



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Final Statement of Common Ground (SoCG) with
Natural England (HRA Derogation) (Revision B)

Revision B

Deadline 8

July 2023

Document Reference: 12.15

Title:	
Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Final Statement of Common Ground: Natural England (HRA Derogation) (Revision B)	
PINS Document no.: 12.15	
Document no.: C282-RH-Z-GA-00204	
Revision: B	
Date:	Classification
July 2023	Final
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Approved by:	Date:
Daniel Bates / Mark Jones, Equinor	July 2023

Table of Contents

1	Introduction	8
1.1	Background	8
1.2	Overview of SEP and DEP Compensation Measures	9
1.3	Consultation with Natural England	12
1.4	Summary of ‘Agreed’, ‘Not Agreed’ and ‘In Discussion’ Matters	15
2	Statement of Common Ground	16
2.1	Sandwich Tern Compensation – Nesting Habitat Improvements and Restoration of Lost Breeding Range through Creation of an Inland Pool at Scar Point, Loch Ryan	17
2.2	Sandwich Tern Compensation – Nesting Habitat Improvements and Restoration of Lost Breeding Range through Installation of a Pontoon at Scar Point, Loch Ryan	24
2.3	Sandwich Tern Compensation – Improved Breeding Success at SPA sites other than North Norfolk Coast – Farne Islands SPA	26
2.4	Sandwich Tern Compensation – North Norfolk Coast SPA (Blakeney Point) Predator Management 31	
2.5	Kittiwake Compensation – Nest Site Improvements to Enhance Breeding Success in Gateshead	33
2.6	Kittiwake Compensation – Nest Site Improvements to Enhance Breeding Success in Lowestoft	39
2.7	Guillemot and Razorbill Compensation – Fishery Bycatch Reduction	40
2.8	Gannet Compensation Requirement	46
2.9	Draft DCO Schedule 17 Wording Relating to Strategic / Collaborative Approaches to Compensation 46	
3	Signatures	47
	References	48
	Annex 1	49

Table of Tables

Table 1: Relevant effects and RIAA conclusions	9
Table 2: Summary of proposed compensatory measures and delivery model	10
Table 3: Derogation and compensation documents relevant to this SoCG	13
Table 4: Summary of post-application consultation with Natural England regarding HRA derogation	14
Table 5: Position status key	15
Table 6: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation – nesting habitat improvements and restoration of lost breeding range through creation of an inland pool at Scar Point, Loch Ryan	17
Table 7: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation – nesting habitat improvements and restoration of lost breeding range through installation of a pontoon at Scar Point, Loch Ryan	24
Table 8: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation - improved breeding success at SPA sites other than North Norfolk Coast – Farne Islands SPA	26
Table 9: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation - North Norfolk Coast SPA (Blakeney Point) Predator Management	31
Table 10: Topics agreed, in discussion or not agreed in relation to kittiwake compensation – nest site improvements to enhance breeding success in Gateshead	33

Table 11: Topics agreed, in discussion or not agreed in relation to kittiwake compensation – nest site improvements to enhance breeding success in Lowestoft39

Table 12: Topics agreed, in discussion or not agreed in relation to guillemot and razorbill compensation – fishery bycatch reduction.....40

Table 13: Table setting out the agreed position that an HRA derogation case / compensation proposal is not required for gannet.....46

Table 14: Topics agreed, in discussion or not agreed in relation to Schedule 17 of the Draft DCO46

Glossary of Acronyms

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

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

Glossary of Terms

Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, potential Special Protection Areas, Special Protection Areas, Ramsar sites, proposed Ramsar sites and sites compensating for damage to a European site and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017, although some of the sites listed here are afforded equivalent policy protection under the National Planning Policy Framework (2021) (paragraph 176) and joint Defra/Welsh Government/Natural England/NRW Guidance (February 2021).
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the EIA and HRA for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
The Applicant	Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited and Dudgeon Extension Limited are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.

1 Introduction

1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared by Equinor New Energy Limited (the Applicant) and Natural England. It identifies areas of the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) Development Consent Order (DCO) application (the Application) where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Act 2008: Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG.
3. This SoCG has been structured to reflect matters relating to Habitats Regulations Assessment (HRA) Derogation with a specific focus on offshore ornithology compensation. Final SoCGs with Natural England have also been prepared in relation to the following:
 - **Final SoCG: Natural England (Onshore) (Revision B)** [document reference 12.13];
 - **Final SoCG: Natural England (Offshore Ornithology) (Revision B)** [document reference 14.8]; and
 - **Final SoCG: Natural England (Offshore) (Revision B)** [document reference 14.7].
4. The applicable matters considered within this SoCG apply to Natural England's statutory remit which is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
5. The Applicant has provided a **Report to Inform Appropriate Assessment (RIAA)** [APP-059] which provides the competent authority with information on the potential for adverse effect on the integrity of European designated sites with subsequent updates to assessments provided in the **Apportioning and HRA Updates Technical Noted (Revision E)** [document reference 13.3].
6. **Table 1** lists the Special Protection Areas (SPA) and offshore ornithology features relevant to the Applicant's derogation case provided within the **HRA Derogation Case: Provision of Evidence** [APP-059]. The **RIAA** [APP-059] concludes that an in-combination adverse effect on integrity cannot be ruled out for the breeding Sandwich tern feature of the North Norfolk Coast (NNC) SPA and the Greater Wash SPA and for the breeding kittiwake feature of the Flamborough and Filey Coast (FFC) SPA. The Applicant maintains that there will be no adverse effect on integrity of the guillemot and razorbill features of the Flamborough and Filey Coast SPA as a result of the Projects, alone or in-combination. However, in response to feedback from consultation undertaken during the pre-application period (including on the draft RIAA provided as part of the Section 42 consultation) and discussions with the ornithology compensation Expert Topic Group (ETG), a compensation proposal has also been provided with respect to the guillemot and razorbill features of the FFC

SPA on a without prejudice basis. This approach is in accordance with the draft Overarching National Policy Statement (NPS) for Energy (NPS EN-1), the draft National Policy Statement for Renewable Energy (NPS EN-3) and statements from the Secretary of State in the Hornsea Project Three and Norfolk Boreas decisions.

7. Regarding the requirement for compensation for the gannet feature of the FFC SPA, as noted in REP5-091, Natural England have concluded that project alone and in-combination adverse effect on site integrity can be ruled out and therefore a derogation case is not required. A full summary of the Applicant's and Natural England's positions on AEol for the relevant sites and features is provided in the **Final Statement of Common Ground with Natural England (Offshore Ornithology) (Revision B)** [document reference 14.8].

Table 1: Relevant effects and RIAA conclusions

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

1.2 Overview of SEP and DEP Compensation Measures

8. Since submission of the DCO application, the Applicant has been working to mature the compensation proposals with updates during Examination provided through the **HRA Derogation and Compensatory Measures Update** (Revision D) [document reference 13.7].
9. Compensatory measures were considered in the context of different delivery models including strategic, collaborative and project-led measures. The delivery models reflect how the Applicant considers each measure could be most feasibly, effectively and proportionately delivered, relative to the Projects' predicted impacts.
10. A summary of the compensation measures being considered by SEP and DEP and their delivery model options are presented in **Table 2**.

Table 2: Summary of proposed compensatory measures and delivery model

Measure	Project-led	Collaborative	Strategic
Sandwich tern (NNC SPA / GW SPA)			
Nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan	✓		
NNC SPA (Blakeney Point) Predator Management	✓		
Improved breeding success at SPA sites other than NNC (e.g. the Farne Islands SPA or Foulness SPA)	✓		
Prey enhancement through sandeel stock recovery and sprat stock protection – ecosystem-based management approach			✓
Kittiwake (FFC SPA)			
Nest site improvements to enhance breeding success	✓		
Construction of new artificial breeding sites for kittiwakes onshore or offshore		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
Guillemot and razorbill (FFC SPA)			
Bycatch reduction	✓	✓	
Predator eradication from a breeding colony		✓	
Prey enhancement through sandeel stock recovery and ecosystem-based management			✓
All			
Strategic Compensation Fund			✓

11. Prey enhancement through sandeel stock (and sprat stocks in relation to Sandwich tern) recovery and ecosystem-based management is considered by the Applicant to be the most effective means of increasing breeding success and therefore populations of Sandwich tern, kittiwake, guillemot and razorbill. This is evidenced by information presented in **Annex 1B Sandwich Tern and Kittiwake Ecological Evidence** [APP-066]. However, as outlined in the respective species compensation documents (see **Table 3**), this would necessitate, for example, a decision by Department for the Environment, Food and Rural Affairs (Defra) to legislate to reduce fishing pressure on sandeels in UK waters as strategic compensation for offshore wind, *[a course of action for which there is no commitment to from Defra and therefore may not be achievable]*. Given the huge potential of such an action to provide far greater compensation than even the most precautionary estimates of losses incurred due to SEP and DEP and offshore wind in total, prey enhancement is included as a key part of the Applicant's proposals for Sandwich tern, kittiwake, guillemot and razorbill compensation, but as a measure that could only be delivered strategically. Nonetheless, an option for the Applicant to pay a financial contribution towards the establishment of prey enhancement as a strategic compensation

measure or as an adaptive management measure (should a mechanism become available within the necessary timescales for SEP and DEP) has been included within the **Draft DCO (Revision K)** [document reference 3.1] for Sandwich tern and kittiwake and the **Without Prejudice DCO Drafting (Revision D)** [document reference 3.1.3] for guillemot and razorbill. Further details are set out in the **Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit** [APP-084] and **Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision D)** [document reference 13.7].

12. Given that the strategic prey enhancement measure is reliant on the development of an appropriate industry wide delivery mechanism, a table detailing specific technical matters for agreement is currently not included within this SoCG; however, **Table 13** has been included in order to present the status of agreement between the Applicant and Natural England with respect to Schedule 17 of the **Draft DCO (Revision K)** [document reference 3.1] which includes wording of DCO conditions with respect to a Strategic Compensation Fund (i.e. the Marine Recovery Fund or equivalent).
13. Similarly, with respect to measures which the Applicant aims to take forward (if required) on a purely collaborative basis i.e. construction of new artificial breeding sites for kittiwake onshore or offshore and predator eradication from a guillemot and razorbill breeding colony, these measures are also not included within this SoCG. These measures present an opportunity for collaboration which seeks to capitalise on existing learning and suitable locations (where these are limited) to either co-locate measures or deliver a single measure which can compensate for the predicted impacts of multiple projects. However, measures considered in the context of the collaborative delivery model do not currently form a component of the package of compensatory measures proposed for SEP and DEP but rather represent alternative options that may become available to the Applicant in the near future. It has been necessary to adopt this approach as discussions with other developers on the nature of an appropriate delivery mechanism for collaborative delivery are not yet sufficiently matured for the Applicant to rely upon these measures. However, discussions with other offshore wind developers are ongoing, and the Applicant will continue to explore the potential for collaborative delivery of these measures with prospective partners and other relevant stakeholders. **Table 13** has been included in order to present the status of agreement between the Applicant and Natural England with respect to Schedule 17 of the **Draft DCO (Revision K)** [document reference 3.1] / the **Without Prejudice DCO Drafting (Revision D)** [document reference 3.1.3], which includes the wording of DCO conditions relating to collaborative delivery of compensation.

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

1.3 Consultation with Natural England

17. The Applicant has engaged with Natural England on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.

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

18. During the Section 42 statutory consultation, Natural England provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 10th of June 2021. HRA Derogation proposals were not included within the formal Section 42 consultation; however, outline proposals were consulted upon in parallel.
19. The Applicant has undertaken extensive pre-application consultation with respect to HRA derogation. A detailed description of this pre-application consultation with Natural England and other stakeholders is provided in **Annex 1D Record of HRA Derogation Consultation** [APP-068] and is not repeated here.
20. **Table 3** presents the list of documents relevant to HRA Derogation that were either submitted for the DCO application and updated during Examination or are new documents submitted during Examination and that have informed the development of this SoCG. The HRA derogation agreement log is provided in **Annex 1**.

Table 3: Derogation and compensation documents relevant to this SoCG

Document Title	Document Revision	PINS Document Reference
Documents submitted at DCO application		
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 (Revision B)	b	5.5.2
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 Guillemot and Razorbill Compensation Document (Revision D)	d	5.5.4
Annex 4a Outline Guillemot and Razorbill CIMP (Revision C)	c	REP5-018
Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (MEEB)	a	APP-084
New documents submitted during Examination		
Apportioning and Habitats Regulations Assessment Updates Technical Note (Revision E)	e	13.3
HRA Derogation and Compensatory Measures Update (Revision D)	d	13.7
Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B)	b	13.1

Document Title	Document Revision	PINS Document Reference
Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision C)	c	13.4
Auk Bycatch Reduction Feasibility Statement	a	REP3-023
Review of 2022 Highly Pathogenic Avian Influenza (HPAI) outbreak on relevant UK seabird colonies	a	REP4-042

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

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

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

Date	Contact Type	Topic
		The requirement to demonstrate the quantification of productivity benefits for kittiwakes and Sandwich terns was discussed, which the Applicant intends to address through the technical notes described in Section 1.4 .
08/06/2023	Meeting	Initial meeting with Natural England and National Trust to discuss the proposed NNC SPA (Blakeney Point) Predator Management (Section 2.4) compensatory measure proposal
30/06/2023	Meeting	Further meeting with Natural England, National Trust and RSPB to discuss their comments on a draft of the proposals for NNC SPA (Blakeney Point) Predator Management (which was provided to all parties on 23 June 2023) and a forward plan for addressing comments and further review and finalisation of the proposals for the Examination.
04/07/2023	Meeting	Meeting with Natural England to provide an update on the development of compensatory measures at Loch Ryan (Sandwich tern) and Gateshead (kittiwake). Updates made to Deadline 7 submissions as a result, including Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].

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

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

Table 5: Position status key

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

2 Statement of Common Ground

24. A summary of the consultation undertaken to date with Natural England and the matters agreed or not agreed (based on discussions and information exchanged between the Applicant and Natural England during the pre-application and examination phases of the Application) are set out below for each of the SoCG topic areas.

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

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

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].</p>	<p>Natural England consider the principal method of compensation for Sandwich tern at Loch Ryan to represent the best available option for project-level delivery. The provision of breeding habitat at a location that has a historical population (no longer present), but with apparently suitable conditions to support a colony once again with sufficient intervention represents a major potential conservation gain for the species.</p> <p>In principle Natural England are supportive of the measure.</p> <p>However, Natural England remains of the opinion that further development, refinement, and expansion is required before this primary measure can be considered effective and secured.</p>	Agreed
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].</p>	<p>The measure has the potential to be technically deliverable, though some issues such as water supply need to be properly established, and some degree of certainty regarding likely success can be established from the evidence. However, in the absence of a specific land parcel being identified and a detailed concept design being provided, there can only be limited confidence about the feasibility of the measure.</p>	Not agreed – material impact
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The measure has strong ecological merit through its ability to fully compensate for the number of Sandwich terns predicted to be subject to mortality from collision risk and through its ability to</p>	<p>As noted in Section 1.4, the Applicant has prepared a Sandwich Tern - Quantification of Productivity Benefits Technical Note (Revision C) [document reference 13.4], which Natural England has reviewed and agrees the evidence provided demonstrates the likely ecological efficacy of the measure</p>	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
	<p>restore the lost breeding range of the species, building resilience in the UK Sandwich tern population.</p> <p>The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] and the Sandwich Tern - Quantification of Productivity Benefits Technical Note (Revision C) [document reference 13.4].</p>		
4	<p>Scale of Compensation Required</p> <p>Compensation required would be to increase Sandwich tern numbers by more than the equivalent of the upper 95% confidence interval (CI) of ca. 12-17 adults (mean ca. 6-7 adults) estimated to be subject to annual mortality during operation (see the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3]).</p> <p>If Sandwich terns recolonised then the measure is capable of supporting at least 120-150 breeding pairs producing about 100 chicks per year (equivalent to about 38 adults) which is more than sufficient to compensate for the impacts of SEP and/or DEP.</p>	<p>As per REP5-092, Natural England is agreed with the Applicant's estimates of collision risk, noting that greater emphasis will be placed on estimates using the precautionary flight speed (Fijn and Gyimesi (2018)) CRM input parameter. Natural England welcome that the Applicant proposes compensating for the estimated upper 95% confidence interval impact through the habitat creation measure, and consider 120-150 pairs to be an appropriate, if challenging target.</p>	Agreed
Site selection, design and construction			
5	<p>The selected location at Loch Ryan is suitable. The Applicant has followed a thorough site selection process to maximise the likelihood of colonisation / restoration of lost breeding range potential as described in Annex 2b Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071]. No other more suitable sites have been identified through the pre-application consultation process.</p>	<p>The measure could help re-establish the species range, increase resilience by reducing reliance on a few major breeding colonies, and deliver ancillary net gain benefits to other species.</p> <p>Natural England agrees with the suitability of the area and identified preferred site within it. The species conservation benefit of increasing resilience by range restoration and population dispersal is particularly highlighted by the recent Highly Pathogenic Avian Influenza (HPAI) outbreak.</p>	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
6	<p>The Applicant has undertaken a thorough review of appropriate inland pool characteristics and parameters from similar examples in the UK and overseas, had regard to the Royal Society for the Protection of Birds' (RSPB) design principles for Sandwich tern compensation sites (RSPB, 2022) and has incorporated design features to maximise the likelihood of colonisation by Sandwich tern (see Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2]).</p> <p>An inland pool area of at least 80m diameter with an additional buffer area (preferably formed from water since that will increase the chance of colonisation) is sufficient to enable colonisation by Sandwich terns.</p> <p>A land parcel which would enable an increase in the size of pool either from the outset or in the future as an adaptive management measure is being negotiated with potential landowner(s).</p> <p>The HRA Derogation and Compensatory Measures Update (Revision D) [document reference 13.7] describes the surveys that have been or are planned to be undertaken which inform planning considerations and the engineering design of the inland pool to confirm the most appropriate water supply which will continue beyond the close of Examination.</p>	<p>The scale of the lagoon and islands design is relatively limited. While it is accepted that sufficient island space is proposed to accommodate a breeding population approximating that which was present at the site historically and would be expected to address the estimated impact, we urge a more ambitious approach to lagoon habitat creation that seeks to reduce uncertainties by increasing the attractiveness of those islands. For example, a setting of a larger expanse of open water around the islands is likely to reduce perceived predation risk and encourage colonisation. This would also maximise the potential for wider biodiversity benefits.</p> <p>In particular, in the absence of a specific land parcel being identified and a detailed concept design being provided, there are inevitably concerns about the likely attractiveness of the proposal. The illustrative locations provided by the Applicant at Deadline 7 appear to reflect Natural England's concerns about the proposed scale of the lagoon and its setting.</p> <p>Natural England agree that increasing the size of islands within the pool is not likely to impact colonisation potential. However, provision of a greater number of islands with differing substrates within a larger lagoon could increase the likelihood of colonisation, given the limited understanding of what drives Sandwich tern nest selection.</p>	<p>Not agreed – material impact</p>
Timescale for delivery			

ID	The Applicant Position	Natural England Position	Position Summary
7	<p>No operation of any turbine forming part of the authorised development may begin until the measures set out in the Sandwich Tern CIMP have been implemented.</p> <p>The strong qualitative merit of restoring lost breeding range is recognised, which can be balanced against any mortality deficit accrued whilst development and colonisation of the inland pool is occurring.</p> <p>Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] (Section 7.4.7) was updated to include provision that if a mortality debt were to accrue whilst the Loch Ryan proposals were being developed and colonised, this could, if required, be accounted for by extending the duration over which active management was undertaken at the Loch Ryan site (i.e. potentially beyond the Projects’ operational period) to ensure that sufficient levels of breeding success are maintained over a sufficient number of years to balance the mortality predicted to have occurred during operation which is appropriate. This issue is also addressed through the ‘package of measures’ approach.</p>	<p>The outline roadmap for the implementation of the habitat provision compensation measure aims to allow 2 full breeding seasons of operation prior to first power at SEP and DEP.</p> <p>Sandwich tern recruit into the breeding population in their third year, and therefore the measure could in theory be delivering adults into the wider breeding population at the point of impact. However, colonisation of habitat is highly uncertain in terms of time taken, and uptake/growth. With a 2-year lead in it is highly likely that the measure will accrue a mortality debt in the formative years. Calculations relating to the scale of the measure required to compensate a specified impact should be stress tested against mortality debt scenarios, especially when further adaptive management options are limited.</p> <p>The updated Sandwich Tern - Quantification of Productivity Benefits Technical Note (Revision C) [document reference 13.4], does not provide further detailed projections on mortality debt. However in light of the commitment to ensure that active management at Loch Ryan continues to ensure sufficient levels of breeding success are maintained beyond the operational lifetime of the SEP and DEP (if needed), this is acceptable. We highlight that ensuring sufficient levels of breeding success would also require the monitoring of the colony to continue beyond the operational lifetime as well.</p>	<p>Not agreed – no material impact</p>
Monitoring, maintenance and adaptive management			
8	<p><u>Adaptive Management</u></p> <p>The Applicant’s proposed approach to adaptive management as set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the Sandwich Tern Compensation Steering Group (STCSG).</p>	<p>The inclusion of the Blakeney Point proposals may provide further opportunities for adaptive management beyond those at Loch Ryan. Furthermore, whilst Natural England are not supportive of the Farn Islands proposals as submitted, an ongoing involvement in the archipelago as envisaged by the Applicant might conceivably yield adaptive management opportunities in the future.</p> <p>We note that any adaptive management measures agreed with the Sandwich Tern Compensation Steering Group (STCSG) will require agreement by the Secretary of State (SoS).</p>	<p>Agreed</p>

ID	The Applicant Position	Natural England Position	Position Summary
9	<p><u>Monitoring</u></p> <p>The Applicant's proposed approach to monitoring as set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] is appropriate. Monitoring results will be shared with the Sandwich Tern Compensation Steering Group (STCSG) on an annual basis.</p> <p>Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] (Section 7.4.7) was updated to include provision that if a mortality debt were to accrue whilst the Loch Ryan proposals were being developed and colonised, this could, if required, be accounted for by extending the duration over which active management was undertaken at the Loch Ryan site (i.e. potentially beyond the Projects' operational period) to ensure that sufficient levels of breeding success are maintained over a sufficient number of years to balance the mortality predicted to have occurred during operation which is appropriate. This issue is also addressed through the 'package of measures' approach.</p>	<p>The monitoring requirements should be informed by and established in line with the methodologies employed in the 'quantification of productivity benefits – Sandwich tern', and informed by the site design. It will be essential that both numbers of birds breeding and breeding success are measured. The current proposal says using a drone 'should also allow monitoring of breeding success achieved by birds', it should be clarified if this is the case or not. At this point detailed site designs are not available and this limits the ability to determine full monitoring requirements.</p> <p>NE notes that the monitoring is planned to take place for 'the operational lifetime of SEP and DEP. Natural England advises this should commence once the measure is in place and be for the length of time management is required (i.e potentially beyond the Projects operational period), as per mortality debt requirements.</p> <p>Predation levels should be monitored – particularly in terms of adaptive management, and we note that some detail has been provided on this in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2]</p> <p>It would seem sensible to include some wider monitoring of the biodiversity gain at the compensation site. This could be a variety of monitoring needs depending on the final scale and design of the package – again some detail has been provided on this in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2], but detail is lacking until the final site has been determined.</p>	<p>Not Agreed – material impact</p>
10	<p><u>Maintenance</u></p> <p>The Applicant will be responsible for management / maintenance of the compensatory measures for at least the operational lifetime of the authorised development (noting the above potential requirement to extend the duration of active management of the site).</p>	<p>Natural England advises that the Applicant may wish to explore whether the policy protection for compensation sites in the National Planning Policy Framework (NPPF) has an equivalent in Scottish policy, given the site lies outside England (and NPPF only applies in England)</p>	<p>Agreed</p>

ID	The Applicant Position	Natural England Position	Position Summary
	Regarding the ongoing protection and management of the site beyond the operational period of SEP and DEP see ID 12 of this table.		
11	The Applicant will engage with all relevant parties in the finalisation of the Sandwich Tern CIMP to agree the details of the monitoring and maintenance programme.	Natural England agrees in principle with this approach.	Agreed
Implementation period			
12	The measure will remain in place and be maintained for at least the operational lifetime of the authorised development (noting the above (ID 7 & 9) potential requirement to extend the duration of active management of the site). Consultation will be undertaken with the STCSG in the final few years of wind farm operation, to help determine the most appropriate course of action for onward management and maintenance of the site. As outlined in the Draft DCO (Revision K) [document reference 3.1] , the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant SNCB.	Natural England agrees to the measure remaining in place and be maintained for the operational lifetime of the authorised development, and the need to seek SoS approval in consultation with the relevant SNCB before decommissioning.	Agreed
Securing consents and agreements			
13	<p>The Applicant's proposed approach to securing consents and agreements as set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] is appropriate.</p> <p>The Applicant can confirm that discussions with landowners to secure the necessary land within the preferred Area of Search are progressing positively and draft Heads of Terms have now been provided to key parties. A letter of support from a landowner within the Applicant's preferred area of search and Dumfries and</p>	The letters of support from Dumfries and Galloway Council and a landowner within the area of search are encouraging, but in the absence of a specified land parcel it cannot be said that agreement on the tenure of a specific land area has been secured. It is not possible to advise on the likelihood of achieving the relevant permissions given the limited information available.	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>Galloway Council was submitted to Examination at Deadline 6 REP6-009.</p> <p>Pre-application consultation with the Local Planning Authority (Dumfries and Galloway Council) is also underway. The Applicant is on track to secure the necessary consents and land agreements in accordance with the outline implementation roadmap set out in Table 7-4 in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].</p>		
DCO wording			
14	<p>Schedule 17 of the draft Development Consent Order (Revision K) [document reference 3.1] is appropriate and adequate to secure the compensatory measures proposed by the Applicant.</p> <p>The Applicant acknowledges that there are points of difference between the Applicant and Natural England on the specific drafting of some conditions within that Schedule. The Applicant has set out its position fully in Table 1.1 of The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>The Applicant considers that the points of disagreement are relatively minor drafting points in the overall structure of schedule 17. The drafting within that schedule is legally robust and well precedented.</p>	<p>Natural England have provided a number of comments on schedule 17 of the draft Development Consent Order within Appendix K3 of the Risk and Issues Log submitted at Deadline 7. Natural England's position is fully set out within that document.</p>	Not agreed – no material impact

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

25. It should be noted that the creation of an inland pool (**Table 6**) remains the preferred option for delivering nesting habitat improvements and restoration of lost breeding range at Scar Point, Loch Ryan. Based on realistic, but precautionary assumptions on breeding numbers and success, this option is considered to be capable of compensating for predicted Sandwich tern mortalities from SEP and DEP and, as such, represents the core component of the Applicant's proposed package of compensatory measures for Sandwich tern, which includes other project-led and strategic measures.
26. The Applicant recognises that there is little support from Natural England (or RSPB) for the installation of a pontoon at Loch Ryan as an alternative to the inland pool. Whilst it remains the Applicant's view that the pontoon option has ecological merit and is technically feasible, in light of stakeholder views and recognising the positive progress being made with respect to securing the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage. The Applicant has therefore agreed with Natural England within **Table 7** not to pursue discussions during Examination regarding the installation of a pontoon at Loch Ryan, but rather focus efforts on the inland pool option, which has good stakeholder support, strong ecological merit and a high chance of successfully delivering the required level of compensation.
27. Should there be a need to revisit the pontoon option at a later stage (for example, in the unlikely event that the inland pool at Loch Ryan cannot be secured or is not entirely successful), the Applicant is confident that this could be progressed on a more accelerated programme to that outlined in **Appendix 2 – Sandwich Tern Compensation Document** (Revision B) [document reference 5.5.2] and that stakeholders' concerns related to design, location and efficacy could be adequately addressed within this timeframe.

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

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

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

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

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

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].</p>	<p>Natural England are supportive of efforts to restore the Sandwich tern population on the Farne Islands.</p> <p>However, vegetation management (resulting in limitations to nesting space) and predation from large gulls are anticipated to be addressed through the forthcoming National Nature Reserve (NNR) plan. It is difficult to support the delivery of compensation through measures that are not thought of sufficient importance to be delivered by the site management plan.</p>	Not agreed – material impact
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].</p>	<p>Both nest boxes/shelters and bamboo canes have previously been used on the Farne Islands for the benefit of breeding terns, and boxes/shelters are likely to be deployed in the future.</p> <p>Natural England remain concerned that the measures proposed are not truly additional, and in any event are likely to provide only minor benefits compared to an ongoing programme of vegetation and large gull management.</p> <p>Based on the material provided, we do not consider the proposed interventions on the Farne Islands SPA make a substantial contribution to the package of compensatory measures.</p>	
3	<p><u>Scale of Compensation Required</u></p> <p>Compensation required would be to increase Sandwich tern numbers by more than the equivalent of the upper 95% CI of ca. 12-17 adults (mean ca. 6-7 adults) estimated to be subject to annual mortality during</p>	<p>As per REP5-092, Natural England is agreed with the Applicant's estimates of collision risk, noting that greater emphasis will be placed on estimates using the precautionary flight speed (Fijn and Gyimesi (2018)) CRM input parameter.</p>	Agreed

ID	The Applicant Position	Natural England Position	Position Summary
	operation (see the Apportioning and HRA Updates Technical Note [document reference 13.3]).		
4	It is proposed to deploy 400 nest boxes and 400 shelters. Deployment of six cameras will allow a representative sample of nests to be monitored to record predation attempts by large gulls. This approach will allow Sandwich tern breeding numbers on the Farne Islands to increase by a considerably larger amount each year than the precautionary estimate of ca. 17 adults needed per year (Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2]).	<p>We consider that the evidence supplied regarding expected reductions to nest and chick predation is not specific to Sandwich tern. It is not expected that Sandwich terns will nest inside boxes, so nest predation is unlikely to be significantly reduced.</p> <p>If reducing predation of chicks is proposed as a compensatory measure, then a full understanding of existing levels and impacts of that predation will be required in order to design solutions and quantify any benefits.</p> <p>The current estimates of potential gains from these measures appear highly speculative.</p>	Not agreed – material impact
5	The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].	See Natural England position at ID 1 of this table.	Not agreed – material impact
Site selection, design and construction			
6	The Applicant has followed a thorough site selection process to identify the optimal SPA sites for improving breeding success of Sandwich terns as described in Annex 2B Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071].	Natural England agrees the Applicant has followed a reasonable site selection process to identify potential sites for improving breeding success of Sandwich terns. This has, however, revealed a rather limited number of sites where such initiatives would be effective.	Agreed
7	The Applicant has undertaken an appropriate review of nest box terraces, tern shelters and, if required, gull deterrence measures which will ensure the best chance of improved breeding success at the Farne Islands SPA (see Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2]).	See Natural England's position at ID 1 and 2 of this table.	Not agreed – no material impact

ID	The Applicant Position	Natural England Position	Position Summary
Timescale for delivery			
8	Nest box terraces and tern shelters will be installed prior to the operation of any wind turbine forming part of the authorised development.	See Natural England's position for ID 7 of Table 6 .	Not agreed – no material impact– but see NE position at ID 1 and 2.
Monitoring, maintenance and adaptive management			
9	<u>Adaptive Management</u> The Applicant's proposed approach to adaptive management as set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the STCSG.	See Natural England's comments to these points in Table 6 . We note that any adaptive management measures agreed with the Sandwich Tern Compensation Steering Group (STCSG) will require agreement by the SoS.	Not agreed – no material impact– but see NE position at ID 1 and 2.
10	<u>Monitoring</u> The Applicant's proposed approach to monitoring as set out in Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2] is appropriate. Monitoring results will be shared with the STCSG on an annual basis.	Notwithstanding our reservations regarding the inclusion of this measure, the broad monitoring approach described to assess nest box/shelter use seems appropriate. However, the proposal depends on National Trust wardens conducting breeding numbers/breeding success/nest box effectiveness monitoring, and also includes elements of citizen science/student project work. These elements will need to be carefully described and agreed with the third parties involved. At present there is no clear monitoring plan in regards the use of bamboo poles/chicken wire to enhance the nest boxes and shelters package, this requires further detail.	Not agreed – no material impact – but see NE position at ID 1 and 2.
11	<u>Maintenance</u> Management / maintenance requirements will be incorporated, through agreement with National Trust, under the existing management processes at the Farne Islands (with funding support provided by the Applicant as appropriate).	Notwithstanding our reservations regarding the inclusion of this measure, Natural England highlights that any measures falling outside the NNR management plan (when consented) would require a separate Site of Special Scientific Interest (SSSI) consent, which the National Trust as owner-occupier would need to secure through submitting a consent notice.	Not agreed – no material impact– but see NE position at ID 1 and 2.

ID	The Applicant Position	Natural England Position	Position Summary
		Furthermore, whilst the broad approach would be appropriate in principle, Natural England highlights that the National Trust are not supportive of the proposals.	
12	The Applicant will engage with all relevant parties in the finalisation of the Sandwich Tern CIMP to agree the details of the monitoring and maintenance programme.	Natural England agrees in principle with this approach.	Agreed
Decommissioning			
13	The measures will remain in place and be maintained by the Applicant for the operational lifetime of the authorised development. As outlined in the Draft DCO (Revision K) [document reference 3.1], the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant Statutory Nature Conservation Body (SNCB).	Natural England agrees in principle with this approach.	Agreed
Securing consents and agreements			
14	Since the measures will be delivered alongside the existing management of the Farne Islands SPA by working with National Trust, no specific additional licences or permissions are anticipated to be required other than potentially SSSI consent (unless the measures were incorporated into future versions of the NNR management plan) as noted by Natural England in the adjacent column.	See comment on ID 11(?) above – SSSI consent would be required from Natural England, unless the measures were incorporated into future versions of the NNR management plan.	Agreed
DCO wording			
15	Schedule 17 of the draft Development Consent Order (Revision K) [document reference 3.1.3] is appropriate and adequate to secure the compensatory measures proposed by the Applicant. The Applicant acknowledges that there are points of difference between the Applicant and Natural England on the specific drafting of some conditions within that Schedule. The Applicant has set out its position fully in	Natural England have provided a number of comments on schedule 17 of the draft Development Consent Order within Appendix K3 of the Risk and Issues Log submitted at Deadline 7. Natural England's position is fully set out within that document.	Not agreed – no material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>Table 1.1 of The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>The Applicant considers that the points of disagreement are relatively minor drafting points in the overall structure of schedule 17. The drafting within that schedule is legally robust and well precedented.</p>		

2.4 Sandwich Tern Compensation – North Norfolk Coast SPA (Blakeney Point) Predator Management

Table 9: Topics agreed, in discussion or not agreed in relation to Sandwich tern compensation - North Norfolk Coast SPA (Blakeney Point) Predator Management

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	The compensatory measure has merit. The Applicant has demonstrated that the compensatory measure has merit through Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].	We consider that the proposed initiative has potential merit with respect to providing resilience to the overall Sandwich Tern compensation package as a supporting or ‘secondary’ measure.	Agreed
2	The measure is technically feasible. The Applicant has demonstrated the measure is technically feasible through the Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].	It must be recognised that at the heart of the project is the highly difficult nature of the issue of rat predation and the need to develop and trial innovative solutions in response to it. So it is inevitable that there is some uncertainty regarding whether there are technically feasible measures at this stage. However, this does not diminish the potential value of the proposal.	Not agreed – no material impact
3	<u>Scale of Compensation Required</u> Compensation required would be to increase Sandwich tern numbers by more than the equivalent of the upper 95% CI of ca. 12-17 adults (mean ca. 6-7 adults) estimated to be subject to annual mortality during operation (see the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3]).	As per REP5-092, Natural England is agreed with the Applicant’s estimates of collision risk, noting that greater emphasis will be placed on estimates using the precautionary flight speed (Fijn and Gyimesi (2018)) CRM input parameter.	Agreed
4	The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2].	We broadly agree with the analysis of the predation issues at Blakeney Point and the difficulty of tackling them with standard management measures. However, as noted above, it must be recognised that at the heart of the project is the highly difficult nature of the issue of rat predation and the need to develop and trial innovative solutions in response to it. So it is inevitable that there is some uncertainty regarding whether there are ecologically effective	Not agreed – no material impact

ID	The Applicant Position	Natural England Position	Position Summary
		measures at this stage. This does not diminish the potential value of the proposal, as it is by its very nature exploratory.	
Scope of compensation proposals			
5	The broad scope of the proposals as set out in Section 7.6 of Appendix 2 – Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2], provides an appropriate framework for further development of the measure in the post consent period.	The scope is broadly appropriate, and the level of detail reflects the limited time available to develop these proposals. It should be recognised however that this has left a considerable amount of development to be carried out, though an appropriate framework has been set out with which to achieve the required level of detail.	Agreed
DCO wording			
6	Draft DCO wording is provided in Schedule 17 of the Draft DCO (Revision K) [document reference 3.1] and is appropriate.	Natural England agree the draft DCO wording, which is similar to that for other measures, is appropriate.	Agreed

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

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

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Appendix 3 – Kittiwake Compensation Document [APP-072] and Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088].</p>	<p>As noted in Section 1.4, a Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088] has been produced by the Applicant to address comments raised within Appendix C of the Natural England Relevant Representation [RR-063] and at the ETG meeting on 22/11/2022. As set out in REP5-092, this has largely satisfied Natural England's concerns.</p>	Agreed
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the ecological evidence, compensation plan, site selection and design and roadmap submitted within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066], Appendix 3 – Kittiwake Compensation Document [APP-072] and the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088].</p>		Agreed
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066], Appendix 3 – Kittiwake Compensation Document [APP-072] and the Gateshead Kittiwake Tower Modification</p>		Agreed

ID	The Applicant Position	Natural England Position	Position Summary
	<p>– Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088].</p>		
4	<p><u>Scale of Compensation Required</u></p> <p>The impact of SEP and DEP on kittiwake adults from FFC SPA has been estimated to be 6.4 kittiwakes per year, with the upper 95% CI of 17 birds per year (see the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3]).</p> <p>On the basis of the demographic parameters of kittiwakes in the North Sea (adult survival 0.854, juvenile survival 0.79, age of first breeding four years; Horswill and Robinson 2015), two fledglings would be required, on average, to give rise to one adult surviving to recruit into a local colony at four years of age. Therefore, to compensate for the loss of 17 adults per year, increased production of at least 34 (biogeographic population) to 68 (national site network) chicks fledged per year is required (see the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088] for further details).</p>	<p>Following review of the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3] and Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088] submitted by the Applicant into Examination, Natural England confirms the calculations that support the scaling of the measure appear robust.</p>	Agreed
Site selection, design and construction			
5	<p>The Applicant has followed a thorough site selection process to identify the optimal locations for improving breeding success of kittiwakes as described in Annex 1B Sandwich Tern and Kittiwake Ecological Evidence [APP-066] and Appendix 3 – Kittiwake Compensation Document [APP-072].</p>	<p>As per REP5-092, the updates to the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088] have largely satisfied Natural England's requests for additional information on kittiwake breeding performance on the Tyne and its implications for the proposed compensation.</p>	Agreed
6	<p>The proposed alterations to the Saltmeadows tower to add up to two new faces, oriented north-east</p>	<p>We consider that the Examination has not received a sufficiently detailed set of design parameters with an associated ecological rationale for the above</p>	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>and/or north-west, but similar in size and design to the existing three faces on the current structure as described in HRA Derogation and Compensatory Measures Update (Revision D) [document reference 13.7] and the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088] is appropriate.</p> <p>The Applicant intends to consult with Natural England on these concept designs as part of the planning application for the proposed modifications.</p>	<p>issues before the Examination closes, for example drawing upon existing information regarding nest site selection in the Newcastle Gateshead colony. This does somewhat reduce the confidence that can be had in the effectiveness of the proposed measure.</p> <p>As noted in our response to ExA WQ4, the indicative designs provided by the Applicant in HRA Derogation and Compensatory Measures Update (Revision D) [document reference 13.7] did raise some concerns regarding the height of the lower shelves off the ground, and whether lower shelves would require scrub management to reduce predation risk or the perception of it. However, we anticipate these issues can be addressed.</p>	
Timescale for delivery			
7	<p>No operation of any turbine forming part of the authorised development may begin until three full breeding seasons following the implementation of the measures set out in the Kittiwake CIMP have elapsed.</p> <p>If the measures are implemented less than four seasons prior to first power, any deficit could be offset by making a simple adjustment to the scale of compensation, such that the necessary level of compensation would still be delivered over time (Table 6-4 of Appendix 3 – Kittiwake Compensation Document [APP-072]), or by extending the duration of active management beyond the operational period of SEP and DEP and for a sufficient number of years to balance the accrued collision mortality debt. A slow rate of colonisation would have a similar effect and would be addressed in the same way. However, if throughout the operational phase of SEP and DEP, the scale of compensation being provided increased to a level sufficient to offset any mortality debt</p>	<p>As set out in Natural England’s Relevant Representations [RR-063], our understanding at that time was that the measure is scheduled to be implemented four (with a worst case of three) years before the SEP and DEP turbines are operational. Given the proposal is to modify an existing Artificial Nest Structure, not create a new one, installation of the additional faces four years in advance of operation would seem achievable.</p> <p>Natural England highlights that for the Hornsea Project Three, Norfolk Vanguard, Norfolk Boreas and East Anglia One North and Two proposals, the equivalent timescale secured in the DCO was four full breeding seasons.</p>	Not agreed – no material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>accrued in the early years, then this extended period of maintenance would not be required. See the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088].</p> <p>Any requirement to increase the scale of compensation, will be confirmed through the suggested programme of monitoring and adaptive management and agreed with the Kittiwake Compensation Steering Group (KCSG).</p>		
Monitoring, maintenance and adaptive management			
8	<p><u>Adaptive Management</u></p> <p>The Applicant's proposed approach to adaptive management as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate. Monitoring will inform any adaptive management of the compensation measure, if required. Any requirement for adaptive management measures will be agreed with the KCSG.</p>	<p>Natural England agrees with the Applicant's approach.</p>	<p>Agreed</p>
9	<p><u>Monitoring</u></p> <p>The Applicant's proposed approach to monitoring as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate. Monitoring results will be shared with the KCSG on an annual basis.</p> <p>As described in the Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-088], the productivity of kittiwakes nesting on each of the three faces of the Saltmeadows tower has been monitored in detail almost every year since it was constructed in 1998, and continued monitoring will</p>	<p>Natural England agrees with the methods outlined but notes that the current monitoring plan depends on a local monitoring group. There would need to be provision that the Applicant ensures monitoring takes places, in the absence of the local monitoring group.</p> <p>We advise monitoring should take place from when the tower is installed/modified onwards till the end of the operational life span of SEP and DEP, or beyond that point if there is an outstanding mortality debt'.)</p>	<p>Agreed</p>

ID	The Applicant Position	Natural England Position	Position Summary
	demonstrate the increase in output of young from this structure after modification to create additional northwards-facing faces, so will provide robust evidence of the effectiveness of the compensation measure.		
10	<u>Maintenance</u> The Applicant's proposed approach to maintenance as set out in Appendix 3 – Kittiwake Compensation Document [APP-072] is appropriate.	As ID 6 above, a more detailed design would have been needed to be submitted into examination for review prior to being able to identify and therefore agree necessary maintenance requirements. However, this is unlikely to be a major issue.	Not agreed - no material impact
11	The Applicant will engage with all relevant parties in the finalisation of the Kittiwake CIMP to agree the details of the monitoring and maintenance programme.	Natural England agrees in principle with this approach.	Agreed
Decommissioning			
12	The measures will remain in place and be maintained for the operational lifetime of the authorised development if they are colonised. As outlined in the Draft DCO (Revision K) [document reference 3.1] , the compensation measures will not be decommissioned without written approval from the SoS in consultation with the relevant SNCB.	Natural England agrees to the measures remaining in place and maintained for the operational lifetime of the authorised development.	Agreed
DCO wording			
13	Schedule 17 of the Draft DCO (Revision K) [document reference 3.1.3] is appropriate and adequate to secure the compensatory measures proposed by the Applicant. The Applicant acknowledges that there are points of difference between the Applicant and Natural England on the specific drafting of some conditions within that Schedule. The Applicant has set out its	Natural England have provided a number of comments on schedule 17 of the draft Development Consent Order within Appendix K3 of the Risk and Issues Log submitted at Deadline 7. Natural England's position is fully set out within that document.	Not agreed – no material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>position fully in Table 1.1 of The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>The Applicant considers that the points of disagreement are relatively minor drafting points in the overall structure of schedule 17. The drafting within that schedule is legally robust and well preceded.</p>		

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

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

Table 11: Topics agreed, in discussion or not agreed in relation to kittiwake compensation – nest site improvements to enhance breeding success in Lowestoft

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

2.7 Guillemot and Razorbill Compensation – Fishery Bycatch Reduction

Table 12: Topics agreed, in discussion or not agreed in relation to guillemot and razorbill compensation – fishery bycatch reduction

ID	The Applicant Position	Natural England Position	Position Summary
Efficacy of compensatory measure			
1	<p>The compensatory measure has merit.</p> <p>The Applicant has demonstrated that the compensatory measure has merit through Annex 1C – Initial Review of Compensatory Measures for Gannet Guillemot and Razorbill [APP-067], Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4] and Annex 4B - Auk Bycatch Reduction Feasibility Statement [REP3-023].</p>	<p>The proposals for compensatory measures to account for impacts on guillemot and razorbill are relatively undeveloped and lack the required detail on location, scale, technical feasibility and long-term implementation. Therefore, whilst delivering compensation via bycatch reduction is theoretically viable, Natural England remain of the view that there is currently no proven method to reduce bycatch of auks and hence deliver the compensation.</p> <p>However, Natural England are supportive of the ongoing trials of the LEB technology and consider that efforts to develop and deliver bycatch reduction for auks could represent an important component in the eventual provision of compensatory measures for these species. We also note that SADEP's compensatory requirements are relatively modest, particularly for razorbill.</p>	Not agreed – material impact
2	<p>The measure is technically feasible.</p> <p>The Applicant has demonstrated the measure is technically feasible through the compensation plan and roadmap submitted within Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4] and Annex 4B - Auk Bycatch Reduction Feasibility Statement [REP3-023].</p>	<p>The Hornsea Four LEB trials demonstrate that the LEB technology can be implemented on a number of vessels in an active fishery, although long-term application and LEB efficacy remains unproven.</p> <p>We retain concerns that the required scale of implementation might not be possible, i.e., there may not be enough vessels operating in relevant fisheries to adequately compensate for the predicted impacts of Hornsea 4 and then SADEP.</p>	Not agreed – material impact
3	<p>The evidence provided demonstrates the ecological efficacy of the measure. The Applicant has presented the evidence of ecological efficacy within Appendix 4 – Guillemot and Razorbill</p>	<p>Natural England considers that the justification provided in paragraph 217 - 220 and Table 9.1 of the Guillemot and Razorbill Compensation Document (Revision D)</p>	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<p>Compensation Document (Revision D) [document reference 5.5.4] and Annex 4B - Auk Bycatch Reduction Feasibility Statement [REP3-023].</p>	<p>[document reference 5.5.4] does not address our concerns regarding the effectiveness of LEB. We do recognise that SEP and DEP are likely to have rather smaller compensatory requirements than Hornsea 4, and therefore the level of risk is reduced, however, the compensatory requirements of SEP and DEP need to be appraised as in addition to those of Hornsea 4. We also note that no razorbills were bycaught in year 1 of the Hornsea 4 trials.</p> <p>However, we do welcome the proposed collection of data regarding the effectiveness of LEB and the level of bycatch on an ongoing basis.</p> <p>Natural England consider our comments provided in our relevant representations [RR-063] are still wholly pertinent:</p> <p><i>'Natural England currently consider the Looming Eye Buoys (LEB) to remain an unproven technology with respect to reducing bycatch of auks and has significant reservations regarding the conclusions drawn on the trial carried out by Hornsea 4 OWF. Please see Natural England's advice during the Hornsea Project Four Examination available at: EN010098-001970-Natural England - Comments on any submissions received at Deadline 6 1.pdf (planninginspectorate.gov.uk)</i></p>	
4	<p>Scale of Compensation Required</p> <p>The predicted annual mortality of auks from SEP and DEP for which compensation is required is up to six guillemots and 3 razorbill based on upper 95% CI and assuming a displacement rate of 50% and mortality rate of 1% (see the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3]).</p>	<p>We note that 50% displacement and 1% mortality rates have been used to estimate mortality of 6 guillemot and 3 razorbill a year from FFC SPA to be compensated. Natural England does not support the use of a single rate for the purposes of impact assessment, advising that a range-based approach is taken instead. Please see our offshore ornithology comments submitted in our Relevant Representations [RR-063] and subsequent comments at Deadline 5 [REP5-092] . We also do not support the use of this specific rate for scaling compensation - we consider</p>	<p>Not agreed – material impact</p>

ID	The Applicant Position	Natural England Position	Position Summary
		the relevant values are 16 guillemot and 7 razorbill mortalities from FFC SPA per annum.	
5	Because measures will reduce bycatch of adult guillemots and razorbills (as well as other age classes that are present), the compensation will account one to one for losses to offshore wind farm impacts, with no delay (see ID 6 below regarding recruitment of compensated individuals into National Site Network population vs biogeographic).	The need to supplement the impacted SPA (or at least the national site network) needs to be accounted for when calculating the number of adult auks that need to be saved, which does not appear to be the case at present.	Not agreed – material impact
6	Because measures will reduce bycatch of adult guillemots and razorbills (as well as other age classes that are present), the compensation will account for losses to offshore wind farm impacts with no delay.	If proven successful we consider that compensation would arise as an immediate and direct population effect, i.e. birds are retained in the population, thus compensating on a like for like basis with due consideration to the age profile of birds that are not bycaught as a result of the intervention.	Agreed
7	Calculations for the number of guillemots and razorbills required to be compensated for to ensure recruitment into the National Site Network population (as opposed to the biogeographic) and based on the Applicant's (50% / 1%) and Natural England's (70% / 2%) preferred rates of displacement / mortality are provided in Table 10-2 of Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4]. The basis of the calculations and estimates provided are appropriate (see ID 8 below regarding the agreement status of what rates the required level of compensation should be set against).	NE consider that the calculations should be informed by a displacement rate of 70% and a mortality rate of 2%, and that subsequent calculations should factor in the need to benefit the impacted site or at least the national site network. Specifically, as noted in our comments at Deadline 5 [REP5-092] there is a requirement to identify the proportion of guillemot and razorbill that are likely to be part of the UK SPA network. This is likely to alter throughout the year, and Furness (2015) should give an indication of the proportion of non-UK SPA birds present in different sea areas per season to enable this calculation. We note that these considerations have now been presented within the updated document (Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4]).	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
		The scale of the compensation should also reflect the considerable uncertainty regarding the effectiveness of the measure, which has not been carried out. And as noted in ID 1 – 4, there is major uncertainty.	
8	Table 10-2 of Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4], indicates the number of vessels that would be required to implement above water deterrents (AWD). This should be based on the Applicant’s preferred evidence-based and precautionary rates of 50% displacement and 1% mortality rates rather than Natural England’s overly precautionary 70% displacement 2% mortality rates, which are not supported by available evidence.	NE does not agree that the Applicant’s use of a single displacement rate is evidence-based, given the range of displacement levels and distances observed from post-construction monitoring studies. Further there is limited empirical evidence regarding the impacts of displacement on seabirds. Recognising the need to specify rates in the context of compensatory measures, Natural England advise that SADEP should use 70% displacement and 2% mortality rates when calculating their compensatory requirements.	Not agreed – material impact
Site selection, design and construction			
9	If compensation for guillemot and / or razorbill is required, the implementation of bycatch reduction measures will be focussed in the southwest of England where there is a high concentration of set/gill net fishing which correlates with a high incidence of auk bycatch. The calculations provided in Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4] indicate the number of vessels that would be required to implement AWDs which, based on the available evidence, is appropriate.	Natural England note that bycatch reduction is now being focused on the SW England. Whilst it is broadly agreed that auk bycatch occurs at more substantial levels in this area, it is more remote from the impacted colony, and therefore there is likely to be a lower level of connectivity to the impacted site or even the national site network. Given our reservations regarding the reporting of the Hornsea 4 trials and noting the lack of bycaught razorbill, we do not consider the evidence in any way allows meaningful calculations of the number of vessels required.	Not agreed- material impact
10	The Applicant will support the use of a package of bycatch reduction measures in the gillnet fisheries including: <ul style="list-style-type: none"> • Implementation of LEBs / AWD; • Use of high visibility corline in the leader/tailpiece of the net (Quayle 2015); and 	Natural England currently consider the Looming Eye Buoys (LEB) to remain an unproven technology with respect to reducing bycatch of auks, and has significant reservations regarding the conclusions drawn on the trial carried out by Hornsea Project Four (HP4).	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
	<ul style="list-style-type: none"> Training of fishers to safely remove tangled birds to release them alive (the latter two measures already applying in Filey Bay, but not throughout the area around FFC SPA). 	It is not clear that the process of removing auks from nets and releasing them is in and of itself a problematic process for fishers.	
Timescale for delivery			
11	The Applicant will implement the proposed bycatch reduction measures in line with the approved Guillemot and Razorbill CIMP.	Until the required detail on location, scale, technical feasibility and long-term implementation is provided, no view can be taken on the appropriateness of the timescales for delivery.	Not agreed – material impact
Monitoring, maintenance and adaptive management			
12	<u>Adaptive Management</u> Defining the spatial scale required to achieve a specific level of compensation is difficult because the scale of guillemot and razorbill bycatch remains very uncertain. Therefore, bycatch reduction needs to be measured effectively in order to inform any requirement for adaptive management to adjust measures to the appropriate spatial scale.	Natural England agrees that effective monitoring of bycatch reduction is crucial to understand whether adaptive management is needed.	Agreed
13	<u>Monitoring</u> The baseline monitoring proposals set out in Section 10.2.2 of Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D) [document reference 5.5.4] are appropriate. Monitoring will be continued at least until the success of the compensation has been demonstrated but potentially throughout the operational lifespan of SEP and DEP.	Natural England note the commitment (if the Secretary of State deems compensation necessary) to implement baseline monitoring of bycatch of guillemot and razorbill in the relevant gill net fishery and note the suggestion to collaborate and/or align with existing trials underway for Hornsea 4. Both these elements are appropriate, though at this stage do not really address Natural England's concerns regarding the likely effectiveness of the measure.	Agreed
Implementation period			
14	The measures would remain in place and be maintained (where relevant) for the operational lifetime of the authorised development, and routine and adaptive management measures and monitoring will continue whilst the measures are in place.	Given the high levels of uncertainty regarding the effectiveness of the measure, and the possibility that there may be some time before effectiveness is shown or an alternative bycatch measure is identified, it would be	Not agreed – material impact

ID	The Applicant Position	Natural England Position	Position Summary
		appropriate for the compensatory measure to continue beyond the lifetime of the development if mortality debt accrues, as has been committed to for the kittiwake and Sandwich tern compensation.	
Securing consents and agreements			
15	Prior to the consent being granted, consultation will be undertaken as required with all relevant stakeholders who are expected to be participants of the Guillemot and Razorbill Compensation Steering Group (GRCSG). The GRCSG will be formally established once consent has been granted to oversee the development, implementation, monitoring and reporting of the compensation.	The GRCSG should provide an appropriate vehicle to engage with relevant stakeholders.	Agreed
DCO wording			
16	<p>The wording in the Proposed Without Prejudice DCO Drafting (Revision D) [document reference 3.1.3] is appropriate and adequate to secure the compensation measures submitted by the Applicant on a without prejudice basis.</p> <p>The Applicant acknowledges that there are points of difference between the Applicant and Natural England on the specific drafting of some conditions. The Applicant has set out its position fully in Table 1.1 of The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>The Applicant considers that the points of disagreement are relatively minor drafting points in the overall structure of the without prejudice provisions. The drafting within those provisions is legally robust and well precedented.</p>	Natural England have provided a number of comments on schedule the without prejudice DCO drafting within Appendix K3 of the Risk and Issues Log submitted at Deadline 7. Natural England's position is fully set out within those documents.	Not agreed – no material impact

2.8 Gannet Compensation Requirement

Table 13: Table setting out the agreed position that an HRA derogation case / compensation proposal is not required for gannet

ID	The Applicant Position	Natural England Position	Position Summary
Gannet compensation requirement			
1	<p>An HRA derogation case / compensation proposal is not required for gannet.</p> <p>Updated combined displacement and collision risk mortalities for the gannet feature of the FFC SPA are provided in the Apportioning and HRA Updates Technical Note (Revision E) [document reference 13.3]).</p>	<p>As per REP5-091, an AEoI on the gannet feature of the FFC SPA can be ruled out and therefore it is agreed that a compensation case for gannet is not required.</p>	Agreed

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

Table 14: Topics agreed, in discussion or not agreed in relation to Schedule 17 of the Draft DCO

ID	The Applicant Position	Natural England Position	Position Summary
1	<p>The wording in the Proposed Without Prejudice DCO Drafting (Revision D) [document reference 3.1.3] is appropriate and adequate to secure the compensation measures submitted by the Applicant on a without prejudice basis.</p> <p>The Applicant acknowledges that there are points of difference between the Applicant and Natural England on the specific drafting of some conditions. The Applicant has set out its position fully in Table 1.1 of The Applicant's Response to Natural England's Risk and Issues Log [document reference 22.10].</p> <p>The Applicant considers that the points of disagreement are relatively minor drafting points in the overall structure of the without prejudice provisions. The drafting within those provisions is legally robust and well precedented.</p>	<p>Natural England have provided a number of comments on schedule the without prejudice DCO drafting within Appendix K3 of the Risk and Issues Log submitted at Deadline 7. Natural England's position is fully set out within those documents.</p>	Not agreed – no material impact

3 Signatures

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

Signed: _____ *Alan Gibson* _____

Print Name: _____ Alan Gibson _____

Job Title: _____ Marine Senior Adviser _____

Date: 17th July 2023 _____

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

Signed: 

Print Name: Kari Hege Mørk

Job Title: Project Director

Date: 17/07/2023

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

References

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

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

Fijn, R.C. & Gyimesi, A. (2018) Behaviour related flight speeds of Sandwich Terns and their implications for wind farm collision rate modelling and impact assessment. *Environmental Impact Assessment Review* 71, 12–16.

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

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

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

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

Annex 1

HRA Compensation Agreement Log

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

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

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

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

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