



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

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

**Submitted for Deadline 8  
17 July 2023**

**Planning Act 2008 (as amended)**

**In the matter of:**

**Application by Equinor for an Order  
Granting Development Consent for the Sheringham and Dudgeon Extension  
Projects**

**Planning Inspectorate Ref: EN010109  
RSPB Registration Identification Ref: 20033327**

Question number	Question addressed to	ExA question	RSPB comments
<b>Q4.12. Habitats and Ecology Offshore</b>			
<b>Q4.12.1 Effects on Ornithology</b>			
Q4.12.1.1	Royal Society for the Protection of Birds	<p><b>Outstanding concerns / final position</b></p> <p>The ExA is sympathetic to the circumstances of the RSPB in being able to engage with the Examination and all its related material. Nonetheless, a number of concerns were raised in the Written Representation [REP1-161] and the ExA wishes to know which, if any, still remain. Can the RSPB provide the ExA with an update on the current, and final, position of the organisation in relation the Proposed Development.</p>	<p>The RSPB conclusions on Adverse Effect on Integrity of site features impacted by the proposed developments remain as set out in paragraph 4.4 if our written representation (pp.28-29; REP1-161).</p> <p>We continue to have concerns about the collision risk calculations for gannet, as set out in paragraphs 4.17-4.25 of our written representation (pp.31-34; REP1-161).</p> <p>Our concerns about the use of macro-avoidance in Sandwich terns also remains a concern (para 4.26, p.34; REP1-161).</p> <p>Highly Pathogenic Avian Influenza continues to remain a threat to seabird colonies. We are aware that Scolt Head Island has been significantly impacted by HPAI this season, with in excess of a thousand Sandwich terns (adults and chicks) affected. The full impact of HPAI on seabird colonies will still remain unknown until a suitable run of data are available. However, our comments on the impact of HPAI and the need to ensure a high level of precaution is</p>

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			<p>applied to assessments remain as set out in our written representation (paras 4.32 &amp; 4.33, p.36; REP1-161).</p> <p>Our position on additionality remains as set out in paragraph 5.7 &amp; 5.8, (p.44; REP1-161).</p> <p>We welcome the derogation case that the Applicant has proposed, but consider that there remain significant areas of detail that limit the confidence that the coherence of the National Site Network would be protected. Our position on whether sufficient detail is provided remains as set out in paragraphs 5.14 of our written representation (p.44; REP1-161).</p> <p>The Scale of compensation measures continues to remain limited. The Applicant is assuming that all the compensation measures for Sandwich terns can be delivered through one primary site. This cannot be relied upon and requires a more substantial package of measures that can be deployed to support Sandwich terns and maintain the coherence of the National Site Network. This should include areas where habitat can be created that has a reasonable</p>

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			<p>chance of success over time, as well as actions that could enhance existing populations where it can be clearly demonstrated that this would be additional to measures needed to maintain sites in favourable condition.</p> <p>Our position on the need for appropriate lead-in times based on the ecological requirements of the species for which compensation measures are being delivered remain as set out in paragraphs 5.27 and 5.28 of our written representation (pp.49-50; REP1-161).</p> <p>Our position on the lifetime of any compensation measures remains as set out in paragraphs 5.29 and 5.33 of our written representation (p.50; REP1-161).</p> <p>Our position on the use of prey enhancement as a compensation measure remains as set out in paragraphs 6.2 and 6.8 of our written representation (pp.53-54; REP1-161).</p> <p>We have reviewed the Loch Ryan Sandwich tern compensation site proposal. The site appears quite constrained and it remains unclear that a lagoon and island of the scale needed to</p>

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			<p>attract a sustainable Sandwich tern colony big enough to compensate for impacts on the North Norfolk Coast could be developed. The adjacent woodland presents a considerable challenge. We consider that additional sites will be needed to ensure a suitable compensation package is provided to address impacts on Sandwich terns.</p> <p>Our position of the measures proposed for the Farne Islands remains as set out in paragraphs 6.25 and 6.29 of our written representation (pp.59-60; REP1-161).</p> <p>Our position on kittiwake compensation measures remains as set out in paragraphs 6.35 and 6.43 of our written representation (pp.61-63; REP1-161).</p> <p>Our position on guillemot and razorbill compensation measures remains as set out in paragraphs 6.44 and 6.50 of our written representation (pp.63-68; REP1-161).</p> <p>Our position with respect to gannet remain as set out in paragraph 6.51 of our written representation (p.68; REP1-161). We continue to remain concerned</p>

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			about the assessment of impacts on gannets and consider compensation measures need to be explored and agreed for this species. This is especially in light of the uncertain impacts HPAI on colonies.
Q4.12.1.3	Natural England Royal Society for the Protection of Birds	<b>Cumulative Effects</b> Are there any remaining concerns regarding the Applicant's assessment of cumulative effects (EIA-scale)? Explain with reasons.	We have focussed our comments on areas that we have continued to engage during the Examination, namely, Sandwich tern compensation measures. We defer to Natural England on this question. Our lack of response should not be taken as demonstrating that all our concerns on cumulative impacts have been addressed.
<b>Q4.14. Habitats Regulation Assessment</b>			
<b>Q4.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects</b>			
Q4.14.1.7	Natural England Royal Society for the Protection of Birds National Trust	<b>Issue Specific Hearing 7 questions</b> Firstly, refer to the agenda for ISH7 and then review the transcripts and recordings [EV-092] to [EV-102]. Subsequently, please answer the following regarding the newly identified sandwich tern compensatory measures at Blakeney (rat eradication): a) Does this compensatory measure have both merit and your support? b) Would this new measure at Blakeney offer suitable resilience and be of a suitable scale to cover for any mortality debt	a) We accept that measures to manage rat impacts on the seabirds breeding on Blakeney Point will be required. However, any such measures must demonstrate that they are over and above measures necessary for site management and the maintenance/restoration of favourable condition. We are not convinced additionality has been demonstrated in the current proposal.

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		<p>accrued whilst the Loch Ryan proposals are establishing?</p> <p>c) Is the measure sufficiently developed to carry weight in the decision-making process and reassure you that the harm caused by the Proposed Development would be offset?</p> <p>d) Any other comments regarding this compensatory measure that are important and relevant for the Examination?</p>	<p>b) It is not certain what scale of benefit would be derived from the proposed measure. Much of the proposed work is monitoring. The effectiveness of any measures is also uncertain given the ability of rats to swim to Blakeney Point. A greater suite of measures is needed to provide confidence that an effective compensation package for Sandwich terns will be in place and delivered.</p> <p>c) There remain significant uncertainties with the outlined plan of work. In addition to our concerns set out in (a) above which question the measure's validity as a compensation measure per se, we are not convinced that the measure is sufficiently developed in itself to demonstrate it would be capable of addressing the Adverse Effects on Integrity on Sandwich terns.</p> <p>d) We are unable to provide further comments other than those provided in (a)-(c) above.</p>
Q4.14.1.8	National Trust Natural England RSPB	<p><b>Derogation case in the round</b></p> <p>Whilst the SoS, as the competent authority, is to secure compensatory measures (as required), the ExA must be confident that the overall package of compensatory measures are taken to</p>	<p>In order to assist the Examining Authority we would usually provide a RAG-rated summary of elements of the Applicant's derogation case. This would be set against the following specific EC</p>

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		<p>ensure the coherence of the NSN is protected. To this extent, we would like to hear the final positions of the parties as to whether the derogations case, with the compensatory measures, as a whole, is justified and would ensure that the coherence of the NSN is maintained. Refer to any legislation, guidance and national policy as necessary.</p>	<p>criteria: targeted, effective, technically feasible, extent, location, timing, long-term implementation and additionality. We have not been able to complete this summary for the close of the Examination.</p> <p>With respect to Sandwich terns, we have reservations about the effectiveness of the Loch Ryan site to deliver for Sandwich terns. A greater package of compensation is needed to address the following:</p> <p><b>Targeting</b> – some habitat is proposed and some site management actions identified, but further targeted action is needed to give greater confidence that the National Site Network will be protected.</p> <p><b>Effective</b> – the limited habitat area and uncertainty over proposed management actions means the effectiveness of the outlined proposals remain uncertain.</p> <p><b>Technically feasible</b> – more detail may be required to confirm the feasibility of the Loch Ryan site. Further monitoring is needed to understand whether there are any genuinely additional measures to site management requirements that would prove effective on Blakeney Point.</p>



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			<p><b>Extent</b> – a greater package of measures is needed to provide confidence that compensation will be effective.</p> <p><b>Location</b> – more locations for delivering actions to compensate for Sandwich terns will be needed to provide confidence of their effectiveness and deliverability.</p> <p><b>Timing</b> – the measures must be provided in advance of impacts arising. Long-term implementation – management action in perpetuity is likely to be required.</p> <p><b>Additionality</b> – we remain unconvinced that site management measures currently proposed are additional to those required to achieve favourable condition.</p> <p>With respect to Sandwich terns, we have consistently suggested a wider suite of sites be included with the Applicant’s compensation package. We appreciate that at this late stage adding additional sites into the compensation package without the requisite level of detail regarding what will be delivered and how it will contribute to compensatory requirements will be impossible.</p>

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			Therefore, we are not satisfied that a robust package of compensation measures for Sandwich terns is in front of the Examining Authority.