

Date: 20 February 2024
Our ref: Case: 13015: 467281
Your ref: EN010109



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BY EMAIL ONLY

Dear Sir/Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 Application by Equinor New Energy Limited (“the Applicant”) for an Order granting Development Consent for the proposed Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project (“the Proposed Development”)

Within the SADEP Consultation Letter received 23 January 2024, the Secretary of State has invited all Interested Parties to comment on the information provided in response to the Secretary of State’s request of 22 November 2023. In particular, the Secretary of State has invited Natural England to comment on the information provided by the Applicant on the 20 December 2023.

Natural England welcomes the opportunity to provide further advice on the Applicant’s response to the following items of the Secretary’s Letter dated 22 November 2023:

- Items 11 to 16 Habitats Regulation Assessment
- Item 17 Offshore In-Principle Monitoring Plan
- Item 19 Pink-footed Geese Management Strategy

Accordingly, Natural England has reviewed the following documents provided by the Applicant:

- EN010109-002274-23.2 The Applicant’s Response to the Secretary of State’s Request for Information dated 22 November 2023;
- EN010109-002273-13.7.1 Habitats Regulation Assessment Derogation and Compensatory Measures Update Revision E Tracked;
- EN010109-002276-23.3 Sandwich Tern Compensation - Loch Ryan Inland Pool Site Location and Concept Design Figures;
- EN010109-002269-5.5.4.2 Appendix 4 Guillemot Compensation Document Revision E Tracked;
- EN010109-002268-5.5.4.1.1 Annex 4A Outline Guillemot Compensation Implementation and Monitoring Plan Revision C Tracked (1);
- EN010109-002271-9.19.3 Outline Ecological Management Plan Revision F Tracked;
- EN010109-002281-3.1.1 Draft Development Consent Order Tracked - Tracked Revision K L.

The following constitutes Natural England’s formal statutory response to the Secretary of State’s request for further information dated 23rd January 2024.

Natural England's Advice

Items 11 to 16: Habitats Regulations Assessment

Natural England's advice on the Applicant's response to Items 11 to 16 of the SoS request for further information dated 22 November 2023 is set out in the table below.

In formulating our advice we considered it would also be beneficial to provide an update to our position on the Applicant's proposed compensatory measures previously submitted at Deadline 8 [\[REP8-103\]](#). This update is presented separately in Appendix 1 of this letter and reflects the information provided by the Applicant in their response to the SoS consultation along with updates at a meeting held between the Applicant and Natural England on 31 October 2023. The updated position document continues to include our advice on compensatory measures for Sandwich tern, kittiwake, razorbill and guillemot. Appendix 1 is provided as both 'clean' and 'tracked changes' versions for ease of understanding where Natural England's position has altered.

Item	SoS Question dated 22nd November 2023	Natural England's Advice to the Applicant's response to the SoS Question dated 20th December 2023
11	The Applicant is invited to provide further information in relation to compensation measures identified for Sandwich tern as set out below.	Natural England provides the following advice to the Applicant's response in relation to Sandwich tern measures as set out in Items 12 and 13 below.
12	The Applicant is requested to provide further information on the design principles and details of the inland pool at Loch Ryan, including progress towards acquiring the land. This should include information on the feasibility and effectiveness of the habitats to be created and that they will be sufficiently attractive for nesting Sandwich terns. Information provided should demonstrate a clear and secure route to implementation and long-term management.	<p>With respect to the further information provided by the Applicant on 20 December 2023 in relation to this Sandwich tern compensatory measure proposal at Loch Ryan, Natural England has updated our End of Examination Position on the Applicant's Proposed Compensation Measures document submitted at Deadline 8 [REP8-103]. Please refer to Appendix 1: Natural England's Updated Position on the Applicant's Proposed Compensation Measures February 2024.</p> <p>In summary, whilst some of our previous concerns have been addressed by the further information provided by the Applicant, Natural England remain concerned by the limited scale of the proposed lagoon and surrounding habitat, and the lack of an open aspect to the site in general.</p>
13	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.	<p>Natural England continue to be broadly supportive of the inclusion of trialling of predator management measures at Blakeney Point. We reiterate our position that expert consultation should inform any literature reviews and data gathering to ensure the work is targeted and useful.</p> <p>With respect to the further information provided by the Applicant - as regards to the purpose of the proposals at Blakeney (as a supplementary measure rather than adaptive management), the aim being predator control rather than eradication, and the difficulty in quantifying benefits of the measure due to the complexity of other variables influencing breeding numbers and success – Natural England are broadly in agreement and have</p>

Item	SoS Question dated 22 nd November 2023	Natural England's Advice to the Applicant's response to the SoS Question dated 20 th December 2023
		no specific comments to make.
14	The Applicant is invited to provide further information in relation to compensation measures identified for guillemot as set out below in items 15 and 16.	Natural England provides the following advice to the Applicant's response in relation to guillemot compensation measures as set out in Items 15 and 16 below.
15	The Applicant is requested to present further information to demonstrate that the compensatory measures for guillemot in the southwest of England would provide quantifiable and qualitative benefits to the nearest SPAs and the coherence of the National Site Network.	<p>Natural England maintains our position that it is not possible to rule out AEoI for the <u>razorbill</u> feature of the Flamborough & Filey Coast SPA for displacement impacts from SEP and DEP in-combination with other plans and projects (including Hornsea 4). Therefore we disagree with the Applicant's decision to remove the 'without prejudice' compensation proposals for this feature from the Guillemot Compensation Document Rev E.</p> <p>With respect to the further information provided by the Applicant in relation to guillemot compensatory measures in relation to the National Site Network (NSN), Natural England considers the Applicant has made a reasonable attempt to quantify the benefits to the NSN by estimating the percentage of guillemots within the UK Western Waters that are breeding adults associated with the NSN as per Furness (2015), and scaling up their compensation requirement accordingly. Natural England consider it is not possible to robustly quantify the exact level of benefit to individual SPAs for the measures in question.</p> <p>With regards to connectivity to the National Site Network, we wish to highlight that the Applicant's conclusion that <i>"it is not essential for compensation proposals to facilitate recruitment back into the NSN"</i> as stated within paragraph 129 of Appendix 4 Guillemot Compensation Document (Revision E) is a misinterpretation of our advice within Section 3 of our End of Examination Position on the Applicant's Proposed Compensatory Measures. Natural England's position is that compensation is required to ensure that the overall coherence of the national site network (NSN) of SPAs is maintained. This can take the form of increasing the biogeographic population from which the NSN draws its recruits, provided that the increase is appropriately scaled to account for the fact that only a proportion of the additional birds will recruit into the network (as opposed to undesignated colonies).</p> <p>In addition, Natural England has updated our End of Examination Position on the Applicant's Proposed Compensation Measures submitted at Deadline 8</p>

Item	SoS Question dated 22 nd November 2023	Natural England's Advice to the Applicant's response to the SoS Question dated 20 th December 2023
		<p>[REP8-103]. Please refer to Appendix 1: Natural England's Updated Position on the Applicant's Proposed Compensation Measures February 2024.</p> <p>Our advice within this document reflects Natural England's position in light of the updated information provided by the Applicant in their response dated 20 December 2024, as well as recent evidence from other trials of the Looming Eye Buoy (LEB) technology.</p> <p>In summary, Natural England's position on bycatch reduction as a compensatory measure remains unchanged; we continue to have concerns over the effectiveness of the Looming Eye Buoy in reducing bycatch of auks, and the lack of a quantified assessment of bycatch levels at the target fishery.</p>
16	<p>Further information is requested on the alternative compensation measures required for adaptive management, specifically, further clarity and detail relating to the Applicants own predator eradication measures and evidence that, if required, Hornsea 4 would collaborate with the Applicant.</p>	<p>Natural England notes the Applicant considers its bycatch reduction proposals can deliver on its compensation requirement and therefore has not sought to progress the option of collaborating on predator eradication measures for guillemot. In addition, Hornsea 4 has advised it is unable to commit to any collaborative work with SEP and DEP at this stage.</p> <p>As such, Natural England has no specific response and refers the SoS to Appendix 1: Natural England's Updated Position on the Applicant's Proposed Compensation Measures February 2024 where the Applicant's updates are reflected.</p> <p>Our position remains unchanged from the end of examination that given the proposals for predator eradication are highly unlikely to address the compensatory requirements for Hornsea 4, it is hard to see how they could offer compensation opportunities to SADEP.</p>

Item 17: Offshore In-Principle Monitoring Plan

Natural England has reviewed the Applicants response as submitted on the 20 December where the Applicant set out their position *“that a condition of the nature proposed is unnecessary and unreasonable... the Applicant considers that no clear explanation has been given by Natural England that would justify imposing a condition of this nature, which would depart from the well precedented post-condition monitoring requirements included in other offshore wind farm development consent orders.”*

In response, Natural England refers the SoS to our response of 20 December 2023 [[Natural England; Appendix 1](#)] where we set out our concerns with the monitoring scope in relation to our experience with the monitoring scope for existing projects, and therefore justification for inclusion of condition wording for the Offshore In-Principle Monitoring Plan.

Further to our references to [\[REP8-101\]](#) and [\[REP5-090\]](#), we refer the SoS and the Applicant to our [\[REP1-136\]](#) submission, where our concerns and rationale were originally set out to secure a mechanism for adaptive monitoring and a require for remedial measures (adaptive management) should unforeseen impacts be detected.

Our advice both during examination and in response to the SoS consultation provided on December 20th remains unchanged. We advise NE's and MMO's suggested amendment to Condition 20 (of Schedules 10 and 11) and Condition 19 (of Schedules 12 and 13) of the draft Deemed Marine Licences are included within the DCO.

Item 19: Pink-Footed Goose Mitigation Strategy

Natural England supports the Applicant's proposed amendment to the Outline Ecological Management Plan (Revision F) whereby reference is provided to a separate Pink-Footed Geese Mitigation Plan, to be approved by the relevant LPA in consultation with Natural England.

We refer the SoS and Applicant to our response to the SoS Consultation provided on 20 December 2023 [\[Natural England; Appendix 3\]](#) where we also advise amendments to the wording of the pink-footed geese condition in line with Natural England's best practice advice.

If you have any further queries, please do not hesitate to contact using the details provided below.

Yours sincerely

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