



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

**Response to the Secretary of State's consultation on the Applicant's response
to the Secretary of State's request for information dated 22 November 2023**

Submitted 20 February 2024

Planning Act 2008 (as amended)

In the matter of:

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

Planning Inspectorate Ref: EN010109

RSPB Registration Identification Ref: 20033327

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1. Introduction

Scope of the RSPB's response

- 1.1. The RSPB is grateful for the opportunity to respond to the Secretary of State for Energy Security and Net Zero's consultation on additional information provided by the Applicant for the Sheringham and Dudgeon Extension Projects in response to the Secretary of State's request dated 22 November 2023.
- 1.2. The RSPB only became aware of the consultation very recently and therefore has had little time to review the documents. Therefore, the RSPB has restricted its brief comments to the following topics:
 - Sandwich Tern compensation measures;
 - Guillemot compensation measures.

Documents reviewed

- 1.3. In compiling this Written Submission, the RSPB has considered the following documents:
 - the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision E)(Tracked); and
 - Appendix 4 Guillemot Compensation Document (Revision E)(Tracked).

2. The RSPB's response to the Secretary of State's consultation on the Applicant's response to the Request for Information dated 22 November 2023

Introduction

- 2.1. Below we set out the RSPB's brief comments on the updates of the Applicant's compensation proposals in respect of Sandwich Tern and Guillemot.

Sandwich Tern compensation

Loch Ryan

- 2.2. The RSPB notes the ongoing work and stakeholder engagement being carried out by the Applicant. In line with our comments in REP1-161 and REP8-116, the RSPB considers uncertainties as to the effectiveness of the Loch Ryan proposal remain including, but not limited to, the likelihood of Sandwich Terns colonising the site.

Blakeney Point Predator Management Compensation Proposal

- 2.3. The RSPB commented on this measure during the examination (see REP8-116). We have now reviewed the additional information contained in the HRA Derogation and Compensatory Measures Update document (paragraphs 59 to 68).
- 2.4. This additional information confirms the RSPB's understanding that this would comprise SPA site management measures rather than a supplementary compensation measure (see paras 5.7-5.8 on additionality of RSPB REP1-161). It is apparent from the Applicant's statements that they do not consider it will be feasible to quantify any benefits from the proposal. This is reinforced by the statement in paragraph 67 that states:

"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."

- 2.5. Overall, we consider that this and the other factors listed at paragraph 67 mean that low or no reliance should be placed on the measure as a supplementary compensation measure as opposed to one supporting existing SPA site management.
- 2.6. Whilst we do not consider this measure provides a suitable compensation option (supplementary or otherwise), the suggested research to better understand the pressures affecting Sandwich Terns on the North Norfolk Coast would be valuable. However, we consider this must sit outside the mitigation and compensation requirements of the project for the reasons outlined above. This could be included in the Applicant's ecological monitoring programme, which would need to be suitably clarified in the Development Consent Order.

Guillemot compensation – bycatch reduction

- 2.7. In the limited time available, the RSPB has reviewed the amendments to:
- the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision E)(Tracked); and
 - Appendix 4 Guillemot Compensation Document (Revision E)(Tracked).
- 2.8. Based on this, it appears that the Applicant is continuing to rely on bycatch reduction using the Looming Eyes Buoy (LEB) as trialled by the Hornsea Four offshore wind farm, in part relying on the Secretary of State’s previous decision in respect of Hornsea Four that the use of the LEB for bycatch reduction is a suitable compensation measure for guillemot. It proposes to carry out its own trial of LEB between October 2023 and October 2024, which will be after any decision on the SEP/DEP proposal.
- 2.9. The RSPB continues to argue that the LEB is unproven as a measure that can successfully reduce bycatch in guillemot and therefore is wholly inappropriate as a compensation measure. Our detailed concerns were set out in REP1-161 to the Dudgeon and Sheringham Project Extension examination. These essentially repeated the RSPB’s detailed criticisms of the Hornsea Four published evidence base which we considered seriously flawed.
- 2.10. In October 2023, the RSPB and Fuglavernd (BirdLife Iceland) published the findings of research¹ testing the effects of LEBs in the Icelandic lumpfish fishery, assessing effects in seabird bycatch rates and target fish catch. The research “...found no effect of LEBs on both target lumpfish catch and bycatch” and “...there was...no significant reduction in bycatch for...common and black guillemots...”.
- 2.11. Rouxel et al. 2023 remains therefore the only published scientific, peer-reviewed study of the effectiveness or otherwise of LEBs at reducing bycatch of, among other things, auks – including common guillemot. We acknowledge that the nature of this fishery and its operative conditions are different to gillnet fisheries operating in UK waters.
- 2.12. In addition, the RSPB and the Cornwall Inshore Fisheries and Conservation Authority have been undertaking trials of LEBs and predator-shaped kites in local gillnet fisheries, between 2022-2023. The results from this trial are not yet published but did not show evidence of LEBs having any statistically significant impact on seabirds’ bycatch rate, including of common guillemots (Y. Rouxel, pers. comm.).
- 2.13. The RSPB’s expert view of the scientific flaws in the published information on the Hornsea Four bycatch trials remains as stated in REP1-161 and elsewhere.
- 2.14. Therefore, in the absence of scientifically peer-reviewed evidence from Hornsea Four or the Applicant, our results seriously question any reliance being placed on LEBs as a

¹ Rouxel, Y., Arnardóttir, H., & Oppel, S. (2023). Looming-eyes buoys fail to reduce seabird bycatch in the Icelandic lumpfish fishery: depth-based fishing restrictions are an alternative. *Royal Society Open Science*, 10(10), 230783.

compensation measure. No weight can or should be given to the Applicant's reliance on the Hornsea Four bycatch proposals to support their own such proposals.

- 2.15. The RSPB remains of the expert view that there is no evidence in the public domain at this time, peer-reviewed or otherwise, that supports the use of the LEB as an effective measure to reduce bycatch in common guillemots.