



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) (Clean)

**Revision B**

Deadline 3

May 2023

Document Reference: 13.7

Title:	
<b>Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) (Clean)</b>	
PINS document no.: 13.7	
Document no.: C282-EQ-Z-GA-00036	
Date:	Classification
<b>May 2023</b>	<b>Final</b>
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<b>Felix Cryer, Equinor</b>	<b>May 2023</b>

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## Glossary of Acronyms

AEoI	Adverse Effect on Integrity
AoS	Area of Search
ANS	Artificial Nesting Structure
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CES	Crown Estate Scotland
CIMP	Compensation Implementation and Monitoring Plan
COWSC	Collaboration on Offshore Wind Strategic Compensation
CRM	Collision Risk Modelling
DAS	Discretionary Advice Service
DCO	Development Consent Order
Defra	Department for Environment, Food & Rural Affairs
DEP	Dudgeon Offshore Wind Farm Extension Project
DESNZ	Department for Energy Security and Net Zero
EIA	Environmental Impact Assessment
ETG	Expert Topic Group
FFC	Flamborough and Filey Coast
GW	Greater Wash
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
LBBG	Lesser Black-Backed Gull
LKP	Lowestoft Kittiwake Partnership
LPA	Local Planning Authority
MEEB	Measures of Equivalent Environmental Benefit
MMO	Marine Management Organisation
MRF	Marine Recovery Fund
NEIFCA	North Eastern Inshore Fisheries Conservation Authority
NNC	North Norfolk Coast
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OWEIP	Offshore Wind Environmental Improvement Package
OWIC DS	Offshore Wind Industry Council Derogation Subgroup

PEA	Preliminary Ecological Appraisal
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SEP	Sheringham Offshore Wind Farm Extension Project
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area

## Glossary of Terms

<p>Dudgeon Offshore Wind Farm Extension Project (DEP)</p>	<p>The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.</p>
<p>Sheringham Shoal Offshore Wind Farm Extension Project (SEP)</p>	<p>The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.</p>
<p>The Applicant</p>	<p>Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) 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.</p>

## 1 Introduction

### 1.1 Background

1. As part of the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) Development Consent Order (DCO) application, the Applicant submitted 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.
2. The **RIAA** [APP-059] concludes that an in-combination adverse effect on integrity (AEoI) cannot be ruled out for the breeding Sandwich tern feature of the North Norfolk Coast (NNC) Special Protection Area (SPA) and the Greater Wash (GW) SPA and for the breeding kittiwake feature of the Flamborough and Filey Coast (FFC) SPA. The Applicant maintains that there will be no AEoI on the guillemot, razorbill and gannet 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 offshore ornithology compensation Expert Topic Group (ETG), a compensation proposal has also been provided on a without prejudice basis with respect to the gannet, guillemot and razorbill features of the FFC SPA. 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.
3. **Table 1** lists the SPA and offshore ornithology features relevant to the Applicant's derogation case provided within the **Habitats Regulations Assessment (HRA) Derogation Case: Provision of Evidence** [APP-059].

*Table 1: Relevant effects and conclusions outlined in the RIAA [APP-059] at application*

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 <b>cannot be ruled out.</b>
GW SPA	Sandwich tern	In-combination collision risk In-combination combined displacement and collision risk	Adverse effect on site integrity <b>cannot be ruled out.</b>
FFC SPA	Kittiwake	In-combination collision risk	Adverse effect on site integrity <b>cannot be ruled out.</b>
	Guillemot and razorbill	In-combination displacement risk	<b>No adverse effect</b> on site integrity.
	Gannet	In-combination combined displacement and collision risk	<b>No adverse effect</b> on site integrity.

4. Since submitting the DCO application, the Applicant has been working to mature its HRA derogation case, specifically concerning the proposed compensatory

measures in respect of the features and sites outlined in **Table 1**. This is in addition to ongoing or planned workstreams aimed to address specific technical queries and concerns raised by key stakeholders within their Relevant Representations and any subsequent Examination submissions in relation to the ornithological assessments and conclusions, which subsequently inform the requirement and potential compensation scale required.

5. The purpose of this work has been to facilitate refinement and agreement of offshore ornithology and compensatory matters with key stakeholders, including Natural England, the Royal Society for the Protection of Birds (RSPB) and National Trust through the Statement of Common Ground (SoCG) process. With respect to the ornithological compensation proposals, this additional work is also intended to demonstrate to key stakeholders and the Examining Authority the progress that has been made to mature project-led measures for NNC / GW SPA Sandwich tern and FFC SPA kittiwake where the **RIAA** [APP-059] concludes that an in-combination AEol cannot be ruled out.

## 1.2 Purpose of Document

6. The purpose of this document is to provide an update at Deadline 3 on the progress made since the submission of the DCO application with respect to HRA derogation and compensation matters. This includes:
  - Any additional stakeholder consultation undertaken;
  - Any updates to the Applicant's derogation case with respect to the sites, features, and/or effects being considered;
  - Any updates to predicted impacts and, therefore, the potential scale of compensation required; and
  - The progress made by the Applicant in relation to developing compensatory measures for those sites and features where it has not been possible for the Applicant to rule out AEol (i.e. NNC / GW SPA Sandwich tern and FFC SPA kittiwake), including any supporting evidence, where this can be provided.
7. This document is intended to update an earlier version of this note submitted at Deadline 1 [REP1-061] and seeks to bring together all the information relevant to the Applicant's HRA derogation case that has become available since the submission of the DCO application, with signposting to other Examination submissions where further information has been provided.
8. The Applicant intends that this document be updated and submitted at appropriate deadlines during Examination as and when new or updated information (including any supporting evidence) becomes available. This is to assure the Examining Authority and key stakeholders of the progress that is being made with respect to HRA derogation and compensation matters.
9. **Table 2** presents a list of key documents relevant to HRA derogation and compensatory matters submitted as part of the DCO application and during Examination. This suite of documents forms the basis on which this update document has been provided and is referenced accordingly below.



**Table 2: Relevant derogation and compensation documents**

Document Title	Document Revision	PINS Document Reference
Report to Inform Appropriate Assessment	a	APP-059
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	b	Document reference: 5.5.4
Annex 4A Outline Gannet, Guillemot and Razorbill CIMP	a	APP-075
Annex 4B Auk Bycatch Reduction Feasibility Statement	a	Document reference: 5.5.4.3
Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (MEEB)	a	APP-084
Apportioning and Habitats Regulations Assessment Updates Technical Note	b	REP2-036
Proposed Without Prejudice DCO Drafting	b	REP2-011
Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note	b	Document reference: 13.1
Sandwich Tern – Quantification of Productivity Benefits Technical Note	b	Document reference: 13.4

## 2 Ongoing Consultation Record

10. **Table 3** summarises the post-submission consultation activities that have been undertaken in relation to HRA Derogation and the Applicant's proposed compensatory measures. This record includes engagement with relevant statutory and non-statutory consultees to the DCO application process (see **Consultation Report - Consultees Consulted Under S42 of Planning Act 2008** [APP-035]) as well as local stakeholders relevant to specific aspects of the Applicant's compensation proposals. It represents a continuation of the information presented in **Annex 1D - Record of HRA Derogation Consultation** [APP-068].

11. A more detailed post-submission consultation record which documents key feedback and outcomes, is provided in **Appendix A: Detailed Consultation Record**.

*Table 3: Post-submission programme of stakeholder engagement (ordered chronologically by commencement date).*

Date	Consultee(s)	Format	Details
Ongoing since pre-application	Natural England	Meetings	A series of informal monthly catch-up meetings have been ongoing since pre-application and continued post-submission. Offshore ornithology and compensation are re-occurring agenda items. These meetings provide an opportunity to discuss ongoing workstreams and specific queries related to the Applicant's ornithological assessments and compensation proposals.
Ongoing since pre-application	Other offshore wind developers	Emails & meetings	Ongoing discussions with other offshore wind developers regarding collaborative compensation opportunities.
Ongoing since pre-application	Landowners	Emails & Meetings	Ongoing discussions with relevant landowners regarding access licences, draft Heads of Terms (HoTs) and option agreements for compensatory land.
15/09/2022	Crown Estate Scotland (CES)	Email	To provide an update concerning the Applicant's DCO submission and compensatory proposals for Sandwich tern at Loch Ryan.
22/09/2022	Marine Scotland	Email	To provide an update concerning the Applicant's DCO submission and compensatory proposals for Sandwich tern at Loch Ryan.
05/10/2022	Lowestoft Kittiwake Partnership	Meeting	To understand more about the background of Lowestoft kittiwakes, the challenges faced by the community and the formation (including vision and objectives) of the Lowestoft Kittiwake Partnership (LKP). This meeting brought together offshore wind developers with an interest in Lowestoft to discuss potential collaborative support to the LKP.
12/10/2022	NatureScot	Meeting	To provide an update in relation to the Applicant's compensatory proposals for Sandwich tern at Loch Ryan and to discuss the next steps in terms of maturing the proposals and future engagement activities.
21/10/2022	Natural England	Email	Natural England confirmed its latest position with respect to the requirement for compensation for the gannet FFC SPA feature.
27/10/2022	Lowestoft Kittiwake Partnership	Meeting	A project-specific meeting to further discuss the Applicant's proposal for nest site improvements at Lowestoft. Discussions centred around the Applicant's initial site selection work and alignment between the partnership's ambitions and the Applicant's proposal.
02/11/2022	Gateshead Council	Meeting	Site visit and meeting to discuss next steps and key workstreams for developing the Applicant's proposal and securing the necessary land agreements, permissions, licences and consents.
07/11/2022	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative

Date	Consultee(s)	Format	Details
			compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).
15/11/2022	Natural England	Meeting	A meeting was held to discuss Natural England's feedback on draft versions of the Applicant's Offshore Ornithology Environmental Statement chapter (including Technical Appendices and Annexes) and RIAA which were originally shared in June 2022 (Natural England's feedback was received on 16 September 2022) and the Applicant's response to this feedback (provided in writing to Natural England on 28 October 2022). During this meeting, the Applicant and Natural England sought to agree on the necessary workstreams required to address outstanding matters.
16/11/2022	Dumfries & Galloway Council NatureScot	Meeting	Meeting to discuss the Applicant's compensation proposals for Sandwich tern at Loch Ryan, including: <ul style="list-style-type: none"> <li>• key constraints with respect to different sites within the Applicant's proposed Area of Search (AoS); and</li> <li>• the Applicant's further programme of work to progress towards securing the necessary permissions, licences and consents.</li> </ul>
21/11/2022	East Suffolk Council	Meeting	A meeting to discuss East Suffolk Council's pre-application consultation response, which was received on 17 August 2022. This meeting included a discussion of the Council's key concerns with respect to the Applicant's proposal for nest site improvements in Lowestoft.
22/11/2022	Natural England RSPB National Trust Marine Management Organisation (MMO)	Meeting	Offshore Ornithological Compensation ETG 4: The Applicant provided an update on progress relating to its species-specific compensation proposals.  Having had early sight of the Natural England Relevant Representation [RR-063], the Applicant discussed the key points within this and sought to identify specific areas for agreement along with areas where additional work was required to progress agreement on key issues.
28/11/2022	QinetiQ	Email	Email exchange to open a line of communication with respect to further discussions about potential Sandwich tern compensation opportunities at Foulness SPA.
14/12/2022	National Trust	Meeting	A meeting with regional and reserve staff from National Trust to discuss possible compensation opportunities for Sandwich tern at Farne Islands SPA and the Trust's concerns with respect to additionality.
14/12/2022	Gateshead Council & RWE	Meeting	A meeting to discuss RWE's and the Applicant's respective interest in delivering kittiwake nesting at Gateshead and opportunities for cooperation and possible collaboration.
15/12/2022	Natural England	Written communication	The Applicant provided a draft version of its <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B)</b>

Date	Consultee(s)	Format	Details
			[document reference 13.1] to Natural England for review and feedback. This was received via Natural England's Discretionary Advice Service (DAS) on 30 January 2023. This note was subsequently updated in light of this advice, with a final version submitted at Deadline 1.
21/12/2023	Natural England	Written communication	The Applicant provided a draft version of its <b>Apportioning and HRA Updates Technical Note (Revision B)</b> [REP2-036] to Natural England for review and feedback. Natural England's DAS advice was received on the 14 February 2023. This note was subsequently updated in light of this advice, with a final version submitted at Deadline 1.
10/01/2023	Bidwells (Managing agent for CES)	Email	An email enquiry to confirm ownership of the foreshore within the preferred AoS.
16/01/2023	Natural England	Email	DAS feedback received on the Applicant's <b>Strategic and Collaborative Approaches to Compensation and MEEB</b> [APP-084] document.
26/01/2023	Gateshead Council	Meeting	A meeting to discuss the history of the Saltmeadows site and any considerations that may have implications for future surveys, design and any planning application.
27/01/2022	North Eastern Inshore Fisheries Conservation Authority (NEIFCA)	Email	An email enquiry requesting bycatch records from the last five years for the fixed net fishery in the northeast region. This request was made in response to Natural England's feedback in their Relevant Representation [RR-063].
23/02/2023	Natural England, MMO and Centre for Environment, Fisheries and Aquaculture Science (Cefas)	Meeting	A meeting to discuss a proposal from Natural England and Cefas regarding a potential opportunity for the Applicant to support baseline data gathering for key prey species (sandeel and sprat) in the wider Wash area to a) address uncertainties regarding the age of current fisheries data; b) to inform potential management measures for nearby relevant designated sites and features; and c) to provide a potential 'enhancement' to the Applicant's package of compensatory measures.
01/03/2023	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the OWEIP.
05/04/2023	Gateshead Council	Meeting	To discuss draft HoTs issued to the Council in January 2023.
13/04/2023	Dumfries & Galloway Council	Email	An email sent to provide the Council with an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.
18/04/2023	Gateshead Council	Meeting	To discuss preliminary results of the structural surveys of the existing Saltmeadows tower and discuss concept design scope.

Date	Consultee(s)	Format	Details
26/04/2023	NatureScot	Email	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.
27/04/2023	Crown Estate Scotland	Email	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.

### 3 HRA Derogation Update

#### 3.1 FFC SPA Gannet

12. 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”.*
13. The Applicant has submitted at Deadline 2 an **Apportioning and HRA Updates Technical Note (Revision B)** [REP2-036], which 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 SPA gannet combined collision risk and displacement mortalities have reduced by approximately four, i.e. from 10 to 6 adults per year.
14. Natural England have requested to review the latest version of the **CRM Updates (EIA Context) Technical Note (Revision B)** [document reference 13.2] submitted at Deadline 3 and the Highly Pathogenic Avian Influenza (HPAI) review report which the Applicant intends to submit by Deadline 5, before confirming its position that compensation for gannet is not required. In this event, the Applicant will resubmit clean and track changed versions of the following documents with references to gannet removed:
  - **Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document (Revision B)** [document reference 5.5.4];
  - **Annex 4A - Outline Gannet, Guillemot and Razorbill Compensation Implementation and Monitoring Plan** [APP-075]; and
  - **Proposed Without Prejudice DCO Drafting (Revision B)** [REP2-011].
15. In light of the above, the Applicant has not provided any additional information with respect to the Applicant's gannet compensation proposals within this document.

### 3.2 Without Prejudice Draft DCO Wording

16. In response to parts b) and c) of Question Q.1.14.1.9 in the **Examining Authority's Written Questions (WQ1)** [PD-010], the Applicant has submitted at Deadline 1 a **Proposed Without Prejudice DCO Drafting** [REP1-005] document which is considered to include suitable drafting that the Secretary of State could include within the DCO should they conclude that AEoI cannot be ruled out for FFC SPA gannet, guillemot and razorbill.
17. A subsequent revision of the **Proposed Without Prejudice DCO Drafting (Revision B)** [REP2-011] was submitted at Deadline 2 to amend a sub-paragraph of the "without prejudice" derogation provisions and MEEB provisions in the **Draft Development Consent Order (DCO) (Revision D)** [REP2-008]. In particular, the amendment is to the provisions that provide the option for the relevant undertaker to pay a contribution to the Strategic Compensation Fund wholly or partly in substitution for project-specific compensation measures or MEEB. The effect of the amendment is that the Secretary of State's consent would be required prior to such an option being exercised by the undertaker. These amendments reflect amendments made to Schedule 17 (Compensation Measures and Measures of Equivalent Environmental Benefit) of the **Draft DCO (Revision D)** [REP2-008].
18. An updated version of **Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document (Revision B)** [document reference 5.5.4], removing Section 10 (Draft DCO wording), has been submitted into Examination at Deadline 3.

### 3.3 Updated Predicted Impacts & Compensation Requirements

19. In light of advice from Natural England outlined in a DAS letter received on 16 September 2022 and subsequently, in Appendix B of their Relevant Representation [RR-063], project-alone impacts have been updated for several seabird populations, including the following, which are relevant to the Applicant's HRA derogation case:
  - NNC SPA Sandwich tern (collision)
  - GW SPA Sandwich tern (collision)
  - FFC SPA kittiwake (collision)
  - FFC SPA guillemot (operational phase displacement)
  - FFC SPA razorbill (operational phase displacement)
  - FFC SPA gannet (operational phase displacement and collision)
20. The following updates have been made in respect of the above species, as documented in the **Apportioning and HRA Updates Technical Note (Revision B)** [REP2-036]:
  - Avoidance Rates used in the CRM have been updated for Sandwich tern and gannet, to those recommended in Natural England's Relevant Representation [RR-063]. This includes the application of 70% macro-avoidance in respect of gannet.

- Displacement effects have been removed from the quantitative assessment for Sandwich tern, and no macro-avoidance has been applied to Sandwich tern for the updated CRM.
- Apportioning rates have been updated for gannet, kittiwake and razorbill. No changes to apportioning for guillemot were required.

21. **Table 4** provides an overview of the updated predicted project-alone contribution to in-combination effects and associated compensation requirements for those sites and features listed above. The figures presented represent the worst-case and are those to which the scale of compensation has been linked. The scale of compensation required is calculated based on the upper 95% confidence interval collision rates which the Applicant considers to be highly precautionary but is in line with Statutory Nature Conservation Body (SNCB) guidance. Mean values are also shown for reference. For further information on the updated assessment methodology and results, see the **Apportioning and HRA Updates Technical Note (Revision B)** [REP2-036].

*Table 4: Overview of updated predicted impacts from SEP and DEP and associated compensation requirements*

Site	Feature	Impact Mechanism(s)	Scale of Impact (upper 95% confidence intervals. Mean values in parentheses)	Scale of Compensation
NNC SPA and GW SPA	Sandwich tern	Collision	12-17 (6-7) <sup>1</sup>	Restoring lost breeding range to make the population more robust to local impacts and improve productivity to provide a gain equivalent to 17 adult birds per year.
FFC SPA	Kittiwake	Collision	17 (6)	Increased production of approximately 140 extra chicks per year, achieved by facilitating the move of 110 pairs of kittiwakes from nest sites that fail to nest sites that achieve average breeding success.
	Guillemot	Displacement	6 (4) Using evidence-based 0.500 displacement rate and 1% mortality rate of displaced birds	6 birds per year
	Razorbill	Displacement	3 (1) Using evidence-based 0.500 displacement rate and 1% mortality rate of displaced birds	3 birds per year

Site	Feature	Impact Mechanism(s)	Scale of Impact (upper 95% confidence intervals. Mean values in parentheses)	Scale of Compensation
<sup>1</sup> Range comparing CRM outputs using design-based and model-based density estimates for Sandwich tern. Flight speed of Fijn and Gyimesi (2018) used in all cases.				

## 4 Compensatory Measures Update

### 4.1 Overview

22. Compensatory measures within the DCO application are 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.
23. A summary of the compensation measures and associated delivery model proposed by the Applicant at the time of DCO application are presented in **Table 5**. The measures/delivery models highlighted in orange represent the primary package of compensatory measures proposed by the Applicant for each feature and site. Those measures remaining represent alternative options that are considered to potentially be available to the Applicant within timescales relevant to SEP and DEP and which are aimed to align with emerging developments in the wider-industry context with respect to more collaborative and/or strategic delivery of compensation (see **Strategic and Collaborative Approaches to Compensation and MEEB** [APP-084] for further information).

*Table 5: Summary of proposed compensatory measures and delivery model considered at application*

Measure	Project-led	Collaborative	Strategic
<b>Sandwich tern (NNC SPA / GW SPA)</b>			
Nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan (either via the creation of an inland pool or installation of a pontoon within the loch)	✓		
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			✓
<b>Kittiwake (FFC SPA)</b>			
Nest site improvements to enhance breeding success (at either the Saltmeadows site in Gateshead and/or Lowestoft).	✓		



Measure	Project-led	Collaborative	Strategic
Construction of new artificial breeding sites for kittiwakes onshore or offshore		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
<b>Guillemot and razorbill (FFC SPA)</b>			
Bycatch reduction	✓	✓	
Predator eradication from a breeding colony		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
<b>All</b>			
Strategic Compensation Fund			✓

## 4.2 Compensatory Measures Review

24. Since submitting the DCO application in September 2022, the Applicant has sought to mature its compensatory measure proposals. This has involved a large body of work, including an extensive programme of stakeholder engagement (see [Section 2](#) above) and the formation of dedicated delivery teams to further develop key project-led measures for those sites and features where it has not been possible for the Applicant to rule out AEoI (i.e. NNC / GW SPA Sandwich tern and FFC SPA kittiwake). During this time, there have also been industry-wide developments in relation to strategic and collaborative compensation (see [Section 4.4](#) below for further information).
25. In light of developments since DCO application and Relevant Representations from key stakeholders (namely Natural England, RSPB and East Suffolk Council), the Applicant has reassessed its position with respect to its proposed compensatory measures. This was considered necessary to ensure collective efforts could focus on those measures which have good stakeholder support, strong ecological merit, and a high chance of successfully delivering the required level of compensation. Thus, helping to enable positive and meaningful progress of the Applicant's proposals and SoCG positions with stakeholders, particularly with respect to its project-led measures, during the onward Examination process.
26. This compensatory measures review has led to two principal developments to the Applicant's proposals:
- Given the limited support from Natural England and RSPB for the installation of a pontoon at Loch Ryan as an alternative compensatory measure for Sandwich tern to the inland pool, and recognising the positive progress being made with respect to the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage as a component of the proposed package of compensatory measures for Sandwich tern.

- Given the limited support from East Suffolk Council for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town on the basis that it would be contrary to their strategic position, and recognising the positive progress being made with respect to the alternative option at Gateshead, the decision has been taken to not actively progress the proposal for Lowestoft further at this stage as a component of the proposed package of compensatory measures for kittiwake.
27. These developments are not considered to impact the robustness of the overall package of compensatory measures proposed for Sandwich tern and kittiwake since the alternative project-led measures are capable of fully compensating for the predicted mortalities from SEP and DEP (see **Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B)** [document reference 13.4] and **Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B)** [document reference 13.1] submitted at Deadline 3).
28. Should there be a need to revisit options for Sandwich tern or kittiwake compensation at a later stage (for example, in the unlikely event that the inland pool at Loch Ryan or nest site improvements to enhance kittiwake breeding success in Gateshead cannot be delivered or are not entirely successful), the Applicant will re-examine the options outlined above alongside any collaborative or strategic opportunities, in consultation with Natural England and other relevant stakeholders, to determine the most appropriate course of action.

#### 4.2.1 Improved breeding success at SPA sites other than NNC (the Farne Islands SPA)

29. A further consideration as part of the Applicant's compensatory measure review has been the concerns by National Trust, Natural England and RSPB in their Relevant Representations (see [RR-061, RR-063 and RR-083], respectively) regarding the additionality of the Applicant's proposed measure to improve breeding success at the Farne Islands SPA.
30. Early discussions with National Trust during pre-application indicated that the measures proposed are likely to be additional to those set out in the forthcoming management plan (see **Annex 1D - Record of HRA Derogation Consultation** [APP-068]). On this basis, improved breeding success at SPA sites other than NNC (e.g. the Farne Islands SPA or Foulness SPA) was taken forward as a project-led measure forming part of the package of proposed compensatory measures for Sandwich tern. However, since DCO submission, National Trust has raised concerns regarding additionality within its Relevant Representation [RR-061] and during a meeting held on 14 December 2022. Despite repeated efforts during the pre-application and pre-examination phases, the Applicant was unable to obtain a copy of the latest Management Plan for Farne Islands SPA and was therefore unable to formally validate the proposed measure's additionality at that time.
31. Further information was submitted by National Trust into Examination on 28 March 2023 in lieu of attending Issue Specific Hearing 5 (ISH5) (Offshore Matters) [AS-042]. At the request of the Examining Authority, this included a copy of the latest draft Farne Islands Site Management Plan (2022 – 2026).

32. The Applicant has since reviewed the draft Site Management Plan (2022 – 2026) [AS-042] and notes that this aims to halt and reverse the decline in Sandwich tern breeding numbers at the Farnes through efforts to maintain and expand available Sandwich tern habitat and deter and manage predators. The Applicant continues to note that attempts to achieve this to date have been unsuccessful, and that there is no evidence to suggest that success will be achieved based on efforts thus far.
33. Page 59 of the draft Site Management Plan [AS-042] outlines a number of measures that are planned to be implemented with respect to Sandwich tern:
- *“Deploy 50 chick shelters around edge of existing colony [Brownsman]*
  - *Create 25 large (2m<sup>2</sup>) nesting plots immediately adjacent to periphery of current colony with bare soil to create ‘scalped edge’ effect at periphery of colony & seed with sea campion between plots. Ensure puffin burrow access is not impacted*
  - *Deploy 50 decoys & Sandwich tern sound lures on Inner Farne in April to encourage nesting alongside gull interventions*
  - *Assess results of vegetation management and gull work in winter 2022, then, if successful, use lures and decoys in 2024 to encourage terns to nest in appropriate locations on Brownsman*
  - *Consider (subject to Natural England consent) similar interventions on Staple, Knoxes, W. Wides, N. Hares & Longstone should removal of gull eggs and the above lures, decoys & shelters prove successful*
  - *Encourage studies which investigate causes of Sandwich tern declines as part of ‘conservation questions’*
  - *Continue to monitor numbers on annual basis using BTO census method 2 (21 days after first Arctic tern chick)*
  - *Consider monitoring chick provisioning*
  - *Investigate options to monitor productivity using remote cameras as part of ‘conservation questions’”*
34. The Applicant notes that regarding the use of cameras for monitoring, the draft Management Plan [AS-042] states on page 59 that the use of remote cameras will be investigated and considered, but does not provide a firm commitment to this measure.
35. The Applicant supports the implementation of the above proposed measures; however, notes that the Applicant’s proposal set out within the **Appendix 2 – Sandwich Tern Compensation Document** [APP-069] includes:
- Deployment of 400 nest boxes and 400 shelters (i.e. 400 more nest boxes and 350 more shelters than set out in the draft Site Management Plan [AS-042]).

- Deployment of six cameras with video transmitted to a solar-powered battery driven base station where recorded video will be stored, which it is considered should allow a representative sample of nests to be monitored to record predation attempts by large gulls. As noted above, the draft Site Management Plan [AS-042] is currently only proposing to investigate options for remote monitoring.
  - Deployment of bamboo canes, if gull predation is determined as being an ongoing issue following deployment of nest boxes and shelters.
36. Moreover, the Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support future efforts for recolonisation by Sandwich tern of the other islands, further studies to investigate the reasons for the decline, and (as stated in paragraph 189 of **Appendix 2 – Sandwich Tern Compensation Document** [APP-069]) also to provide support to the ongoing monitoring of tern numbers and breeding success. It is considered this could partially assist the National Trust’s ambition to transition away from an over-reliance on visitor footfall which is stated [AS-042] as a reason for potential declines in seabird populations on the Farnes due to human disturbance.
37. As discussed at Issue Specific Hearing 5 (see ID 5.iii **Written Summary of Applicant’s Oral Submissions at ISH5** [document reference 16.10]), the Government’s policy position on additionality is expected to change later this year. The Energy Security Bill Policy Statement (BEIS, 2023) on the OWEIP Measures states, *“Government is also considering enabling developers to undertake work already identified by Government to improve the condition of protected species and habitats. This would substantially increase the number of measures available to developers and also accelerate marine recovery for some sites”* (pg. 10 & 11). Final guidance on compensatory measures is due to be published by the Department for Environment, Food & Rural Affairs (Defra) in late 2023 and is expected to provide further information on how additionality should be considered going forwards.
38. In light of possible upcoming changes to policy and best practice guidance with respect to additionality and the severity of the situation at the Farne Islands SPA, the Applicant considers it is justified that the measures remain within the Applicant’s proposed package of compensatory measures since:
- The proposed measures are additional or greater in extent to those proposed in the draft Site Management Plan [AS-042].
  - Sufficient evidence is outlined in **Appendix 2 – Sandwich Tern Compensation Document [APP-069]** and the **Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B)** [document reference 13.4], to demonstrate that, if delivered at an appropriate scale, the measures proposed could provide substantial benefits to breeding numbers of Sandwich tern at the Farnes as well as address any accrued mortality debt associated with the Applicant’s proposed measure at Loch Ryan.

- The situation at the Farne Islands is severe (Sandwich tern breeding numbers at the Farne Islands SPA have decline considerably over 40 years, despite ongoing conservation and management efforts (see **Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection** [APP-071])) and the proposed measures would make a meaningful difference.
- Even if the measures were not considered to be additional, anticipated changes to Government policy mean that it is foreseeable that they could be counted as ‘compensation’ in the near future.

#### 4.2.2 Without Prejudice Bycatch Reduction Proposal for Auks

39. Since submission of the DCO application the Applicant has had further discussions with fisheries stakeholders in the northeast (see **Section 2** above and **Appendix A: Detailed Consultation Record**) and has ascertained that the level of set net fishing activity and therefore auk bycatch is unlikely to be of a sufficient scale to present a feasible compensation measure.
40. In light of this and the concerns raised by Natural England within their Relevant Representation (RR-063), the Applicant is now investigating options for the implementation of the same or similar measures on a project-led basis in the southwest of England. The Applicant has therefore submitted at Deadline 3 an update to **Appendix 4 – Gannet, Guillemot and Razorbill Compensation Document (Revision B)** [document reference 5.5.4] and **Annex 4B Auk Bycatch Reduction Feasibility Statement** [document reference 16.15] which together provide further details on these proposals including:
- the distribution, extent and seasonality of set-net fishing activity in the southwest of England,
  - bycatch evidence (notably Hornsea Project Four’s 2021/2022 bycatch mitigation trials and stakeholders’ feedback with respect to this study);
  - the scale and location of bycatch reduction compensation proposed; and
  - a description of the proposed measures to be delivered to reduce bycatch in the southwest.
41. It should be noted that the Applicant’s compensation proposal also includes measures that could potentially be delivered on either a collaborative (bycatch reduction and predator eradication from a breeding colony) or strategic basis (i.e. contribution to strategic compensation fund such as the Marine Recovery Fund (MRF)). An update with respect to measures proposed for implementation via a collaborative or strategic delivery model is provided in **Section 4.4** below.

#### 4.3 Project-led Compensation Delivery Update

42. The following sub-sections provide an update on the Applicant’s progress in relation to developing the key project-led compensatory measures for those sites and features where it has not been possible to rule out AEoI (i.e. NNC / GW SPA Sandwich tern and FFC SPA kittiwake). Where it is possible to provide supporting evidence, this has been included as an appendix to this document.

### 4.3.1 Sandwich Tern Nesting Habitat Improvements and Restoration of Lost Breeding Range at Scar Point, Loch Ryan – Inland Pool

#### 4.3.1.1.1 Stakeholder Engagement

43. Since submitting the DCO application, the Applicant has continued its very positive engagement with key stakeholders (see **Section 2**) on this specific measure. A detailed stakeholder mapping exercise has also been undertaken to identify all relevant statutory and local authority consultees, other local stakeholders, and interest groups relevant to the proposal.
44. The Applicant expects to undertake the following consultation activities in the coming months:
- Submit an Environmental Impact Assessment (EIA) Screening Request;
  - Formal pre-application consultation with Dumfries and Galloway Council, as the relevant Local Planning Authority (LPA), to build on informal engagement already undertaken and to gain feedback on the scope of the application, key material and planning policy considerations and the likelihood of planning permission being granted;
  - Further engagement with relevant statutory bodies and landowners; and
  - Further engagement with key stakeholders relevant to DCO Examination (i.e. Natural England and RSPB).
45. In addition, the Applicant also intends to undertake public consultation to which local stakeholders and interest groups will be invited to comment on the Loch Ryan proposals. This will be undertaken irrespective of whether the proposed scheme is considered a 'major' or 'local' development as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and any statutory requirements.
46. The exact timing of all onward stakeholder engagement is subject to confirmation of site selection and the development of concept designs, which is in turn reliant on obtaining the necessary topographic and ecological survey data. Further information regarding hydrology and engineering design and the onward delivery programme for this compensatory measure is provided in **Sections 4.3.1.1.3** and **4.3.1.1.5**, respectively.

#### 4.3.1.1.2 Land Agreements

47. Since application, the Applicant has been proactively engaging with landowners within the proposed AoS (see Figure 3 in **Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations** [REP1-035] submitted at Deadline 1). Efforts have been focussed on securing land within the preferred AoS (i.e. the area north of Wig Bay), which is considered to have the greatest chance of attracting breeding Sandwich terns back to Loch Ryan. The Applicant's approach has been informed by feedback from Dumfries and Galloway Council and NatureScot during a meeting on 16 November 2022, where it was agreed that of the sites being considered, those within the preferred AoS represented the most ecologically suitable and least environmentally constrained options.

48. The Applicant can confirm that landowner discussions are progressing positively. Draft HoTs were provided to an initial party in January 2023 and access granted to undertake non-intrusive surveys on this individual's land. Discussions with a further landowner within the preferred AoS are ongoing with negotiations to agree access for surveys in progress. Several alternative sites within the wider AoS remain under consideration.
49. As set out in the Applicant's response to WQ2.14.1.10 (**The Applicant's Responses to the Examining Authority's Second Written Questions** [document reference 16.2]), it is the Applicant's strong preference to acquire the land/rights voluntarily and as outlined above, is engaging with the relevant parties with a view to reaching an agreement. However, it should be noted that SEL and DEL have compulsory acquisition powers through the Electricity Act 1989 (section 10(1) and schedule 3), which they would consider using if they were unable to secure the necessary land or rights voluntarily.
50. Regarding the potential requirement for a lease agreement covering the foreshore and seabed of the Loch, this is subject to confirmation of the siting of the inland pool, engineering design and the intended water supply (i.e. freshwater or seawater fed). Since application, the Applicant has continued its engagement with CES as the majority owner of the foreshore and owner of the seabed within the preferred AoS; CES is, in principle, supportive of the scheme. Timescales for obtaining the necessary seabed lease (if required) have been factored into the onward delivery programme outlined in **Section 4.3.1.1.5** below.

#### 4.3.1.1.3 *Hydrology & Engineering Design*

51. As outlined above, developing concept designs for the inland pool depends on obtaining the necessary topographic survey data. A topographic survey of one site within the preferred AoS was undertaken in late January / early February 2023. In addition, a site visit was undertaken in early February and was attended by the Applicant and several technical specialists from the Applicant's appointed environmental, planning and engineering design sub-consultants. Attendees met with the landowner to undertake a walkover of the site in order to identify any further site-specific constraints or features that may need to be factored into the design of the scheme.
52. With the completion of the topographic survey and site visit, work is underway to build a ground model to allow development of an initial concept design. An initial hydrological assessment and Stage 1 Flood Risk Assessment is being undertaken in parallel to concept design and additional ecological surveys to further evaluate on-site conditions and inform the exact siting and concept / engineering design of an inland pool at this location. Anticipated completion dates for this work are outlined in **Section 4.3.1.1.5** below.

#### 4.3.1.1.4 *Planning, Licences & Consents*

53. The relevant permissions, licensing and consent requirements for the proposed scheme are outlined in **Appendix 2 - Sandwich Tern Compensation Document** [APP-069]. This list of requirements remains accurate.

54. Given the nature of the proposed scheme, it is possible that it falls under Schedule 2 of the Town and Country Planning (EIA) (Scotland) Regulations 2017, and therefore EIA could be required to support any application for planning permission. As such, the Applicant intends to submit an EIA Screening Request to seek an opinion from Dumfries and Galloway Council (as the LPA) and Marine Scotland (in relation to potential works below the mean high water springs mark) as to whether the proposal constitutes an EIA development.
55. If the inland pool is confirmed as a non-EIA development, a series of environmental reports will be prepared in order to supplement the planning and marine licence applications (as required). However, if it is decided that an EIA is likely, EIA Scoping will be undertaken. This approach will establish a clear understanding of the key environmental issues potentially associated with the proposed scheme and will facilitate the agreement of a proportionate scope for the EIA. This will also confirm expectations with regard to the contents of the EIA Report with the aim of minimising risks to the onward planning process.
56. Initial environmental survey work to inform the planning application and engineering design is underway with a Preliminary Ecological Appraisal (PEA) of one site within the preferred AoS undertaken in early February 2023. The results of this survey have informed the proposed siting of the inland pool at this location; however, the need for further ecological surveys has been identified to inform further site selection, development of concept designs, EIA Screening and Scoping (if required), and formal pre-application consultation with the LPA. These surveys are scheduled to be undertaken in spring / early summer this year (see [Section 4.3.1.1.5](#)).
57. In addition to planning permission and potentially a marine licence, the Applicant recognises that it would also require a controlled activity regulations licence from the Scottish Environment Protection Agency as well as a Marine Works Consent from Crown Estate Scotland (subject to any relevant exemptions applying). Both of these would be progressed pre-construction and following consent award.

#### 4.3.1.1.5 *Delivery Programme*

58. **Table 6** provides an outline programme for securing the necessary permissions, consents and licences to deliver the inland pool at Loch Ryan as a compensatory measure for NNC SPA / GW SPA Sandwich tern. This programme is based on progressing a single site within the preferred AoS and assumes that the proposal is an EIA as well as a ‘major’ development.
59. As outlined above, the Applicant is continuing to appraise multiple sites within the proposed AoS. Each site has a unique set of characteristics and considerations, therefore naturally the rate of progress has varied. The programme outlined in **Table 6** is representative of the site for which progress with respect to land discussions, surveys and hydrological assessment is most advanced. This site is located within the preferred AoS (see Figure 3 in [Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations](#) [REP1-035] submitted at Deadline 1) and thus, is considered to represent one of the options which has the greatest chance of successfully re-establishing Sandwich tern breeding at Loch Ryan.



60. In the two months since Deadline 1, positive progress has been made against the indicative programme outlined in **Table 6** and as demonstrated, the Applicant remains broadly on track to secure the necessary permissions, consents and licences in accordance with the outline roadmap set out in Table 6-4 of **Appendix 2 - Sandwich Tern Compensation Document** [APP-069]. However, all future dates should be regarded as indicative recognising that the proposed compensation scheme is a 'live' project and subject to inherent scheduling risks and uncertainties.
61. Whilst positive progress is being made with respect to land negotiations, discussions remain at an early stage and therefore indicative timescales for securing the necessary land agreements cannot be confirmed at this time. Further details will be provided during the later stages of Examination once negotiations are more advanced.

**Table 6: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver the inland pool at Loch Ryan**

Activity	Description	Timing (future dates are indicative)	Status
<b>Pre-examination</b>			
Land negotiations	With the relevant landowners within the preferred AoS.	Q3 2022 - ongoing	In progress
Informal pre-application consultation with key stakeholders	To update key stakeholders on the Applicant's proposal at application and establish support for the scheme.	Q3 - Q4 2022	Complete
Appointment of a dedicated delivery team	To drive forward delivery of key aspects of the scheme, including land negotiations, hydrology and engineering design and the relevant planning, licence and consent applications.	Q4 2022	Complete
<b>During examination</b>			
Site visit	Opportunity for technical specialists to familiarise themselves with the preferred AoS and identify site-specific constraints/features that may need to be factored into the design of the scheme.	Q1 2023	Complete
Topographic surveys (including data analysis)	To inform further hydrological studies/assessments and engineering design.	Q1 2023	Complete
PEA (including data analysis)	To map broad habitats and identify any potential ecological considerations and inform the scope of any further ecological survey requirements.	Q1 2023	Complete
Development of initial concept designs	To inform stakeholder engagement and onward consent / EIA process.	Q2 2023	In progress
EIA screening	To seek an opinion from LPA and Marine Scotland.	Q2 – Q3 2023	Not started
Pre-application consultation	With LPA, including preparation of submission materials.	Q2 – Q3 2023	Not started
<b>During / Post-examination</b>			

Activity	Description	Timing (future dates are indicative)	Status
Environmental studies and surveys	Including hydrological assessment, Stage 1 FRA and any further ecological survey requirements.	Q2 – Q3 2023	In progress
Wider stakeholder engagement on the proposal (including concept designs)	To include relevant statutory bodies, landowners, local stakeholders/interest groups (as part of a series of public consultation events), and key stakeholders relevant to the DCO Examination.	Q2 – Q3 2023	Not started
EIA scoping	To seek an opinion from LPA and Marine Scotland.	Q3 2023	Not started
Confirmation of engineering design	The preferred option for planning confirmed.	Q3 2023	Not started
EIA & reporting	Production of technical assessments and reports.	Q3 – Q4 2023	Not started
Submission of planning / marine licence applications (as applicable)		Q4 2023	Not started
Anticipated planning / marine licence decision (as applicable)		Q1 2024	N/A
Option agreements secured with the relevant landowners		To be confirmed	N/A

62. The Applicant recognises that a key activity of interest to Natural England and RSPB is the development of concept designs. This activity is now underway for one of the sites currently being considered and is anticipated to be completed by the end of Q2 2023. The Applicant, therefore, anticipates being able to consult on initial concept designs for this site in late Q2 2023.

### 4.3.2 Kittiwake Nest Site Improvements to Enhance Breeding Success – Gateshead

#### 4.3.2.1.1 Stakeholder Engagement

63. Since submission, stakeholder engagement with respect to the Applicant’s proposal at Gateshead has largely centred on discussions with Gateshead Council as both the relevant landowner and LPA responsible for determining any planning application for the scheme. These discussions have principally been held with the Council’s lead ecologist, land reclamation and contaminated land officer, and property service team concerning land matters. This engagement has been extremely positive, as evidenced by the letter of support provided by the Council and included in **Appendix B: Gateshead Council’s Letter of Support**.

64. Since Deadline 1 further engagement has also been undertaken with Gateshead Council to discuss preliminary results of the structural surveys of the existing Saltmeadows tower and the scope of the subsequent concept design work package (see **Section 2** and **Appendix A: Detailed Consultation Record**). The Applicant is currently in the process of reviewing the Council’s feedback and refining the concept design scope (see **Section 4.3.2.1.3** for further information).

65. The Applicant expects to undertake the following activities in the next few months:

- Formal pre-application consultation with Gateshead Council to obtain feedback from the Council's wider team of technical officers on the scope of the planning application;
- Further engagement with Gateshead Council's property service team with respect to land matters;
- Further engagement with Gateshead Council, relevant statutory bodies, non-statutory organisations and local interest groups on concept designs; and
- Further engagement with key stakeholders relevant to Examination (i.e. Natural England and RSPB).

66. The exact timing of all onward stakeholder engagement is subject to the development of concept designs. Further information regarding engineering design and the onward delivery programme for this compensatory measure is provided in **Sections 4.3.2.1.3** and **4.3.2.1.5**, respectively.

#### 4.3.2.1.2 *Land Agreements*

67. Since application, the Applicant has continued its engagement with Gateshead Council as the owner of the existing Saltmeadows tower and site on which it is located. Discussions regarding an option for lease are progressing positively; draft HoTs were shared with the Council for their consideration in January 2023 and a follow up meeting was held in April 2023. An access licence was granted in February 2023 for engineers to undertake structural surveys of the existing Saltmeadows tower. Discussions are underway to secure the necessary access licences to undertake further site investigation works (as required).

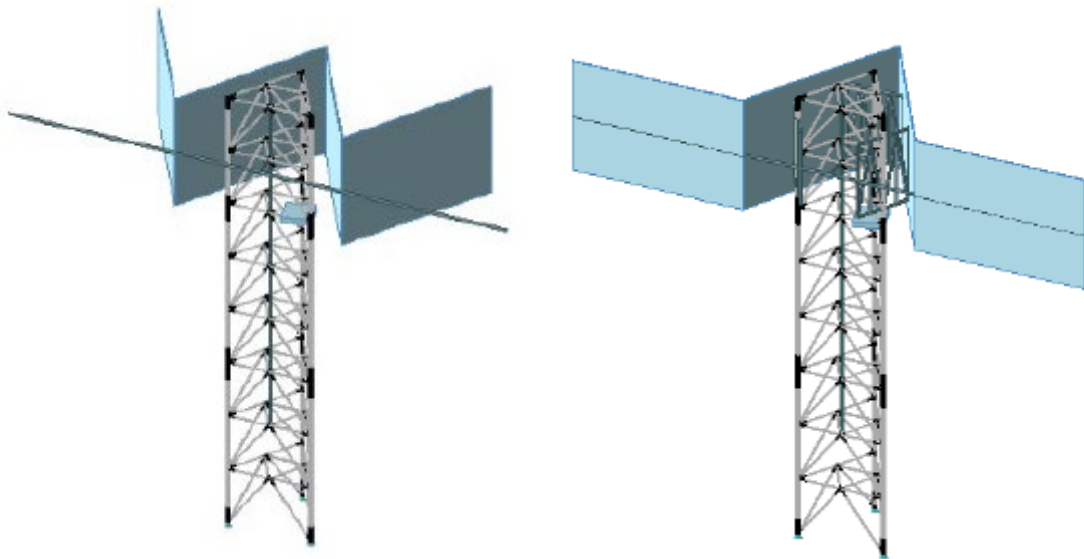
#### 4.3.2.1.3 *Engineering Design*

68. The engineering design of the Applicant's proposal to modify the existing Saltmeadows tower depends on establishing the integrity of the existing structure and foundation. The Applicant's preferred option is to alter the topside of the structure, removing the under-performing south face and replacing this with two new north facing faces, which can be expected to support higher breeding success of kittiwakes. However, the feasibility of this option is dependent on the supporting steel latticework and foundation being structurally sound.

69. During an initial walkover of the site in November 2022, a visual inspection undertaken by an engineer indicated that the steel supporting structure and foundation were in good condition with no visible signs of degradation. To validate this observation and inform the engineering design of any modifications, a formal Phase 1 Site Inspection and Condition Assessment was undertaken in late February 2023. This included an at-height inspection of the tower structure, including the steel members and wooden nesting cabinets, and a survey and testing of the concrete foundation.

70. Existing and new information collected during the Phase 1 site inspection was input into digital software to assess further the stability of the existing structure and test two principal design options for a modified topside (**Plate 1**). This work package has now been concluded and confirms that it would be possible to increase the nesting capacity of the existing Saltmeadows tower by mounting two additional panels onto

the structure and removing the south-west facing panel as proposed in **Appendix 3 – Kittiwake Compensation Document** [APP-072]. Either design option is considered feasible and would not be expected to require any reinforcement to the steel lattice structure or concrete foundation. However, it was recommended that a ground investigation of the site be undertaken to facilitate detailed analysis and, if necessary, the design of the proposed modifications.



*Plate 1: Initial design options considered as part of the Phase 1 Inspection and Condition Assessment of the existing Saltmeadows tower. The horizontal line represents the south-west facing side of the structure.*

71. The Applicant is currently in the process of finalising the concept design scope, taking onboard Gateshead Council’s recent feedback on the initial design options shown in **Plate 1**, and the preliminary results of the structural survey inspection of the existing Saltmeadows tower. This scope of works will aim to identify the most appropriate design option based on stakeholder engagement and any operational and environmental requirements. The indicative programme for delivering concept designs is outlined in **Section 4.3.2.1.5** below.

#### 4.3.2.1.4 *Planning, Licences & Consents*

72. The Applicant is in the process of finalising documentation to support formal pre-application consultation with Gateshead Council. It is anticipated that a pre-application consultation request will be made in May 2023 (**Section 4.3.2.1.5**).

73. Preparation of the planning application is scheduled to be undertaken in parallel with the design work described above and will include the production of all necessary plans and environmental assessments and reports. The scope of the planning application will be informed by formal pre-application consultation with Gateshead Council, the Phase 1 Site Inspection and Condition Assessment and the final concept designs.

#### 4.3.2.1.5 *Delivery Programme*

74. **Table 7** provides an outline programme for securing the necessary permissions, consents and licences to deliver the Applicant’s proposal at Saltmeadows,

Gateshead, as a compensatory measure for FFC SPA kittiwake. All future dates should be regarded as indicative recognising that the proposed compensation scheme is a 'live' project and subject to inherent scheduling risks and uncertainties.

75. This programme updates the earlier phases of the outline roadmap provided in **Appendix 3 – Kittiwake Compensation Document** [APP-072] and demonstrates the Applicant's increased commitment to securing this measure as soon as possible. The timings regarding the onward implementation of the measure remain as outlined in Table 6-5 of **Appendix 3 – Kittiwake Compensation Document** [APP-072].
76. As shown in **Table 7**, positive progress has been made against the indicative programme outlined in the two months since Deadline 1. Whilst positive progress has also been made with respect to land negotiations, discussions remain at an early stage and therefore indicative timescales for securing the necessary land agreements cannot be confirmed at this time. Further details will be provided during the later stages of Examination once negotiations are more advanced.

*Table 7: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver improved nesting habitat at Saltmeadows, Gateshead*

Activity	Description	Timing (future dates are indicative)	Status
<b>Pre-examination</b>			
Informal pre-application consultation with Gateshead Council	Included a site visit and follow-up meeting with the Council's ecologist and property services team to discuss the next steps.	Q4 2022	Complete
Land negotiations	With Gateshead Council	Q4 2022 – ongoing	In progress
Appointment of a dedicated delivery team	To drive forward delivery of key aspects of the scheme, including land negotiations, engineering design and the relevant planning, licence and consent applications.	Q4 2022	Complete
<b>Examination</b>			
Phase 1 Site Inspection and Condition Assessment	At-height inspection of the tower structure, including the steel members and wooden nesting cabinets, and survey and testing of the concrete foundation.	Q1 2023	Complete
Development of initial concept designs	The nature of the concept designs will depend on the outcome of the Phase 1 Site Inspection and Condition Assessment.	Q2 2023	To commence imminently
Pre-application consultation	With LPA, including preparation of submission materials.	Q2 2023	In progress
Wider stakeholder engagement on the proposal (including concept designs)	To include relevant statutory bodies, landowners, local stakeholders/interest groups (as part of a series of public consultation events), and key stakeholders relevant to Examination.	Q2 2023	Not started

Activity	Description	Timing (future dates are indicative)	Status
Finalisation of concept designs	Following stakeholder engagement.	Q2 2023	Not started
Preparation of planning application	Including all relevant plans and environmental assessments, and reports.	Q2 – Q3 2023	Not started
<b>Post-examination</b>			
Submission of the planning application		Q3 2023	Not started
Anticipated planning decision		Q4 2023	N/A
Option agreement secured with the landowner		To be confirmed	N/A

77. The Applicant recognises that a key activity of interest to Natural England and RSPB is the development of concept designs. The development of initial concept designs is due to commence imminently and is anticipated to be completed in Q2 2023. The Applicant, therefore, anticipates being able to consult on these in late Q2 2023.

#### 4.4 Strategic & Collaborative Compensation Update

78. Since the submission of the DCO application, the Applicant has, with respect to strategic and collaborative compensation:

- Maintained a watching brief for emerging policy and legislative developments in relation to the OWEIP and, specifically, the MRF;
- Continued to engage with Defra to understand the speed and direction of travel with respect to the emergence of a suitable delivery mechanism for strategic compensation (see [Section 2](#) and [Appendix A: Detailed Consultation Record](#) for further information);
- Continued to engage with other offshore wind developers with respect to potential collaborative opportunities (see [Section 2](#) and [Appendix A: Detailed Consultation Record](#) for further information);
- Sought DAS advice from Natural England in relation to its approach to strategic and collaborative compensation as set out in the [Strategic and Collaborative Approaches to Compensation and MEEB](#) [APP-084]; and
- Continued to participate in the Offshore Wind Industry Council's Derogation Subgroup (OWIC DS) and delivery groups for specific Strategic Ecological Compensation Studies being delivered as part of the Collaboration on Offshore Wind Strategic Compensation (COWSC) initiative (see below for further information).

##### 4.4.1 Energy Security Bill Policy Statement on the OWEIP Measures

79. In January 2023, BEIS (now the Department for Energy Security and Net Zero (DESNZ)) published the Energy Security Bill Policy Statement on the OWEIP Measures (BEIS, 2023), which summarises the proposed legislative changes to the

Energy Security Bill in relation to the OWEIP which are intended to accelerate deployment of offshore wind whilst also maintaining protection of the marine environment (BEIS, 2023).

80. In response to Q.1.1.3.1 and part a) of Question Q.1.14.20 of the **Examining Authority's Written Questions (WQ1)** [PD-010], the Applicant has submitted copies of the Energy Security Bill Policy Statement on the OWEIP Measures (BEIS, 2023) and the Energy Security Bill and has provided a short update on the progress of the establishment of the MRF. Those aspects that are of particular relevance to SEP and DEP include Government's intention to bring forward legislative changes that would include powers to:

- Amend or replace the HRA process, for example,
  - To allow consideration of a broader approach to compensatory measures. For example, where *“like-for-like’ compensatory measures are not possible, Government intends, to consider enabling developers to provide broader measures that improve wider marine ecosystems but are not targeted at specific impacted habitats, species or protected sites.”* This indicates a more pragmatic approach to considering and applying the compensation measures hierarchy outlined in Table 2 of Defra (2021).
  - To potentially enable *“developers to undertake work already identified by Government to improve the condition of protected species and habitats”*, thereby substantially increasing the number of measures available to developers.
- Enable an agreed list of approved compensatory measures to be secured and delivered either strategically by Government or through a collaborative approach between one or more offshore wind farm projects.
- Make provision for establishing, operating and managing one or more MRFs. The MRF will be an optional mechanism approved by Government that developers can choose to pay into to discharge their compensation obligations.

81. Government is intending to consult on more detailed proposals for environmental assessments and the Marine Recovery Fund in summer 2023 (DESNZ, 2023). This is expected to inform Defra's final best practice guidance for developing compensatory measures in relation to Marine Protected Areas, which is anticipated to be published at the end of 2023.

#### 4.4.2 Consultation on Revised Draft National Policy Statements

82. On 30<sup>th</sup> March 2023, the DESNZ published revised draft energy NPSs for public consultation. This consultation closes on 25<sup>th</sup> May 2023. The updates to the draft NPSs are intended to speed up the planning process for renewables and other energy infrastructure so that low-carbon energy generation can be brought forward in a timely manner, whilst protecting and enhancing the environment.

83. The Applicant is undertaking a review of the revised draft NPSs and will provide a response to the requirements set out in draft NPS EN-1 (Overarching), EN-3 (Renewable Energy Infrastructure) and EN-5 (Electricity Networks Infrastructure) at

Deadline 4 in the form of an **Addendum to the Planning Statement** (document reference 9.1.2).

84. In the meantime, the Applicant notes that the revised draft NPS acknowledges the Government's commitment to establishing strategic compensation for offshore renewable Nationally Significant Infrastructure Projects (NSIPs) in response to the British Energy Security Strategy and with the aim of reducing consenting delays for individual projects. Draft EN-3 para. 3.8.66 also states that "*Applicants will also be able to facilitate delivery of strategic compensation measures where appropriate*".
85. Although the Government is still developing its policies on strategic compensation, the revised draft NPSs further highlight the direction of travel with respect to the development and establishment of a strategic compensation mechanism. This is taking place in parallel (and in the background) to the SEP and DEP consenting process; however, the Applicant considers it necessary to align, where possible, its compensatory proposals with emerging developments at the industry level to ensure their ongoing resilience.

#### 4.4.3 Collaboration on Offshore Wind Strategic Compensation

86. Another recent development has been the establishment of the COWSC which brings together government representatives, SNCBs, environmental non-governmental organisations and industry across all four UK jurisdictions. This collaborative governance structure aims to explore, develop and implement strategic compensation solutions to enable an offshore wind industry that delivers the 50 gigawatts by 2030 Government ambition and contributes to net zero targets. COWSC is continuing initial efforts by the OWIC DS to develop four 'Strategic Ecological Compensation Studies' (previously referred to as 'pilot studies') covering artificial nesting, predator reduction, habitat creation and infrastructure removal (see Section 2.3.1 of the **Strategic and Collaborative Approaches to Compensation and MEEB** [APP-084] document for further information) as well as exploring strategic compensation options in relation to prey resources and new and enhanced protection mechanisms through government official only Expert Groups.
87. The publication of BEIS (2023) and the work being undertaken by COWSC, continues to reinforce the positive direction of travel towards establishing a delivery mechanism for strategic and collaborative compensation. Furthermore, the announcement made by the Department of Business, Energy and Industrial Strategy (BEIS)<sup>1</sup> on 30 December 2022<sup>2</sup> confirming the intention for a MRF to be operational and able to receive payments from late 2023 signals that a Strategic Compensation Fund is highly likely to be a viable option available to the Applicant within the necessary timeframe for SEP and DEP, that would enable the delivery of compensation strategically. The Applicant's approach, which proposes the option to contribute to a Strategic Compensation Fund wholly or partly in place of proposed project-led measures or as an adaptive management measure, is therefore considered valid and entirely relevant. However, recognising that some uncertainty remains with respect to the timings and scope of a suitable strategic mechanism,

<sup>1</sup>Now known as the Department for Energy Security and Net-Zero (DESNZ).

<sup>2</sup>Energy Security Bill factsheet: Offshore wind environmental improvement package - GOV.UK (www.gov.uk)



and in accordance with advice from Natural England (see [Appendix A](#) for further information), the Applicant is continuing to prioritise project-led measures, particularly with respect to Sandwich tern and kittiwake.

88. Since submitting the DCO application, the Applicant has continued to engage with other offshore wind developers concerning the collaborative compensation options outlined in [Table 5](#) above. Whilst these discussions have been positive, recognising the value and potential benefits of collaboration, several barriers were identified that are considered to limit tangible opportunities for collaboration at this time (see [Appendix A](#) for further details). Nonetheless, with anticipated legislative changes facilitating collaborative delivery of compensation, and as more consented offshore wind farm projects secure their compensation schemes and move forward with implementation and delivery, collaborative opportunities are expected to grow. Thus, the Applicant remains engaged with other offshore wind farm developers in relation to projects both ahead in the consenting process, and following behind SEP and DEP, regarding potential opportunities for collaboration with respect to the measures proposed in [Table 5](#) for delivery via this model.
89. With respect to Gateshead, the Applicant is aware that RWE was granted planning permission (DC/22/01188/FUL) in October 2022 to construct an onshore artificial nesting structure on the site adjacent to the Saltmeadows tower, and that construction commenced earlier this year. In response to concerns raised by Natural England in their Relevant Representation [RR-063] regarding the potential impact of this development on the Applicant's proposal, a [Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note \(Revision B\)](#) [document reference 13.1], which includes consideration of the RWE kittiwake tower proposal, was submitted at Deadline 1. This note demonstrates that there is existing and, at present, increasing demand for new or improved nesting provision within the Tyne area. As such, the two proposals are considered to be complementary. The Applicant has been engaging with RWE since submission of the DCO application (see [Section 2](#) and [Appendix A: Detailed Consultation Record](#)) to ensure respective interests in the area can proceed unhindered by each other and to explore potential opportunities for collaboration.

#### 4.4.4 Prey Enhancement

90. It remains the Applicant's view that the most effective compensation measure for impacts of offshore wind developments on Sandwich tern, kittiwake, gannet, guillemot and razorbill in UK North Sea waters would be to reduce fishing pressure on sandeel stocks in order to maintain sandeel total stock biomass above the "one-third for the birds" threshold (Cury et al. 2011, Hill et al. 2020). There is strong evidence that allowing sandeel stocks to recover from their current depleted state would greatly increase seabird populations within a few years, and for sandeel-dependent seabirds such as Sandwich tern would give much greater gain than the precautionary estimates of the cumulative impact of the offshore wind industry; for example, Ecopath/Ecosim modelling by Natural England predicts a 42% increase in seabird numbers in the North Sea within 15 years of closure of the North Sea sandeel fishery (Bayes and Kharadi 2022, Natural England 2023).
91. The Applicant is continuing to liaise with Defra and Natural England regarding strategic compensation and particularly prey enhancement measures. In response

to a suggestion made by Natural England in their Relevant Representation [RR-063], the Applicant has agreed to attend a meeting with Natural England, MMO and the Centre for Environment, Fisheries and Aquaculture Science (Cefas) to discuss potential evidence gathering with respect to Sandwich tern prey species. However, the Applicant is not aware of any further information that has become available since application in respect of the Government-led Strategic Ecological Compensation Study looking at prey availability measures for seabirds.

#### 4.4.4.1 Consultation on Spatial Management Measures for Industrial Sandeel Fishing

92. Defra is considering new spatial management measures to provide additional resilience and protection for the North Sea sandeel stocks to reduce the impacts of industrial sandeel fishing on the wider ecosystem. A public consultation on spatial management measures for industrial sandeel fishing in the North Sea opened on 6 March 2023 and is expected to run until 30 May 2023<sup>3</sup>. Although the consultation documentation does not directly consider the delivery of management measures in the context of strategic compensation for offshore wind, it is of relevance given the potential implications of any new spatial management measures on available environmental headroom and the overall resilience of prey populations for key seabird species such as Sandwich tern and kittiwake. As such, the Applicant is contributing to the preparation of a joint consultation response from the OWIC DS.

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<sup>3</sup> <https://consult.defra.gov.uk/wg-management-measures-for-industrial-sandeel-fishing/consultation-on-spatial-management-measures-for-in/>

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## Appendix A: Detailed Consultation Record

*Table 8: Record of consultation activities undertaken in relation to HRA Derogation since application (ordered chronologically by commencement date)*

Date	Consultee(s)	Format	Details	Key feedback and outcomes
Ongoing since pre-application	Natural England	Meetings	A series of informal monthly catch-up meetings have been ongoing since pre-application and continued post-submission. Offshore ornithology and compensation are re-occurring agenda items. These meetings provide an opportunity to discuss ongoing workstreams and specific queries related to the Applicant's ornithological assessments and compensation proposals.	<p>During these meetings, the Applicant has sought to obtain further advice from Natural England on key aspects of its compensatory measures proposal where these were either not considered within Natural England's Relevant Representation [RR-063] or there was ambiguity in Natural England's position. This has led to further feedback from Natural England on the following:</p> <ul style="list-style-type: none"> <li>The Applicant's <b>Strategic and Collaborative Approaches to Compensation and MEEB</b> [APP-084] document that was submitted as part of the DCO application – Natural England provided feedback via the DAS which has been considered in <b>Section 4.4</b> below; and</li> </ul> <p>Natural England's position with respect to the requirement for compensation for gannet in light of SEP and DEPs predicted impacts on this feature of the FFC SPA – this is summarised alongside the Applicant's position in <b>Section 3.1</b> below.</p>
Ongoing since pre-application	Other offshore wind developers	Emails & meetings	Ongoing discussions with other offshore wind developers regarding collaborative compensation opportunities.	Whilst offshore wind developers have been receptive to discussions regarding collaborative delivery of compensation, there are currently considered to be three principal barriers limiting tangible opportunities for collaboration at this time:

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<ul style="list-style-type: none"> <li>• Delivery of seabird compensation in relation to offshore wind impacts remains a relatively new concept with many recently consented offshore wind farms required to deliver compensation still seeking the necessary licences and permissions for their project-led measures. This currently remains the priority over and above discussions regarding collaborative compensation delivery.</li> <li>• Uncertainty remains with regards to the level of compensation required to be delivered for currently consented offshore wind farm projects as well as those currently in the planning process. This makes it very difficult to establish whether there is spare capacity within existing proposals to service multiple projects.</li> </ul> <p>Many compensatory measures to date remain untested and therefore there is naturally a reluctance to forgo capacity until the efficacy of these measures has been fully established.</p>
Ongoing since pre-application	Landowners	Emails & Meetings	Ongoing discussions with relevant landowners regarding access licences, draft HoTs and option agreements for compensatory land.	An update on compensatory measure specific discussions is provided in <a href="#">Section 4.3</a> below.
15/09/2022	CES	Email	To provide an update concerning the Applicant's DCO submission and compensatory proposals for Sandwich tern at Loch Ryan.	Email exchange confirmed seabed lease and Marine Works Consent requirements for inland pool (if seawater fed) or pontoon option, and associated timescales.
22/09/2022	Marine Scotland	Email	To provide an update concerning the Applicant's DCO submission and compensatory proposals for Sandwich tern at Loch Ryan.	Email exchange confirmed that no further engagement was required except for enquiries related specifically to marine licensing matters.

Date	Consultee(s)	Format	Details	Key feedback and outcomes
05/10/2022	Lowestoft Kittiwake Partnership	Meeting	To understand more about the background of Lowestoft kittiwakes, the challenges faced by the community and the formation (including vision and objectives) of the Lowestoft Kittiwake Partnership (LKP). This meeting brought together offshore wind developers with an interest in Lowestoft to discuss potential collaborative support to the LKP.	Confirmed the LKP's aspirations for how offshore wind developers could potentially support their work to deliver a package of ecological and community benefits to address challenges with respect to Lowestoft kittiwakes, including development of a collaborative monitoring strategy. It was also discussed how this could work in practice (e.g. an appropriate delivery mechanism).
12/10/2022	NatureScot	Meeting	To provide an update in relation to the Applicant's compensatory proposals for Sandwich term at Loch Ryan and to discuss the next steps in terms of maturing the proposals and future engagement activities.	NatureScot confirmed that it was happy to continue input to the proposals moving forward but did not intend to be involved in the DCO process. Their preference was ad-hoc input and confirmed that they would be happy to be guided by the Applicant in terms of suitable timings for future engagement.
21/10/2022	Natural England	Email	Natural England confirmed its latest position with respect to the requirement for compensation for the gannet FFC SPA feature.	<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>
27/10/2022	Lowestoft Kittiwake Partnership	Meeting	A project-specific meeting to further discuss the Applicant's proposal for nest site improvements at Lowestoft. Discussions centred around the Applicant's initial site selection work and alignment between the	LKP confirmed that they were unable to advise on suitable sites due to potential conflicts of interest but confirmed that several of the sites being explored by the Applicant where currently not being looked at by the LKP. The partnership confirmed that from their

Date	Consultee(s)	Format	Details	Key feedback and outcomes
			partnership's ambitions and the Applicant's proposal.	perspective, the Applicant's proposal for Lowestoft kittiwakes was aligned with their own ambitions.
02/11/2022	Gateshead Council	Meeting	Site visit and meeting to discuss next steps and key workstreams for developing the Applicant's proposal and securing the necessary land agreements, permissions, licences and consents.	An initial inspection by an engineer confirmed that in principle, the existing tower looked structurally sound, although a more detailed inspection was required to confirm. This was identified as a key workstream to allow development of concept designs and to inform the scope of work required to support the necessary planning application.
07/11/2022	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEPs approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).	Defra confirmed that autumn 2023 remained the ambition for establishing a functional MRF, subject to necessary changes to primary and secondary legislation. Defra also confirmed that the final Defra guidance on compensatory measures was likely to be delayed until the end of 2023 to ensure alignment with changes being brought forward in relation to the OWEIP.
15/11/2022	Natural England	Meeting	A meeting was held to discuss Natural England's feedback on draft versions of the Applicant's Offshore Ornithology Environmental Statement chapter (including Technical Appendices and Annexes) and RIAA which were originally shared in June 2022 (Natural England's feedback was received on 16 September 2022) and the Applicant's response to this feedback (provided in writing to Natural England on 28 October 2022). During this meeting, the Applicant and Natural England sought to agree on the necessary workstreams required to address outstanding matters.	It was agreed that the Applicant would provide updated project-alone assessments and any corresponding in-combination assessments for those species listed by Natural England (which included Sandwich tern, gannet, kittiwake, great black-backed gull, lesser black-backed gull (LBBG) and little gull) and in light of draft updated guidance on CRM parameters provided in their DAS advice (received 16 September 2022) and subsequent Relevant Representation [RR-063]. This information has been provided in the following technical notes submitted at Deadline 1 and also include updates to the approach to apportioning impacts for FFC SPA kittiwake and gannet and Alde-Ore SPA LBBG:

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<ul style="list-style-type: none"> <li>• <b>Collision Risk Modelling (CRM) (EIA Context) Updates Technical Note</b> [document reference 13.2]</li> <li>• <b>Apportioning and HRA Updates Technical Note</b> [document reference 13.3]</li> </ul> <p>Further information on the Applicant's response to Natural England's Relevant Representation [RR-063] can be found in <b>The Applicant's Responses to Relevant Representations</b> [document reference 12.3] submitted at Deadline 1.</p>
16/11/2022	Dumfries & Galloway Council NatureScot	Meeting	<p>Meeting to discuss the Applicant's compensation proposals for Sandwich tern at Loch Ryan, including:</p> <ul style="list-style-type: none"> <li>• key constraints with respect to different sites within the Applicant's proposed AoS; and</li> <li>• the Applicant's further programme of work to progress towards securing the necessary permissions, licences and consents.</li> </ul>	<p>Several sites within the proposed AoS were identified as being the least environmentally constrained (<b>Figure 3 in Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations</b> [document reference 12.3.1]) due to their location outside of designated heritage areas, away from potential areas with contaminated land risk, and away from the main road on the east coast of the loch (A77).</p>
21/11/2022	East Suffolk Council	Meeting	<p>A meeting to discuss East Suffolk Council's pre-application consultation response, which was received on 17 August 2022. This meeting included a discussion of the Council's key concerns with respect to the Applicant's proposal for nest site improvements in Lowestoft.</p>	<p>East Suffolk Council noted that it would not support the Applicant's proposal 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.</p> <p>As noted in <b>Section 4.1</b> this, alongside the positive progress being made at Gateshead, has led to the Applicant's decision not to actively progress its proposal for Lowestoft further at this stage as a component of the proposed package of compensatory measures for kittiwake.</p>



Date	Consultee(s)	Format	Details	Key feedback and outcomes
22/11/2022	Natural England RSPB National Trust MMO	Meeting	<p>Offshore Ornithological Compensation ETG 4: The Applicant provided an update on progress relating to its 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 this and sought to identify specific areas for agreement along with areas where additional work was required to progress agreement on key issues.</p>	<p><b>General:</b> The implications of the HPAI outbreak for the Applicant’s compensation proposals were raised by RSPB who proposed that relevant specialists should come together to discuss how this should be considered going forwards. The Applicant acknowledged Natural England’s initial guidance (Appendix B2 of [RR-063]) and confirmed that it would be guided by the SNCBs on this matter.</p> <p><b>Gannet:</b> The Applicant provided a verbal update on the predicted impacts on gannet, but Natural England were unable to confirm their position in relation to the requirement for compensation for gannet without confirmation of the final updated assessment outputs. The Applicant shared a draft version of an <a href="#">Appportioning and HRA Updates Technical Note</a> [document reference 13.3], which included the necessary outputs, with Natural England for review and feedback ahead of its submission at Deadline 1. See <a href="#">Section 3.1</a> for further information on the Applicant’s latest position with respect to gannet. RSPB confirmed that they remained concerned about gannet numbers and also the impact of HPAI.</p> <p><b>Sandwich tern:</b> RSPB highlighted the need for confidence in the level of compensation required and the importance of certainty and resilience in any compensation proposal. In general, stakeholders queried whether Loch Ryan alone (noting limited stakeholder support for the Applicant’s proposal at Farne Islands SPA on the basis of additionality concerns) could deliver the necessary level of compensation, taking account of the risks and uncertainties associated with this proposal. To address both RSPB’s and Natural England’s concerns, the Applicant has submitted a <a href="#">Sandwich Tern –</a></p>

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<p><b>Quantification of Productivity Benefits Technical Note</b> [document reference 13.4] at Deadline 1. It was noted during the meeting that no alternative sites that are considered to have the same chances of success as Loch Ryan were identified by the Applicant as part of its site selection process or have been put forward by stakeholders during both the pre-application, and post-submission phases.</p> <p>Natural England confirmed they would like to see a larger pool proposed for Loch Ryan, suggesting that water rather than vegetation could be used to form the buffer from human disturbance which as a principle, is something the Applicant has subsequently agreed to (see <b>Draft Statement of Common Ground: Natural England (HRA Derogation)</b> [document reference 12.15] submitted at Deadline 1).</p> <p>Both RSPB and Natural England confirmed that they do not support the pontoon option at Loch Ryan as a compensation measure.</p> <p><b>Kittiwake:</b> Natural England confirmed that they were struggling to understand the benefit of the Applicant's proposal and how it fundamentally differed from an onshore artificial nesting structure (ANS). It was also queried how the benefits had been scaled. In response to these concerns, the Applicant has submitted a <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [document reference 13.1] at Deadline 1. Natural England were given opportunity to review and provide feedback on this note ahead of its submission.</p> <p><b>Auks:</b></p> <p>Natural England queried whether there had been any evidence gathering to determine the extent of auk</p>

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<p>bycatch within set-net fisheries in the northeast. Natural England advised the Applicant to consider their advice to Hornsea Project Four regarding the auk bycatch reduction trials undertaken for that project.</p> <p>Regarding predator eradication, again Natural England advised the Applicant to consider their advice to Hornsea Project Four but also noted that the Calf of Man may be a potentially suitable location that Natural England were not aware of any other projects having considered.</p> <p>The Applicant noted that further work on determining the extent of potential auk bycatch in the northeast would be undertaken and that whilst predator eradication was only being considered as a collaborative basis, the Applicant would endeavour to look into this potential location in any future discussions related to predator eradication for auk compensation.</p>
28/11/2022	QinetiQ	Email	Email exchange to open a line of communication with respect to further discussions about potential Sandwich tern compensation opportunities at Foulness SPA.	QinetiQ provided some information about work that is currently being undertaken on site with RSPB to protect nesting birds (e.g. little tern and ringed plover) in certain locations. This includes the use of electric fencing, trail camera monitoring, and common tern rafts.
14/12/2022	National Trust	Meeting	A meeting with regional and reserve staff from National Trust to discuss possible compensation opportunities for Sandwich tern at Farne Islands SPA and the Trust's concerns with respect to additionality.	National Trust provided further information about Sandwich tern breeding issues and conservation efforts at the Farne Islands but were unable to confirm the status of the latest Management Plan for the SPA. National Trust took an action away to further consider whether there are any other tangible measures outwith of the Management Plan that could be delivered to support Sandwich tern conservation efforts at the Farnes. A follow up email received on 20 January 2023 confirmed that whilst National Trust has been keen to explore options for helping to enhance the population of

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<p>Sandwich Terns on the Farne Islands, they are not confident that proposals to date will be effective in achieving their objectives on the Farne Islands, and in particular do not feel that they demonstrate additionality to the existing management proposals, which by their very nature are comprehensive. Significant changes to National Trust’s operational staff on the Farnes have also impacted the ability to commit resources to these proposals at present.</p> <p>For these reasons National Trust do not wish to engage with the Applicant any further on this matter with regards to opportunities on the Farnes and has recommend that resources are diverted elsewhere in order to achieve the Applicant’s objectives.</p>
14/12/2022	Gateshead Council & RWE	Meeting	A meeting to discuss RWE and the Applicant’s respective interest in delivering kittiwake nesting at Gateshead and opportunities for cooperation and possible collaboration.	The parties discussed the Council’s recent planning decision to grant RWE permission to construct a 15m kittiwake tower on the site adjacent to the Saltmeadows site. RWE’s anticipated delivery programme was discussed, and it was agreed that this did not impede the Applicant’s ongoing work at the Saltmeadows site. Parties also discussed potential collaborative opportunities with respect to ongoing monitoring of kittiwake breeding at the two sites.
15/12/2022	Natural England	Written communication	The Applicant provided a draft version of its <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [document reference 13.1] to Natural England for review and feedback. This was received via Natural England’s Discretionary Advice Service (DAS) on 30 January 2023. This note was subsequently updated in light of this advice, with a final version submitted at Deadline 1.	<p>The overall conclusion of Natural England’s DAS advice is that whilst it remains their position that ANS should be located offshore, augmenting the existing Gateshead Saltmeadows tower on the Tyne with two new nest faces has the potential to provide appropriate compensation for SEP and DEP. This position is subject to the following caveats:</p> <ul style="list-style-type: none"> <li>The Applicant emphasises in the submitted technical note the following: (i) the low relatively impact of SEP and DEP on FFC SPA kittiwake</li> </ul>

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<p>compared with other recent projects; (ii) none of the consenting offshore wind projects requiring compensation are developing ANS proposals on the Tyne; and (iii) there is evidence that a substantial number of kittiwakes fail to produce any young on the Tyne – whilst some may relocate to another colony entirely, it is plausible that others will seek new sites on the Tyne.</p> <ul style="list-style-type: none"> <li>• That the clarifications sought in Natural England’s DAS advice are addressed in the submitted technical note.</li> <li>• A more detailed design of the proposed measures is submitted into the Examination for review in due course.</li> </ul> <p>The <b>Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note</b> [document reference 13.1] submitted at Deadline 1 includes the updates as requested by Natural England, along with a detailed response to Natural England’s DAS comments on the draft version of this technical note. Information regarding the onward delivery programme for the Applicant’s proposal is presented in <b>Section 4.3.2</b> below.</p>
21/12/2023	Natural England	Written communication	The Applicant provided a draft version of its <b>Apportioning and HRA Technical Note</b> [document reference 13.3] to Natural England for review and feedback. Natural England’s DAS advice was received on the 14 February 2023. This note was subsequently updated in light of this advice, with a final version submitted at Deadline 1.	A summary of this consultation can be found in the <b>Apportioning and HRA Technical Note</b> [document reference 13.3] submitted at Deadline 1.

Date	Consultee(s)	Format	Details	Key feedback and outcomes
10/01/2023	Bidwells (Managing agent for CES)	Email	An email enquiry to confirm ownership of the foreshore within the preferred AoS.	It was confirmed that a portion of the foreshore within the preferred AoS is Crown land and under the management of Crown Estate Scotland. The remaining foreshore area within the preferred AoS was confirmed as being non-Crown land and owned by a third party.
16/01/2023	Natural England	Email	DAS feedback received on the Applicant's <b>Strategic and Collaborative Approaches to Compensation and MEEB</b> [APP-084] document.	<p>Key points raised by Natural England in relation to compensation included:</p> <ul style="list-style-type: none"> <li>• Concern related to the Applicant seeking a DCO condition that gives sole discretion to switch to the MRF once it is set up. They advised that switching from project-led to strategic compensation should require approval by the Secretary of State in consultation with Defra and Natural England.</li> <li>• Specific concern was raised in relation to Sandwich tern which is unlikely to be a focus for strategic compensation and should therefore be dealt with at the project-level.</li> <li>• Uncertainty regarding the timing, scope and delivery mechanism of the MRF, including the timing of any benefits in relation to SEP and DEP project timelines.</li> <li>• Advised prioritising development details of the projects' primary compensatory measures and securing any agreements (with particular focus on Sandwich tern), so that the Secretary of State can be confident that the measures will be effective and secured.</li> </ul>
26/01/2023	Gateshead Council	Meeting	A meeting to discuss the history of the Saltmeadows site and any considerations that may have implications for future surveys, design and any planning application.	The Council provided a detailed account of the industrial history of the site and the remediation works that have been undertaken to date. Whilst contamination associated with the site's former use has been identified

Date	Consultee(s)	Format	Details	Key feedback and outcomes
				<p>as a consideration, it was agreed that based on currently available information, the associated risks to onward delivery of the Applicant's proposal could be suitably mitigated in accordance with current, appropriate Health &amp; Safety guidelines and requirements. Seasonal constraints in relation to groundworks and working at height were also discussed. This information has been used to inform the scope and programme for the initial site inspection and condition assessment as well as the planning application and supporting geotechnical and geo-environmental studies. See <b>Section 4.3.2</b> below for further information.</p>
27/01/2022	NEIFCA	Email	<p>An email enquiry requesting bycatch records from the last five years for the fixed net fishery in the northeast region. This request was made in response to Natural England's feedback in their Relevant Representation [RR-063].</p>	<p>The NEIFCA confirmed that there had been very limited bird mortality in the past five years, although the fishery was closed between July 2019 and October 2021.</p> <p>In light of this and concerns raised by Natural England within their Relevant Representation [RR-063], the Applicant is now investigating options for the implementation of the same or similar measures in the southwest of England. The Applicant is intending to submit in the early stages of Examination an Auk Bycatch Reduction Feasibility Statement which will include further details on these proposals.</p>
23/02/2023	Natural England, MMO and Centre for Environment, Fisheries and Aquaculture Science (Cefas)	Meeting	<p>A meeting to discuss a proposal from Natural England and Cefas regarding a potential opportunity for the Applicant to support baseline data gathering for key prey species (sandeel and sprat) in the wider Wash area to a) address uncertainties regarding the age of current fisheries data; b) to inform potential management measures for nearby relevant designated sites and features; and c) to provide a potential 'enhancement' to the</p>	<p>Cefas presented high-level information on potentially suitable survey techniques and designs for monitoring of sandeel and herring populations. The relative pros and cons of the different approaches were discussed along with the extent to which additional survey data could provide information about the availability of prey for seabirds and marine mammals. The Applicant, Cefas and Natural England all took actions away to follow up on various aspects of the discussion.</p>

Date	Consultee(s)	Format	Details	Key feedback and outcomes
			Applicant's package of compensatory measures.	
01/03/2023	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).	Defra provided an update on the Marine Recovery Fund and the proposed library of approved measures, confirming that the intention was to try and dovetail implementation of the two components as much as possible. Defra confirmed that the library of approved measures is likely to start off relatively small and be expanded upon as additional strategic measures come forward. The Applicant set out some of the challenges which it continues to face with respect to its derogation position and compensatory measures proposals. Agreed to a further meeting either before or after Deadline 3.
05/04/2023	Gateshead Council	Meeting	To discuss draft HoTs issued to the Council in January 2023.	The Council presented their feedback on the draft HoTs which the Applicant took away for further consideration. Discussions regarding the terms are ongoing.
13/04/2023	Dumfries & Galloway Council	Email	An email to provide the Council with an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.	N/A
18/04/2023	Gateshead Council	Meeting	To discuss preliminary results of the structural surveys of the existing Saltmeadows tower and discuss concept design scope.	Gateshead Council welcomed the progress that had been made and provided useful feedback with respect to the proposed modifications to the Saltmeadows tower which the Applicant is considering. Some alternative solutions were discussed and it was agreed that further discussion with the principal bird ringer and associated monitoring sub-contractors would be useful to better understand any potential constraints posed by the proposed modifications.
26/04/2023	NatureScot	Email	An email to provide an update on progress with respect to the Applicant's proposed	N/A



Date	Consultee(s)	Format	Details	Key feedback and outcomes
			Sandwich tern compensation scheme at Loch Ryan.	
27/04/2023	Crown Estate Scotland	Email	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.	N/A

## Appendix B: Gateshead Council's Letter of Support



**Sarah Chandler, Development and Consents Manager**

Equinor New Energy Limited  
1 Kingdom Street  
London W2 6BD  
UK

31 January 2023

Dear Ms Chandler

**Sheringham Shoal and Dudgeon Extension Projects - Kittiwake Compensation Proposal**

This letter is provided as confirmation that, in principle and subject to planning permission, Gateshead Council supports Equinor's proposal to modify the existing artificial nesting tower at Saltmeadows, Gateshead to enhance the breeding success of kittiwakes as part of compensatory measures related to the Development Consent Order (DCO) application for the proposed Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project.

Gateshead Council owns the existing artificial nesting tower and the land on which it is located and has overseen maintenance and monitoring activities since it was first installed adjacent to the Baltic Flour Mill (now Baltic Centre for Contemporary Arts) in 1998 and after its relocation to the Saltmeadows site in 2001. The council is therefore simultaneously the landowner and the local planning authority responsible for determining any planning application associated with the tower's modification; it is the council's understanding that Equinor intends to submit a planning application in Q2/Q3 2023.

The council has actively engaged with Equinor during the DCO pre-application and pre-examination phases to assist in development of the proposal and believes the planned measure has strong ecological merit. The objectives of the proposal are also aligned with the council's long-term intentions for the site and will help to ensure the enhanced and continued success of the tower in supporting the local kittiwake colony.

Gateshead Council notes that a planning application has been approved for another party in relation to the installation of a new artificial nesting tower on land adjacent to the Saltmeadows site. It is the council's view that the two proposals are not in conflict, and, from an ecological perspective and subject to planning permission, sees no reasons why

the two proposals cannot be developed in parallel to provide complementary benefits to kittiwake breeding success on the Tyne.

Gateshead Council welcomes the consultation that has been undertaken to date and looks forward to further engagement as the detailed designs and land rights aspects are progressed.

Yours sincerely,



Anneliese Hutchinson  
Service Director

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