.</p> <p>Natural England remain concerned that the measures proposed are not truly additional, and in any event are likely to provide only minor benefits compared to an ongoing programme of vegetation and large gull management.</p> <p>Based on the material provided, we do not consider the proposed interventions on the Farne Islands SPA make a substantial contribution to the package of compensatory measures.</p>	
3	<p><u>Scale of Compensation Required</u></p> <p>Compensation required would be to increase Sandwich tern numbers by more than the equivalent of the upper 95% CI of ca. 12-17 adults (mean ca. 6-7 adults) estimated to be subject to annual mortality during</p>	<p>We consider that the evidence supplied regarding expected reductions to nest and chick predation is not specific to Sandwich tern. It is not expected that Sandwich terns will nest inside boxes, so nest predation is unlikely to be significantly reduced.</p> <p>If reducing predation of chicks is proposed as a compensatory measure, then a full understanding of existing levels and impacts of</p>	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	<p>operation (see the Appportioning and HRA Updates Technical Note [document reference 13.3]).</p> <p>It is proposed to deploy 400 nest boxes and 400 shelters. Deployment of six cameras will allow a representative sample of nests to be monitored to record predation attempts by large gulls. This approach will allow Sandwich tern breeding numbers on the Farne Islands to increase by a considerably larger amount each year than the precautionary estimate of ca. 17 adults needed per year (Appendix 2 – Sandwich Tern Compensation Document [APP-069]).</p>	<p>that predation will be required in order to design solutions and quantify any benefits.</p> <p>The current estimates of potential gains from these measures appear highly speculative.</p>	
4	<p>The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document [APP-069].</p>	<p>See Natural England position at ID 1 of this table.</p>	In discussion
Site selection, design and construction			
5	<p>The Applicant has followed a thorough site selection process to identify the optimal SPA sites for improving breeding success of Sandwich terns as described in Annex 2B Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071].</p>	<p>Natural England agrees the Applicant has followed a reasonable site selection process to identify potential sites for improving breeding success of Sandwich terns. This has; however, revealed a rather limited number of sites where such initiatives would be effective.</p>	Agreed
6	<p>The Applicant has undertaken an appropriate review of nest box terraces, tern shelters and, if required, gull deterrence measures which will ensure the best chance of improved breeding success at the Farne Islands SPA (see Appendix 2 – Sandwich Tern Compensation Document [APP-069]).</p>	<p>See Natural England’s position at ID 1 and 2 of this table.</p>	In discussion
Timescale for delivery			

ID	The Applicant Position	Natural England Position	Position Summary
7	Nest box terraces and tern shelters will be installed prior to the operation of any wind turbine forming part of the authorised development.	See Natural England's position for ID 7 of Table 6.	In discussion
Monitoring, maintenance and adaptive management			
8	<u>Adaptive Management</u> The Applicant's proposed approach to adaptive management as set out in Appendix 2 – Sandwich Tern Compensation Document [APP-069] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the STCSG.	See Natural England's comments to these points in Table 6 . We note that any adaptive management measures agreed with the Sandwich Tern Compensation Steering Group (STCSG) will require agreement by the SoS.	In discussion
9	<u>Monitoring</u> The Applicant's proposed approach to monitoring as set out in Appendix 2 – Sandwich Tern Compensation Document [APP-069] is appropriate. Monitoring results will be shared with the STCSG on an annual basis.	Notwithstanding our reservations regarding the inclusion of this measure, the broad monitoring approach described to assess nest box/shelter use seems appropriate. However, the proposal depends on National Trust wardens conducting breeding numbers/breeding success/nest box effectiveness monitoring, and also includes elements of citizen science/student project work. These elements will need to be carefully described and agreed with the third parties involved. At present there is no clear monitoring plan in regards the use of bamboo poles/chicken wire to enhance the nest boxes and shelters package, this requires further detail.	In discussion
10	<u>Maintenance</u> Management / maintenance requirements will be incorporated, through agreement with National Trust, under the existing management processes at the Farne Islands (with funding support provided by the Applicant as appropriate).	Notwithstanding our reservations regarding the inclusion of this measure, Natural England highlights that any measures falling outside the NNR management plan (when consented) would require a separate Site of Special Scientific Interest (SSSI) consent, which the National Trust as owner-occupier would need to secure through submitting a consent notice.	In discussion
11	The Applicant will engage with all relevant parties in the finalisation of the Sandwich Tern CIMP to agree the details of the monitoring and maintenance programme.	Natural England agrees in principle with this approach.	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
Decommissioning			
12	The measures will remain in place and be maintained by the Applicant for the operational lifetime of the authorised development. As outlined in the Draft DCO (Revision C) [document reference 3.1], the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant Statutory Nature Conservation Body (SNCB).	Natural England agrees in principle with this approach.	Agreed
Securing consents and agreements			
13	Since the measures will be delivered alongside the existing management of the Farne Islands SPA by working with National Trust, no specific additional licences or permissions are anticipated to be required.	See comment on ID 10 above – SSSI consent would be required from Natural England, unless the measures were incorporated into future versions of the NNR management plan.	In discussion
DCO wording			
14	Draft DCO wording is provided in Schedule 17 of the Draft DCO (Revision C) [document reference 3.1] and is appropriate.	<p>Natural England provided comments on Schedule 17 of the Draft DCO within Appendix A of the Natural England Relevant Representation [RR-063] and understands that the Applicant will be providing a response to these at Deadline 1.</p> <p>Natural England will be providing updated comments on the updated draft DCO as submitted into examination at Deadline 1.</p>	In discussion

2.4 Kittiwake Compensation – Nest Site Improvements to Enhance Breeding Success in Gateshead

Table 9: Topics agreed, in discussion or not agreed in relation to kittiwake compensation – nest site improvements to enhance breeding success in Gateshead

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 3 – Kittiwake Compensation Document [APP-072] and Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1].</p>	<p>As noted in Section 1.4, a Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1] has been produced by the Applicant to address comments raised within Appendix C of the Natural England Relevant Representation [RR-063] and at the ETG meeting on 22/11/2022. Following review of this submission into Examination, Natural England anticipates being able to provide an updated position.</p>	In discussion
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066], Appendix 3 – Kittiwake Compensation Document [APP-072] and the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1].</p>		In discussion
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066], Appendix 3 – Kittiwake Compensation Document [APP-072] and the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1].</p>		In discussion

ID	The Applicant Position	Natural England Position	Position Summary
4	<p><u>Scale of Compensation Required</u></p> <p>The impact of SEP and DEP on kittiwake adults from FFC SPA has been estimated to be 6.4 kittiwakes per year, with the upper 95% CI of 17 birds per year (see the Apportioning and HRA Updates Technical Note [document reference 13.1]).</p> <p>On the basis of the demographic parameters of kittiwakes in the North Sea (adult survival 0.854, juvenile survival 0.79, age of first breeding four years; Horswill and Robinson 2015), two fledglings would be required, on average, to give rise to one adult surviving to recruit into a local colony at four years of age. Therefore, to compensate for the loss of 17 adults per year, increased production of at least 34 (biogeographic population) to 68 (national site network) chicks fledged per year is required (see the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1] for further details).</p>	<p>Following review of the Apportioning and HRA Updates Technical Note [document reference 13.3] and Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1] submitted by the Applicant into Examination, Natural England anticipates being able to provide an updated position.</p>	In discussion
Site selection, design and construction			
5	<p>The Applicant has followed a thorough site selection process to identify the optimal locations for improving breeding success of kittiwakes as described in Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 3 – Kittiwake Compensation Document [APP-072].</p>	<p>Following review of the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1] submission into Examination, Natural England anticipates being able to provide an updated position.</p>	In discussion
6	<p>The proposed alterations to the Saltmeadows tower to add up to two new faces, oriented north-east and/or north-west, but similar in size and design to the existing three faces on the current structure as described in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate.</p>	<p>Natural England will provide comments on the concept designs when submitted into examination.</p>	In discussion.

ID	The Applicant Position	Natural England Position	Position Summary
	<p>Structural inspections are planned for Q1 2023 and will confirm the structural integrity of the existing structure and the extent of the required modifications through the development of concept designs. The Applicant intends to consult with Natural England on these concept designs in due course.</p>		
Timescale for delivery			
7	<p>No operation of any turbine forming part of the authorised development may begin until three full breeding seasons following the implementation of the measures set out in the Kittiwake CIMP have elapsed.</p> <p>If the measures are implemented less than four seasons prior to first power, any deficit could be offset by making a simple adjustment to the scale of compensation, such that the necessary level of compensation would still be delivered over time (Table 6-4 of Appendix 3 – Kittiwake Compensation Document [APP-072]).</p> <p>Any requirement to increase the scale of compensation, will be confirmed through the suggested programme of monitoring and adaptive management and agreed with the Kittiwake Compensation Steering Group (KCSG).</p>	<p>As set out in Natural England’s Relevant Representations [RR-063], our understanding at that time was that the measure is scheduled to be implemented four (with a worst case of three) years before the SEP and DEP turbines are operational. Given the proposal is to modify an existing Artificial Nest Structure, not create a new one, installation of the additional faces four years in advance of operation would seem achievable.</p> <p>Natural England highlights that for the Hornsea Project Three, Norfolk Vanguard, Norfolk Boreas and East Anglia One North and Two proposals, the equivalent timescale secured in the DCO was four full breeding seasons.</p>	In discussion
Monitoring, maintenance and adaptive management			
8	<p><u>Adaptive Management</u></p> <p>The Applicant’s proposed approach to adaptive management as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the KCSG.</p>	Natural England agrees with the Applicant’s approach.	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
9	<p><u>Monitoring</u></p> <p>The Applicant's proposed approach to monitoring as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate. Monitoring results will be shared with the KCSG on an annual basis.</p> <p>As described in the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1], the productivity of kittiwakes nesting on each of the three faces of the Saltmeadows tower has been monitored in detail almost every year since it was constructed in 1998, and continued monitoring will demonstrate the increase in output of young from this structure after modification to create four northwards-facing faces, so will provide robust evidence of the effectiveness of the compensation measure.</p>	<p>Natural England agrees with the methods outlined but notes that the current monitoring plan depends on a local monitoring group. There would need to be provision that the Applicant ensures monitoring takes places, in the absence of the local monitoring group.</p> <p>We advise monitoring should take place from when the tower is installed/modified onwards till the end of the operational life span of SEP and DEP.</p>	In discussion
10	<p><u>Maintenance</u></p> <p>The Applicant's proposed approach to maintenance as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate.</p>	As ID 6 above, we recommend a more detailed design is submitted into examination for review prior to being able to agree maintenance requirements	In discussion
11	The Applicant will engage with all relevant parties in the finalisation of the Kittiwake CIMP to agree the details of the monitoring and maintenance programme.	Natural England agrees in principle with this approach.	Agreed
Decommissioning			
12	The measures will remain in place and be maintained for the operational lifetime of the authorised development if they are colonised. As outlined in the Draft DCO (Revision C) [document reference 3.1], the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant SNCB.	Natural England agrees to the measures remaining in place and maintained for the operational lifetime of the authorised development.	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
DCO wording			
13	Draft DCO wording is provided in Schedule 17 of the Draft DCO (Revision C) [document reference 3.1] and is appropriate.	<p>Natural England have provided comments on Schedule 17 of the Draft DCO within Appendix A of the Natural England Relevant Representation [RR-063] and understands that the Applicant will be providing a response to these at Deadline 1.</p> <p>Natural England will be providing updated comments on the updated DCO as submitted into examination at Deadline 1.</p>	In discussion

2.5 Kittiwake Compensation – Nest Site Improvements to Enhance Breeding Success in Lowestoft

31. It should be noted that modifications to the existing kittiwake tower at Gateshead (**Table 9**) represents the preferred option for delivering nest site improvements to enhance breeding success. This option is capable of fully compensating for the predicted kittiwake mortalities from SEP and DEP, and as such, forms the core project-led component of the Applicant's proposed package of compensatory measures for kittiwake which also includes strategic measures. The Applicant recognises that there is strong opposition from East Suffolk Council for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town as it would be contrary to their strategic position. Whilst it remains the Applicant's view that its proposal for Lowestoft has strong ecological merit and is technically feasible, in light of East Suffolk Council's view and recognising the positive progress being made with respect to securing the option at Gateshead, the decision has been taken to not actively progress the option at Lowestoft further at this stage. The Applicant is therefore seeking agreement with Natural England within **Table 10** not to pursue discussions during Examination regarding the proposal for Lowestoft, but rather focus efforts on Gateshead, which has good stakeholder support, strong ecological merit and a high chance of successfully delivering the required level of compensation.
32. Should there be a need to revisit options for kittiwake compensation at a later stage (for example, in the unlikely event that the nest site improvements to enhance breeding success in Gateshead cannot be secured or are not entirely successful), the Applicant will re-examine its proposal for Lowestoft and any collaborative or strategic opportunities, in consultation with Natural England and other relevant stakeholders, to determine the most appropriate course of action.

Table 10: Topics agreed, in discussion or not agreed in relation to kittiwake compensation – nest site improvements to enhance breeding success in Lowestoft

ID	The Applicant Position	Natural England Position	Position Summary
Other matters as required			
1	<p>Whilst it remains the Applicant's view that its proposal for Lowestoft has strong ecological merit and is technically feasible, in light of East Suffolk Council's view and recognising the positive progress being made with respect to securing the option at Gateshead, the decision has been taken to not actively progress the option at Lowestoft further at this stage.</p> <p>As such, the Applicant proposes not to pursue discussions with Natural England during Examination regarding Lowestoft, but rather focus efforts on seeking agreement on the Gateshead option.</p>	<p>Natural England is content for the Applicant to focus efforts on seeking agreement on the Gateshead option</p>	<p>Agreed</p>

2.6 Guillemot and Razorbill Compensation – Fishery Bycatch Reduction

Table 11: Topics agreed, in discussion or not agreed in relation to guillemot and razorbill compensation – fishery bycatch reduction

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Annex 1C – Initial Review of Compensatory Measures for Gannet Guillemot and Razorbill [APP-067] and Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-074].</p>	<p>The proposals for compensatory measures to account for impacts on guillemot and razorbill are relatively undeveloped and lack the required detail on location, scale, technical feasibility and long-term implementation. Crucially, there is no clear evidence that bycatch or predation impacts at an identified site are occurring to a degree that offers the Applicant sufficient opportunity to reduce those impacts at the scale required to provide compensation.</p>	In discussion
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the compensation plan and roadmap submitted within Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-074].</p>	<p>Subject to demonstrating that guillemot and razorbill bycatch is occurring in the north-east, the measure has theoretical merit as potential compensation for the direct mortality at the population level, noting our comments on ID7 regarding evidence for the effectiveness of the specific technology being contemplated</p>	
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-072] and at ETG meetings.</p>		
4	<p><u>Scale of Compensation Required</u></p> <p>The predicted annual mortality of auks from SEP and DEP for which compensation is required is up to six guillemots and 3 razorbill based on upper 95% CI and assuming a displacement rate of 50% and mortality rate of 1% (see the Apportioning and HRA Updates Technical Note [document reference 13.3]).</p> <p>Because measures will reduce bycatch of adult guillemots and razorbills (as well as other age classes</p>	<p>We note that 50% displacement and 1% mortality rates have been used to estimate mortality of 6 guillemot a year to be compensated. Natural England does not support the use of a single rate for the purposes of impact assessment, advising that a range-based approach is taken instead. Please see our offshore ornithology comments submitted in our Relevant Representations [RR-063]. We also do not support the use of this specific rate for scaling compensation.</p>	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	that are present) the compensation will account one to one for losses to offshore wind farm impacts, with no delay.		
Site selection, design and construction			
5	<p>Sites that are known to be 'hotspots' for breeding birds which overlap with gillnet fisheries include the Berwickshire coast, near the Farne Islands and Lindisfarne (Northumberland), and near FFC SPA (Cleasby et al. 2022).</p> <p>Since submission, the Applicant has undertaken further work to validate the extent of the set/gill net fishery in the north-east of England and the potential for bycatch of auks. This work is ongoing; however, early indications suggest that levels are lower than suggested by the literature. Further information with regards to the suitability of this area for delivering bycatch reduction measures as compensation for predicted impacts of SEP and DEP will be provided at an early stage in the Examination.</p>	<p>The nature and scale of set net use in Northeast England is not clear from the text, or information supplied by the Applicant in Annex 1D Record of HRA Derogation Consultation [APP-068].</p>	In discussion
6	<p>In addition to further exploring bycatch reduction opportunities in the Northeast of England, the Applicant has also undertaken work to identify a secondary Area of Search focussing on the southwest of England.</p> <p>The Applicant intends to submit at an early stage in the Examination an Auk Compensation Feasibility Statement which will provide an update on the Applicant's bycatch reduction compensation proposals for auks.</p>	<p>Following review of this information, Natural England anticipates being able to provide an updated position.</p>	In discussion
7	<p>The Applicant will support the use of a package of bycatch reduction measures in the gillnet fisheries including:</p>	<p>Natural England currently consider the Looming Eye Buoys (LEB) to remain an unproven technology with respect to reducing bycatch of auks, and has significant reservations regarding the conclusions drawn on the trial carried out by Hornsea Project Four (HP4).</p>	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	<ul style="list-style-type: none"> Painting eyes on buoys that support the hanging net to deter birds from approaching the net (Rouxel et al. 2021); Use of high visibility corline in the leader/tailpiece of the net (Quayle 2015); and Training of fishers to safely remove tangled birds to release them alive (the latter two measures already applying in Filey Bay, but not throughout the area around FFC SPA). 	It is not clear that the process of removing auks from nets and releasing them is in of itself a problematic process for fishers.	
Timescale for delivery			
8	The Applicant will implement the proposed bycatch reduction measures in line with the approved Guillemot and Razorbill CIMP.	Until the required detail on location, scale, technical feasibility and long-term implementation is provided, no view can be taken on the appropriateness of the timescales for delivery.	In discussion
Monitoring, maintenance and adaptive management			
9	<u>Adaptive Management</u> Defining the spatial scale required to achieve a specific level of compensation is difficult because the scale of guillemot and razorbill bycatch remains very uncertain. Therefore, bycatch reduction needs to be measured effectively in order to inform any requirement for adaptive management to adjust measures to the appropriate spatial scale.	Natural England agrees that effective monitoring of bycatch reduction is crucial to understand whether adaptive management is needed.	Agreed
10	<u>Monitoring</u> It would be necessary to monitor bycatch of guillemots and razorbills in the gillnet fishery being subject to bycatch reduction measures, preferably including monitoring of bycatch numbers before bycatch reduction measures are implemented in order to be able to quantify the gain being made. It would also be desirable to monitor change in guillemot breeding numbers at FFC	Natural England considers it essential that empirical data is gathered to evidence the levels and nature of pre-existing bycatch in the target fisheries. Without this data the benefits of implementing the compensatory measure cannot be proven, and following implementation, quantified. Only one year of baseline monitoring of bycatch is proposed, and this monitoring is not implemented until the completion of the development of compensation proposals and site selection. Natural England highlight	In discussion

ID	The Applicant Position	Natural England Position	Position Summary
	SPA (corrected for any influence of change in sandeel stock biomass and impacts of climate change) to assess the extent to which the population trajectory at FFC SPA was influenced by reduction in bycatch. Monitoring will be continued at least until the success of the compensation has been demonstrated but potentially throughout the operational lifespan of SEP and DEP.	<p>the necessity of identifying and quantifying bycatch as part of the measure development and site selection process. It is currently uncertain that there is bycatch of the target species that can be reduced. Further, the nature of this bycatch is not understood, so any measure to address it is purely speculative.</p> <p>Natural England advise that at least two years of baseline data should be gathered to account for inter-annual variation.</p>	
Implementation period			
11	The measures would remain in place and be maintained (where relevant) for the operational lifetime of the authorised development, and routine and adaptive management measures and monitoring will continue whilst the measures are in place.	The implementation period is acceptable.	Agreed.
Securing consents and agreements			
12	Prior to the consent being granted, consultation will be undertaken as required with all relevant stakeholders who are expected to be participants of the Guillemot and Razorbill Compensation Steering Group (GRCSG). The GRCSG will be formally established once consent has been granted to oversee the development, implementation, monitoring and reporting of the compensation.	The GRCSG should provide an appropriate vehicle to engage with relevant stakeholders.	Agreed.
DCO wording			
13	Draft DCO wording is provided within Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document [APP-074] and is appropriate (note that this wording has been moved to the Proposed Without Prejudice DCO Drafting [document reference 3.1.3] document submitted at Deadline 1).	Natural England has provided comment and further comment will be provided on draft DCO conditions throughout examination.	In discussion.

2.7 Gannet Compensation Requirement

Table 12: Table setting out the agreed position that an HRA derogation case / compensation proposal is not required for gannet

ID	The Applicant Position	Natural England Position	Position Summary
Gannet compensation requirement			
1	<p>An HRA derogation case / compensation proposal is not required for gannet.</p> <p>Updated combined displacement and collision risk mortalities for the gannet feature of the FFC SPA are provided in the Apportioning and HRA Updates Technical Note [document reference 13.3]).</p>	<p>Natural England can advise that on the basis of the information so far provided, we believe there will be no requirement for provision of gannet compensation. Natural England will provide formal advice on this matter once an updated FFC SPA gannet in-combination assessment (including impacts from Hornsea Project Four) is submitted into the Examination.</p>	Agreed

2.8 Draft DCO Schedule 17 Wording Relating to Strategic / Collaborative Approaches to Compensation

Table 13: Topics agreed, in discussion or not agreed in relation to Schedule 17 of the Draft DCO

ID	The Applicant Position	Natural England Position	Position Summary
1	<p>The wording within Schedule 17 of the Draft DCO (Revision C) [document reference 3.1] relating to a Strategic Compensation Fund (i.e. the Marine Recovery Fund or equivalent) is adequate and appropriate.</p>	<p>Natural England provided comments on Schedule 17 of the Draft DCO within Appendix A of the Natural England Relevant Representation [RR-063] and understands that the Applicant will be providing a response to these at Deadline 1.</p> <p>Natural England will be providing updated comments on the updated draft DCO as submitted into examination at Deadline 1.</p>	In Discussion
2	<p>The wording within Schedule 17 of the Draft DCO (Revision C) [document reference 3.1] relating to collaborative compensation provisions is adequate and appropriate.</p>	<p>Natural England provided comments on Schedule 17 of the Draft DCO within Appendix A of the Natural England Relevant Representation [RR-063] and understands that the Applicant will be providing a response to these at Deadline 1.</p> <p>Natural England will be providing updated comments on the updated draft DCO as submitted into examination at Deadline 1.</p>	In Discussion

3 Signatures

33. The above draft Statement of Common Ground is agreed between Equinor New Energy Limited and Natural England on the day specified below.

Signed: _____

Print Name: _____

Job Title: _____

Date: _____

Duly authorised for and on behalf of the **Natural England**

Signed: _____

Print Name: _____

Job Title: _____

Date: _____

Duly authorised for and on behalf of **Equinor New Energy Limited**

References

Cleasby, I.R., Wilson, L.J., Crawford, R., Owen, E., Rouxel, Y. and Bolton, M. 2022. Assessing bycatch risk from gillnet fisheries for three species of diving seabird in the UK. *Marine Ecology Progress Series* 684: 157-179.

Department for Communities and Local Government (2015) Planning Act 2008: Guidance for the examination of applications for development consent.

Horswill, C. and Robinson, R.A. 2015. Review of seabird demographic rates and density dependence. JNCC Report No. 552. JNCC, Peterborough. Hughes, R.D., O'Hanlon, N. and Smith, J. 2021. Colonisation of St John's Pool, Caithness by terns and gulls. *Scottish Birds* 41: 205-212.

Quayle, H. 2015. Filey Bay: Safe Seas for Seabirds. RSPB report.

Rouxel, Y., Crawford, R., Cleasby, I.R., Kibel, P., Owen, E., Volke, V., Schnell, A.K. and Opiel, S. 2021. Buoys with looming eyes deter seaducks and could potentially reduce seabird bycatch in gillnets. *Proceedings of the Royal Society Open Science* 8: 210225.

RSPB, 2022. The RSPB's design principles for Sandwich Tern compensation sites. Provided by email.

Annex 1

HRA Compensation Agreement Log

1. It should be noted that no agreement logs are available for ETG meetings 1 and 3.

ID	Agreement	Natural England	MMO	RSPB	National Trust	Notes
2	ETG2 25 April 2022					
Sandwich tern						
2.1	It is agreed that the creation of an inland pool at Loch Ryan is stakeholders' most preferred measure for Sandwich tern compensation.	See notes	Defer to Natural England	No response	No response	We advise that this option has ecological merit for sandwich tern, and could function as a primary compensation measure as part of a wider package of works benefitting sandwich tern. However, in the absence of information regarding the location, size and design of inland pool this support is provided in principle only.
2.2	It is agreed that the installation of a pontoon structure at Loch Ryan may benefit breeding Sandwich terns but given the lack of evidence indicating that breeding Sandwich terns would use a pontoon structure, this measure should be considered as part of a 'package' owing to the risk that it -may not sufficiently deliver compensation for Sandwich tern in isolation.	Natural England doesn't support the creation of a pontoon for breeding sandwich tern as a compensation option.	Defer to Natural England	No response	No response	

ID	Agreement	Natural England	MMO	RSPB	National Trust	Notes
2.3	It is agreed that a pontoon structure in the region 20x30m (i.e. bigger than those used for common tern) is an appropriate size of structure on which to form the basis of proposals.	See above.	Defer to Natural England	No response	No response	
2.4	It is agreed that a pontoon would be subject to less human disturbance and would allow predator pressure to be more easily mitigated when compared to an inland pool.	See above.	Defer to Natural England	No response	No response	
2.5	It is agreed that putting forward a package of measures (e.g. nest boxes / terraces, additional resource for wardening) which are not currently proposed within Management Plans at Sandwich tern SPA sites provides additionality and ensures resilience in the proposals.	Natural England doesn't agree because demonstrating the additionality of such measures beyond required site management would be difficult. Such measures may provide resilience for the overall sandwich tern compensation package, however we do not consider these would in any way represent a primary measure.	Defer to Natural England	No response	No response	
Guillemot and razorbill						
2.6	It is agreed that if it could be demonstrated that there is gill net fishery in the area in reach of the FFC SPA then it's likely there's bycatch happening and	Natural England considers that there is major uncertainty regarding whether 1) there is a local gill net fishery that is impacting FFC SPA and 2) that there are effective bycatch reduction	Defer to Natural England	No response	N/A	

ID	Agreement	Natural England	MMO	RSPB	National Trust	Notes
	therefore there could be some potential for compensation	mechanisms available for gill-netting that could provide compensation opportunities.				
2.7	It is agreed that predator eradication and bycatch is best suited to a collaborative approach with other developers.	There may be ecological benefits from taking a collaborative approach. However, this does preclude the ability to bring forward project-specific compensation if needed.	Defer to Natural England	No response	N/A	
2.8	It is agreed that bycatch reduction compensation measures would be on a 1 to 1 ratio.	Not agreed.	Defer to Natural England	No response	N/A	
Gannet						
2.9	It is agreed that whilst a like for like measure is preferred for gannet, bycatch reduction measures are likely to be very challenging to implement and there are no other measures to those already discussed that the Applicant should be pursuing.	Natural England agrees that it is challenging to provide meaningful compensation for gannet and consider that, of the limited suite of options available, by-catch is probably the best option to pursue.	Defer to Natural England	No response	N/A	
2.10	It is agreed that where impacts are modest there may be some more flexibility in the type of measures that can be considered such as bycatch reduction trials.	Natural England will be in a better position to comment on the potential acceptability of less traditional measures to offset potential impacts once full review of the ES has taken place and the level of impacts understood.	Defer to Natural England	No response	N/A	

ID	Agreement	Natural England	MMO	RSPB	National Trust	Notes
2.11	Based on the Defra (2021) draft guidance and following the compensation hierarchy, it is agreed that the Loch Ryan measure could represent a potential non like-for-like approach for gannet however, where available a like-for-like measure is preferred.	Natural England observes that 'non- like-for-like' is at the bottom of the compensation hierarchy and therefore all other options should be exhausted first.	Defer to Natural England	No response	N/A	
2.12	It is agreed that bycatch reduction compensation measures would be on a 1 to 1 ratio.	Not agreed.	Defer to Natural England	No response	N/A	
Kittiwake						
2.13	It is agreed that modification of the existing Gateshead kittiwake tower represents the most suitable option for modification of existing artificial structures	Natural England's overarching advice to OWF developers is that further artificial structures should be considered offshore rather an onshore due to the level and timing of consented kittiwake compensation measures onshore. With specific reference to extending the existing Gateshead tower, Natural England would require more information on what is proposed before we can comment on its merits. However, those comments would be in the context of the overarching advice above.	Defer to Natural England			