



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

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

**Submitted for Deadline 3**

**2 May 2023**

**Planning Act 2008 (as amended)**

**In the matter of:**

**Application by Equinor for an Order**

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

**Planning Inspectorate Ref: EN010109**

**RSPB Registration Identification Ref: 20033327**

Question number	Question addressed to	ExA question	RSPB comments
<b>Q2.12. Habitats and Ecology Offshore</b>			
<b>Q2.12.1 Effects on Ornithology</b>			
Q2.12.1.1	Natural England Royal Society for the Protection of Birds	<p><b>Outline Project Environmental Management Plan</b></p> <p>The Applicant submits that mitigation for red-throated divers is contained in the OPEMP [REP1-017]. For this species, and in general, do you consider the OPEMP to be sufficiently detailed to give you assurances that appropriate mitigation will be implemented? Explain with reasons.</p>	We are not yet in a position to comment on the OPEMP. We are continuing to review this and other relevant Examination documents and will provide comments at future deadlines, as appropriate.
Q2.12.1.8	Natural England Royal Society for the Protection of Birds	Responses to matters raised at Issue Specific Hearing 5 Please review the recording for ISH5 [EV-076 to EV-083] and provide any written responses.	<p>Due to long term staff illness and current vacancies, the RSPB has been unable to review all the recordings associated with Issue Specific Hearing 5.</p> <p>We note the discussion about the Farne Islands and the Applicant's proposal to deploy nest boxes for Sandwich terns. We reiterate that <u>there is no evidence to demonstrate that Sandwich terns use nest boxes.</u> Roseate terns do use nest boxes and there appears to have been a misunderstanding in the Applicant's reading of a study from the Isle of Man. Any proposed measures must</p>

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			<p>be appropriate to the ecological requirements of Sandwich terns. Consequently, the use of nest boxes is not an effective, targeted and justifiable compensation measure and, therefore, should be disregarded as such by the Examining Authority and the Secretary of State.</p> <p>With respect to additionality, we have noted the National Trust's statement that they do not consider any of the measures proposed by the Applicant would be additional to those already planned as part of the Trust's draft site management plan.</p> <p>We can confirm the RSPB's view that the National Trust's site management plan should not be deemed a Government document, being prepared by a private landowner, here the National Trust.</p>
<b>Q2.13. Habitats and Ecology Onshore</b>			
<b>Q2.13.1 Effects on Protected and Priority Species</b>			
Q2.13.1.2	Royal Society for the Protection of Birds	<b>Weybourne Cliffs</b>  Question repeated for RSPB	HDD has the potential to disturb sand martins and impact their burrows if activity takes place too close to nest

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		<p>It is identified that populations of sand martins nest within the cliffs [APP-106]. Would noise and vibration from the landfall construction operations, with particular regard to vibrations from the HDD, have any effect upon the integrity of the cliffs or the living conditions of the sand martins such that nesting could be abandoned?</p>	<p>sites. Experience from quarry sites and the Bacton sand engine has identified that sand martins do have a comparatively high tolerance to noise and visual disturbance. A buffer of 50m around active nest sites was found to be sufficient to ensure birds were able to successfully breed despite the presence of machinery. However, the distance over which vibrations could disturb and dislodge material will need to be carefully assessed to ensure that burrows do not collapse.</p> <p>Impacts on sand martins could be avoided entirely by construction taking place outside of the sand martin breeding season: April to September.</p> <p>Should activity be needed during the breeding season, all colonies should be mapped to determine risk and identify appropriate mitigating actions. This may require HDD activities to be paused until breeding has completed. If it is deemed safe</p>

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			for HDD to take place during the breeding season a suitable monitoring programme should be in place to assess the behaviour of birds and monitor the effectiveness of mitigation measures.
<b>Q2.14. Habitats Regulation Assessment</b>			
<b>Q2.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects</b>			
Q2.14.1.5	Applicant Natural England Royal Society for the Protection of Birds Norfolk Wildlife Trust Marine Management Organisation	<p><b>Timetable for Delivery</b></p> <p>The Applicant's compensatory measures documents [APP-069, APP-072] set out the time periods (breeding seasons etc) for implementation of the compensatory measures before the Proposed Development becomes operational. Are these time periods sufficient in length and sufficiently secured in the dDCO?</p>	<p>The RSPB does not consider these time periods are sufficient in respect of the various SPA seabird species (and their individual breeding ecology requirements), and therefore not sufficiently secured.</p> <p>Please see the RSPB's Written Representation (REP1-161) on this issue, for example:</p> <ul style="list-style-type: none"> <li>- paragraphs 5.27-5.28;</li> <li>- paragraph 6.43 and Table 6 (kittiwakes);</li> <li>- Annex A and Table A1 (bycatch reduction, long-term implementation);</li> <li>- Annex A and Table A2 (predator eradication, timing).</li> </ul>

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Q2.14.1.1 2	Natural England Royal Society for the Protection of Birds	<p><b>Seabird Assemblage, HPAI and Applicant Assertions</b></p> <p>During ISH5 [EV-076] [EV-080], the Applicant stated that if HPAI had reduced the numbers of birds within the assemblage, there would logically be less birds to collide with the turbines and, as such, the collision risk would be lower, and the effects of any collision would be lesser upon the population. It was asserted NE agreed with that position. Do NE and the RSPB concur with the Applicant's view?</p>	<p>The RSPB accepts that reduction in bird numbers due to HPAI mortality may limit numbers of birds within a population. The degree to which this will reduce collision impact will depend on the ability for a colony to compensate for these losses. Whilst there may be fewer predicted collisions, it should also be noted that impacts of HPAI remain unknown and additional impacts during the 2023 season and beyond could occur. This would have the potential effect of depressing population numbers and limiting breeding success. If healthy birds continue to be killed this could exacerbate losses. Therefore, collision risk would continue to exert an impact on the populations and, if not alone, in combination this could still remain a significant impact. This is especially the case given offshore wind farms will be situated in or adjacent to optimum foraging areas and these will continue to attract birds and bring them into close proximity to the turbines. The Applicant's view is therefore</p>

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			<p>simplistic. A precautionary approach must be taken regarding the effect of HPAI given the significant uncertainties that remain about the full impact it has had and continues to have on seabird populations and other marine wildlife.</p>
Q2.14.1.1 3	Natural England Royal Society for the Protection of Birds	<p><b>Seabird Assemblage Methodology</b></p> <p>Has the Applicant demonstrated, to your satisfaction, that the diversity and abundance elements of the FFC SPA seabird assemblage would remain intact? Explain with reasons.</p>	<p>We do not agree that the Seabird Assemblage would remain intact given the impact on key features (kittiwake, gannet, guillemot and razorbill) that contribute to the assemblage feature.</p>
Q2.14.1.1 4	Applicant Natural England RSPB	<p><b>Loch Ryan and the Scottish Authorities</b></p> <p>Has any meaningful consultation with the Scottish Authorities and Nature Scot taken place with regards the compensation proposals for Loch Ryan [REP1-036]? Explain with reasons.</p>	<p>It is for the Applicant to have held the necessary discussions with Nature Scot. We will therefore leave the Applicant to address this question.</p>