



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Habitats Regulations Assessment Derogation and
Compensatory Measures Update (Revision E)
(Tracked)

Revision E

Request for Information

December 2023

Document Reference: 13.7.1

Title:	
Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision D (CleanE) (Tracked))	
PINS document no.: 13.7. <u>1</u>	
Document no.: C282-EQ-Z-GA-00036	
Date:	Classification
July <u>December</u> 2023	Final
Prepared by:	
Equinor	
Approved by:	Date:
Mark Jones, Equinor	July <u>December</u> 2023

Table of Contents

1	Introduction	89
1.1	Background	89
1.2	Purpose of Document - Post Examination Update	940
2	Consultation	1142
2.1	St John's Pool Nature Reserve Consultation	1142
2.2	Natural England Post Examination Consultation	1243
2.3	Ongoing Consultation Record	1647
3	HRA Derogation Update	2324
3.1	FFC SPA Gannet	2324
3.2	Without Prejudice Draft DCO Wording	2324
3.3	Updated Predicted Impacts & Compensation Requirements	2425
4	Compensatory Measures Update	2526
4.1	Overview	2526
4.2	Compensatory Measures Review	2727
4.3	Sandwich Tern and Kittiwake Project-led Compensation Delivery Update	3536
4.4	Strategic & Collaborative Compensation Update	5556
	References	6064
	Appendix A: Detailed Consultation Record	6162
	Appendix B: Gateshead Council's Letter of Support	85412
	Appendix C: Dumfries & Galloway Council's Letter of Support	86413
	Appendix D: Loch Ryan Landowner Letter of Support June 2023	87414
	Appendix E: Loch Ryan Landowner Letter of Support December 2023	88415

Table of Tables

Table 1.1: Relevant effects and conclusions outlined in the RIAA [APP-059] at application	89
Table 1.2: Relevant derogation and compensation documents	1044
Table 2.1: Post-submission programme of stakeholder engagement (ordered chronologically by commencement date)	1647
Table 3.1: Overview of updated predicted impacts from SEP and DEP and associated compensation requirements	2525
Table 4.1: Summary of proposed compensatory measures and delivery model considered at application	2627
Table 4.2: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver the inland pool at Loch Ryan	4546
Table 4.3 Kittiwake nests and chicks recorded at Gateshead Tower from 2003-2012 (kindly provided by Northumbria Ringing Group)	5354
Table 4.4: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver improved nesting habitat at Saltmeadows, Gateshead	5455
Table 0.1: Record of consultation activities undertaken in relation to HRA Derogation since application (ordered chronologically by commencement date)	6162

List of Figures

[Figure 1 Proposed Site Plan](#)

[Figure 2 Sandwich Tern Inland Pool Proposed Layout](#)

Glossary of Acronyms

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

NSIP	Nationally Significant Infrastructure Project
OWEIP	Offshore Wind Environmental Improvement Package
OWIC DS	Offshore Wind Industry Council Derogation Subgroup
PEA	Preliminary Ecological Appraisal
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SEP	Sheringham Offshore Wind Farm Extension Project
SEPA	Scottish Environmental Protection Agency
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area

Glossary of Terms

<p>Dudgeon Offshore Wind Farm Extension Project (DEP)</p>	<p>The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.</p>
<p>Sheringham Shoal Offshore Wind Farm Extension Project (SEP)</p>	<p>The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.</p>
<p>The Applicant</p>	<p>Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP.</p>

1 Introduction

1. [Earlier versions of this document were submitted at Examination Deadlines 1, 3, 6 and 8. Revision E \(this version\) has been submitted in the post-Examination phase to provide a general update on progress since the Examination closed on 17 July 2023 but also to respond to specific requests within the Secretary of State’s consultation letter dated 22 November 2023. The requests addressed in this document relate specifically to paragraphs 11, 12 and 13 of the consultation letter. See the \[Applicant’s Response to the Secretary of State’s Request for Information dated 22 November 2023\]\(#\) \[document reference 23.2\] for a point-by-point response to the Secretary of State’s request.](#)

1.1 Background

1.2. As part of the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) Development Consent Order (DCO) application, the Applicant submitted a **Report to Inform Appropriate Assessment (RIAA)** [APP-059], which provides the competent authority with information on the potential for adverse effect on the integrity of European designated sites.

2.3. The **RIAA** [APP-059] concludes that an in-combination adverse effect on integrity (AEol) cannot be ruled out for the breeding Sandwich tern feature of the North Norfolk Coast (NNC) Special Protection Area (SPA) and the Greater Wash (GW) SPA and for the breeding kittiwake feature of the Flamborough and Filey Coast (FFC) SPA. The Applicant maintains that there will be no AEol on the guillemot, razorbill and gannet features of the Flamborough and Filey Coast SPA as a result of the Projects, alone or in-combination. However, in response to feedback from consultation undertaken during the pre-application period (including on the draft RIAA provided as part of the Section 42 consultation) and discussions with the offshore ornithology compensation Expert Topic Group (ETG), a compensation proposal has also been provided on a without prejudice basis with respect to the gannet, guillemot and razorbill features of the FFC SPA. This approach is in accordance with the draft Overarching National Policy Statement (NPS) for Energy (NPS EN-1), the draft National Policy Statement for Renewable Energy (NPS EN-3) and statements from the Secretary of State in the Hornsea Project Three and Norfolk Boreas decisions.

3.4. [Table 1.1](#) lists the SPA and offshore ornithology features relevant to the Applicant’s derogation case provided within the **Habitats Regulations Assessment (HRA) Derogation Case: Provision of Evidence** [APP-059].

~~Table 1~~ [Table 1.1](#): *Relevant effects and conclusions outlined in the RIAA [APP-059] at application*

Site	Feature	Effect	RIAA Assessment Conclusion
NNC SPA	Sandwich tern	In-combination collision risk	Adverse effect on site integrity cannot be ruled out.

Site	Feature	Effect	RIAA Assessment Conclusion
		In-combination combined displacement and collision risk	
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 combined displacement and collision risk	No adverse effect on site integrity.

4.5. Since submitting the DCO application, the Applicant has been working to mature its HRA derogation case, specifically concerning the proposed compensatory measures in respect of the features and sites outlined in [Table 1.1](#) (noting that it has been agreed with Natural England that without prejudice compensation proposals for FFC SPA gannet are no longer required – see [Section 3.1](#)). This is in addition to ongoing or planned workstreams aimed to address specific technical queries and concerns raised by key stakeholders within their Relevant Representations and any subsequent Examination submissions in relation to the ornithological assessments and conclusions, which subsequently inform the requirement and potential compensation scale required.

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

1.2 Purpose of Document - ~~Deadline 8~~ [Post Examination Update](#)

6.7. The purpose of this document is to provide an update ~~at Deadline 8~~ [following the close of examination in July 2023](#) on the progress made since ~~Deadline 6~~ [8](#) with respect to HRA derogation and compensation matters. This includes:

- [Responses to specific requests within the Secretary of State’s consultation letter dated 22 November 2023, as noted in \[Section 1\]\(#\).](#)
- Any additional stakeholder consultation undertaken;
- Any updates to the Applicant’s derogation case with respect to the sites, features, and/or effects being considered;

- Any updates to predicted impacts and, therefore, the potential scale of compensation required; and
- The progress made by the Applicant in relation to developing compensatory measures for those sites and features where it has not been possible for the Applicant to rule out ~~A Eol~~Aeol (i.e. NNC / GW SPA Sandwich tern and FFC SPA kittiwake), including any supporting evidence, where this can be provided.

~~7.8.~~ This document is intended to update an earlier version of this note submitted at Deadline ~~6 [REP6-0098 [REP8-040]~~ and seeks to bring together all the information relevant to the Applicant's HRA derogation case that has become available since the submission of the DCO application, with signposting to other Examination submissions where further information has been provided.

~~8.9.~~ In light of the Secretary of State's decision on the Hornsea Project 4 DCO with respect to concluding no ~~A Eol~~Aeol for razorbill, the Applicant ~~confirms~~confirmed in its response to the Rule 17 request at Deadline 8 [~~document 22.2~~REP8-052] that it removes the 'without prejudice' derogation case for this species. Following on from this, the Guillemot Compensation Document (Revision E) [document reference 5.5.4] and therefore any references in this Guillemot Compensation Implementation and Monitoring Plan (CIMP) (Revision C) [document reference 5.5.4.1] have been updated in the post-Examination phase to remove 'razorbill' from their titles and the proposals for razorbill should be disregarded compensation within them.

~~9.10.~~ ~~Table 2~~Table 1.2~~Table 1.2~~ presents a list of key documents relevant to HRA derogation and compensatory matters submitted as part of the DCO application and during Examination. This suite of documents forms the basis on which this update document has been provided and is referenced accordingly below.

~~Table 2~~Table 1.2: Relevant derogation and compensation documents

Document Title	Document Revision	PINS Document Reference
Report to Inform Appropriate Assessment	a	APP-059
Appendix 1 Compensatory Measures Overview	a	APP-064
Annex 1A Initial Review of Compensatory Measures for Sandwich Tern and Kittiwake	a	APP-065
Annex 1B Sandwich Tern and Kittiwake Ecological Evidence	a	APP-066
Annex 1C Initial Review of Compensatory Measures for Gannet Guillemot and Razorbill	a	APP-067
Annex 1D Record of HRA Derogation Consultation	a	APP-068
Appendix 2 Sandwich Tern Compensation Document	b	Document reference 5.5.2 REP7-016
Annex 2A Outline Sandwich Tern Compensation Implementation and Monitoring Plan (CIMP)	b	Document reference 5.5.2.1 REP7-017

Document Title	Document Revision	PINS Document Reference
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	de	Document reference 5.5.4
Annex 4A Outline Guillemot and Razorbill CIMP	bc	REP5-018 Document reference 5.5.4.1
Annex 4B Auk Bycatch Reduction Feasibility Statement	a	REP3-023
Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit (MEEB)	a	APP-084
Apportioning and Habitats Regulations Assessment Updates Technical Note	de	Document reference 13.3 REP8-038
Proposed Without Prejudice DCO Drafting	d	Document reference 3.1.3 REP8-008
Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note	b	REP3-087
Sandwich Tern – Quantification of Productivity Benefits Technical Note	c	Document reference 13.4 REP7-053

2 Consultation

11. Ongoing Consultation Record

~~Table 2.1 Ongoing Consultation Record~~

~~2 Table 2.1 Ongoing Consultation Record~~

~~10.12.~~ **Table 3** summarises the post-submission consultation activities that have been undertaken in relation to HRA Derogation and the Applicant's proposed compensatory measures. This record includes engagement with relevant statutory and non-statutory consultees to the DCO application process (see **Consultation Report – Consultees Consulted Under S42 of Planning Act 2008** [APP-035]) as well as local stakeholders relevant to specific aspects of the Applicant's compensation proposals. It represents a continuation of the information presented in **Annex 1D – Record of HRA Derogation Consultation** [APP-068].

~~14.13.~~ A more detailed post-submission consultation record which documents key feedback and outcomes, is provided in **Appendix A: Detailed Consultation Record**.

2.1 Table 3 St John's Pool Nature Reserve Consultation

14. The Applicant would like to highlight a useful site visit to St John's Pool, Caithness which took place in October 2023 following the close of Examination. St John's Pool

is a model for the Loch Ryan proposal (as described in **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [REP7-016]). It was established in 1989 with over 200 different species having since been recorded at the site. Sandwich terns first colonised the site in 2007 and have been breeding there consistently ever since. Sandwich terns were an unexpected coloniser of the site which was not designed with the intention to attract this particular species. That is different from Loch Ryan where Sandwich terns are known to be present in summer without a suitable place to breed. The landowner has made design changes to the pool over the years to improve the site for breeding birds. Examples of modifications include increasing its size, the arrangement and number of islands, and the types of substrates used. St John's Pool has many similarities to the Applicant's proposal for an inland pool at Loch Ryan, including:

- Similar size (St John's Pool has a pool area of approximately 0.5ha compared to the Applicant's pool area of approximately 1.55ha – see **Figure 2**).
- Located near to a loch and open sea (St John's Loch, which is freshwater compared to Loch Ryan which is seawater)
- Islands designed to attract nesting tern species (Sandwich terns unexpectedly colonised St John's Pool in 2007 after continuous design changes and upgrades, whereas Loch Ryan will be designed and optimised to attract Sandwich terns from its outset)
- Trees located near to the pool.

15. During the Applicant's visit to St John's Pool, the landowner provided a detailed tour of the reserve, offering very useful guidance and advice that has fed into the Applicant's concept design and that will be considered further during detailed design. This advice has been incorporated into the concept design shown in **Figure 2** and includes, for example, inclusion of a tidal 'spit', inclusion of a small freshwater pool, digger/vehicle access track to the islands for maintenance, consideration of the types of substrate to be used on the islands that will be most attractive to Sandwich terns, use of Sandwich tern lures, predator management considerations, maintenance requirements and how to optimise public viewing.

2.2 Natural England Post Examination Consultation

16. As noted in **Ongoing Consultation Record**

— ~~Table 2.1 **Ongoing Consultation Record**~~

17. ~~Table 2.1~~, during the Applicant's most recent meeting with Natural England on 31 October 2023, Natural England raised some concerns with regards to the current concept design and the Applicant has sought to address these concerns below.

2.2.1 Proximity of the Proposed Site to Woodland

18. Natural England questioned whether there were potential implications due to the proximity of the ancient woodland to the west of the inland pool location, which could support terrestrial and avian predators with the potential to impact on the nesting success of the Sandwich terns. Natural England suggested that the Applicant

undertake research to determine whether there are other Sandwich tern colonies which nest near to woodland, their exposure to predation and breeding success. The Applicant's expert ornithology consultant has undertaken this research and has corresponded with other experts on tern ecology in Europe to determine whether proximity of woodland could be a constraining factor in attracting Sandwich terns.

19. This research found that most Sandwich tern colonies are in areas without trees because Sandwich terns require open ground with very little or no ground vegetation for their nests. Such sites tend to be gravel islands, shingle spits, sand dune habitat, bare islands within coastal lagoons, bare islands within salt pans (in the Mediterranean), or bare islands of sandy dredge spoil (in southern USA). It is noted that such habitat is not normally close to areas of woodland, so there is perhaps a perception that Sandwich terns avoid nesting close to woodland. However, this is probably a consequence of the very strong preference of Sandwich tern for nesting on bare ground in locations away from ground predators and human disturbance. There are in fact several examples of Sandwich tern colonies on typical bare ground sites but close to woodland. Sandwich terns colonised the St John's Pool Nature Reserve artificial islands in Caithness which covers an area of approximately 1ha (actual pool area approximately 0.5ha) which also has a patch of trees 70m from the nesting area and between the nesting islands and the open sea and so on the flight line used by terns from that colony.
20. The St John's Pool Nature Reserve also has a high hedge around half of the pool, that could also create a barrier to terns if they were influenced by such features. The woodland and hedge have not been considered to be damaging to the tern conservation interest of that site and the breeding by Sandwich terns appears to have been entirely unaffected by the presence of trees and hedges close by, although it is noted that crow predation is not known to be a major issue at St John's Pool. The important Sandwich tern colony at Cemlyn Bay, Anglesey, the only colony of Sandwich terns in Wales and largest colony in the west of Britain, also has a small patch of woodland and a larger area of scrub bushes about 50m from the tern island. Management of Cemlyn Bay has focused on an electric fence around the main tern island to prevent mammal predator access and maintaining the island ground vegetation to be short enough for Sandwich terns and has not involved removal of nearby woodland or shrub habitat. In addition, control of avian predators is not understood to have been required at Cemlyn Bay (Tern Life Project, 2017).
21. Research carried out in the south of France (Schwartz *et al.*, 2023), did not consider the presence of woodland near to newly created nesting habitat to have any influence on colonisation probability, and so that factor was not included as a variable in the testing of factors affecting colonisation success. Furthermore, a leading expert on Sandwich tern colonies in France, Dr N. Sadoul, stated during an email exchange with the Applicant's expert ornithology consultant on 14 November 2023 that: *pers. Comm. "I don't think that the presence of woodland near managed islets is a significant barrier to colonisation by this species"*.
22. Dr Sadoul highlighted two colonies of Sandwich tern in the south of France that he knows well that are located relatively close to woodland. One is about 200m from 2.25ha of woodland and held about 270 breeding pairs of Sandwich terns each year.

The other is about 100m from 2.5ha of mature pine woodland and has been occupied each year for the last five years by between 400 and 1,040 pairs of Sandwich terns. This latter site can be seen to the south of 43°22'55.3"N 3°37'25.9"E, which shows the pine woodland area to the south, in this case between the island colony and the open sea (Plate 2.1Plate 2.1).

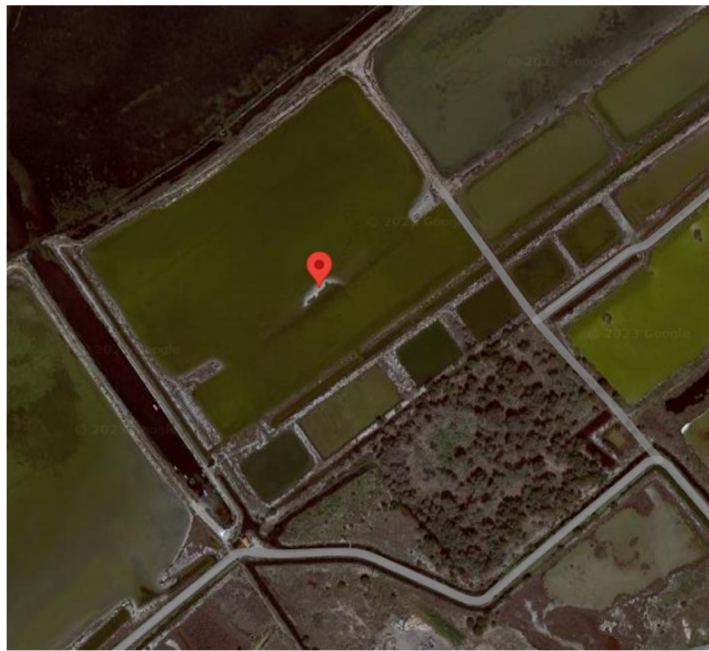


Plate 2.1 Area of pine woodland shown close to Sandwich tern nesting habitat in the south of France

23. Dr Sadoul commented that Sandwich terns might avoid nesting in areas where there are large numbers of crows or long-eared owls, as those can be important predators of tern eggs and chicks respectively, but do not seem to show avoidance of nearby woodland where this happens to be present near to suitable nesting habitat. Furthermore, it is noted that in a write-up of a 2017 workshop on 'Developing Best Practice in Predator Management for Coastal Seabird Colonies' (Tern Life Project, 2017), which focussed specifically on terns and was attended by over forty site managers, researchers and wardens from ten organisations across Wales, England, Northern Ireland and the Republic of Ireland, Graham White, RSPB, states that:

"Crows – some places they are an issue and so we use Larsen traps. But generally evidence shows that crows are not, so RSPB doesn't do this very often."

24. The Applicant is committed to ongoing management and monitoring of the inland pool including for potential avian predators such as corvids. Whilst to be confirmed at detailed design stage, the Applicant considers that it would likely be appropriate to install (on at least some of the inland pool islands at Loch Ryan), tern nest boxes and shelters such as those installed at the Isle of May which offer protection for Sandwich tern chicks against large gulls and bad weather (Steel and Outram 2020 and **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [REP7-016]). Furthermore, the Applicant undertook a site visit to St John's Pool where the

site manager explained that similar structures had been piloted on the island on which Sandwich terns nest and which provided an effective means for chicks to seek refuge from avian predators. Further roll out of these at St John's Pool is planned in future and the site manager recommended their use at Loch Ryan.

25. Given that individual crows differ in habitat preference and predation methods, if the local crow pair(s) do not predate upon the Sandwich tern eggs/chicks then it would be advised to keep these crows in the area to deter other potential problem crows through territorial behaviour. Furthermore, a low level of predation of eggs by crows would most likely be tolerable and not require action. For example, at Imperial Dock Lock SPA (Leith) there has been a pair of crows nesting on the crane that overhangs the common tern SPA population. They are known to take a small number of tern eggs, but have no significant impact on colony productivity and therefore control of these crows is not considered to be required.
26. Therefore, it is proposed that the situation at Loch Ryan is monitored with the following control measures for crows being implemented through adaptive management in the case that crows are identified as an issue:
1. No crow control unless crow predation concern is detected.
 2. If detected, lethal control (shooting) of the individual crow(s) involved.
 3. If, following lethal control, crow predation is still identified as an issue, humane trap and release methods using techniques such as Larsen traps to be undertaken during spring and summer.
27. Further detail on monitoring, management and adaptive management will be agreed with the Sandwich Tern Compensation Steering Group (STCSG) post-consent and included within the Sandwich Tern Compensation, Implementation and Monitoring Plan (CIMP).
28. Based on the further research and expert advice received, the Applicant considers that proximity to woodland will not hinder the success of the compensation measure.

2.2.2 Pool Salinity Levels

29. Natural England questioned the potential for high salinity levels within the pool. The prospect of any significant fluctuation in salinity from the normal sea water of Loch Ryan is unlikely, although some dilution of this may be introduced with freshwater input from an existing field drain that runs directly to Loch Ryan. By intercepting this it will be possible, and may be desirable, to add this freshwater input to the pool as shown on concept design **Figure 2**. This opportunity was introduced to the Applicant by the landowner who is supportive of such a measure. Therefore, on balance it is considered unlikely that salinity would be an issue, options are available to manage it if required and, in any case, this would be monitored and managed through the existing commitments to monitoring and adaptive management as described in **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [REP7-016]. Moreover, a saline, tidally linked system is desirable in that it will reduce vegetative growth in the pool and on its islands, reducing the potential for deoxygenation and reducing maintenance (i.e. vegetation clearing) requirements. Further information on the details of the hydrology are provided in **Section 4.3.1.4**.

2.3 Ongoing Consultation Record

Table 2.1: Post-submission programme of stakeholder engagement (ordered chronologically by commencement date).

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

Date	Consultee(s)	Format	Details
27/10/2022	Lowestoft Kittiwake Partnership	Meeting	A project-specific meeting to further discuss the Applicant's proposal for nest site improvements at Lowestoft. Discussions centred around the Applicant's initial site selection work and alignment between the partnership's ambitions and the Applicant's proposal.
02/11/2022	Gateshead Council	Meeting	Site visit and meeting to discuss next steps and key workstreams for developing the Applicant's proposal and securing the necessary land agreements, permissions, licences and consents.
07/11/2022	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).
15/11/2022	Natural England	Meeting	A meeting was held to discuss Natural England's feedback on draft versions of the Applicant's Offshore Ornithology Environmental Statement chapter (including Technical Appendices and Annexes) and RIAA which were originally shared in June 2022 (Natural England's feedback was received on 16 September 2022) and the Applicant's response to this feedback (provided in writing to Natural England on 28 October 2022). During this meeting, the Applicant and Natural England sought to agree on the necessary workstreams required to address outstanding matters.
16/11/2022	Dumfries & Galloway Council NatureScot	Meeting	Meeting to discuss the Applicant's compensation proposals for Sandwich term at Loch Ryan, including: <ul style="list-style-type: none"> • key constraints with respect to different sites within the Applicant's proposed Area of Search (AoS); and • the Applicant's further programme of work to progress towards securing the necessary permissions, licences and consents.
21/11/2022	East Suffolk Council	Meeting	A meeting to discuss East Suffolk Council's pre-application consultation response, which was received on 17 August 2022. This meeting included a discussion of the Council's key concerns with respect to the Applicant's proposal for nest site improvements in Lowestoft.

Date	Consultee(s)	Format	Details
22/11/2022	Natural England RSPB National Trust Marine Management Organisation (MMO)	Meeting	Offshore Ornithological Compensation ETG 4: The Applicant provided an update on progress relating to its species-specific compensation proposals. Having had early sight of the Natural England Relevant Representation [RR-063], the Applicant discussed the key points within this and sought to identify specific areas for agreement along with areas where additional work was required to progress agreement on key issues.
28/11/2022	QinetiQ	Email	Email exchange to open a line of communication with respect to further discussions about potential Sandwich tern compensation opportunities at Foulness SPA.
14/12/2022	National Trust	Meeting	A meeting with regional and reserve staff from National Trust to discuss possible compensation opportunities for Sandwich tern at Farne Islands SPA and the Trust's concerns with respect to additionality.
14/12/2022	Gateshead Council & RWE	Meeting	A meeting to discuss RWE's and the Applicant's respective interest in delivering kittiwake nesting at Gateshead and opportunities for cooperation and possible collaboration.
15/12/2022	Natural England	Written communication	The Applicant provided a draft version of its Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) [document reference 13.1] to Natural England for review and feedback. This was received via Natural England's Discretionary Advice Service (DAS) on 30 January 2023. This note was subsequently updated in light of this advice, with a version submitted at Deadline 1.
21/12/2023	Natural England	Written communication	The Applicant provided a draft version of its Apportioning and HRA Updates Technical Note (Revision C) [REP5-043] to Natural England for review and feedback. Natural England's DAS advice was received on the 14 February 2023. This note was subsequently updated in light of this advice, with a version submitted at Deadline 1.
10/01/2023	Bidwells (Managing agent for CES)	Email	An email enquiry to confirm ownership of the foreshore within the preferred AoS.
16/01/2023	Natural England	Email	DAS feedback received on the Applicant's Strategic and Collaborative Approaches to

Date	Consultee(s)	Format	Details
			Compensation and MEEB [APP-084] document.
26/01/2023	Gateshead Council	Meeting	A meeting to discuss the history of the Saltmeadows site and any considerations that may have implications for future surveys, design and any planning application.
27/01/2022	North Eastern Inshore Fisheries Conservation Authority (NEIFCA)	Email	An email enquiry requesting bycatch records from the last five years for the fixed net fishery in the northeast region. This request was made in response to Natural England's feedback in their Relevant Representation [RR-063].
23/02/2023	Natural England, MMO and Centre for Environment, Fisheries and Aquaculture Science (Cefas)	Meeting	A meeting to discuss a proposal from Natural England and Cefas regarding a potential opportunity for the Applicant to support baseline data gathering for key prey species (sandeel and sprat) in the wider Wash area to a) address uncertainties regarding the age of current fisheries data; b) to inform potential management measures for nearby relevant designated sites and features; and c) to provide a potential 'enhancement' to the Applicant's package of compensatory measures.
01/03/2023	Defra	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the OWEIP.
05/04/2023	Gateshead Council	Meeting	To discuss draft HoTs issued to the Council in January 2023.
13/04/2023	Dumfries & Galloway Council	Email	An email sent to provide the Council with an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.
18/04/2023	Gateshead Council	Meeting	To discuss preliminary results of the structural surveys of the existing Saltmeadows tower and discuss concept design scope.
26/04/2023	NatureScot	Email	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.
27/04/2023	Crown Estate Scotland	Email	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.
17/05/2023	Gateshead Council &	Meeting	Discussion on kittiwake tower modification options including proposed modifications in

Date	Consultee(s)	Format	Details
	Northumbria Ringing Group		advance of pre-application consultation submission.
23/05/2023	Natural England	Meeting	Monthly meeting between the Applicant and Natural England to provide a project update, review the examination timetable and raise specialist topics for discussion. NE confirmed AEOI can be ruled out for Gannet.
08/06/2023	National Trust & Natural England	Meeting	A meeting with National Trust, specifically the team responsible for the management of Blakeney Point. The purpose of the meeting was for National Trust to provide a high level overview of the opportunity for the Applicant to explore compensatory opportunities for Sandwich tern at Blakeney Point. Natural England were also in attendance and supported the opportunity.
13/06/2023	Dumfries & Galloway	Letter	A letter received from Dumfries and Galloway Council outlining support in principle for the proposed compensatory measures at Loch Ryan (see letter of support in Appendix C).
16/06/2023	National Trust	Meeting	To discuss the potential for Sandwich tern compensatory measures at Blakeney Point and agree next steps.
20/06/2023	Landowner	Letter	Letter of support from landowner at Loch Ryan (See Appendix D)
30/06/2023	National Trust	Meeting	To discuss comments from National Trust on the Applicants proposed approach to predator control measures at Blakeney Point.
04/07/2023	Natural England	Meeting	A meeting for the Applicant to present a compensatory measures update for Sandwich tern (Loch Ryan) and Kittiwake to Natural England for comment.
21/07/2023	Gateshead Council	Meeting	A meeting to discuss the pre application consultation, the Applicant to provide a progress update and a discussion on outstanding actions within the draft Heads of Terms re Gateshead
25/07/2023	Dumfries & Galloway	Meeting	A meeting for the Applicant to present options to Dumfries and Galloway Council and seek advice on planning risk and key consultees re Loch Ryan
25/07/2023	SEPA	Meeting	A meeting for the Applicant to seek advice from SEPA in relation to site selection and planning risk re Loch Ryan.
02/08/2023	Gateshead Council	Meeting	A meeting to discuss the draft Heads of Terms re Gateshead.

Date	Consultee(s)	Format	Details
02/08/2023	RWE	Meeting	To discuss progress on the neighbouring tower and explore collaborative opportunities re Gateshead.
14/08/2023	Scottish Forestry	Email	Email to Scottish Forestry to determine whether the area of woodland in the preferred site could be felled re Loch Ryan.
31/08/2023	DEFRA	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).
07/09/2023	Dumfries & Galloway	Site Visit	A site visit hosted by the Applicant to provide Dumfries & Galloway Council a better understanding of the location and proposals and seek advice ahead of pre application consultation re Loch Ryan.
06/09/2023	Gateshead Council	Email	Pre-application formal response received from Gateshead Council re Gateshead.
27/09/2023	RSPB	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan and Gateshead, including concept designs, and seek feedback from RSPB.
01/10/2023	Crown Estate Scotland	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from The Crown Estate Scotland re Loch Ryan.
18/10/2023	Gateshead Council & Northumbria Ringing Group	Meeting	A meeting to discuss the latest concept design and the ecological monitoring requirements of the tower once the Option is exercised re Gateshead.
20/10/2023	SEPA	Meeting	A follow-up meeting for the Applicant to present progress to SEPA following the meeting in July, including concept designs, and seek advice on the preferred site re Loch Ryan.
20/10/2023	Historic Environment Scotland	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from Historic Environment Scotland re Loch Ryan.
20/10/2023	Nature Scot	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from Nature Scot re Loch Ryan.
23/10/2023	Crown Estate Scotland	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from The Crown Estate Scotland re Loch Ryan.

Date	Consultee(s)	Format	Details
25/10/2023	St John's Pool	Site visit	The Applicant undertook a visit to St John's Pool in Caithness where a private reserve owner, J. Smith, has created an inland pool to support breeding birds, including Sandwich terns. The Applicant's proposed concept design was discussed alongside how lessons learned from St John's Pool could be applied to Loch Ryan.
31/10/2023	Natural England	Meeting	A meeting for the Applicant to present progress on its compensatory measure proposals for Sandwich tern (including concept designs) kittiwake and guillemot, and to seek feedback from Natural England.
01/11/2023	National Trust	Meeting	A meeting for the Applicant to present progress on its compensatory measure proposals for Sandwich tern, including concept designs, and to seek feedback from the National Trust.
02/11/2023	DEFRA	Meeting	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).
07/11/2023	RSPB Scotland	Meeting	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan including concept designs, and to seek feedback from RSPB Scotland. RSPB also provided an update on its 'Species on the Edge' tern raft project re Loch Ryan.
09/11/2023	The Marine Directorate	Email	The Applicant emailed the Marine Directorate with an update on its compensation proposals at Loch Ryan with concept design (Figure 2). The Applicant offered the MD the opportunity to meet and discuss the proposals re Loch Ryan.
29/11/2023	Dumfries and Galloway Council and The Marine Directorate	Meeting	Pre-application consultation meeting. The Applicant presented the concept design and proposals for the inland pool at Loch Ryan following submission of the pre-application and EIA Screening Request re Loch Ryan.
5/12/2023	National Trust	Meeting	A meeting to discuss National Trust's feedback on the scope of the literature review element of the supplementary Sandwich tern compensation measures at Blakeney Point, which was shared by the Applicant via email on 24 November 2023.
12/12/2023	Gateshead Council	Meeting	A meeting to discuss the last remaining queries on the Heads of Terms between the Applicant's land team and Gateshead Council's land team re Gateshead

Date	Consultee(s)	Format	Details
14/12/2023	Orsted	Meeting	<p>Both parties discussed collaboration opportunities for predator eradication with regards to Guillemot. Key areas of focus agreed going forward are:</p> <ol style="list-style-type: none"> 1. Offshore Wind Industry Council (OWIC) Developer Derogation Group 2. Collaboration on Offshore Wind Strategic Compensation (COWSC), which includes predator reduction as a 'Strategic Ecological Compensation Study' and on which further information is provided in Section 4.4.3 of HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7].
19/12/2023	Landowner	Letter	Letter of support from landowner at Loch Ryan (See Appendix E)

3 HRA Derogation Update

3.1 FFC SPA Gannet

~~12.30.~~ Regarding the requirement for compensation for the gannet feature of the FFC SPA, Natural England has confirmed that an adverse effect on integrity can be ruled out for gannet (see Natural England's Deadline 5 Appendix B1 [REP5-091] and response to Q3.14.1.15 of the Examining Authority's Third Written Questions [REP5-094]). As such, the Applicant considers that it is no longer necessary to present 'without prejudice' compensation measures relating to gannet.

~~13.31.~~ The Applicant resubmitted clean and track changed versions of the following documents with references to gannet removed at Deadline 5:

- **Appendix 4 – Guillemot and Razorbill Compensation Document (Revision C)** [REP5-017];
- **Annex 4A – Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Revision B)** [REP5-018]; and
- **Proposed Without Prejudice DCO Drafting (Revision C)** [REP5-008].

3.2 Without Prejudice Draft DCO Wording

~~14.32.~~ Revision C of the **Proposed Without Prejudice DCO Drafting** [REP5-008] was updated at Deadline 5 to make a number of amendments as follows:

- Reference to compensation measures for gannet have been removed. As noted in **Section 3.1** above, Natural England has confirmed that adverse effect on integrity can be ruled out for gannet. As such, the Applicant considers that it is no longer necessary to present 'without prejudice' compensation measures relating to gannet. Revision C also provided for updates in relation to MEEB [REP5-008].

~~15.33.~~ Revision D of the **Proposed Without Prejudice DCO Drafting** [document reference 3.1.3] was updated at Deadline 8 to make the following amendment:

- Removal of the without prejudice compensation measures for razorbill.

3.3 Updated Predicted Impacts & Compensation Requirements

~~16.34.~~ In light of advice from Natural England outlined in a DAS letter received on 16th September 2022 and subsequently, in Appendix B of their Relevant Representation [RR-063], project-alone impacts have been updated for several seabird populations, including the following, which are relevant to the Applicant's HRA derogation case, noting that Gannet has been removed following a meeting with Natural England on ~~the 23rd~~ **23** May 2023:

- NNC SPA Sandwich tern (collision)
- GW SPA Sandwich tern (collision)
- FFC SPA kittiwake (collision)
- FFC SPA guillemot (operational phase displacement)
- FFC SPA razorbill (operational phase displacement)

~~17.35.~~ The following update was made in respect of the above species, as documented in the **Apportioning and HRA Updates Technical Note (Revision D)** [document reference 13.3]:

- The gannet and kittiwake in-combination tables were updated to seek to address comments from Natural England in REP5-091. The amended CRM values reflect updated avoidance rates for the in-combination assessment used in the **Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note (Rev B)** [REP3-089].

~~18.36.~~ **Table 3.1** provides an overview of the updated predicted project-alone contribution to in-combination effects and associated compensation requirements for those sites and features listed above. The figures presented represent the worst-case and are those to which the scale of compensation has been linked. The scale of compensation required is calculated based on the upper 95% confidence interval collision rates which the Applicant considers to be highly precautionary but is in line with Statutory Nature Conservation Body (SNCB) guidance. Mean values are also shown for reference. For further information on the updated assessment methodology and results, see the **Apportioning and HRA Updates Technical Note (Revision D)** [document reference 13.3].

~~Table 4~~ **Table 3.1: Overview of updated predicted impacts from SEP and DEP and associated compensation requirements**

Site	Feature	Impact Mechanism(s)	Scale of Impact (upper 95% confidence intervals. Mean values in parentheses)	Scale of Compensation
NNC SPA and GW SPA	Sandwich tern	Collision	12-17 (6-7) ¹	Restoring lost breeding range to make the population more robust to local impacts and improve productivity to provide a gain equivalent to 17 adult birds per year.
FFC SPA	Kittiwake	Collision	17 (6)	Increased production of approximately 140 <u>at least 87</u> extra chicks per year, achieved by facilitating the move of 110 pairs of kittiwakes from nest sites that fail to nest sites that achieve average breeding success. ²
	Guillemot	Displacement	6 (4) Using evidence-based 0.500 displacement rate and 1% mortality rate of displaced birds	6 birds per year
	Razorbill	Displacement	3 (1) Using evidence-based 0.500 displacement rate and 1% mortality rate of displaced birds	3 birds per year
<p>¹ Range comparing CRM outputs using design-based and model-based density estimates for Sandwich tern. Flight speed of Fijn and Gyimesi (2018) used in all cases.</p> <p>² See Section 4.3.2.3 which explains the latest progress regarding modification of the kittiwake tower at Gateshead.</p>				

4 Compensatory Measures Update

4.1 Overview

~~19.37.~~ 37. Compensatory measures within the DCO application are considered in the context of different delivery models, including strategic, collaborative and project-led measures. The delivery models reflect how the Applicant considers each measure could be most feasibly, effectively and proportionately delivered relative to the Projects' predicted impacts.

20.38. A summary of the compensation measures and associated delivery model proposed by the Applicant at the time of DCO application are presented in [Table 4.1](#). The measures/delivery models highlighted in orange represent the primary package of compensatory measures proposed by the Applicant for each feature and site. Those measures remaining represent alternative options that are considered to potentially be available to the Applicant within timescales relevant to SEP and DEP and which are aimed to align with emerging developments in the wider-industry context with respect to more collaborative and/or strategic delivery of compensation (see [Strategic and Collaborative Approaches to Compensation and MEEB](#) [APP-084] for further information).

Table 4.1: Summary of proposed compensatory measures and delivery model considered at application

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 (either via the creation of an inland pool or installation of a pontoon within the loch)	✓		
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 (at either the Saltmeadows site in Gateshead and/or Lowestoft).	✓		
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			✓

4.2 Compensatory Measures Review

~~21~~39. Since submitting the DCO application in September 2022, the Applicant has sought to mature its compensatory measure proposals. This has involved a large body of work, including an extensive programme of stakeholder engagement (see [Section 22](#) above) and the formation of dedicated delivery teams to further develop key project-led measures for those sites and features where it has not been possible for the Applicant to rule out AEoI (i.e. NNC / GW SPA Sandwich tern and FFC SPA kittiwake). During this time, there have also been industry-wide developments in relation to strategic and collaborative compensation (see [Section 4.4](#) below for further information).

~~22~~40. In light of developments since DCO application and Relevant Representations from key stakeholders (namely Natural England, RSPB and East Suffolk Council), the Applicant has reassessed its position with respect to its proposed compensatory measures. This was considered necessary to ensure collective efforts could focus on those measures which have good stakeholder support, strong ecological merit, and a high chance of successfully delivering the required level of compensation. Thus, helping to enable positive and meaningful progress of the Applicant's proposals and SoCG positions with stakeholders, particularly with respect to its project-led measures, during the onward Examination process.

~~23~~41. This compensatory measures review has led to two principal developments to the Applicant's proposals:

- Given the limited support from Natural England and RSPB for the installation of a pontoon at Loch Ryan as an alternative compensatory measure for Sandwich tern to the inland pool, and recognising the positive progress being made with respect to the inland pool option at Loch Ryan, the decision has been taken not to actively progress the pontoon option further at this stage as a component of the proposed package of compensatory measures for Sandwich tern.
- Given the limited support from East Suffolk Council for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town on the basis that it would be contrary to their strategic position, and recognising the positive progress being made with respect to the alternative option at Gateshead, the decision has been taken to not actively progress the proposal for Lowestoft further at this stage as a component of the proposed package of compensatory measures for kittiwake.

~~24~~42. These developments are not considered to impact the robustness of the overall package of compensatory measures proposed for Sandwich tern and kittiwake since the alternative project-led measures are capable of fully compensating for the predicted mortalities from SEP and DEP (see [Sandwich Tern – Quantification of Productivity Benefits Technical Note \(Revision C\)](#) [document reference 13.4.1] submitted at Deadline 7 and [Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note \(Revision B\)](#) [REP3-087] submitted at Deadline 3).

25.43. Should there be a need to revisit options for Sandwich tern or kittiwake compensation at a later stage (for example, in the unlikely event that the inland pool at Loch Ryan or nest site improvements to enhance kittiwake breeding success in Gateshead cannot be delivered or are not entirely successful), the Applicant will re-examine the options outlined above alongside any collaborative or strategic opportunities, in consultation with Natural England and other relevant stakeholders, to determine the most appropriate course of action.

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

26.44. A further consideration as part of the Applicant's compensatory measure review has been the concerns by National Trust, Natural England and RSPB in their Relevant Representations (see [RR-061, RR-063 and RR-083], respectively) regarding the additionality of the Applicant's proposed measure to improve breeding success at the Farne Islands SPA.

27.45. Early discussions with National Trust during pre-application indicated that the measures proposed are likely to be additional to those set out in the forthcoming management plan (see **Annex 1D - Record of HRA Derogation Consultation [APP-068]**). On this basis, improved breeding success at SPA sites other than NNC (e.g. the Farne Islands SPA or Foulness SPA) was taken forward as a project-led measure forming part of the package of proposed compensatory measures for Sandwich tern. However, since DCO submission, National Trust has raised concerns regarding additionality within its Relevant Representation [RR-061] and during a meeting held on 14 December 2022. Despite repeated efforts during the pre-application and pre-examination phases, the Applicant was unable to obtain a copy of the latest Management Plan for Farne Islands SPA and was therefore unable to formally validate the proposed measure's additionality at that time.

28.46. Further information was submitted by National Trust into Examination on 28 March 2023 in lieu of attending Issue Specific Hearing 5 (ISH5) (Offshore Matters) [AS-042]. At the request of the Examining Authority, this included a copy of the latest draft Farne Islands Site Management Plan (2022 – 2026).

29.47. The Applicant has since reviewed the draft Site Management Plan (2022 – 2026) [AS-042] and notes that this aims to halt and reverse the decline in Sandwich tern breeding numbers at the Farnes through efforts to maintain and expand available Sandwich tern habitat and deter and manage predators. The Applicant continues to note that attempts to achieve this to date have been unsuccessful, and that there is no evidence to suggest that success will be achieved based on efforts thus far.

30.48. Page 59 of the draft Site Management Plan [AS-042] outlines a number of measures that are planned to be implemented with respect to Sandwich tern:

- *“Deploy 50 chick shelters around edge of existing colony [Brownsman]*
- *Create 25 large (2m²) nesting plots immediately adjacent to periphery of current colony with bare soil to create ‘scalloped edge’ effect at periphery of colony & seed with sea campion between plots. Ensure puffin burrow access is not impacted*

- *Deploy 50 decoys & Sandwich tern sound lures on Inner Farne in April to encourage nesting alongside gull interventions*
- *Assess results of vegetation management and gull work in winter 2022, then, if successful, use lures and decoys in 2024 to encourage terns to nest in appropriate locations on Brownsman*
- *Consider (subject to Natural England consent) similar interventions on Staple, Knoxes, W. Wides, N. Hares & Longstone should removal of gull eggs and the above lures, decoys & shelters prove successful*
- *Encourage studies which investigate causes of Sandwich tern declines as part of ‘conservation questions’*
- *Continue to monitor numbers on annual basis using BTO census method 2 (21 days after first Arctic tern chick)*
- *Consider monitoring chick provisioning*
- *Investigate options to monitor productivity using remote cameras as part of ‘conservation questions’*

[31.49.](#) The Applicant notes that regarding the use of cameras for monitoring, the draft Management Plan [AS-042] states on page 59 that the use of remote cameras will be investigated and considered but does not provide a firm commitment to this measure.

[32.50.](#) The Applicant supports the implementation of the above proposed measures; however, notes that the Applicant’s proposal set out within the **Appendix 2 – Sandwich Tern Compensation Document (Revision B – ~~document reference 5.5.2~~) [REP7-016]** includes:

- Deployment of 400 nest boxes and 400 shelters (i.e. 400 more nest boxes and 350 more shelters than set out in the draft Site Management Plan [AS-042]).
- Deployment of six cameras with video transmitted to a solar-powered battery driven base station where recorded video will be stored, which it is considered should allow a representative sample of nests to be monitored to record predation attempts by large gulls. As noted above, the draft Site Management Plan [AS-042] is currently only proposing to investigate options for remote monitoring.
- Deployment of bamboo canes, if gull predation is determined as being an ongoing issue following deployment of nest boxes and shelters.

[33.51.](#) Moreover, the Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support future efforts for recolonisation by Sandwich tern of the other islands, further studies to investigate the reasons for the decline, and (as stated in paragraph 189 of **Appendix 2 – Sandwich Tern Compensation Document [APP-069]**) also to provide support to the ongoing monitoring of tern numbers and breeding success. It is considered this could partially assist the National Trust’s ambition to transition away from an over-reliance

on visitor footfall which is stated [AS-042] as a reason for potential declines in seabird populations on the Farnes due to human disturbance.

34.52. As discussed at Issue Specific Hearing 5 (see ID 5.iii **Written Summary of Applicant's Oral Submissions at ISH5** [REP3-111]), the Government's policy position on additionality is expected to change later this year. The Energy Security Bill Policy Statement (BEIS, 2023) on the OWEIP Measures states, "*Government is also considering enabling developers to undertake work already identified by Government to improve the condition of protected species and habitats. This would substantially increase the number of measures available to developers and also accelerate marine recovery for some sites*" (pg. 10 & 11). The current draft of the Energy Bill does not restrict this only to measures identified by the UK Government, and would allow measures taken or secured by any other "public authority", defined in the draft Bill as any person with functions of a public nature, to be relied upon. Final guidance on compensatory measures is due to be published by the Department for Environment, Food & Rural Affairs (Defra) in ~~late 2023~~ early 2024 and is expected to provide further information on how additionality should be considered going forwards.

35.53. In light of possible upcoming changes to policy and best practice guidance with respect to additionality and the severity of the situation at the Farne Islands SPA, the Applicant considers it is justified that the proposed measures at the Farne Islands SPA remain within the Applicant's proposed package of compensatory measures since:

- The proposed measures are additional or greater in extent to those proposed in the draft Site Management Plan [AS-042].
- Sufficient evidence is outlined in **Appendix 2 – Sandwich Tern Compensation Document (Revision B)** [document reference 5.5.2] and the **Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision C)** [document reference 13.4], to demonstrate that, if delivered at an appropriate scale, the measures proposed could provide substantial benefits to breeding numbers of Sandwich tern at the Farnes as well as address any accrued mortality debt associated with the Applicant's proposed measure at Loch Ryan.
- The situation at the Farne Islands is severe (Sandwich tern breeding numbers at the Farne Islands SPA have decline considerably over 40 years, despite ongoing conservation and management efforts (see **Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection** [APP-071])) and the proposed measures would make a meaningful difference.
- Even if the measures were not considered to be additional, anticipated changes to Government policy mean that it is foreseeable that they could be counted as 'compensation' in the near future.

4.2.2 Blakeney Point Predator Management Compensation Proposal

- ~~36~~.54. The Applicant received advice from Natural England in April 2022 stating that any measures at Blakeney Point would not be considered additional to the normal practices required for the protection and management of the site, as they might not provide additional benefit and so would not qualify as compensation (**Appendix 2 Sandwich Tern Compensation Document** [APP-069] and **Annex 1D Record of HRA Derogation Consultation** [APP-068]). Whilst National Trust also recognised challenges around additionality in the April 2022 ETG meeting, feedback regarding the potential benefits of additional support at Blakeney Point was generally more positive.
- ~~37~~.55. Therefore, it was decided at that stage not to pursue compensation measures at Blakeney Point based on the clear guidance given through the ETG process.
- ~~38~~.56. The Applicant was approached by Natural England and the National Trust on 23 May 2023 to reopen discussions on the potential to deliver compensation for Sandwich terns at Blakeney Point. This followed the abandonment of the Blakeney colony in the 2022 breeding season, which was attributed (at least in part) to a significant increase in the rat population at this location (and hence predation risk). This is thought to be due to the increased availability of seal carcasses at the site, which could sustain an increased rat population during the winter period, which could then predate Sandwich terns during the subsequent breeding season.
- ~~39~~.57. Meetings were held between the Applicant, National Trust and Natural England on 8 June (Natural England and National Trust), 16 June and 30 June 2023 (National Trust only) to further discuss the potential delivery of compensation at this location. In outline, the compensation would comprise the delivery of research, implementation and monitoring of measures to manage or reduce Sandwich tern nest predation. Natural England and National Trust confirmed that this would not be subject to additionality concerns, as options for existing best practice management had been exhausted, and that the proposals had the potential to be used to deliver new best practice to the wider site network.
- ~~40~~.58. The Applicant submitted the Blakeney Point compensation proposals in an update to **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [~~document reference 5.5.2~~REP7-016] at Deadline 7.

4.2.2.1 Response to Secretary of State's Request for Information Paragraph 13

59. The Secretary of State's request for information dated 22 November 2023 stated:
Further information is requested on the alternative compensation measures required for adaptive management in relation to the site at Blakeney. The Applicant is asked to provide information as to how the threat of rat predation could be overcome successfully, particularly given the potential for rats to swim past any land barrier and the quantity of benefits arising from the measure as well as the effectiveness of any potential future measures.
60. Firstly, the Applicant clarifies that its predator management compensation proposal at NNC SPA (Blakeney Point) is a supplementary measure to be delivered as a package alongside its main compensation measure at Loch Ryan. This approach

followed the advice of Natural England, RSPB and National Trust that the Applicant has worked closely with to develop and agree the proposals during the Examination. This supplementary measure provides resilience to the Applicant's Sandwich tern compensation proposals through providing an alternative means of compensation delivery at a local level.

61. Regarding adaptive management for this measure, Section 7.6.3 of **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [REP7-016], states:

Ongoing maintenance and adaptive management will be dependent on the trial outcomes (i.e. the long-term predator control and management measures that will be implemented), and will be set out in the Sandwich tern CIMP, which will be updated accordingly.

62. As noted in Section 7.6.3 of **Appendix 2 Sandwich Tern Compensation Document (Revision B)** [REP7-016], there is a high degree of confidence that effective delivery of predator control would result in increased Sandwich tern breeding success, and hence an increased breeding population. Note that, accounting for the site's characteristics, the proposed measures are intended to provide predator *control* rather than eradication. Given that Blakeney Point is not an island, complete eradication of mammalian predators would not be possible and therefore long-term implementation of predator control measures would be required throughout the lifetime of the operation of SEP and DEP, which will be subject to agreement with the National Trust (and Natural England in relation to any activity at the Scolt Head colony). These works would be in addition to existing site management, which National Trust would continue to deliver. It is not considered that predator *eradication* will be required to achieve the required objectives of the measures, i.e. to increase the breeding success of the Sandwich tern population at this location. Nonetheless, it is expected that the design of the trials and subsequent implementation will consider measures to reduce the movements of rats from outside of the colony (i.e. across sea or along Blakeney Point), reducing the threat of rat predation.

63. Direct monitoring of rat populations would be undertaken. This is likely to include use of ongoing trapping data and other methods such as tracking tunnels/pads, monitoring blocks and chew cards, and stomach content/faeces analysis. Discussions with specialists will be required to understand the most appropriate methods, particularly to provide understanding of the movements of rats along Blakeney Point and across the Blakeney Channel from the mainland.

64. Section 7.6.5.6 of REP7-016, describes the proposals for the implementation and monitoring of predator control measures which would be informed by the desk-study, consultation with the expert panel and predator monitoring. Trials of predator control measures would be implemented in accordance with the outcomes of these activities. It is expected that this could comprise a range of direct control methods (e.g. trapping, both existing and novel) and exclusion methods (such as rat-proof predator fencing). In addition, measures to reduce the attractiveness of the area to rats (such as the removal of seal carcasses from Blakeney Point) will be evaluated and implemented, where appropriate.

65. Given that the desk study and consultation with the expert panel are likely to identify the most suitable methods for controlling mammalian predators at the site; and that these methods will then be trialled to identify those which are most effective, it is not expected that adaptive management measures would be required. However, it is considered that, if required, adaptive management approaches could be implemented with respect to:
- The number, location and design of predator traps.
 - The form and location of predator fencing.
 - Measures to reduce overall suitability of Blakeney Point for rats (particularly in relation to winter survival).
66. The Applicant shared a detailed scope for the literature review aspect of these proposals with National Trust and Natural England on 24 November and 07 December 2023, respectively. This is the first step in the development of the measures which the Applicant has decided to progress pre-consent decision, in order that the trialling of potential control measures can be brought forward as early as possible. The Applicant is seeking to commence implementation ahead of the 2024 breeding season. However, given timescales, it may not be possible to start until the following breeding season.
67. The proposal has broad support from stakeholders, particularly with regards to its overall merit and scope (see National Trust Statement of Common Ground [REP8-098] and Natural England HRA Derogation Statement of Common Ground [REP8-032]) and therefore the Applicant considers that the Secretary of State can have confidence in its ability to act as a suitable supplementary measure. In terms of quantifying the benefits of the measure, a return of the Sandwich tern colony to Blakeney Point following the successful implementation of predator control and management measures would be a key metric of success. Following this, ongoing monitoring of Sandwich tern colony size and breeding success would provide an indication of the success of the measure. However, it should be recognised, that providing accurate calculations for the benefits that would be accrued as a result of the proposal has not been requested by stakeholders and would not be possible given the number of variables (and their complex interconnectivity) associated with the Sandwich tern colony in the NNC SPA. For example:
- The colony switches periodically between Blakeney Point and Scolt Head. The cause of switching between colonies is not fully understood, but it is considered likely that predation may be a factor.
 - The influence of Highly Pathogenic Avian Influenza (HPAI).
 - Prior to the HPAI outbreak in 2022 the NNC SPA population was already increasing year-on-year therefore it could be difficult to associate an increasing population with the predator control measures.
 - The National Trust already implement management at the site, which includes consideration of mammalian predators. It may therefore be difficult to disentangle the benefits from what is already being undertaken.

- The carrying capacity of the region for Sandwich terns would be determined by prey resource in the area; therefore, if that were to become a limiting factor, further improvements in breeding success and numbers would be unlikely regardless of the predator control measures being implemented.
- There is a complex inter-relationship between black-headed gulls and Sandwich terns; Sandwich terns typically nest within black-headed gull colonies (as the latter can provide some protection from predators), but at the same time black-headed gulls may then kleptoparasitise the Sandwich terns. It is likely that the presence of black-headed gulls is a driver in the location and breeding success of Sandwich terns.

68. Nonetheless, the primary compensation measure for Sandwich tern (inland pool at Loch Ryan see **Section 4.3.1**) can be expected to deliver the required levels of compensation (see **Sandwich Tern - Quantification of Productivity Benefits (Revision C) (Clean)** [REP7053]). The supplementary compensation measure at Blakeney Point provides resilience through a ‘package of measures’ approach and would, as above, likely deliver benefits to Sandwich terns in a short timescale, local to the point of impact, thus mitigating a potential scenario where Sandwich terns take a number of years to colonise the inland pool at Loch Ryan.

4.2.3 Without Prejudice Bycatch Reduction Proposal for **Auks** Guillemot

41.69. ~~Since~~ Following submission of the DCO application, the Applicant ~~has~~ had further discussions with fisheries stakeholders in the northeast (see **Section 22** above and **Appendix A: Detailed Consultation Record**) and ~~has~~ ascertained that the level of set net fishing activity and therefore **auk** guillemot bycatch is unlikely to be of a sufficient scale to present a feasible compensation measure.

42.70. In light of this and the concerns raised by Natural England within their Relevant Representation (~~[RR-063]~~), the Applicant has now investigated options for the implementation of the same or similar measures on a project-led basis in the southwest of England. The Applicant submitted at Deadline 7 an update to **Appendix 4 – Guillemot and Razorbill Compensation Document (Revision D)** [document reference 5.5.4] and at Deadline 3, **Annex 4B Auk Bycatch Reduction Feasibility Statement** [REP3-023] which together ~~provide~~ provided further details on these proposals including:

- the distribution, extent and seasonality of set-net fishing activity in the southwest of England;
- bycatch evidence (notably Hornsea Project Four’s 2021/2022 bycatch mitigation trials and stakeholders’ feedback with respect to this study);
- the scale and location of bycatch reduction compensation proposed; and
- a description of the proposed measures to be delivered to reduce bycatch in the southwest.

43.71. The Applicant confirmed in its response to the Rule 17 request at Deadline 8 (~~document reference 22.2~~) [REP8-052] that it has committed to invest in trials of

looming-~~eye~~eyes buoys (LEB) / above water deterrents to reduce auk bycatch as a specific action in order to strengthen the evidence base with respect to the use of this technique as compensation for SEP and DEP. ~~It should also be noted that bycatch reduction was agreed to be a suitable compensation measure for guillemot by Secretary of State in their decision letter dated 12th July 2023 for Hornsea Project 4~~ By way of further update following the close of Examination, the Applicant can confirm that the study involves trials with seven fishing vessels, two of which have been funded by Equinor. The study is being led by FishTek Marine Ltd who undertook preparatory activities for the study in summer 2023, including the signing up of vessels and their skippers, procuring of LEBs and installing the Remote Electronic Monitoring (REM) camera equipment on vessels. Data collection started in October 2023 and is due to complete in October 2024 following which a peer-reviewed journal article will be prepared which will be used to inform the Applicant's Guillemot Compensation Implementation and Monitoring Plan, if an in-combination AEoI on that feature of the FFC SPA is concluded by the SoS for SEP and DEP, and compensation is deemed to be required. Also see the **Guillemot Compensation Document (Revision E)** [document reference 5.5.4.2] which addresses paragraph 15 of the Secretary of State's 22 November consultation letter; and, as noted in **Paragraph 9**, withdraws the razorbill compensation proposals following the Secretary of State's decision on Hornsea Project 4 that AEoI can be ruled out for that species.

72. It should be noted that bycatch reduction was agreed to be a suitable compensation measure for guillemot by the Secretary of State in their decision letter dated 12 July 2023 for Hornsea Project 4.

44.73. The Applicant's compensation proposal also includes measures that could potentially be delivered on either a collaborative (bycatch reduction and predator eradication from a breeding colony) or strategic basis (i.e. contribution to strategic compensation fund such as the Marine Recovery Fund (MRF)). ~~An update~~ Detail with respect to measures proposed for implementation via a collaborative or strategic delivery model is provided in **Section 4.4** below.

4.3 **Sandwich Tern and Kittiwake Project-led Compensation Delivery Update**

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

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

4.3.1.1 Stakeholder Engagement

46.75. Since submitting the DCO application and the completion of the Examination, the Applicant has continued its very positive engagement with key stakeholders (see **Section 20**) on this specific measure. A detailed stakeholder mapping exercise ~~has~~

~~also been~~was undertaken to identify all relevant statutory and local authority consultees, other local stakeholders, and interest groups relevant to the proposal.

47.76. The Applicant ~~expects to undertake~~has undertaken the following consultation activities ~~in~~since the ~~coming months~~completion of Examination:

- ~~Submit~~Submission of an Environmental Impact Assessment (EIA) Screening Request;
- Formal pre-application consultation with Dumfries and Galloway Council, as the relevant Local Planning Authority (LPA), ~~to build~~which builds on informal engagement already undertaken and to gain feedback on the scope of the application, key material and planning policy considerations and the likelihood of planning permission being granted;
- Further engagement with relevant statutory bodies and landowners; and
- Further engagement with key stakeholders relevant to DCO Examination (i.e. Natural England and RSPB).

48.77. In addition, the Applicant also intends to undertake public consultation to which local stakeholders and interest groups will be invited to comment on the Loch Ryan proposals. ~~This will be undertaken irrespective of whether the proposed scheme is considered a 'major' or 'local' development as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and any statutory requirements.~~

49.78. ~~The exact timing of all onward stakeholder engagement is subject to confirmation of site selection~~The Applicant can confirm that public consultation events are planned for Q1 2024, with venues and the development of concept designs, which is ~~dates secured locally~~ in turn reliant on obtaining the necessary topographic ~~Kirkcolm~~ and ecological survey data. Further information regarding hydrology ~~Stranraer in February~~ and engineering design ~~March~~. The Applicant has also booked a venue to host a drop-in session in Stranraer in late January 2024 to allow local stakeholders such as councillors and the onward delivery programme for this compensatory measure is provided in ~~Sections 4.3.1.1.3~~MSPs to come and ~~4.3.1.1.5, respectively~~.talk to the Applicant about its proposals in person. The Applicant is committed to continuing to engage with the local community and stakeholders throughout the next phases of development.

50.79. The Applicant received a letter of support from Dumfries and Galloway Council ~~(See~~(see **Appendix C – Dumfries and Galloway Council Letter of Support**) for the proposed measures at Loch Ryan, subject to planning, which was submitted into Examination at Deadline 5.

80. Further information regarding hydrology and engineering design and the onward delivery programme for this compensatory measure is provided in **Sections 4.3.1.4 and 4.3.1.5, respectively.**

4.3.1.2 Land Agreements / [Progress Towards Acquiring the Land](#)

- ~~51.81.~~ Since application, the Applicant has been proactively engaging with landowners within the proposed AoS (see Figure 3 in **Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations** [REP1-035] submitted at Deadline 1). Efforts have been focussed on securing land within the preferred AoS (i.e. the area north of Wig Bay), which is considered to have the greatest chance of attracting breeding Sandwich terns back to Loch Ryan. The Applicant's approach has been informed by feedback from Dumfries and Galloway Council and NatureScot during a meeting on 16 November 2022, where it was agreed that of the sites being considered, those within the preferred AoS represented the most ecologically suitable and least environmentally constrained options.
- ~~52.82.~~ The Applicant can confirm that since the last update at Deadline ~~68~~, landowner discussions ~~are progressing~~[have continued to progress](#) positively, in line with the letter of support received from a landowner in the preferred ~~area of search~~[AoS](#) to the north of Wig Bay (~~Please refer to Appendix D – Loch Ryan Landowner Letter of Support~~[Appendix D: Loch Ryan Landowner Letter of Support June 2023](#)) and which was submitted into the examination at Deadline 6. Negotiations on draft HoTs provided to this party ~~are and their land agent remain~~ ongoing and ~~access has been~~[the parties hope to be in a position to agree terms early in Q1 2024 \(as indicated in a further letter of support from the landowner of the Corsewall Estate, provided in Appendix E: Loch Ryan Landowner Letter of Support December 2023\)](#). ~~Access was~~ granted to undertake non-intrusive surveys on this individual's land. ~~Surveys are currently in progress and and the~~ results ~~are feeding~~[have fed](#) into the development of the [concept design of the inland pool proposals](#). ~~Discussions with a further landowner within the preferred AoS have been progressing forward with negotiations to agree access for surveys in progress.~~[\(Section 4.3.1.4\)](#). The Applicant ~~has also issued draft HoTs to this and~~ landowner. ~~Several alternative sites within~~ [have worked together on the refinement of site selection and design of the proposal to fit within the activities of](#) the wider ~~AoS remain under consideration~~[estate](#).
- ~~53.83.~~ As set out in the Applicant's response to WQ2.14.1.10 (**The Applicant's Responses to the Examining Authority's Second Written Questions** [REP3-101]), it is the Applicant's strong preference to acquire the land/rights voluntarily and as outlined above, is engaging with the relevant parties with a view to reaching an agreement. However, it should be noted that SEL and DEL have compulsory acquisition powers through the Electricity Act 1989 (section 10(1) and schedule 3), which they would consider using if they were unable to secure the necessary land or rights voluntarily.
- ~~54.84.~~ Regarding the potential requirement for a lease agreement covering the foreshore and seabed of the Loch, ~~this is subject to confirmation of the siting of the inland pool, engineering design and the intended water supply (i.e. freshwater or seawater fed).~~ ~~Since application,~~ the Applicant has continued its engagement with CES as the majority owner of the foreshore and owner of the seabed within the preferred AoS; ~~CES is.~~ [In the latest meeting with CES on 23 October 2023, the Applicant presented the latest concept design outlining the preferred location of the inland pool and](#)

proposed infrastructure in the foreshore. CES confirmed a seabed lease would be required and provided the Applicant with a summary of the application process. CES remains, in principle, supportive of the scheme. Timescales for obtaining the necessary seabed lease (if required) have been factored into the onward delivery programme outlined in **Section 4.3.1.5** below.

85. The Applicant and the landowner of the Corsewall Estate have continued to engage positively following the close of Examination. The Applicant has undertaken a site visit with the landowner and Dumfries & Galloway Council which proved useful to all parties. The Applicant and landowner agree in principle on the nature and location of the proposals, subject to the finalisation of the commercial terms (see **Appendix E: Loch Ryan Landowner Letter of Support December 2023**). It should be noted that following the Applicant's consultation with SEPA, in which the Applicant presented site options on the Corsewall Estate as shown in Figure 7.2 and 7.3 in **Appendix 2 – Sandwich Tern Compensation Document (Rev B)** [REP7-016]), the Applicant was advised to avoid the two southern options due to potential impacts on sensitive ground water systems. As a result, the Applicant explored options to maximise the potential of the northern site, which included removal of the woodland to the east and increasing the size of the site to allow the development of a larger pool. Due to this site refinement, the Applicant has amended the draft heads of terms and reissued these to the landowner. Negotiations are currently in progress. Further details are provided in **Section 4.3.1.3**.

An updated letter of support from the landowner is included in **Appendix E: Loch Ryan Landowner Letter of Support December 2023**.

4.3.1.3 Planning, Licences & Consents

86. The relevant permissions, licensing and consent requirements for the proposed scheme are outlined in **Appendix 2 - Sandwich Tern Compensation Document (Revision B)** [REP7-016].

87. On 18 October 2023, the Applicant submitted an EIA Screening Request to seek an opinion from Dumfries and Galloway Council (as the LPA) and the Marine Directorate (in relation to potential works below the mean high water springs mark) as to whether the proposal constitutes an EIA development. The Applicant received confirmation from the LPA on 04 December 2023 and from the Marine Directorate on 13 December 2023 that the inland pool has been determined as non-EIA development.

88. Environmental survey work to inform the planning application and engineering design has been undertaken. A Preliminary Ecological Appraisal (PEA) at a location within the preferred AoS (Figure 3 in **Appendix A - Supporting Figures for the Applicant's Responses to Relevant Representations** [REP1-035]) was undertaken on 06 February 2023. The results of this survey confirmed the need for further Phase 2 ecological surveys to inform further site selection, development of concept designs, EIA Screening and Scoping (if required), and formal pre-application consultation with the LPA. The Applicant has since completed the following further surveys:

- National Vegetation Classification (NVC) survey;
- Otter, badger, reptile, breeding birds and water vole surveys; and
- Preliminary bat roost assessment of trees.

89. The NVC surveys which were undertaken on 31 May and 01 June 2023 identified communities listed by Scottish Environmental Protection Agency (SEPA) as representing both highly and moderately groundwater dependent terrestrial ecosystems (GWTDE). These habitats were considered to be important at the County Level given the species diversity present, while swamps, marshes and reedbeds are all listed in the Dumfries and Galloway Local Biodiversity Action Plan (LBAP) as local priority habitats. The following recommendation was provided:

“...the existing wetland mosaic is avoided in any proposals for compensatory habitat creation, in particular the strips of M27, M28, S27 and S28, and the surface water pathways feeding these are properly understood so as to ensure that any manipulation of water (storage or redirection of flows) does not result in indirect impacts on these habitats;”

90. SEPA is the key competent authority in Scotland with respect to the management of potential impacts on GWTDEs and therefore it carries significant weight in the planning balance. To confirm the recommendations in the Detailed Ecological Survey report, the Applicant had a teleconference with SEPA on 27 July 2023 where they stated that removal of these habitats to facilitate construction of the inland pool, without first considering alternatives or putting in place either protection measures or suitable compensation, would very likely lead to an objection by SEPA to any planning application. SEPA also had no knowledge of where compensatory GWTDEs had been provided on alternative projects of similar size and type, noting that most GWTDEs were linked to wind farm developments where re-siting turbine foundations was the most feasible solution to protect such habitats. Of the options presented by the Applicant, shown in Figure 7.2 and 7.3 in **Appendix 2 – Sandwich Tern Compensation Document (Rev B)** [REP7-016], SEPA advised that the Applicant progress the option to the north of the Corsewall Estate, avoiding the GWTDE areas.

91. The Applicant has therefore been making good progress towards submission of a planning application for an inland pool in this area based on the site plan and concept design shown in **Figure 1** and **Figure 2** respectively.



D

C

B

A



Copyright Reserved
The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Notes
UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

- KEY:
- POOL AREA WITH ISLANDS
 - RAISED AND LEVELLED FIELD WITH SPOIL
 - INLET AND OUTLET PIPES
 - SPOIL DEPOSIT AREA
 - PROPOSED CONSTRUCTION COMPOUND
 - RED LINE BOUNDARY
 - PREDATOR PROOF FENCE
 - PROPOSED CONTOUR LINES

FIGURE 1

SA	SA	NM	2023.09.20
Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Issue Status

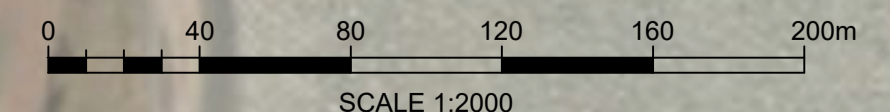
FOR INFORMATION

This document is suitable only for the purpose noted above. Use of this document for any other purpose is not permitted.

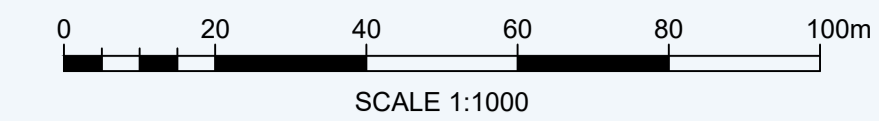
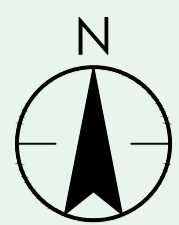
Client/Project Logo

Client/Project
EQUINOR

Title
PROPOSED SITE PLAN



Project No. 300006	Scale 1:2000 @A1
Revision	Drawing No.



Copyright Reserved
The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing
- any errors or omissions shall be reported to Stantec without delay.
The Copyrights to all designs and drawings are the property of Stantec. Reproduction or
use for any purpose other than that authorized by Stantec is forbidden.

Notes
UTILITIES NOTE: The position of any existing public or private sewers, utility services,
plant or apparatus shown on this drawing is believed to be correct, but no warranty to this
is expressed or implied. Other such plant or apparatus may also be present but not
shown. The Contractor is therefore advised to undertake their own investigation where the
presence of any existing sewers, services, plant or apparatus may affect their operations.

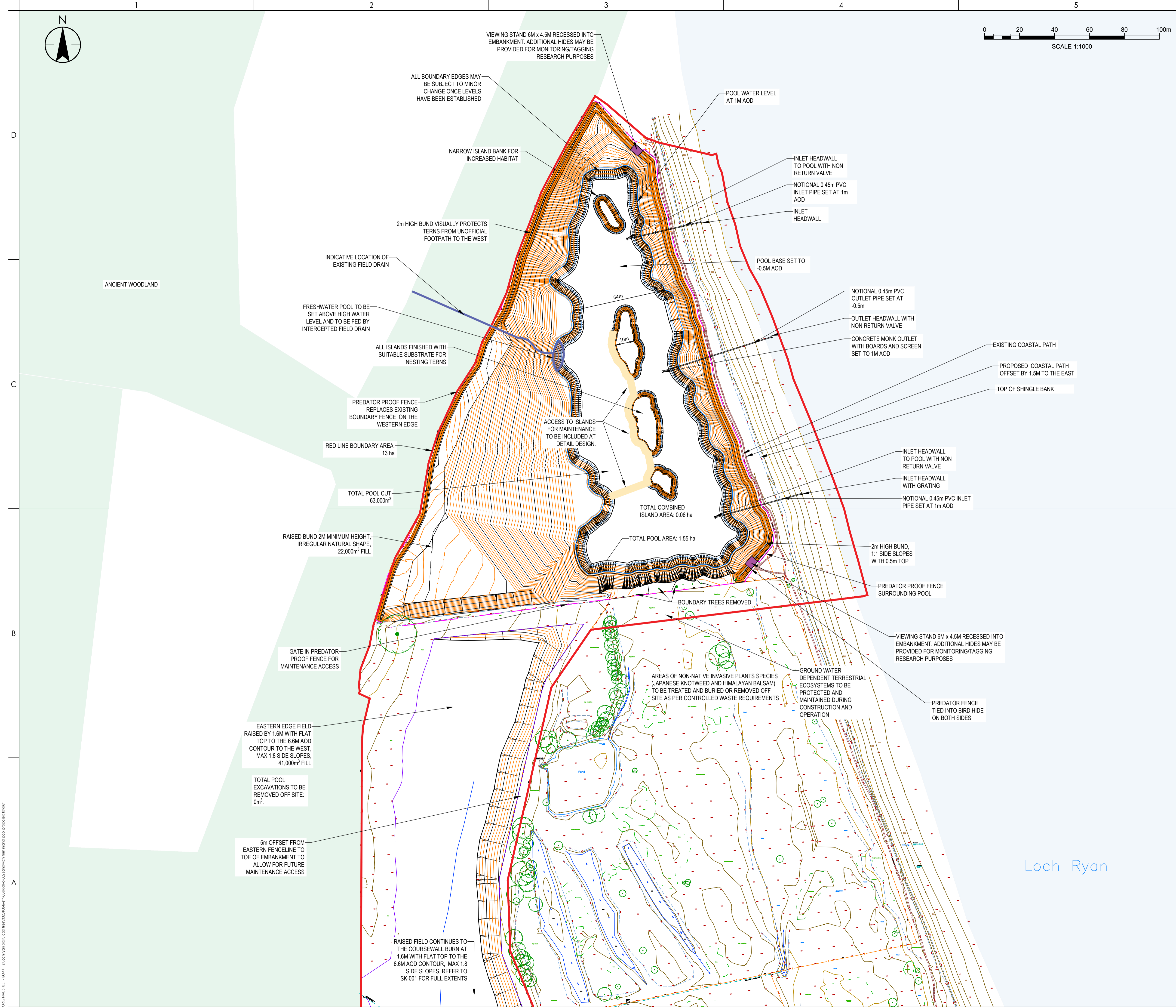


FIGURE 2

SA	SA	NM	2023.11.08
Dwn.	Dgn.	Chkd.	YYYY.MM.DD

Issue Status

FOR INFORMATION

This document is suitable only for the
purpose noted above.
Use of this document for any other
purpose is not permitted.

Client/Project Logo

Client/Project
EQUINOR

Title
**Sandwich Tern Inland Pool
Proposed Layout**

Project No.
332010846

Scale
1:1000 @A1

Revision

Drawing No.

332010846-STN-00-XX-DR-D-002

92. In addition to planning permission and potentially a marine licence, the Applicant recognises that it would also require a controlled activity regulations licence from SEPA as well as a Marine Works Consent from CES (subject to any relevant exemptions applying). Both of these would be progressed pre-construction and following consent award.
93. The Applicant has continued to engage with Dumfries and Galloway Council following the close of Examination. This has been in the form of meetings and included a site visit to Loch Ryan to review the preferred location and seek advice on planning feasibility.
94. The Applicant now moves into the next phase of the planning process and has arranged four public consultation events in the local area ahead of a targeted full planning application in Q1 2024 with a decision expected in the summer of 2024.

4.3.1.34.3.1.4 Design Principles, Hydrology & Engineering Design

- ~~55.95.~~ As outlined above, developing Developing concept designs for the inland pool ~~depends~~ was dependent on obtaining the necessary topographic survey data. A topographic survey of one site within the preferred AoS was undertaken in late January / early February 2023. In addition, a site visit was undertaken in early February and was attended by the Applicant and several technical specialists from the Applicant's appointed environmental, planning and engineering design sub-consultants. Attendees met with the landowner to undertake a walkover of the site in order to identify any further site-specific constraints or features that may need to be factored into the design of the scheme.
- ~~56.96.~~ With the completion of the topographic survey and site visit, work ~~is underway~~ to build a ground model to allow development of an initial concept design- was progressed. An initial hydrological assessment and Stage 1 Flood Risk Assessment ~~is being~~ was undertaken in parallel to concept design and additional ecological surveys to further evaluate on-site conditions and inform the exact siting and concept / engineering design of an inland pool at this location.
- ~~57.97.~~ Since in the last update at Deadline 6 latter stages of the Examination, the Applicant continued with ecological surveys including bird surveys which ~~are nearing completion.~~ have been completed (see Section 4.3.1.3). A hydrological assessment and groundwater monitoring ~~has commenced with results expected in the coming weeks~~ were also undertaken.
98. At Deadline 7 the Applicant provided indicative site options for the inland pool in Figure 7-2 and 7-3 of Appendix 2 - Sandwich Tern Compensation Document (Revision B) [document reference 5.5.2], REP7-016], which were identified as a result of the ongoing site assessment and landowner engagement. The sites, whilst preliminary, demonstrate how Since then, the Applicant has undertaken further discussions with landowners (Section 4.3.1.2) and made progress with the northern option in Figure 7-2 of Appendix 2 – Sandwich Tern Compensation Document (Rev B) [REP7-016] and developed concept designs for the inland pool will be able to be sited within the area of search, whilst meeting (or exceeding) the minimum size criteria and outline as shown in Figure 1 and Figure 2. As described in Ongoing Consultation Record

~~Table 2.1 Ongoing Consultation Record~~

- ~~58.99. Table 2.1, variations of this concept design requirements set out in this document. The figures show four indicative options all exceeding 2ha in size—allowing for the minimum size of 1ha but also allowing for additional space to accommodate, for example, the requirements for a buffer, fencing and any additional measures that may be needed to minimise disturbance to nesting Sandwich terns. were presented and discussed with stakeholders with largely positive feedback being received.~~
100. The Applicant's current proposals are to increase the overall site area from 2.02ha to 3.9ha, with proposals to remove the south eastern woodland and agreements to secure a greater portion of the landowners grassland field.
101. A key consideration in the design of the inland pool is water quality. Ensuring adequate hydraulic turnover, and thus avoiding stagnation of water has been factored into the proposals by the Applicant. The pool has been designed, at concept design stage, to allow an influx of sea water with every tidal cycle, and this will be by two inlet pipes with non-return valves to allow flow into the pool during high tides, and one outlet pipe and non-return valve to allow discharge of flow during low tides (see **Figure 2**). This arrangement is by gravity and has with very few moving parts; it has the potential to operate in perpetuity with only occasional maintenance to ensure the non-return valves are not leaking or blocked.
102. It is estimated that with two 450mm inlet pipes set to 1.0m above ordnance datum, and the outlet weir controlling overall water level in the pool set at a similar level, it will take between 2.5 to 8 days for complete hydraulic turnover of the pool. This varies depending on tidal conditions that vary with weather and through the astronomical phases of the naturally occurring tidal cycles. It is also intended that the outlet control will be variable in order to allow adjustments when required and to allow partial drain-down for maintenance.
103. Access to the islands will be minimal, but necessary for occasional maintenance, and the detailed design will provide access routes that will be below normal water level, but capable of occasional vehicle/excavator passage. This route is proposed to start from a constructed 'spit' of land that will become obvious during the lower tidal cycle of the pool (see **Figure 2**).
104. Detailed design will include more exact calculations and levels to confirm construction details and requirements, including the need for a liner.
105. Ongoing engagement with key stakeholders has continued since the close of Examination in July 2023. The Applicant is committed to maintaining consultation with key stakeholders, including Natural England, as the proposals mature through planning, detailed design and ultimately, establishment of the STCSG.

~~4.3.1.4 Planning, Licences & Consents~~

- ~~59. The relevant permissions, licensing and consent requirements for the proposed scheme are outlined in **Appendix 2 – Sandwich Tern Compensation Document (Revision B)** [document reference 5.5.2].~~
- ~~60. Given the nature of the proposed scheme, it is possible that it falls under Schedule 2 of the Town and Country Planning (EIA) (Scotland) Regulations 2017, and therefore EIA could be required to support any application for planning permission.~~

~~As such, the Applicant intends to submit an EIA Screening Request to seek an opinion from Dumfries and Galloway Council (as the LPA) and Marine Scotland (in relation to potential works below the mean high water springs mark) as to whether the proposal constitutes an EIA development.~~

- ~~61. If the inland pool is confirmed as a non-EIA development, a series of environmental reports will be prepared in order to supplement the planning and marine licence applications (as required). However, if it is decided that an EIA is likely, EIA Scoping will be undertaken. This approach will establish a clear understanding of the key environmental issues potentially associated with the proposed scheme and will facilitate the agreement of a proportionate scope for the EIA. This will also confirm expectations with regard to the contents of the EIA Report with the aim of minimising risks to the onward planning process.~~
- ~~62. Initial environmental survey work to inform the planning application and engineering design is underway with a Preliminary Ecological Appraisal (PEA) of one site within the preferred AoS undertaken in early February 2023. The results of this survey have informed the proposed siting of the inland pool at this location; however, the need for further ecological surveys was identified to inform further site selection, development of concept designs, EIA Screening and Scoping (if required), and formal pre-application consultation with the LPA. The Applicant has since completed the following surveys:~~
- ~~• National Vegetation Classification (NVC) survey;~~
 - ~~• Otter, badger and water vole surveys; and~~
 - ~~• Preliminary bat roost assessment.~~
- ~~63. In addition to planning permission and potentially a marine licence, the Applicant recognises that it would also require a controlled activity regulations licence from the Scottish Environment Protection Agency as well as a Marine Works Consent from Crown Estate Scotland (subject to any relevant exemptions applying). Both of these would be progressed pre-construction and following consent award.~~

4.3.1.5 Delivery Programme

- ~~64.106. Table 6~~ **Table 4.2** ~~Table 4.2~~ provides an outline programme for securing the necessary permissions, consents and licences to deliver the inland pool at Loch Ryan as a compensatory measure for NNC SPA / GW SPA Sandwich tern. ~~This programme is based on progressing a single site within the preferred AoS and assumes that the proposal is an EIA as well as a 'major' development.~~
- ~~65.107.~~ As outlined above, the Applicant ~~is continuing~~ **has continued** to appraise multiple sites within the proposed AoS: **over the last 12 – 18 months.** Each site has a unique set of characteristics and considerations, therefore ~~naturally the rate of progress has varied.~~ **the degree to which each site has been matured has been tailored accordingly.** The Applicant **has now selected its preferred site and is no longer considering alternative sites in the AoS.** The programme outlined in ~~Table 6~~ **Table 4.4** ~~Table 4.4~~ is representative of the **preferred** site for which progress with respect to land discussions, surveys ~~and,~~ hydrological ~~assessment~~ **assessments and consenting** is most advanced. This site is located within the preferred AoS (see Figure 3 in **Appendix A - Supporting Figures for the Applicant's Responses to**

Relevant Representations [REP1-035] submitted at Deadline 1) and thus, is considered to represent ~~one of the options~~ option which has the greatest chance of successfully re-establishing Sandwich tern breeding at Loch Ryan.

~~66.108.~~ Since ~~Deadline 6~~ the end of Examination, positive progress has been made against the indicative programme outlined in ~~Table 6 and this will continue after the close of examination.~~ Table 4.2. The actions that the Applicant ~~will be~~ has been progressing (which will inform the discussions with the ~~Sandwich Tern Compensation Steering Group (STCSG)~~ and the onward development of the ~~Compensation Implementation and Monitoring Plan (CIMP))~~ include:

- Ongoing ecological surveys including groundwater monitoring, bat and reptile surveys, all of which are now complete.
- Engagement with NE, NatureScot, SEPA and Dumfries and Galloway Council, including submission of a pre-application enquiry, and EIA screening request (~~if required~~) and ahead of planning application.
- Landowner engagement with ~~the aim of signing~~ revised Heads of Terms ~~and progressing option agreements~~ currently under review.
- Progressing Development of the concept design ~~detail for individual locations.~~

~~67.109.~~ The Applicant remains broadly on track to secure the necessary permissions, consents and licences in accordance with the outline roadmap set out in Table 7-4 of **Appendix 2 - Sandwich Tern Compensation Document (Revision B)** [~~document reference 5.5.2~~ REP7-016]. However, all future dates should be regarded as indicative recognising that the proposed compensation scheme is a 'live' project and subject to inherent scheduling risks and uncertainties.

~~68. — Whilst positive progress is being made with respect to land negotiations, discussions remain at an early stage and therefore indicative timescales for securing the necessary land agreements cannot be confirmed at this time. Further details will be provided during the later stages of Examination once negotiations are more advanced.~~

110. Table 6 An update on the land agreements in provided in Section 4.3.1.2.

Table 4.2: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver the inland pool at Loch Ryan

Activity	Description	Timing (future dates are indicative)	Status
Pre-examination			
Land negotiations	With the relevant landowners within the preferred AoS.	Q3 2022 - ongoing	In progress
Informal pre-application consultation with key stakeholders	To update key stakeholders on the Applicant's proposal at application and establish support for the scheme.	Q3 - Q4 2022	Complete
Appointment of a dedicated delivery team	To drive forward delivery of key aspects of the scheme, including land negotiations, hydrology and	Q4 2022	Complete

Activity	Description	Timing (future dates are indicative)	Status
	engineering design and the relevant planning, licence and consent applications.		
During examination			
Site visit	Opportunity for technical specialists to familiarise themselves with the preferred AoS and identify site-specific constraints/features that may need to be factored into the design of the scheme.	Q1 2023	Complete
Topographic surveys (including data analysis)	To inform further hydrological studies/assessments and engineering design.	Q1 2023	Complete
PEA (including data analysis)	To map broad habitats and identify any potential ecological considerations and inform the scope of any further ecological survey requirements.	Q1 2023	Complete
Development of initial concept designs	To inform stakeholder engagement and onward consent / EIA process.	Q2-Q3 2023	In progress Complete
EIA screening	To seek an opinion from EIA LPA and Marine Scotland Directorate.	Q2 – Q3/Q4 2023	Planned start date September 2023 Complete
Pre-application consultation	With LPA, including preparation of submission materials.	Q2 – Q3/Q4 2023	Planned start date September 2023 Complete
During / Post-examination			
Environmental studies and surveys	Including hydrological assessment, Stage 1 FRA and any further ecological survey requirements.	Q2 – Q3 2023	In progress Complete
Wider stakeholder engagement on the proposal (including concept designs)	To include relevant statutory bodies, landowners, local stakeholders/interest groups (as part of a series of public consultation events), and key stakeholders relevant to the DCO Examination.	Q2 – Q3/Q4 2023	In progress
EIA scoping	To seek an opinion from LPA and Marine Scotland Directorate.	Q4 2023	Not started Required
Confirmation of engineering design	The preferred option for planning confirmed.	Q4 2023 – Q1 2024	Not started In progress

Activity	Description	Timing (future dates are indicative)	Status
EIA & reporting	Production of technical assessments and reports.	Q3 – Q4 2023	Not started required
	Submission of planning / marine licence applications (as applicable)	Q4 2023 Q1-2 2024	Not started Planned submission Q1-2 2024
	Anticipated planning / marine licence decision (as applicable)	Q4 Q3 2024	N/A
	Option agreements secured with the relevant landowners	To be confirmed Q1 2024	N/A Ongoing

~~111.~~ The Applicant recognises that a key activity of interest to Natural England and RSPB is the development of concept designs. The Applicant [has met with key stakeholders relevant to the DCO and Loch Ryan since the end of Examination and a meeting with Natural England was held on 4th July 30 October 2023 to present an update on the Loch Ryan proposals and subsequently concept designs. The Applicant has included the latest concept design in Figure 1 and Figure 2. This concept design has been submitted indicative into Dumfries and Galloway Council for pre-application consultation advice, and has also formed the basis of the EIA screening request.](#)

~~69.112.~~ The Applicant has now selected the preferred site options within the area of search at ~~Deadline 7 in Appendix 2 – Sandwich Tern Compensation Document (Revision B)~~ [document reference 5.5.2]. These options and the site design will [for the inland pool and has completed the necessary environmental surveys and assessments to inform the concept design and continue to proceed in accordance with the steps outlined in Table 4.2 above. The Applicant can therefore be refined during Q3 2023 and will need to take into account results of ongoing ecological and hydrological surveys as well as stakeholder and landowner engagement. confident that it will secure the necessary consents and licences in 2024.](#)

~~70.~~ The Applicant has demonstrated that sufficient suitable sites exist within the area of search to meet the required criteria for the inland pool compensation measure and will progress design development considering all the above factors in order to identify site specific proposals for planning and environmental assessment..

4.3.2 Kittiwake Nest Site Improvements to Enhance Breeding Success – Gateshead

4.3.2.1 Stakeholder Engagement

~~74.113.~~ Since submission, stakeholder engagement with respect to the Applicant's proposal at Gateshead has largely centred on discussions with Gateshead Council as both the relevant landowner and LPA responsible for determining any planning application for the scheme. These discussions have principally been held with the Council's lead ecologist, land reclamation and contaminated land officer, and property service team concerning land matters. This engagement has been

extremely positive, as evidenced by the letter of support provided by the Council and included in **Appendix B: Gateshead Council's Letter of Support**.

~~72.114.~~ Since Deadline 1 further engagement has also been undertaken with Gateshead Council to discuss preliminary results of the structural surveys of the existing Saltmeadows tower and the scope of the subsequent concept design work package (see **Section 22** and **Appendix A: Detailed Consultation Record**). The Applicant has reviewed the Council's feedback following a meeting with the Applicant, Gateshead Council and the Northumbria Ringing Group on the 17th of May 2023.

~~73.115.~~ The Applicant has consulted with the Council and Northumbria Ringing Group (as noted above) on initial designs. Feedback from both parties led to an amendment to the tower designs as concerns were raised with regards to access for monitoring using a cherry picker / mobile elevating work platform (MEWP). As a result, the Applicant provided additional tower modification options for consideration (Plate 2), which were positively received by both the Council and the Ringing Group. The latest modification includes the positioning of new panels below the existing panels. This arrangement ensures that the current access provisions remain unchanged and thus does not present increased access challenges. The Applicant submitted the pre-application consultation on ~~the 20th of~~ 20 June 2023 to secure feedback on the proposals whilst, in parallel, progressing the concept design.

116. The Applicant received the pre-application consultation feedback on 06 September 2023. The feedback received from the council was positive and did not raise any major concerns with regard to the proposals. Following receipt of the feedback, the Applicant met with Gateshead Council and the Northumbria Ringing Group on 18 October 2023 to review the concept designs, discuss the pre-application consultation feedback and the future monitoring of the tower.

~~74.117.~~ The Applicant confirmed in comments on Natural England's Deadline 7 Submission [document reference 22.16] (replying to Natural England's response to the Examining Authority's Written Question 4.14.1.4), that the lower panels shown in Plate 2 will be a minimum of 8m above ground level and that the nearby small area of woodland will be managed for the benefit of kittiwake nesting as a condition of RWE's kittiwake tower planning permission (DC/22/01188/FUL).

~~75.118.~~ The Applicant expects to undertake the following activities in the next few months:

- Further engagement with Gateshead Council's property service team ~~with respect to land matters~~ to agree the matured heads of terms;
- ~~Further engagement~~ Full planning application with Gateshead Council,
- Continued engagement with relevant statutory bodies, non-statutory organisations and local interest groups on refined concept designs; and detailed design; and
- ~~Further~~ continued engagement with key stakeholders relevant to Examination (i.e. Natural England and RSPB).

119. ~~The exact timing of all onward stakeholder engagement is subject to the development of concept designs.~~ Since the close of Examination in July 2023, key stakeholders relevant to the DCO and the kittiwake tower have been updated through meetings arranged by the Applicant, as outlined in Appendix A: Detailed

Consultation Record. The Applicant is committed to continuing to engage with stakeholders as it prepares for submission of the planning application for the tower modification and refurbishment works.

~~76.~~120. Further information regarding engineering design and the onward delivery programme for this compensatory measure is provided in **Sections 4.3.2.3** and **4.3.2.5**, respectively.

4.3.2.2 Land Agreements

~~77.~~121. Since application, the Applicant has continued its engagement with Gateshead Council as the owner of the existing Saltmeadows tower and site on which it is located. Discussions regarding an option for lease are progressing positively; draft HoTs were shared with the Council for their consideration in January 2023 and a follow up meeting was held in April 2023. An access licence was granted in February 2023 for engineers to undertake structural surveys of the existing Saltmeadows tower. If further site investigation works are required, discussions will be undertaken with Gateshead Council to secure the necessary access licences to undertake further site investigation works (as required). ~~The Applicant and Gateshead Council are finalising negotiations on the HoTs.~~

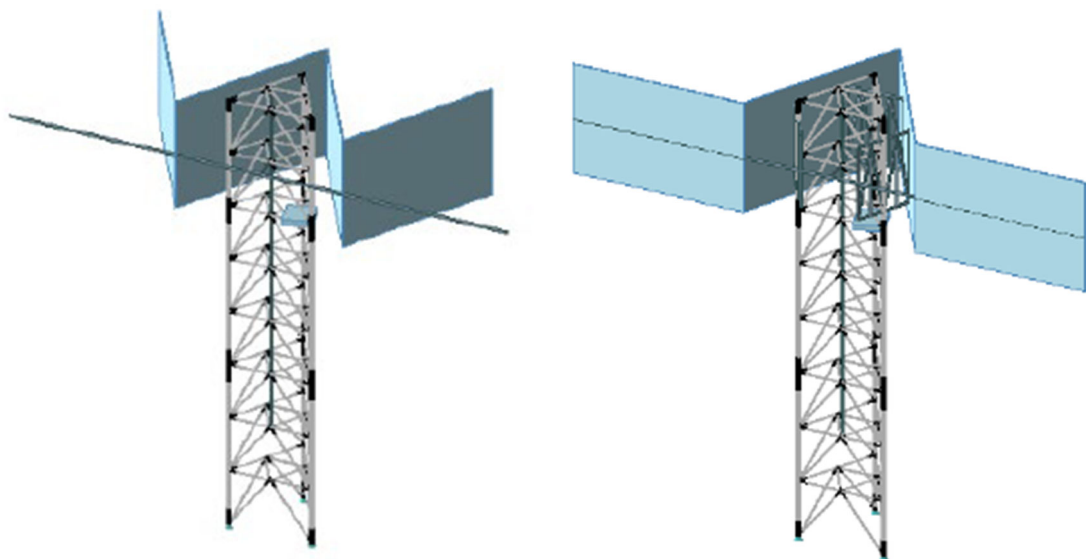
122. The Applicant received comments on the HoTs from the council following the close of Examination and has continued to progress this workstream and build on the positive relationship established to date. The Applicant expects to agree the unresolved items in early Q1 2024.

4.3.2.3 Engineering Design

~~78.~~123. The engineering design of the Applicant's proposal to modify the existing Saltmeadows tower depends on establishing the integrity of the existing structure and foundation. The ~~Applicant's preferred~~initial option ~~is~~was to alter the topside of the structure, removing the under-performing south face and replacing this with two new north facing faces, which can be expected to support higher breeding success of kittiwakes. However, as described below, following meetings with Gateshead Council and the Northumbria Ringing Group it was raised that being able to retain the least productive face and its ledges would be desirable for aesthetic reasons and also because the oldest kittiwake known to nest on the structure nests on that face. The feasibility of ~~this option~~all options is dependent on the supporting steel latticework and foundation being structurally sound, which initial surveys have suggested is the case.

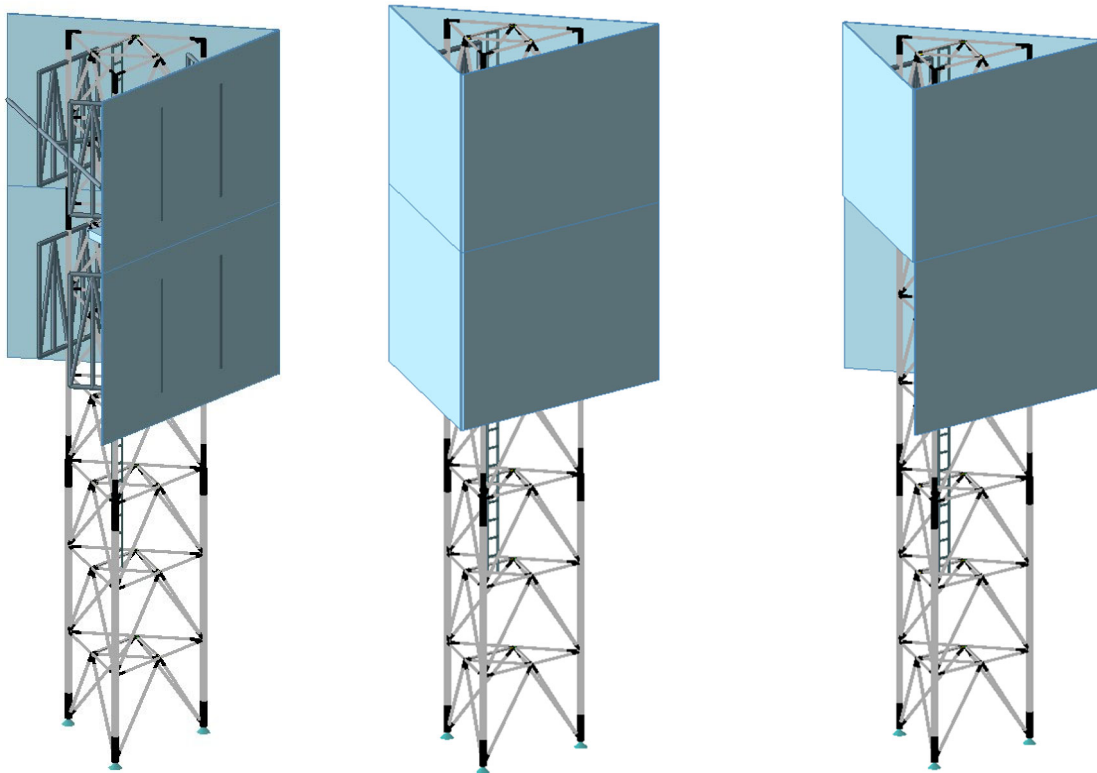
~~79.~~124. During an initial walkover of the site in November 2022, a visual inspection undertaken by an engineer indicated that the steel supporting structure and foundation were in good condition with no visible signs of degradation. To validate this observation and inform the engineering design of any modifications, a formal Phase 1 Site Inspection and Condition Assessment was undertaken in late February 2023. This included an at-height inspection of the tower structure, including the steel members and wooden nesting cabinets, and a survey and testing of the concrete foundation.

~~80.125.~~ Existing and new information collected during the Phase 1 site inspection was input into digital software to assess further the stability of the existing structure and test two principal design options for a modified topside (~~Plate 4.1~~**Plate 4.1**). This work package has now been concluded and confirms that it would be possible to increase the nesting capacity of the existing Saltmeadows tower by mounting two additional panels onto the structure and removing the south-west facing panel as proposed in **Appendix 3 – Kittiwake Compensation Document** [APP-072]. Either design option is considered feasible and would not be expected to require any reinforcement to the steel lattice structure or concrete foundation. However, it was recommended that a ground investigation of the site be undertaken to facilitate detailed analysis and, if necessary, the design of the proposed modifications.



~~Plate 1~~**Plate 4.1**: Initial design options considered as part of the Phase 1 Inspection and Condition Assessment of the existing Saltmeadows tower. The horizontal line represents the south-west facing side of the structure.

~~84.126.~~ Following consultation with the Council and the Northumbria Ringing Group on the 17th of June 2023, the Applicant has proposed additional options. In this revised option, the new panels are sited below the existing. See **Plate 4.2**~~Plate 4.2~~ below.



~~Plate 2~~ **Plate 4.2**: Initial design options considered as part of the Phase 1 Inspection and Condition Assessment of the existing Saltmeadows tower. These options are a further iteration to the Plate 1 options following consultation feedback from ~~the~~ Gateshead Council. Each image is a different design option of installing new panels below existing.

~~82.127.~~ The Applicant is currently in the process of finalising the concept design ~~scope,~~ taking onboard, following the pre-application feedback from Gateshead Council's Council and Northumbria Ringing ~~Group's recent feedback on the Group.~~ The initial design options shown in ~~Plate 4.1~~ **Plate 4.1** and ~~Plate 4.2~~ **Plate 4.2**, have been refined and a preferred design has been selected following advice from Gateshead Council and the ~~preliminary results of the structural survey inspection of the~~ Northumbria Ringing Group that their preferred option would be to add panels below the existing ~~Saltmeadows tower.~~ on all three faces, and for the panels and ledges to mirror the existing arrangement. The preferred design is similar to the middle option in ~~Plate 4.2~~ **Plate 4.2** and is shown in ~~Plate 4.3~~ **Plate 4.3** below. This ~~scope of works will aim to identify the most appropriate design option based on stakeholder engagement and any operational and environmental requirements.~~ option hosts the maximum nesting capacity of the three options shown in ~~Plate 4.2~~ **Plate 4.2** above. The indicative programme for ~~delivering~~ progressing the concept ~~designs~~ design and taking this through to full planning application is outlined in **Section 4.3.2.5** below.

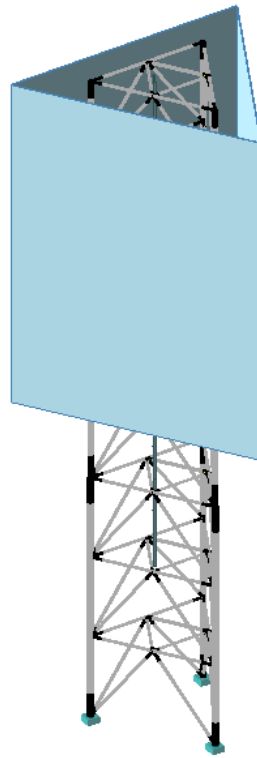


Plate 4.3 – Preferred Design option

128. The current design proposal has been further refined to maximise the productivity benefits of the Gateshead Kittiwake Tower. This optimisation of the design differs from that proposed in **Appendix 3 - Kittiwake Compensation Document [APP-072]** in that the panel/ledges from the least productive face are now no longer proposed to be removed. As such, the number of nesting ledges proposed to be provided has increased and the quantity of benefits provided can at least be expected to be an extra 87 chicks as quantified in the **Gateshead Kittiwake Tower Modification Quantification of Productivity Benefits (Revision B) [REP3-087]**. Once detailed design is undertaken and the actual number of ledges proposed to be installed is confirmed, the Applicant proposes that further quantification of benefits can be undertaken in consultation with the Kittiwake Compensation Steering Group.
129. The Applicant also notes that, as suggested and agreed with Gateshead Council, it is proposed to refurbish the existing faces and ledges at the same time as adding the additional ones. The tower was last refurbished between the 2010 and 2011 breeding seasons. The number of nests recorded in 2011 show an increase in those from 2010 (as shown in **Table 4.3**~~Table 4.3~~) and it can therefore be expected that the proposed upgrade of the tower would not, in and of itself, cause a reduction in kittiwake numbers in the breeding season immediately following the upgrade. Gateshead Council informed the Applicant by email on 10 November 2023 that a modest number of nests were retained and included to act as a visual cue for returning kittiwakes. However, it's noted that *'not sure the decoy nests played any significant role in ensuring the colony successfully re-established on the refurbished tower, but we took the decision there was no harm in employing the measure'* (Peter

Shield, pers. Comm.). It is likely that the Applicant would also employ such a measure but this would be discussed and agreed with the Kittiwake Compensation Steering Group, given, for example, the requirement for potential ultraviolet light treatment to remove the potential for spread of HPAI.

Table 4.3 Kittiwake nests and chicks recorded at Gateshead Tower from 2003-2012 (kindly provided by Northumbria Ringing Group)

Year	Nests				Live chicks				Ringed chicks			
	West	East	South	Total	West	East	South	Total	West	East	South	Total
2003	25	14	7	46	30	22	13	65	28	22	12	62
2004	17	12	10	39	21	14	7	42	19	14	3	36
2005	38	18	10	66	47	25	14	86	20	19	12	51
2006	47	24	17	88	62	36	23	121	11	34	22	67
2007	48	27	28	103	65	43	28	136	10	35	27	72
2008	31	19	11	61	32	13	9	54	32	13	8	53
2009	28*	38	18	82	37	51	26	114	36	52	23	111
2010	27	27	13	67	33	32	13	78	27	27	11	65
2011	28	35	22	85	32	31	12	75	29	28	12	69
2012	33	32	16	81	42	40	25	107	41	39	25	105

4.3.2.4 Planning, Licences & Consents

~~83.~~130. The Applicant can confirm that the pre-application consultation was submitted to Gateshead Council on ~~the 20th of~~ 20 June 2023.

~~84.~~131. Preparation of the planning application is scheduled to be undertaken in parallel with the design work described above and will include the production of all necessary plans and environmental assessments and reports. The scope of the planning application will be informed by formal pre-application consultation with Gateshead Council, the Phase 1 Site Inspection and Condition Assessment and the final concept designs.

132. The Applicant received pre-application consultation feedback on 06 September 2023 from Gateshead Council. The advice received did not raise any major concerns and the Applicant has since met with the Council to discuss the next steps regarding the submission of the full planning application in accordance with the outline programme in Table 4.4.

4.3.2.5 Delivery Programme

~~85.~~133. Table provides an outline programme for securing the necessary permissions, consents and licences to deliver the Applicant's proposal at Saltmeadows, Gateshead, as a compensatory measure for FFC SPA kittiwake. All future dates should be regarded as indicative recognising that the proposed compensation scheme is a 'live' project and subject to inherent scheduling risks and uncertainties.

~~86.~~134. This programme updates the earlier phases of the outline roadmap provided in **Appendix 3 – Kittiwake Compensation Document** [APP-072] and demonstrates the Applicant's increased commitment to securing this measure as soon as possible.

The timings regarding the onward implementation of the measure remain as outlined in Table 6-5 of **Appendix 3 – Kittiwake Compensation Document** [APP-072].

~~87.135.~~ As shown in **Table 4.4**, positive progress has been made against the indicative programme outlined since Deadline 1. Negotiations with the Council (as landowner) are progressing well and the Heads of Terms are at an advanced stage. ~~— with agreement between both parties expected imminently. The first stages of the planning process are in progress.~~ Timescales for ~~securing the necessary land agreements~~ the relevant activities are indicative and ~~further details will be provided during the later stages of Examination.~~ have been updated for this revision (ED).

~~Table 7~~ **Table 4.4: Outline programme for obtaining the necessary agreements, permissions, licences and consents to deliver improved nesting habitat at Saltmeadows, Gateshead**

Activity	Description	Timing (future dates are indicative)	Status
Pre-examination			
Informal pre-application consultation with Gateshead Council	Included a site visit and follow-up meeting with the Council's ecologist and property services team to discuss the next steps.	Q4 2022	Complete
Land negotiations	With Gateshead Council	Q4 2022 – ongoing	In progress
Appointment of a dedicated delivery team	To drive forward delivery of key aspects of the scheme, including land negotiations, engineering design and the relevant planning, licence and consent applications.	Q4 2022	Complete
Examination			
Phase 1 Site Inspection and Condition Assessment	At-height inspection of the tower structure, including the steel members and wooden nesting cabinets, and survey and testing of the concrete foundation.	Q1 2023	Complete
Ecological Walkover	Initial ecological walkover to assess the site	Q2 2023	Complete
Development of initial concept designs	The nature of the concept designs will depend on the outcome of the Phase 1 Site Inspection and Condition Assessment.	Q2 2023	Complete
Pre-application consultation	With LPA, including preparation of submission materials.	Q2 2023	Complete
Wider stakeholder engagement on the proposal (including concept designs)	To include relevant statutory bodies, landowners, local stakeholders/interest groups (as part of a series of public consultation events), and key stakeholders relevant to Examination.	Q3 2023 – <u>Q4 2023</u>	Planned <u>start date September 2023</u> <u>In progress</u>
Finalisation of concept designs	Following stakeholder engagement.	Q3 <u>Q4</u> 2023	In progress

Activity	Description	Timing (future dates are indicative)	Status
Preparation of planning application	Including all relevant plans and environmental assessments, and reports.	Q2 – Q3 – Q4 2023	In progress
Post-examination			
Submission of the planning application		Q3-2023 <u>Q1 2024</u>	Planned September 2023 <u>January 2024</u>
Anticipated planning decision		Q4-2023 <u>Q1 2024</u>	N/A
Option agreement secured with the landowner		To be confirmed <u>Early Q1 2024</u>	N/A <u>Ongoing</u>

~~88.136.~~ The Applicant recognises that a key activity of interest to Natural England and RSPB is the development of concept designs. The ~~development of initial~~ Applicant has consulted on the concept designs ~~has been ongoing since Deadline 3~~ with key stakeholders including NE and ~~is anticipated to be completed~~ RSPB following conclusion ~~the close of Examination and these concept designs formed the basis of the pre-application consultation and wider stakeholder engagement request to Gateshead Council.~~ The ~~pre-~~ Applicant is targeting a full planning application consultation on initial designs started on 20th June 2023 submission in Q1 2024.

4.4 Strategic & Collaborative Compensation Update

~~89.137.~~ Since the submission of the DCO application and following the close of examination in July 2023, the Applicant has, with respect to strategic and collaborative compensation:

- Maintained a watching brief for emerging policy and legislative developments in relation to the OWEIP and, specifically, the MRF;
- Continued to engage with Defra to understand the speed and direction of travel with respect to the emergence of a suitable delivery mechanism for strategic compensation (see **Section 2** and **Appendix A: Detailed Consultation Record** for further information);
- Continued to engage with other offshore wind developers with respect to potential collaborative opportunities (see **Section 2** and **Appendix A: Detailed Consultation Record** for further information);
- Sought DAS advice from Natural England in relation to its approach to strategic and collaborative compensation as set out in the **Strategic and Collaborative Approaches to Compensation and MEEB** [APP-084]; and

- Continued to participate in the Offshore Wind Industry Council's Derogation Subgroup (OWIC DS) and delivery groups for specific Strategic Ecological Compensation Studies being delivered as part of the Collaboration on Offshore Wind Strategic Compensation (COWSC) initiative (see below for further information).

4.4.1 Energy Security Bill Policy Statement on the OWEIP Measures

~~90.~~[138.](#) In January 2023, BEIS (now the Department for Energy Security and Net Zero (DESNZ)) published the Energy Security Bill Policy Statement on the OWEIP Measures (BEIS, 2023), which summarises the proposed legislative changes to the Energy Security Bill in relation to the OWEIP which are intended to accelerate deployment of offshore wind whilst also maintaining protection of the marine environment (BEIS, 2023).

~~91.~~[139.](#) In response to Q.1.1.3.1 and part a) of Question Q.1.14.20 of the **Examining Authority's Written Questions (WQ1)** [PD-010], the Applicant has submitted copies of the Energy Security Bill Policy Statement on the OWEIP Measures (BEIS, 2023) and the Energy Security Bill and has provided a short update on the progress of the establishment of the MRF. Those aspects that are of particular relevance to SEP and DEP include Government's intention to bring forward legislative changes that would include powers to:

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

~~92.~~[140.](#) Government is intending to consult on more detailed proposals for environmental assessments and the Marine Recovery Fund in summer 2023 (DESNZ, 2023). This is expected to inform Defra's final best practice guidance for developing

compensatory measures in relation to Marine Protected Areas, which is anticipated to be published at the end of 2023.

4.4.2 Consultation on Revised Draft National Policy Statements

~~93.~~[141.](#) On 30th March 2023, the DESNZ published revised draft energy NPSs for public consultation. This consultation closed on 25th May 2023. The updates to the draft NPSs are intended to speed up the planning process for renewables and other energy infrastructure so that low-carbon energy generation can be brought forward in a timely manner, whilst protecting and enhancing the environment.

~~94.~~[142.](#) The Applicant is undertaking a review of the revised draft NPSs and will provide a response to the requirements set out in draft NPS EN-1 (Overarching), EN-3 (Renewable Energy Infrastructure) and EN-5 (Electricity Networks Infrastructure) at a future deadline in the form of an **Addendum to the Planning Statement**.

~~95.~~[143.](#) In the meantime, the Applicant notes that the revised draft NPS acknowledges the Government's commitment to establishing strategic compensation for offshore renewable Nationally Significant Infrastructure Projects (NSIPs) in response to the British Energy Security Strategy and with the aim of reducing consenting delays for individual projects. Draft EN-3 para. 3.8.66 also states that "*Applicants will also be able to facilitate delivery of strategic compensation measures where appropriate*".

~~96.~~[144.](#) Although the Government is still developing its policies on strategic compensation, the revised draft NPSs further highlight the direction of travel with respect to the development and establishment of a strategic compensation mechanism. This is taking place in parallel (and in the background) to the SEP and DEP consenting process; however, the Applicant considers it necessary to align, where possible, its compensatory proposals with emerging developments at the industry level to ensure their ongoing resilience.

4.4.3 Collaboration on Offshore Wind Strategic Compensation

~~97.~~[145.](#) Another recent development has been the establishment of the COWSC which brings together government representatives, SNCBs, environmental non-governmental organisations and industry across all four UK jurisdictions. This collaborative governance structure aims to explore, develop and implement strategic compensation solutions to enable an offshore wind industry that delivers the 50 gigawatts by 2030 Government ambition and contributes to net zero targets. COWSC is continuing initial efforts by the OWIC DS to develop four 'Strategic Ecological Compensation Studies' (previously referred to as 'pilot studies') covering artificial nesting, predator reduction, habitat creation and infrastructure removal (see Section 2.3.1 of the **Strategic and Collaborative Approaches to Compensation and MEEB** [APP-084] document for further information) as well as exploring strategic compensation options in relation to prey resources and new and enhanced protection mechanisms through government official only Expert Groups.

~~98.~~[146.](#) The publication of BEIS (2023) and the work being undertaken by COWSC, continues to reinforce the positive direction of travel towards establishing a delivery mechanism for strategic and collaborative compensation. Furthermore, the announcement made by the Department of Business, Energy and Industrial

Strategy (BEIS)¹ on 30 December 2022² confirming the intention for a MRF to be operational and able to receive payments from late 2023 signals that a Strategic Compensation Fund is highly likely to be a viable option available to the Applicant within the necessary timeframe for SEP and DEP, that would enable the delivery of compensation strategically. The Applicant's approach, which proposes the option to contribute to a Strategic Compensation Fund wholly or partly in place of proposed project-led measures or as an adaptive management measure, is therefore considered valid and entirely relevant. However, recognising that some uncertainty remains with respect to the timings and scope of a suitable strategic mechanism, and in accordance with advice from Natural England (see [Appendix A](#) for further information), the Applicant is continuing to prioritise project-led measures, particularly with respect to Sandwich tern and kittiwake.

~~99.~~[147.](#) Since submitting the DCO application, the Applicant has continued to engage with other offshore wind developers concerning the collaborative compensation options outlined in [Table 4.1](#) above. Whilst these discussions have been positive, recognising the value and potential benefits of collaboration, several barriers were identified that are considered to limit tangible opportunities for collaboration at this time (see [Appendix A](#) for further details). Nonetheless, with anticipated legislative changes facilitating collaborative delivery of compensation, and as more consented offshore wind farm projects secure their compensation schemes and move forward with implementation and delivery, collaborative opportunities are expected to grow. Thus, the Applicant remains engaged with other offshore wind farm developers in relation to projects both ahead in the consenting process, and following behind SEP and DEP, regarding potential opportunities for collaboration with respect to the measures proposed in [Table 4.1](#) for delivery via this model.

~~100.~~[148.](#) With respect to Gateshead, the Applicant is aware that RWE was granted planning permission (DC/22/01188/FUL) in October 2022 to construct an onshore artificial nesting structure on the site adjacent to the Saltmeadows tower, and that construction commenced earlier this year. In response to concerns raised by Natural England in their Relevant Representation [RR-063] regarding the potential impact of this development on the Applicant's proposal, a [Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note \(Revision B\)](#) [REP3-087], which includes consideration of the RWE kittiwake tower proposal has been submitted. This note demonstrates that there is existing and, at present, increasing demand for new or improved nesting provision within the Tyne area. As such, the two proposals are considered to be complementary. At Deadline 5 Natural England confirmed that they have no further comments in connection with the [Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note \(Revision B\)](#) [REP3-087] and is largely satisfied on the proposed compensation (see [REP5-092] 'Introduction' section). The Applicant has been engaging with RWE since submission of the DCO application (see [Section 20](#) and [Appendix A: Detailed Consultation Record](#)) to ensure respective interests in

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

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

the area can proceed unhindered by each other and to explore potential opportunities for collaboration.

4.4.4 Prey Enhancement

~~101.~~149. It remains the Applicant's view that the most effective compensation measure for impacts of offshore wind developments on Sandwich tern, kittiwake, gannet, guillemot and razorbill in UK North Sea waters would be to reduce fishing pressure on sandeel stocks in order to maintain sandeel total stock biomass above the "one-third for the birds" threshold (Cury et al. 2011, Hill et al. 2020). There is strong evidence that allowing sandeel stocks to recover from their current depleted state would greatly increase seabird populations within a few years, and for sandeel-dependent seabirds such as Sandwich tern would give much greater gain than the precautionary estimates of the cumulative impact of the offshore wind industry; for example, Ecopath/Ecosim modelling by Natural England predicts a 42% increase in seabird numbers in the North Sea within 15 years of closure of the North Sea sandeel fishery (Bayes and Kharadi 2022, Natural England 2023).

~~102.~~150. The Applicant is continuing to liaise with Defra and Natural England regarding strategic compensation and particularly prey enhancement measures. In response to a suggestion made by Natural England in their Relevant Representation [RR-063], the Applicant has agreed to attend a meeting with Natural England, MMO and the Centre for Environment, Fisheries and Aquaculture Science (Cefas) to discuss potential evidence gathering with respect to Sandwich tern prey species. However, the Applicant is not aware of any further information that has become available since application in respect of the Government-led Strategic Ecological Compensation Study looking at prey availability measures for seabirds.

4.4.4.1 Consultation on Spatial Management Measures for Industrial Sandeel Fishing

~~103.~~151. Defra is considering new spatial management measures to provide additional resilience and protection for the North Sea sandeel stocks to reduce the impacts of industrial sandeel fishing on the wider ecosystem. A public consultation on spatial management measures for industrial sandeel fishing in the North Sea opened on 6 March 2023 and ~~is expected to run until~~closed on 30 May 2023³. Although the consultation documentation does not directly consider the delivery of management measures in the context of strategic compensation for offshore wind, it is of relevance given the potential implications of any new spatial management measures on available environmental headroom and the overall resilience of prey populations for key seabird species such as Sandwich tern and kittiwake. As such, the Applicant is contributing to the preparation of a joint consultation response from the OWIC DS.

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

References

<p>Bayes, J. and Kharadi, N. (2022). Marine natural capital accounting: impacts of the sandeel fishery in the North Sea. UKNEE Webinar July 2022. UKNEE.</p>
<p>BEIS (2023). Energy Security Bill Policy Statement. Offshore Wind Environmental Improvement Package Measures. Policy Statement Offshore Wind Environmental Improvement Package Measures (publishing.service.gov.uk)</p>
<p>Cury, P.M., Boyd, I.L., Bonhommeau, S., Anker-Nilssen, T., Crawford, R.J.M., Furness, R.W., Mills, J.A., Murphy, E.J., Osterblom, H., Paleczny, M., Piatt, J.F., Roux, J-P., Shannon, L. and Sydeman, W.J. 2011. Global seabird response to forage fish depletion – one-third for the birds. <i>Science</i> 334: 1703-1706.</p>
<p>Defra (2021). Best practice guidance for developing compensatory measure in relation to Marine Protected Areas. 25 pp.</p>
<p>Department for Energy Security Strategy and Net Zero (DESNZ) (2023). Seizing our opportunities: independent report of the Offshore Wind Champion. March 2023. 86 pp.</p>
<p>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. <i>Environmental Impact Assessment Review</i> 71, 12–16.</p>
<p>Hill, S.L., Hinke, J., Bertrand, S., Fritz, L., Furness, R.W., Ianelli, J.N., Murphy, M., Oliveros-Ramos, R., Pichegru, L., Sharp, R., Stillman, R.A., Wright, P.J. and Ratcliffe, N. (2020). Reference points for predators will progress ecosystem-based management of fisheries. <i>Fish and Fisheries</i> 21: 368-379.</p>
<p>Natural England (2023). Impacts of the sandeel fishery in the North Sea. Unpublished report to Defra. (cited in SSE Renewables 2022. Berwick Bank Wind Farm Derogation Case Fisheries Compensatory Measures Evidence Report).</p>
<p>Steel, D. and Outram, B. (2020). Terns – restoring biodiversity to the Isle of May’s breeding seabirds. <i>Scottish Birds</i> 40: 206-211</p>
<p>Tern Life Project (2017). Developing Best Practice In Predator Management For Coastal Seabird Colonies. Workshop write up.</p>

Appendix A: Detailed Consultation Record

~~Table 8~~ Table 0.1: Record of consultation activities undertaken in relation to HRA Derogation since application (ordered chronologically by commencement date)

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

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

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				compensatory proposals for Sandwich tern at Loch Ryan.	
05/10/2022	Lowestoft Kittiwake Partnership	Meeting	Kittiwake	To understand more about the background of Lowestoft kittiwakes, the challenges faced by the community and the formation (including vision and objectives) of the Lowestoft Kittiwake Partnership (LKP). This meeting brought together offshore wind developers with an interest in Lowestoft to discuss potential collaborative support to the LKP.	Confirmed the LKP's aspirations for how offshore wind developers could potentially support their work to deliver a package of ecological and community benefits to address challenges with respect to Lowestoft kittiwakes, including development of a collaborative monitoring strategy. It was also discussed how this could work in practice (e.g. an appropriate delivery mechanism).
12/10/2022	NatureScot	Meeting	Sandwich tern	To provide an update in relation to the Applicant's compensatory proposals for Sandwich tern at Loch Ryan and to discuss the next steps in terms of maturing the proposals and future engagement activities.	NatureScot confirmed that it was happy to continue input to the proposals moving forward but did not intend to be involved in the DCO process. Their preference was ad-hoc input and confirmed that they would be happy to be guided by the Applicant in terms of suitable timings for future engagement.
21/10/2022	Natural England	Email	All	Natural England confirmed its latest position with respect to the requirement for compensation for the gannet FFC SPA feature.	With regard to the requirement for a gannet compensation case, Natural England informed the Applicant that: <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</i>

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
					<p><i>considering the in-combination impact including SEP and DEP, and hence are unlikely to require compensation for this species/SPA. However we do welcome the provision of the without prejudice compensation proposal for gannet submitted as part of the application should this be required.</i></p>
27/10/2022	Lowestoft Kittiwake Partnership	Meeting	Kittiwake	A project-specific meeting to further discuss the Applicant's proposal for nest site improvements at Lowestoft. Discussions centred around the Applicant's initial site selection work and alignment between the partnership's ambitions and the Applicant's proposal.	LKP confirmed that they were unable to advise on suitable sites due to potential conflicts of interest but confirmed that several of the sites being explored by the Applicant where currently not being looked at by the LKP. The partnership confirmed that from their perspective, the Applicant's proposal for Lowestoft kittiwakes was aligned with their own ambitions.
02/11/2022	Gateshead Council	Meeting	Kittiwake	Site visit and meeting to discuss next steps and key workstreams for developing the Applicant's proposal and securing the necessary land agreements, permissions, licences and consents.	An initial inspection by an engineer confirmed that in principle, the existing tower looked structurally sound, although a more detailed inspection was required to confirm. This was identified as a key workstream to allow development of concept designs and to inform the scope of work required to support the necessary planning application.
07/11/2022	Defra	Meeting	All	A meeting to discuss progress with respect to SEP and DEPs approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental	Defra confirmed that autumn 2023 remained the ambition for establishing a functional MRF, subject to necessary changes to primary and secondary legislation. Defra also confirmed that the final Defra guidance on compensatory measures was likely to be delayed until the end of 2023 to ensure alignment with changes being brought forward in relation to the OWEIP.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
15/11/2022	Natural England	Meeting	All	<p>Improvement Package (OWEIP).</p> <p>A meeting was held to discuss Natural England’s feedback on draft versions of the Applicant’s Offshore Ornithology Environmental Statement chapter (including Technical Appendices and Annexes) and RIAA which were originally shared in June 2022 (Natural England’s feedback was received on 16 September 2022) and the Applicant’s response to this feedback (provided in writing to Natural England on 28 October 2022). During this meeting, the Applicant and Natural England sought to agree on the necessary workstreams required to address outstanding matters.</p>	<p>It was agreed that the Applicant would provide updated project-alone assessments and any corresponding in-combination assessments for those species listed by Natural England (which included Sandwich tern, gannet, kittiwake, great black-backed gull, lesser black-backed gull (LBBG) and little gull) and in light of draft updated guidance on CRM parameters provided in their DAS advice (received 16 September 2022) and subsequent Relevant Representation [RR-063]. This information was provided in the following technical notes submitted at Deadline 1 and also include updates to the approach to apportioning impacts for FFC SPA kittiwake and gannet and Alde-Ore SPA LBBG:</p> <ul style="list-style-type: none"> • Collision Risk Modelling (CRM) (EIA Context) Updates Technical Note [document reference 13.2] • Apportioning and HRA Updates Technical Note [document reference 13.3] <p>Further information on the Applicant’s response to Natural England’s Relevant Representation [RR-063] can be found in The Applicant’s Responses to Relevant Representations [REP1-033] submitted at Deadline 1.</p>
16/11/2022	Dumfries & Galloway Council NatureScot	Meeting	Sandwich tern	<p>Meeting to discuss the Applicant’s compensation proposals for Sandwich tern at Loch Ryan, including:</p>	<p>Several sites within the proposed AoS were identified as being the least environmentally constrained (Figure 3 in Appendix A - Supporting Figures for the Applicant’s Responses to Relevant Representations [REP1-0335]) due to their location outside of designated heritage areas, away from potential areas with contaminated land risk, and away from the main road on the east coast of the loch (A77).</p>

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				<ul style="list-style-type: none"> key constraints with respect to different sites within the Applicant's proposed AoS; and the Applicant's further programme of work to progress towards securing the necessary permissions, licences and consents. 	
21/11/2022	East Suffolk Council	Meeting	Kittiwake	A meeting to discuss East Suffolk Council's pre-application consultation response, which was received on 17 August 2022. This meeting included a discussion of the Council's key concerns with respect to the Applicant's proposal for nest site improvements in Lowestoft.	<p>East Suffolk Council noted that it would not support the Applicant's proposal for project-led delivery of nest site improvements to enhance kittiwake breeding success within Lowestoft town as it would be contrary to their strategic position.</p> <p>As noted in Section 4.1 this, alongside the positive progress being made at Gateshead, has led to the Applicant's decision not to actively progress its proposal for Lowestoft further at this stage as a component of the proposed package of compensatory measures for kittiwake.</p>
22/11/2022	Natural England RSPB National Trust MMO	Meeting	All	Offshore Ornithological Compensation ETG 4: The Applicant provided an update on progress relating to its species-specific compensation proposals.	<p>General: The implications of the HPAI outbreak for the Applicant's compensation proposals were raised by RSPB who proposed that relevant specialists should come together to discuss how this should be considered going forwards. The Applicant acknowledged Natural England's initial guidance (Appendix B2 of [RR-063]) and confirmed that it would be guided by the SNCBs on this matter.</p> <p>Gannet: The Applicant provided a verbal update on the predicted impacts on gannet, but Natural England were unable to confirm</p>

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				<p>Having had early sight of the Natural England Relevant Representation [RR-063], the Applicant discussed the key points within this and sought to identify specific areas for agreement along with areas where additional work was required to progress agreement on key issues.</p>	<p>their position in relation to the requirement for compensation for gannet without confirmation of the final updated assessment outputs. The Applicant shared a draft version of an Apportioning and HRA Updates Technical Note [document reference 13.3], which included the necessary outputs, with Natural England for review and feedback ahead of its submission at Deadline 1. See Section 3.1 for further information on the Applicant’s latest position with respect to gannet. RSPB confirmed that they remained concerned about gannet numbers and also the impact of HPAI.</p> <p>Sandwich tern: RSPB highlighted the need for confidence in the level of compensation required and the importance of certainty and resilience in any compensation proposal. In general, stakeholders queried whether Loch Ryan alone (noting limited stakeholder support for the Applicant’s proposal at Farne Islands SPA on the basis of additionality concerns) could deliver the necessary level of compensation, taking account of the risks and uncertainties associated with this proposal. To address both RSPB’s and Natural England’s concerns, the Applicant has submitted a Sandwich Tern – Quantification of Productivity Benefits Technical Note [document reference 13.4] at Deadline 1. It was noted during the meeting that no alternative sites that are considered to have the same chances of success as Loch Ryan were identified by the Applicant as part of its site selection process or have been put forward by stakeholders during both the pre-application, and post-submission phases.</p> <p>Natural England confirmed they would like to see a larger pool proposed for Loch Ryan, suggesting that water rather than vegetation could be used to form the buffer from human disturbance which as a principle, is something the Applicant has subsequently agreed to (see Draft Statement of Common Ground: Natural England (HRA Derogation) [REP1-047] submitted at Deadline 1).</p>

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
					<p>Both RSPB and Natural England confirmed that they do not support the pontoon option at Loch Ryan as a compensation measure.</p> <p>Kittiwake: Natural England confirmed that they were struggling to understand the benefit of the Applicant’s proposal and how it fundamentally differed from an onshore artificial nesting structure (ANS). It was also queried how the benefits had been scaled. In response to these concerns, the Applicant submitted a Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [REP1-055] at Deadline 1. Natural England were given opportunity to review and provide feedback on this note ahead of its submission.</p> <p>Auks:</p> <p>Natural England queried whether there had been any evidence gathering to determine the extent of auk bycatch within set-net fisheries in the northeast. Natural England advised the Applicant to consider their advice to Hornsea Project Four regarding the auk bycatch reduction trials undertaken for that project.</p> <p>Regarding predator eradication, again Natural England advised the Applicant to consider their advice to Hornsea Project Four but also noted that the Calf of Man may be a potentially suitable location that Natural England were not aware of any other projects having considered.</p> <p>The Applicant noted that further work on determining the extent of potential auk bycatch in the northeast would be undertaken and that whilst predator eradication was only being considered as a collaborative basis, the Applicant would endeavour to look into this potential location in any future discussions related to predator eradication for auk compensation.</p>
28/11/2022	QinetiQ	Email	Sandwich tern	Email exchange to open a line of communication with	QinetiQ provided some information about work that is currently being undertaken on site with RSPB to protect nesting birds (e.g.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				respect to further discussions about potential Sandwich tern compensation opportunities at Foulness SPA.	little tern and ringed plover) in certain locations. This includes the use of electric fencing, trail camera monitoring, and common tern rafts.
14/12/2022	National Trust	Meeting	Sandwich tern	A meeting with regional and reserve staff from National Trust to discuss possible compensation opportunities for Sandwich tern at Farne Islands SPA and the Trust's concerns with respect to additionality.	<p>National Trust provided further information about Sandwich tern breeding issues and conservation efforts at the Farne Islands but were unable to confirm the status of the latest Management Plan for the SPA. National Trust took an action away to further consider whether there are any other tangible measures outwith of the Management Plan that could be delivered to support Sandwich tern conservation efforts at the Farnes. A follow up email received on 20 January 2023 confirmed that whilst National Trust has been keen to explore options for helping to enhance the population of Sandwich Terns on the Farne Islands, they are not confident that proposals to date will be effective in achieving their objectives on the Farne Islands, and in particular do not feel that they demonstrate additionality to the existing management proposals, which by their very nature are comprehensive. Significant changes to National Trust's operational staff on the Farnes have also impacted the ability to commit resources to these proposals at present.</p> <p>For these reasons National Trust do not wish to engage with the Applicant any further on this matter with regards to opportunities on the Farnes and has recommend that resources are diverted elsewhere in order to achieve the Applicant's objectives.</p>
14/12/2022	Gateshead Council & RWE	Meeting	Kittiwake	A meeting to discuss RWE and the Applicant's respective interest in delivering kittiwake nesting at Gateshead and opportunities for	The parties discussed the Council's recent planning decision to grant RWE permission to construct a 15m kittiwake tower on the site adjacent to the Saltmeadows site. RWE's anticipated delivery programme was discussed, and it was agreed that this did not impede the Applicant's ongoing work at the Saltmeadows site. Parties also discussed potential collaborative opportunities with

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				cooperation and possible collaboration.	respect to ongoing monitoring of kittiwake breeding at the two sites.
15/12/2022	Natural England	Written communication	All	<p>The Applicant provided a draft version of its Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [document reference 13.1] to Natural England for review and feedback. This was received via Natural England’s Discretionary Advice Service (DAS) on 30 January 2023. This note was subsequently updated in light of this advice, with a version submitted at Deadline 1.</p>	<p>The overall conclusion of Natural England’s DAS advice is that whilst it remains their position that ANS should be located offshore, augmenting the existing Gateshead Saltmeadows tower on the Tyne with two new nest faces has the potential to provide appropriate compensation for SEP and DEP. This position is subject to the following caveats:</p> <ul style="list-style-type: none"> • The Applicant emphasises in the submitted technical note the following: (i) the low relatively impact of SEP and DEP on FFC SPA kittiwake compared with other recent projects; (ii) none of the consenting offshore wind projects requiring compensation are developing ANS proposals on the Tyne; and (iii) there is evidence that a substantial number of kittiwakes fail to produce any young on the Tyne – whilst some may relocate to another colony entirely, it is plausible that others will seek new sites on the Tyne. • That the clarifications sought in Natural England’s DAS advice are addressed in the submitted technical note. • A more detailed design of the proposed measures is submitted into the Examination for review in due course. <p>The Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note [REP1-055] submitted at Deadline 1 included the updates as requested by Natural England, along with a detailed response to Natural England’s DAS comments on the draft version of this technical note. Information regarding the onward delivery programme for the Applicant’s proposal is presented in Section 4.3.1.5 below.</p>
21/12/2023	Natural England	Written communication	All	The Applicant provided a draft version of its Apportioning and HRA	A summary of this consultation can be found in the Apportioning and HRA Updates Technical Note [document reference 13.3] submitted at Deadline 1.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				Updates Technical Note [document reference 13.3] to Natural England for review and feedback. Natural England's DAS advice was received on the 14 February 2023. This note was subsequently updated in light of this advice, with a version submitted at Deadline 1.	
10/01/2023	Bidwells (Managing agent for CES)	Email	Sandwich tern	An email enquiry to confirm ownership of the foreshore within the preferred AoS.	It was confirmed that a portion of the foreshore within the preferred AoS is Crown land and under the management of Crown Estate Scotland. The remaining foreshore area within the preferred AoS was confirmed as being non-Crown land and owned by a third party.
16/01/2023	Natural England	Email	All	DAS feedback received on the Applicant's Strategic and Collaborative Approaches to Compensation and MEEB [APP-084] document.	Key points raised by Natural England in relation to compensation included: <ul style="list-style-type: none"> • Concern related to the Applicant seeking a DCO condition that gives sole discretion to switch to the MRF once it is set up. They advised that switching from project-led to strategic compensation should require approval by the Secretary of State in consultation with Defra and Natural England. • Specific concern was raised in relation to Sandwich tern which is unlikely to be a focus for strategic compensation and should therefore be dealt with at the project-level. • Uncertainty regarding the timing, scope and delivery mechanism of the MRF, including the timing of any benefits in relation to SEP and DEP project timelines.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
					<ul style="list-style-type: none"> Advised prioritising development details of the projects' primary compensatory measures and securing any agreements (with particular focus on Sandwich tern), so that the Secretary of State can be confident that the measures will be effective and secured.
26/01/2023	Gateshead Council	Meeting	Kittiwake	A meeting to discuss the history of the Saltmeadows site and any considerations that may have implications for future surveys, design and any planning application.	The Council provided a detailed account of the industrial history of the site and the remediation works that have been undertaken to date. Whilst contamination associated with the site's former use has been identified as a consideration, it was agreed that based on currently available information, the associated risks to onward delivery of the Applicant's proposal could be suitably mitigated in accordance with current, appropriate Health & Safety guidelines and requirements. Seasonal constraints in relation to groundworks and working at height were also discussed. This information has been used to inform the scope and programme for the initial site inspection and condition assessment as well as the planning application and supporting geotechnical and geo-environmental studies. See Section 4.3.1.5 below for further information.
27/01/2022	NEIFCA	Email	All	An email enquiry requesting bycatch records from the last five years for the fixed net fishery in the northeast region. This request was made in response to Natural England's feedback in their Relevant Representation [RR-063].	<p>The NEIFCA confirmed that there had been very limited bird mortality in the past five years, although the fishery was closed between July 2019 and October 2021.</p> <p>In light of this and concerns raised by Natural England within their Relevant Representation [RR-063], the Applicant is now investigating options for the implementation of the same or similar measures in the southwest of England. The Applicant is intending to submit in the early stages of Examination an Auk Bycatch Reduction Feasibility Statement which will include further details on these proposals.</p>
23/02/2023	Natural England, MMO and	Meeting	All	A meeting to discuss a proposal from Natural England and Cefas	Cefas presented high-level information on potentially suitable survey techniques and designs for monitoring of sandeel and herring populations. The relative pros and cons of the different

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
	Centre for Environment, Fisheries and Aquaculture Science (Cefas)			regarding a potential opportunity for the Applicant to support baseline data gathering for key prey species (sandeel and sprat) in the wider Wash area to a) address uncertainties regarding the age of current fisheries data; b) to inform potential management measures for nearby relevant designated sites and features; and c) to provide a potential 'enhancement' to the Applicant's package of compensatory measures.	approaches were discussed along with the extent to which additional survey data could provide information about the availability of prey for seabirds and marine mammals. The Applicant, Cefas and Natural England all took actions away to follow up on various aspects of the discussion.
01/03/2023	Defra	Meeting	All	A meeting to discuss progress with respect to SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).	Defra provided an update on the Marine Recovery Fund and the proposed library of approved measures, confirming that the intention was to try and dovetail implementation of the two components as much as possible. Defra confirmed that the library of approved measures is likely to start off relatively small and be expanded upon as additional strategic measures come forward. The Applicant set out some of the challenges which it continues to face with respect to its derogation position and compensatory measures proposals. Agreed to a further meeting either before or after Deadline 3.
05/04/2023	Gateshead Council	Meeting	Kittiwake	To discuss draft HoTs issued to the Council in January 2023.	The Council presented their feedback on the draft HoTs which the Applicant took away for further consideration. Discussions regarding the terms are ongoing.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
13/04/2023	Dumfries & Galloway Council	Email	Sandwich tern	An email to provide the Council with an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.	N/A
18/04/2023	Gateshead Council	Meeting	Kittiwake	To discuss preliminary results of the structural surveys of the existing Saltmeadows tower and discuss concept design scope.	Gateshead Council welcomed the progress that had been made and provided useful feedback with respect to the proposed modifications to the Saltmeadows tower which the Applicant is considering. Some alternative solutions were discussed and it was agreed that further discussion with the principal bird ringer and associated monitoring sub-contractors would be useful to better understand any potential constraints posed by the proposed modifications.
26/04/2023	NatureScot	Email	Sandwich tern	An email to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.	N/A
27/04/2023	Crown Estate Scotland	Email	Sandwich tern	An email sent to provide an update on progress with respect to the Applicant's proposed Sandwich tern compensation scheme at Loch Ryan.	N/A
17/05/2023	Gateshead Council & Northumbria	Meeting	Kittiwake	Discussion on kittiwake tower modification options including proposed modifications in advance	Three proposed options for Kittiwake tower modifications were shown and discussed. The conclusion of the meeting was to

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
	Ringing Group			of pre-application consultation submission.	proceed with option C, installing panels below the existing (with some further modifications).
23/05/2023	Natural England	Meeting	All	Monthly meeting between the Applicant and Natural England to provide a project update, review the examination timetable and raise specialist topics for discussion.	NE confirmed AEOI can be ruled out for Gannet.
08/06/2023	National Trust & Natural England	Meeting	Sandwich tern	A meeting with National Trust, specifically the team responsible for the management of Blakeney Point. The purpose of the meeting was for National Trust to provide a high-level overview of the opportunity for the Applicant to explore compensatory opportunities for Sandwich tern at Blakeney Point. Natural England were also in attendance and supported the opportunity.	Explored opportunities for Sandwich tern compensation at Blakeney Point. National Trust and Natural England provided details of the challenges faced at Blakeney Point and suggested the Applicant could explore options to help restore / encourage the Sandwich tern breeding population back to Blakeney Point. Follow up meeting agreed.
13/06/2023	Dumfries & Galloway	Letter	Sandwich tern	A letter received from Dumfries and Galloway Council outlining support in principle for the proposed compensatory measures	Letter of support from Dumfries and Galloway Council in relation to the modifications to the kittiwake nesting tower.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				at Loch Ryan (see letter of support in Appendix C).	
16/06/2023	National Trust	Meeting	Sandwich tern	To discuss the potential for Sandwich tern compensatory measures at Blakeney Point and agree next steps.	Further discussions held between National Trust and the Applicant to explore in more detail, initial ideas for delivering Sandwich tern compensation at Blakeney Point. The National Trust Blakeney Point Ranger was present on the call and was able to provide a detailed overview of the challenges and provide useful feedback on the Applicants initial outline ideas. The Applicant welcomes the comments and will arrange a follow up meeting.
20/06/2023	Landowner	Letter	Sandwich tern	Letter of support from landowner at Loch Ryan (See Appendix D)	Letter of support from landowner of the Corsewall Estate with regards to a proposal for an inland pool.
30/06/2023	National Trust	Meeting	Sandwich tern	To discuss comments from National Trust on the Applicants proposed approach to predator control measures at Blakeney Point.	National Trust commented on the draft compensation measures note provided by the Applicant. These comments were discussed during the meeting and National Trust subsequently provided these comments to the Applicant.
04/07/2023	Natural England	Meeting	All	A meeting for the Applicant to present a compensatory measures update for Sandwich tern (Loch Ryan) and Kittiwake to Natural England for comment.	Natural England requested further details on the Loch Ryan proposals which the Applicant provided at Deadline 7 in the updated Sandwich Tern Compensation Document Revision B [document reference 5.5.2]. Natural England also commented on some further points of detail with respect to the Saltmeadows tower modifications (minimum height above ground level and management of the nearby 'woodland'), as reflected in their WQ4 response, and which the Applicant has responded to in this update note (see Section 4.3.1.5).
21/07/2023	Gateshead Council	Meeting	Kittiwake	A meeting to discuss the pre application consultation, the Applicant to provide a progress	The Council requested revised commercial terms to which the Applicant agreed to review. Various actions were taken away on the draft HoTs. The Council welcomed the progress being made with regards to the tower designs.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				update and a discussion on outstanding actions within the draft Heads of Terms re Gateshead	
25/07/2023	Dumfries & Galloway	Meeting	Sandwich tern	A meeting for the Applicant to present options to Dumfries and Galloway Council and seek advice on planning risk and key consultees re Loch Ryan	Dumfries and Galloway Council advised that the Applicant should consult with the Scottish Environmental Protection Agency (SEPA) and that there didn't appear to be any showstoppers on the area of interest presented, but detailed advice would be provided once concept designs were presented, and the Applicant submitted a pre application consultation request.
25/07/2023	SEPA	Meeting	Sandwich tern	A meeting for the Applicant to seek advice from SEPA in relation to site selection and planning risk re Loch Ryan.	The Applicant presented options under consideration for locating the inland pool. SEPA advised that the Applicants 2 favoured sites lay in ground water sensitive areas. As a result, SEPA advised the applicant to further explore options away from these areas, noting an area to the north may be suitable in relation to minimising impacts on ground water dependant terrestrial ecosystems.
02/08/2023	Gateshead Council	Meeting	Kittiwake	A meeting to discuss the draft Heads of Terms re Gateshead.	The Applicant and the Council discussed the draft HoTs and the Applicant took actions away to update and resubmit.
02/08/2023	RWE	Meeting	Kittiwake	To discuss progress on the neighbouring tower and explore collaborative opportunities re Gateshead.	RWE noted progress of their development is positive but collaborative opportunities are not currently envisaged.
14/08/2023	Scottish Forestry	Email	Sandwich tern	Email to Scottish Forestry to determine whether the area of woodland in the preferred site could be felle re Loch Ryan.	Scottish forestry confirmed the woodland was not protected, this aligned with advice from Dumfries and Galloway Council. Scottish Forestry advised that a felling permission would be required, and that compensatory broadleaved planting would be requested.
31/08/2023	DEFRA	Meeting	All	A meeting to discuss progress with respect to	The Applicant provided an update on its project led, strategic and collaborative compensation proposals. Defra provided an update

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				SEP and DEP's approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).	on the Marine Recovery Fund, compensatory measures guidance delay and marine net gain. A follow up meeting was arranged for 3 months' time.
07/09/2023	Dumfries & Galloway	Site Visit	Sandwich tern	A site visit hosted by the Applicant to provide Dumfries & Galloway Council a better understanding of the location and proposals and seek advice ahead of pre application consultation re Loch Ryan.	The Applicant presented the preferred site to Dumfries and Galloway Council, noting that the location had been refined on the back of advice provided by SEPA in the 27 July 2023 meeting. The Council noted that fencing and footpath realignment proposals would need to be sympathetic to the local area. The Applicant noted advice provided by the Council and will address this in the planning application materials. The council were broadly supportive of the proposals, subject to the necessary planning permissions being sought.
06/09/2023	Gateshead Council	Email	Kittiwake	Pre-application formal response received from Gateshead Council re Gateshead.	The general feedback from Gateshead Council was positive and specialists noted the proposals to be acceptable in principle. The Council did not raise any serious concerns with the proposals and confirmed planning permission is required for the development.
27/09/2023	RSPB	Meeting	All	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan and Gateshead, including concept designs, and seek feedback from RSPB.	RSPB were grateful for the update following the end of Examination. RSPB were to follow up with their colleagues in RSPB Scotland to determine if another meeting would be useful to Scottish colleagues on the Applicants Loch Ryan proposals and the RSPB Scotland 'Species on the Edge' project nearby on Loch Ryan.
01/10/2023	Bidwells (Managing	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its project led compensatory	The Applicant met with Bidwells, service and delivery partner to The Crown Estate Scotland on matters relating to Seabed Leasing for smaller projects. Bidwells confirmed that a Seabed Lease

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
	agent for CES)			measures at Loch Ryan, including concept designs, and seek feedback from The Crown Estate Scotland re Loch Ryan.	Agreement would be required for the proposed outfalls and inlets to service the inland pool. Bidwells advised on key documentation required from the Applicant and processing timeframes to be considered.
18/10/2023	Gateshead Council & Northumbria Ringing Group	Meeting	Kittiwake	A meeting to discuss the latest concept design and the ecological monitoring requirements of the tower once the Option is exercised re Gateshead.	The Council and Northumbria Ringing Group advised the Applicant that they would like to see the southwestern existing face retained and a new panel to be added below it. The Applicant agreed to look at design options to address this and re-engage/
20/10/2023	SEPA	Meeting	Sandwich tern	A follow-up meeting for the Applicant to present progress to SEPA following the meeting in July, including concept designs, and seek advice on the preferred site re Loch Ryan.	The Applicant presented the latest concept design located in the revised and now preferred site. SEPA welcomed this site selection as it was in line with previous advice to explore options away from the sensitive ground water areas to the south. SEPA noted that they supported the new location subject to more detailed information being provided at planning stage.
20/10/2023	Historic Environment Scotland	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from Historic Environment Scotland re Loch Ryan.	The Applicant updated HES on the Loch Ryan proposals and latest concept design. HES noted their general support for the proposal and that they did not have any concerns.
20/10/2023	Nature Scot	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs,	The Applicant updated Nature Scot on the Loch Ryan proposals and latest concept design. Nature Scot noted their general support for the proposal. Nature Scot requested to be included on the

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				and seek feedback from Nature Scot re Loch Ryan.	Sandwich tern Steering Group and the Applicant will ensure an invitation is sent once the group is established.
23/10/2023	Crown Estate Scotland	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan, including concept designs, and seek feedback from The Crown Estate Scotland re Loch Ryan.	Following the meeting with Bidwells, the Applicant met with The Crown Estate Scotland (CES) in house team to present the Loch Ryan proposals. CES were generally supportive of the proposals and did not raise any concerns. CES reiterated that provision of materials to support the application as early as possible would be advised.
25/10/2023	St John's Pool	Site visit	Sandwich tern	The Applicant undertook a visit to St John's Pool in Caithness where a private reserve owner, J. Smith, has created an inland pool to support breeding birds, including Sandwich terns. The Applicant's proposed concept design was discussed alongside how lessons learned from St John's Pool could be applied to Loch Ryan.	The visit was useful for the Applicant as the site provided some learnings which can be applied to the proposed site at Loch Ryan. The reserve owner has implemented varying changes to the design since its establishment in the late 1980s, and the successes which have benefited visiting breeding Sandwich tern may be relevant to the Applicants proposed site at Loch Ryan.
31/10/2023	Natural England	Meeting	All	A meeting for the Applicant to present progress on its compensatory measure proposals for Sandwich Tern (including concept designs) Kittiwake and Guillemot, and to seek feedback from Natural England.	The Applicant provided an update to NE on the compensatory measures following the close of Examination. On Loch Ryan, Natural England welcomed the evolution and development of a concept design. NE commented on the proximity of the proposal to the woodland and requested additional details on the hydrology of the pool. On Gateshead, NE commented on the Applicants proposal to refurbish the existing panels alongside providing new nesting capacity. Following the meeting, a site visit has been

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
					arranged for the NE team to Loch Ryan in January 2024 hosted by the Applicant.
01/11/2023	National Trust	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its compensatory measure proposals for Sandwich Tern, including concept designs, and to seek feedback from the National Trust.	The Applicant provided an update to NT on the compensatory measures following the close of Examination. In particular, the Applicant’s proposals at Blakeney Point were discussed. It was agreed that a refined scope for the literature review aspect of the proposal should be shared with NT and NE for review. In addition, regular meetings were proposed between the Applicant and the NT to discuss progress which the Applicant took an action to arrange. The potential for a site visit to Blakeney was also discussed and preparations for this were underway following the meeting.
02/11/2023	DEFRA	Meeting	All	A meeting to discuss progress with respect to SEP and DEP’s approach to strategic and collaborative compensation and recent developments in relation to the Offshore Wind Environmental Improvement Package (OWEIP).	The Applicant provided an update on its project led, strategic and collaborative compensation proposals. Defra provided an update on the Marine Recovery Fund, compensatory measures guidance and marine net gain.
07/11/2023	RSPB Scotland	Meeting	Sandwich tern	A meeting for the Applicant to present progress on its project led compensatory measures at Loch Ryan including concept designs, and to seek feedback from RSPB Scotland. RSPB also provided an update on its ‘Species on the	The Applicant updated RSPB Scotland on the Loch Ryan proposals and latest concept design. RSPB Scotland noted their general support for the proposal and advised the Applicant to consult with Nature Scot – the Applicant recently consulted with NatureScot on the 30th of October. RSPB Scotland provided an update on the Tern Raft as part of ‘species on the edge project’. Both parties noted that regular engagement would be useful going forward.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
				Edge' tern raft project re Loch Ryan.	
09/11/2023	The Marine Directorate	Email	Sandwich tern	The Applicant emailed the Marine Directorate an update on its compensation proposals at Loch Ryan with concept design (Figure 2) . The Applicant offered the MD the opportunity to meet and discuss the proposals re Loch Ryan.	N/A
24/11/2023	National Trust	Email	Sandwich tern	The Applicant emailed National Trust to seek feedback on the detailed scope of the literature review element of the of the supplementary Sandwich tern compensation measures re Blakeney Point.	A meeting was scheduled on 05 December 2023 to discuss the National Trust's feedback on the scope of the literature review, following which written comments were also provided to the Applicant.
29/11/2023	Dumfries and Galloway Council and The Marine Directorate	Meeting	Sandwich tern	Pre-application consultation meeting. The Applicant presented the concept design and proposals for the inland pool at Loch Ryan following submission of the pre-application and EIA Screening Request re Loch Ryan.	Initial feedback from the Council indicates EIA will not be necessary. The Council's archaeological specialist noted that some archaeological monitoring may be required during construction. The council did not raise any concerns with regards to the Applicants proposed programme for planning. The Marine Directorate noted that they are awaiting feedback from Nature Scot with regards to an EIA opinion.

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
05/12/2023	National Trust	Meeting	Sandwich tern	A meeting to discuss National Trust's feedback on the scope of the literature review element of the supplementary Sandwich tern compensation measures at Blakeney Point, which was shared by the Applicant via email on 24 November 2023.	The National Trust provided comments on the scope of the literature review both during the meeting and in writing, including on consideration of avian predators and noting the importance of the interaction between mammalian predators and the seal population. The Applicant and National Trust made arrangements for a visit to Blakeney Point on 30 January 2024.
07/12/2023	Natural England	Email	Sandwich tern	The Applicant emailed Natural England to seek feedback on the detailed scope of the literature review element of the of the supplementary Sandwich tern compensation measures re Blakeney Point.	Natural England indicated that feedback on the scope of the literature review will be provided towards the end of January 2024.
12/12/2023	Gateshead Council	Meeting	Kittiwake	A meeting to discuss the last remaining queries on the Heads of Terms between the Applicant's land team and Gateshead Council's land team re Gateshead	The Applicant and Gateshead Council agreed on most unresolved clauses, with the Applicant taking an action away to resolve before resubmitting amended HoTs to Gateshead Council for review and agreement.
14/12/2023	Orsted	Meeting	Guillemot	A meeting to further explore collaboration opportunities following the request for information from the Secretary of State	Both parties discussed collaboration opportunities for predator eradication with regards to Guillemot. Key areas of focus agreed going forward are: 3. Offshore Wind Industry Council (OWIC) Developer Derogation Group

Date	Consultee(s)	Format	Compensation Measure	Details	Key feedback and outcomes
					<p>4. Collaboration on Offshore Wind Strategic Compensation (COWSC), which includes predator reduction as a 'Strategic Ecological Compensation Study' and on which further information is provided in Section 4.4.3 of HRA Derogation and Compensatory Measures Update Note (Revision E) [document reference 13.7].</p>
19/12/2023	Landowner	Letter	Sandwich tern	Letter of support from landowner at Loch Ryan (See Appendix E)	Letter of support from landowner of the Corsewall Estate with regards to a proposal for an inland pool.

Appendix B: Gateshead Council's Letter of Support



Sarah Chandler, Development and Consents Manager

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

31 January 2023

Dear Ms Chandler

Sheringham Shoal and Dudgeon Extension Projects - Kittiwake Compensation Proposal

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

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

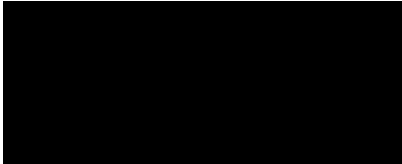
The council has actively engaged with Equinor during the DCO pre-application and pre-examination phases to assist in development of the proposal and believes the planned measure has strong ecological merit. The objectives of the proposal are also aligned with the council's long-term intentions for the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

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

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

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

Yours sincerely,



Anneliese Hutchinson
Service Director



[@gateshead.gov.uk](mailto:[REDACTED]@gateshead.gov.uk)

Climate Change, Compliance, Planning and Transport
Economy, Innovation and Growth
Gateshead Council, Civic Centre, Regent Street, Gateshead NE8 1HH

Appendix C: Dumfries & Galloway Council's Letter of Support

Our Ref: Sheringham Shoal/Dudgeon
Extension projects – Loch Ryan Sandwich
tern compensation proposals

Date: 13th June 2023

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

**Environment Team
Economy and Development
Dumfries and Galloway Council
Kirkbank House
English Street
Dumfries
DG1 2HS**

Any enquiries please contact:
**Karen Morley
Countryside Development Officer**
[REDACTED]@dumgal.gov.uk
Website: www.dumgal.gov.uk

Dear Mr Cryer

Sheringham Shoal and Dudgeon Extension Projects – Loch Ryan Sandwich tern compensation proposals

Dumfries and Galloway Council (the Council) are aware that the Examining Authority in respect of the Sheringham Shoal and Dudgeon Extension Projects has asked for confirmation that Equinor has engaged with the Council in respect of compensation measures for Sandwich terns proposed at Loch Ryan.

This letter is provided as confirmation that in principle and subject to planning permission, the Council supports Equinor's proposals to provide compensation for Sandwich tern at Loch Ryan as part of compensatory measures related to the Development Consent Order (DCO) application for the proposed Sheringham Shoal Offshore Wind Farm Extension Project and the Dudgeon Offshore Wind Farm Extension Project.

The Council has actively engaged with Equinor during the DCO process to provide consultation feedback on outline options for Sandwich tern compensation at Loch Ryan.

Dumfries and Galloway Council welcomes the consultation that has been undertaken to date and looks forward to further engagement as the detailed designs are progressed.

Yours sincerely,

[REDACTED]

Karen Morley, Countryside Development Officer

Appendix D: Loch Ryan Landowner Letter of Support [June 2023](#)

Equinor New Energy Limited
1 Kingdom Street
London
W2 6BD

19th June 2023

TO WHOM IT MAY CONCERN

I write in support of proposals by EQUINOR to site an inland pool compensation scheme and associated works on Corsewall Estate in areas out lined by Gordon Kerr of Stanley Wright. Equinor have engaged extensively with the landowner to ensure their proposals can sit alongside Corsewall's farming and wildlife management regimes.

Yours Faithfully,

Angus Carrick-Buchanan TD DL
Estate Office
Drumpellier & Corsewall Estates
Stranraer
Wigtownshire, DG9 0NX


Est. 1735 & 1820

[Appendix E: Loch Ryan Landowner Letter of Support December 2023](#)

Mr John Weadon
Head of Energy Infrastructure Planning Delivery
Department for Energy Security and Net Zero

Dear Mr Weadon

**Application by Equinor New Energy Limited
Proposed compensation scheme at Loch Ryan**

I write in connection with the application by Equinor New Energy Limited ("Equinor") to develop the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects. I am aware of your letter issued on behalf of the Secretary of State on 22 November 2023, which requested further information from Equinor on the inland pool compensation proposal at Loch Ryan, including a request for an update on progress towards agreeing a land deal.

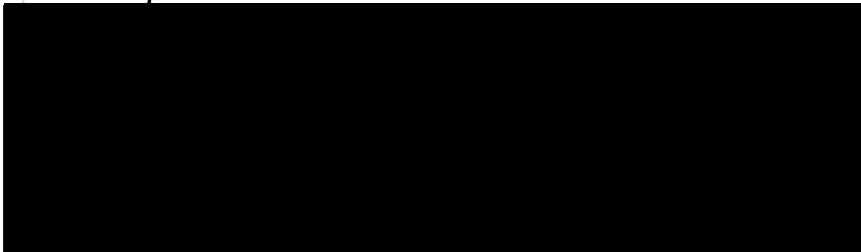
I am the owner of the Corsewall Estate, which includes the area of land that is proposed by Equinor for the inland pool compensation scheme. I previously sent a letter of 19 June 2023 confirming my support for the scheme. I wish to now re-iterate my support and to provide an update on the ongoing work and engagement that has been undertaken with Equinor in recent months and our progress towards reaching an agreement on suitable terms.

I have been in discussions with Equinor in connection with the inland pool proposal since August 2022. Over that time, we have discussed the general terms of the agreement required for Equinor to lease the land and the practicalities of how the scheme can be designed to fit within the wider landholding and activities of the Corsewall Estate as well as the wider local community. That work has also involved discussions and site visits with statutory bodies and regulators to identify where there may be areas of particular ecological value within the estate and how the scheme could work around those without impinging on the Estate's wider activities.

Following that work over several months, Equinor have now identified a suitable location and design that, while it is evolving and is still to be finalised, is supported in principle by the Corsewall Estate.

We are continuing to work through and progress the overall heads of terms for the agreement and those discussions are ongoing between our land agents and solicitors. Those negotiations are progressing positively, and I hope to reach a concluded agreement with Equinor in early 2024.

Yours sincerely



Angus Carrick-Buchanan
Corsewall Estate Office
Stranraer
Wigtownshire
DG9 0NX