



**SCOTTISHPOWER  
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# **East Anglia ONE North Offshore Windfarm**

## **Offshore Ornithology Without Prejudice Compensation Measures**

Applicant: East Anglia ONE North Limited

Document Reference: ExA.AS-6.SoSQ2.V5

SPR Reference: EA1N-DWF-ENV-REP-IBR-0010549 Rev 05

Date: 31<sup>st</sup> January 2022

Revision: Version 5

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**Applicable to East Anglia ONE North**



| Revision Summary |            |                              |                 |                 |
|------------------|------------|------------------------------|-----------------|-----------------|
| Rev              | Date       | Prepared by                  | Checked by      | Approved by     |
| 01               | 24/02/2021 | Paolo Pizzolla               | Ian MacKay      | Rich Morris     |
| 02               | 25/03/2021 | Paolo Pizzolla, Mark Trinder | Ian MacKay      | Rich Morris     |
| 03               | 07/06/2021 | Paolo Pizzolla, Mark Trinder | Ian Mackay      | Rich Morris     |
| 04               | 28/06/2021 | Paolo Pizzolla, Mark Trinder | Lesley Jamieson | Rich Morris     |
| 05               | 31/01/2022 | Paolo Pizzolla, Mark Trinder | Lesley Jamieson | Brian McGrellis |

| Description of Revisions |      |         |                                                                                                        |
|--------------------------|------|---------|--------------------------------------------------------------------------------------------------------|
| Rev                      | Page | Section | Description                                                                                            |
| 01                       | n/a  | n/a     | Final for submissions                                                                                  |
| 02                       | n/a  | n/a     | Updates to V1 to incorporate responses to NE and Defra feedback                                        |
| 03                       | n/a  | n/a     | Updates to address comments raised by the Examining Authority in ExA further written questions - ExQs3 |
| 04                       | n/a  | n/a     | Final updates for submission at Deadline 12                                                            |
| 05                       | n/a  | 1, 6, 7 | Revisions to Section 1 and Appendices 6 and 7 in response to SoS letter                                |



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## Glossary of Acronyms

|        |                                                                         |
|--------|-------------------------------------------------------------------------|
| AEoI   | Adverse Effect on Integrity                                             |
| AEWA   | African-Eurasian Waterbird Agreement                                    |
| AOE    | Alde-Ore Estuary                                                        |
| AON    | Apparently Occupied Nest                                                |
| AONB   | Area of Outstanding Natural Beauty                                      |
| CI     | Confidence Interval                                                     |
| CRM    | Collision Risk Model                                                    |
| DCO    | Development Consent Order                                               |
| DEPONS | Disturbance Effects on the Harbour Porpoise Population in the North Sea |
| EC     | European Community                                                      |
| EEC    | European Economic Community                                             |
| ExA    | Examining Authority                                                     |
| FFC    | Flamborough and Filey Coast                                             |
| GaIMP  | Gannet Implementation and Monitoring Plan                               |
| GaCSG  | Gannet Compensation Steering Group                                      |
| GuIMP  | Guillemot Implementation and Monitoring Plan                            |
| GuCSG  | Guillemot Compensation Steering Group                                   |
| HRA    | Habitats Regulations Assessment                                         |
| IROPI  | Imperative Reasons of Over-riding Public Interest                       |
| ISAA   | Information to Support Appropriate Assessment                           |
| JNCC   | Joint Nature Conservation Committee                                     |
| KIMP   | Kittiwake Implementation and Monitoring Plan                            |
| KCSG   | Kittiwake Compensation Steering Group                                   |
| LBBIMP | Lesser black-backed gull Implementation and Monitoring Plan             |
| LBBCSG | Lesser black-backed gull Compensation Steering Group                    |
| MMO    | Marine Management Organisation                                          |
| NE     | Natural England                                                         |
| O&M    | Operation and maintenance                                               |
| OTE    | Outer Thames Estuary                                                    |
| PCB    | Polychlorinated Biphenyls                                               |
| PINS   | Planning Inspectorate                                                   |
| RIMP   | Razorbill Implementation and Monitoring Plan                            |
| RCSG   | Razorbill Compensation Steering Group                                   |
| RSPB   | Royal Society for the Protection of Birds                               |
| SMP    | Seabird Monitoring Programme                                            |
| SNCB   | Statutory Nature Conservation Body                                      |
| SPR    | ScottishPower Renewables                                                |
| SoS    | Secretary of State                                                      |
| SPA    | Special Protection Area                                                 |



## Glossary of Terminology

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicants                                        | East Anglia TWO Limited / East Anglia ONE North Limited                                                                                                                                                                                                                                                                                                                                                                              |
| Cable sealing end compound                        | A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.                                                                                                                                                                                                                                                                               |
| Cable sealing end (with circuit breaker) compound | A compound (which includes a circuit breaker) which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.                                                                                                                                                                                                                                            |
| Construction consolidation sites                  | Compounds associated with the onshore works which may include elements such as hard standings, lay down and storage areas for construction materials and equipment, areas for vehicular parking, welfare facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure.                                                                                                                |
| Construction operation and maintenance platform   | A fixed offshore structure required for construction, operation, and maintenance personnel and activities.                                                                                                                                                                                                                                                                                                                           |
| Development area                                  | The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).                                                                                                                                                                                                                                                                           |
| East Anglia ONE North project                     | The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.                 |
| East Anglia TWO project                           | The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.                 |
| East Anglia TWO / ONE North windfarm site         | The offshore area within which wind turbines and offshore platforms will be located.                                                                                                                                                                                                                                                                                                                                                 |
| European site                                     | Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas. |
| Generation Deemed Marine Licence (DML)            | The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.                                                                                                                                                                                                                                                                                                                           |
| Horizontal directional drilling (HDD)             | A method of cable installation where the cable is drilled beneath a feature without the need for trenching.                                                                                                                                                                                                                                                                                                                          |
| HDD temporary working area                        | Temporary compounds which will contain laydown, storage and work areas for HDD drilling works.                                                                                                                                                                                                                                                                                                                                       |
| Inter-array cables                                | Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.                                                                                                                                                                                                                                                                                      |



|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jointing bay                                       | Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.                                                                                                                                                                                                                                              |
| Landfall                                           | The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.                                                                                                                                                                                                                                                                              |
| Link boxes                                         | Underground chambers within the onshore cable route housing electrical earthing links.                                                                                                                                                                                                                                                                                                                                |
| Meteorological mast                                | An offshore structure which contains metrological instruments used for wind data acquisition.                                                                                                                                                                                                                                                                                                                         |
| Mitigation areas                                   | Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.                                                                                                                                                                                                                                                                                                       |
| Marking buoys                                      | Buoys to delineate spatial features / restrictions within the offshore development area.                                                                                                                                                                                                                                                                                                                              |
| Monitoring buoys                                   | Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.                                                                                                                                                                                                                                                                                                              |
| National electricity grid                          | The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission                                                                                                                                                                                                                                                                                 |
| National Grid infrastructure                       | A National Grid substation, cable sealing end compounds, cable sealing end (with circuit breaker) compound, underground cabling and National Grid overhead line realignment works to facilitate connection to the national electricity grid, all of which will be consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order but will be National Grid owned assets. |
| National Grid overhead line realignment works      | Works required to upgrade the existing electricity pylons and overhead lines (including cable sealing end compounds and cable sealing end (with circuit breaker) compound) to transport electricity from the National Grid substation to the national electricity grid.                                                                                                                                               |
| National Grid overhead line realignment works area | The proposed area for National Grid overhead line realignment works.                                                                                                                                                                                                                                                                                                                                                  |
| National Grid substation                           | The substation (including all of the electrical equipment within it) necessary to connect the electricity generated by the proposed East Anglia TWO / East Anglia ONE North project to the national electricity grid which will be owned by National Grid but is being consented as part of the proposed East Anglia TWO / East Anglia ONE North project Development Consent Order.                                   |
| National Grid substation location                  | The proposed location of the National Grid substation.                                                                                                                                                                                                                                                                                                                                                                |
| Natura 2000 site                                   | A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.                                                                                                                                                                                                                           |
| Offshore cable corridor                            | This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.                                                                                                                                                                                                                                                                                                    |
| Offshore development area                          | The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).                                                                                                                                                                                                                                                                                                |
| Offshore electrical infrastructure                 | The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.                                                                                                                |



|                              |                                                                                                                                                                                                                                                                                                                          |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Offshore electrical platform | A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.                                                                                                                          |
| Offshore export cables       | The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.                                                                                                                                                                           |
| Offshore infrastructure      | All of the offshore infrastructure including wind turbines, platforms, and cables.                                                                                                                                                                                                                                       |
| Offshore platform            | A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.                                                                                                                                                                                                        |
| Onshore cable corridor       | The corridor within which the onshore cable route will be located.                                                                                                                                                                                                                                                       |
| Onshore cable route          | This is the construction swathe within the onshore cable corridor which would contain onshore cables as well as temporary ground required for construction which includes cable trenches, haul road and spoil storage areas.                                                                                             |
| Onshore cables               | The cables which would bring electricity from landfall to the onshore substation. The onshore cable is comprised of up to six power cables (which may be laid directly within a trench, or laid in cable ducts or protective covers), up to two fibre optic cables and up to two distributed temperature sensing cables. |
| Onshore development area     | The area in which the landfall, onshore cable corridor, onshore substation, landscaping and ecological mitigation areas, temporary construction facilities (such as access roads and construction consolidation sites), and the National Grid Infrastructure will be located.                                            |
| Onshore infrastructure       | The combined name for all of the onshore infrastructure associated with the proposed East Anglia TWO / East Anglia ONE North project from landfall to the connection to the national electricity grid.                                                                                                                   |
| Onshore preparation works    | Activities to be undertaken prior to formal commencement of onshore construction such as pre-planting of landscaping works, archaeological investigations, environmental and engineering surveys, diversion and laying of services, and highway alterations.                                                             |
| Onshore substation           | The East Anglia TWO / East Anglia ONE North substation and all of the electrical equipment within the onshore substation and connecting to the National Grid infrastructure.                                                                                                                                             |
| Onshore substation location  | The proposed location of the onshore substation for the proposed East Anglia TWO / East Anglia ONE North project.                                                                                                                                                                                                        |
| Platform link cable          | Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.                                                                                                                                                                                                               |
| Safety zones                 | A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.                                                                                                                                                                         |
| Scour protection             | Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.                                                                                                                                                                                              |
| Transition bay               | Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.                                                                                                                                                                                                  |
| Transmission DML             | The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.                                                                                                                                                                                                             |



# 1 Introduction

## 1.1 Background

1. East Anglia ONE North offshore windfarm (the Project) applied on 25<sup>th</sup> of October 2019 for an order granting development consent under the Planning Act 2008 (the Applications) to authorise the construction, operation and maintenance of the East Anglia ONE North windfarm generating station in the Southern North Sea, with associated offshore and onshore infrastructure.
2. The Application was accepted by the Planning Inspectorate ("PINS") on behalf of the Secretary of State for Business, Energy and Industrial Strategy (the Secretary of State) on 22<sup>nd</sup> of November 2019 and is subject to examination by the appointed Examining Authority (ExA) between 6<sup>th</sup> October 2020 and 6<sup>th</sup> April 2021 (the Examination).
3. In the ExA's Rule 6 letter of the 16<sup>th</sup> July 2020 the ExA asked East Anglia ONE North Limited (The Applicant) under Procedural Decision 18, Question 2 to consider whether:
4. *"there is a need for the project before us to..... engage with the derogation tests set out under stages 3 and 4 of the Habitats Directives and Regulations"*
5. It is the Applicant's position in the Information to Support Appropriate Assessment (ISAA) (APP-043) that there would be no Adverse Effect on Integrity (AEoI) of any site as a result of either project alone or in-combination effects. The Applicant has engaged with Interested Parties and has considered comments raised in their Relevant Representations but does not consider that any of the issues raised alter the position stated at the time of the application.
6. Furthermore, in response to submissions made by Natural England (NE) and the Royal Society for the Protection of Birds (RSPB) during the Project's Examination, the Applicant has proposed to implement further mitigation measures from those set out in the DCO Application (e.g. increasing rotor draught height to reduce collision risks and a revised site boundary for East Anglia ONE North) in order to give further confidence that there will not be any adverse effects of the Project on the following Special Protection Areas (SPAs) and the features for which they are designated:
  - Flamborough and Filey Coast (FFC) SPA
    - Kittiwake (collision risk)
    - Gannet (collision risk)
    - Guillemot (displacement risk)





- Razorbill (displacement risk)
  - Alde-Ore Estuary AOE) SPA
    - Lesser black-backed gull (collision risk)
  - Outer Thames Estuary (OTE) SPA
    - Red-throated diver (redistribution risk)
7. The mitigations are detailed in full in the following documents which have been submitted to the Project's examination:
- East Anglia ONE North and East Anglia TWO Offshore Windfarms Offshore ornithology cumulative and in-combination collision risk update (REP1-047); and
  - East Anglia ONE North Offshore Windfarm Offshore Commitments (REP3-073).
8. The increase in turbine draught height results in the collision risks for kittiwake and gannet being reduced by up to 15% and for lesser black-backed gull by up to 10% compared with those figures presented in the Projects' DCO Applications (REP1-047). The revised site boundary has resulted in East Anglia ONE North being a minimum distance of 2km from the Outer Thames Estuary SPA.
9. As stated in the original submission (APP-043), and subsequently during the Examination (REP1-047, REP2-006, REP3-049, REP4-042, REP8-035, REP11-027, document reference ExA.AS-8.D12.V1), the Applicant considers there to be no risk of an Adverse Effect on Integrity (AEol) for these sites as a result of the Project alone and in-combination with other plans and projects, based on assessment of the original design. Following the additional mitigation for collisions and displacement risks, the Applicant firmly maintains that there are no AEol for these sites as a result of the projects alone and in-combination with other plans and projects.
10. Nonetheless, in light of the Secretary of State's observation in the decision letters for recent windfarm applications (e.g. Norfolk Vanguard and Hornsea Project Three) that future projects should be mindful to ensure that in-principle compensation options were presented for consideration during the Examination of DCO applications, this document outlines in-principle compensatory measures that could be developed should the Secretary of State conclude AEol on any of the qualifying features listed above.

## 1.2 Purpose of this Document

### 1.2.1 Context

11. The Applicant does not believe that any compensatory measures will need to be progressed. Therefore, the provision of evidence regarding compensation



measures is provided 'in-principle' and is made entirely without prejudice to the Applicant's position that there will be no AEoI on any SPA.

12. This document therefore provides a review of a range of potential measures that could be adopted to compensate for the potential effects on the seabirds identified in **section 1.1**. Where similar proposals have been made for other windfarm applications, and relevant stakeholders (e.g. NE and the RSPB) have provided comments, those proposals and comments have been considered in the current review.
13. This document has been updated in response to Parts 5 of the letters published by the Secretary of State for Business, Energy and Industrial Strategy (SoS) on 20<sup>th</sup> December 2021 (the SoS letters).
14. Part 5 of the SoS letters stated:

*"In relation to the red-throated diver feature of the Outer Thames Estuary Special Protection Area ("SPA"), the Applicant, in consultation with Natural England, is requested to provide an updated project layout that includes a sufficient buffer between the array and the SPA boundary to remove displacement impacts on red-throated divers within the SPA"*

15. Following this request the Applicant reviewed information from on-going detailed design work for the Project in order to determine if there was flexibility within the proposed windfarm site (and undertook a parallel exercise for East Anglia TWO) that would allow the boundaries to be amended to provide a larger buffer from the windfarm sites to the OTE SPA. The revisions to **Appendix 6: Red-Throated Diver** and **Appendix 7: Secondary measure: Ornithological By-catch** reflect this work and the resultant changes to the without-prejudice compensation case.

### 1.2.2 Consultation

16. During Examination the Applicant presented outline proposals to NE and the RSPB at a workshop on the 28<sup>th</sup> July 2020, which was followed by a draft set of proposals provided on the 25<sup>th</sup> September 2020 for review and comment. Both stakeholders provided comments on the outline proposals (NE under their discretionary advice service on 30<sup>th</sup> October 2020 and the RSPB direct on the 23<sup>rd</sup> October 2020), and again on the HRA Compensatory Measures submitted in the examination (REP3-054) in their Deadline 5 responses REP5-016 (RSPB) and REP5-082 (NE). These comments were taken into consideration in the subsequent development of in-principle compensation. The first draft of the current document was submitted at Deadline 6 (REP6-046) with comments received from NE at Deadline 7 (REP7-071) and subsequently at a workshop on the 10<sup>th</sup> March 2021. In addition, the Applicant consulted with Defra's Offshore Wind Compensation and Impact unit on the 23<sup>rd</sup> February and 9<sup>th</sup> March 2021,



these discussions fed into the Applicant's consideration of wider 'secondary' compensation measures.

17. To respond to the request from the Secretary of State for Business, Energy and Industrial Strategy contained in their letter of 20 December 2021 regarding the red-throated diver feature of the Outer Thames Estuary SPA, the Applicant engaged with NE and other stakeholders on technical matters.

## 2 Guidance on compensation

18. Should the Competent Authority conclude that, following Appropriate Assessment, an AEoI on a Natura 2000 site(s) cannot be ruled out, that there are no alternative solutions and that there are Imperative Reasons of Over-riding Public Interest (IROPI), Article 6(4) of the Habitats and Birds Directives *"requires that all necessary compensatory measures are taken to ensure the overall coherence of the network of European sites as a whole is protected."*
19. DEFRA (2021a) and EC (2012 and 2018) explain that for SPAs, the overall coherence of the Natura 2000 Network can be maintained by:
- compensation that fulfils the same purposes that motivated the site's designation;
  - compensation that fulfils the same function along the same migration path; and,
  - the compensation site(s) are accessible with certainty by the birds usually occurring on the site affected by the project.
20. The guidance provides an element of flexibility, recognising that compensation of a 'like for like' habitat and/or in the same designated site may not be practicable.
21. Draft guidance has been published by DEFRA since the close of the Project's examination 'Best practice guidance for developing compensatory measures in relation to Marine Protected Areas' (DEFRA, 2021b). This guidance again recognises the potential issues with the ability to provide 'like-for-like' compensation stating:
- "As it will not always be possible to deliver compensatory measures in a like-for-like capacity as is accepted terrestrially, Defra has created a framework to help advisors' regulators and developers to explore and develop compensatory measures. The underlying principle is that compensatory measures that benefit the same feature which is impacted by the development will be the most preferable as they balance the damage caused by the development."*



*Each step down the hierarchy moves away from like for like measures and therefore may decrease the certainty of success, and therefore increase the extent of compensation required. The key is to ensure the biological structure and function of the network is maintained. The more significant the impact to the protected feature or species, the more important it is that compensatory measures are developed within steps 1 and 2 of the Hierarchy of Compensatory Measures.”*

22. The hierarchy is shown in **Table 2-1**.
23. In response to this new approach and the hierarchy of compensation measures proposed within the draft guidance (DEFRA, 2021) the Applicant has reconsidered the available options for compensation measures. The result is that for red-throated diver a measure that was previously long-listed<sup>1</sup> but rejected (i.e. the use of nesting rafts to improve breeding success of the birds outside of the OTE SPA) has been reconsidered. Whilst discussions are on-going with third parties on how a measure could be implemented, those discussions are not sufficiently advanced to allow the inclusion of such a measure in this submission.

**Table 2-1 Hierarchy of Compensatory Measures for the marine environment (from Defra, 2021)**

| Hierarchy of Measures                          | Description                                                                                                                        | Marine examples                                                                                                                                                                                                                          | Terrestrial examples                                                                                                              |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 1. Address same impact at same location        | Address the specific impact caused by the permitted activity in the same location (within the site boundary)                       | On-site creation, restoration or relocation of feature that will be harmed/lost.<br><br>e.g. replace seabirds lost to 'birdstrike' by controlling predators at nesting sites in SPA.                                                     | Conversion of onsite arable or grazing lands to create wetlands, marshes, saltmarsh or lagoons.                                   |
| 2. Same ecological function different location | Provide the same ecological function as the impacted feature; if necessary, in a different location (outside of the site boundary) | Off-site creation or restoration of feature that will be harmed/lost<br><br>Measures taken to enhance a seabird population delivered in a different location to the impacted population of same species, eg Artificial nesting platforms | Managed realignment to create a manmade wetland further along the coastal region to replace the loss of wetland at impacted site. |

<sup>1</sup> This measure was included in materials provided to Natural England and RSPB on 22<sup>nd</sup> September 2020 in consultation undertaken outside of the PINS examination process.



| Hierarchy of Measures                                | Description                                                                                                                                                                          | Marine examples                                                                                                                                                                                                                                                                                                                                                                      | Terrestrial examples                                                                                                                                                                                                             |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Comparable ecological function same location      | Provide ecological functions and properties that are comparable to those that originally justified the designation in the same location as the impact                                | On- site creation or restoration of a similar feature to the one that will be damaged / lost<br><br>Broader measures taken to benefit a feature of the site that provides a similar environmental benefit to the one that is lost or damaged, e.g. measures to enhance population of the protected seabird species                                                                   | On-site creation or restoration of a similar feature or species that will be harmed or lost.<br><br>e.g. planting different species of tree to the individual species that has been affected.                                    |
| 4. Comparable ecological function different location | Provide ecological functions and properties that are comparable to those that originally justified designation; if necessary, in a different location (outside of the site boundary) | Off-site creation or restoration of a similar feature to the one that will be damaged or lost<br><br>Broader measures taken to benefit a feature of the site that provides a similar environmental benefit to the one that is lost or damaged, e.g. measures to enhance population of a different protected seabird species in a different location to where the impact has occurred | Off-site creation or restoration of a similar feature or species that will be harmed or lost.<br><br>e.g. the creation of a wetland reserve that cannot reproduce the same features but mitigates for some loss in biodiversity. |

24. Compensation should not be used to address issues that are causing designated habitats or species to be in an unfavourable condition. This is the responsibility of the UK Government.
25. Ideally, compensation should be functioning before the effect takes place, although it is recognised that this may not always be possible, as stated in the EC (2012) guidance: *“in principle, the result of implementing compensation has normally to be operational at the time when the damage is effective on the site concerned. Under certain circumstances where this cannot be fully fulfilled, overcompensation would be required for the interim losses.”*



26. In line with the guidance, compensation measures for each SPA feature are presented in the following sections.

## 3 Approach

27. The approach which has been taken by the Applicant to identify potential compensation measures and for considering their suitability is as follows:
- Review of compensation measures discussed in Furness et al. (2013);
  - Review of recent windfarm applications for which compensation options have been presented (e.g. Hornsea Project Three, Norfolk Vanguard and Norfolk Boreas), accepted as appropriate in the determination (to date Hornsea Project Three only) and stakeholder comments on these proposals;
  - Consideration of emerging evidence on windfarm and seabird interactions and influences on seabird ecology more widely to determine whether novel options may be appropriate.
  - Features of the options identified through this process were then considered in relation to various criteria (feasibility, spatial and temporal scale, how it would be monitored, etc.).
28. In undertaking these steps, the scale of predicted impacts was also used as a guide, since this is a material factor in deciding on the degree of justification for any given measure, and also its feasibility.
29. Each of the features identified in **section 1.1** is covered in a separate appendix to this document which describes the measures for that species.

### 3.1 Summary of Measures proposed

30. The following in-principle (without prejudice) compensation options are set out for those SPA seabird populations for which NE has been unable to rule out either project alone (red-throated diver) or in-combination AEol.
- FFC SPA kittiwake: provision of a structure suitable for kittiwake to nest on at a location considered to offer a high probability of high breeding success (**Appendix 1: Kittiwake**);
  - FFC SPA gannet: provision of a structure suitable for gannet to nest on at a location considered to offer a high probability of high breeding success (**Appendix 2: Gannet**);
  - FFC SPA guillemot: eradication of introduced rats on an island where rat predation is considered to limit colony size and productivity (**Appendix 3: Guillemot**);





- FFC SPA razorbill: eradication of introduced rats on an island where rat predation is considered to limit colony size and productivity (**Appendix 4: Razorbill**);
  - AOE SPA lesser black-backed gull: erection of predator proof fencing to provide safe habitat for nesting (**Appendix 5: Lesser Black backed gull**); and,
  - OTE SPA red-throated diver: management of vessels to reduce disturbance and displacement within the SPA during critical periods of the nonbreeding season (**Appendix 6: Red-throated diver**).
31. In addition, the Applicant has added a new measure, a proposal to undertake research into ornithological by-catch reduction and subsequently, if suitable gear types are identified that reduce by-catch, fund a voluntary fishing gear change scheme (**Appendix 7: Secondary measure: Ornithological By-catch**). This would be adopted as an alternative or in addition to the measures above where relevant to the species.
32. **Appendix 8: Discounted measures** provides a summary of those measures which were considered but which were discounted.

### 3.2 Fisheries management

33. NE's responses to compensation proposals for the Hornsea Three, Norfolk Vanguard and Norfolk Boreas windfarms have all stated that (in relation to kittiwake compensation) management of the North Sea sandeel fishery on the Dogger Bank is their preferred option. Such a measure would benefit several seabird species (e.g. gannet, guillemot and razorbill) and therefore this measure is considered in this up-front section, rather than within each individual species section below.
34. The Applicant's position, which is aligned with those of the developers of the above named windfarms, is that while fisheries management has the potential to generate very large benefits to the seabird populations which are dependent on the fished stocks, it is not a measure which a windfarm developer, either acting alone or in concert with others, can offer since this is under government control. Therefore, while the Applicant would be fully supportive of the UK government in undertaking this measure as strategic compensation for the industry, this cannot be offered as compensation in the current context. Furthermore, as noted above,
- Compensation should not be used to address issues that are causing designated habitats or species to be in an unfavourable condition. This is the responsibility of the UK Government.*

Thus, this measure is considered to be beyond the scope of individual projects or industry and requires Government action.



35. A review of Prey Availability Compensation Mechanisms was undertaken by Howell Marine Consulting on behalf of Ørsted for the Hornsea Three project (Ørsted, 2020a) and **Offshore Ornithology Without Prejudice Compensation Mechanisms - Annex 1 - Prey Availability Compensation Mechanisms** (REP6-046) (which was Annex 1 of an earlier iteration of this document) provides an update and review of that report and its conclusions. Following consultation with Defra since the first draft of this document was submitted, Defra have confirmed the Applicant's position that fisheries management is not an appropriate project-level measure. Natural England stated the following in their Deadline 7 response (paragraph 14 and 15, REP7-071):

*Natural England acknowledges that certain mechanisms related to increasing prey availability might require a Government led and/or strategic response; however, this does not preclude the Applicant's involvement in such a response.*

*Additionally, it is possible that there are options to increase prey availability that have not yet been fully explored, that could more easily be delivered through mechanisms that are less reliant on a Government led/strategic response, for example buying fishing vessel licences and not using the quota.*

36. The Applicant notes the above comments and the acknowledgement that fisheries management is a wider issue. The Applicant also highlights that REP6-046 discusses the buying of quota and concludes that this is not possible. The Applicant is supportive of measures that will lead to more sustainable fishing practices and will work with other parties where they can. In addition, the Applicant has proposed the secondary measure (discussed in paragraph 25) which aims to address the spirit of Natural England's request to widen the scope of the proposed compensation measures.

## 4 References

Department for Environment, Food and Rural Affairs (DEFRA) (2021a). Habitats regulations assessments: protecting a European site How a competent authority must decide if a plan or project proposal that affects a European site can go ahead Available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> [Accessed 26/05/2021]

Defra (2021b) Best practice guidance for developing compensatory measures in relation to Marine Protected Areas 22 July 2021 Version: For consultation

EC 2012. Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.





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Furness, R.W., MacArthur, D., Trinder, M. and MacArthur, K. 2013. Evidence review to support the identification of potential conservation measures for selected species of seabirds. Report to Defra.

Ørsted 2020a. Response to the Secretary of State’s Minded to Approve Letter Appendix 3: Supporting Evidence for Kittiwake Prey Resource.



## 5 Appendix 1: Kittiwake

### 5.1 Overview

37. Flamborough and Filey Coast (FFC) SPA covers an area of 7,858ha and is located on the Yorkshire coast between Bridlington and Scarborough approximately 245km from the proposed East Anglia ONE North windfarm at the closest point. The SPA is in two sections: the southern section extends north from South Landing around Flamborough Head to Speeton; the northern section covers the peninsula of Filey Brigg before extending north west to Cunstone Nab. The seaward boundary extends 2km throughout the two sections of the site into the marine environment, running parallel to the landward boundaries to include the adjacent coastal waters. The SPA includes the RSPB reserve at Bempton Cliffs, the Yorkshire Wildlife Trust Flamborough Cliffs Nature Reserve and the East Riding of Yorkshire Council Flamborough Head Local Nature Reserve.
38. The site description indicates that the Flamborough and Filey Coast SPA qualifies under Article 4.2 of the Birds Directive (2009/147/EC) by supporting over 1% of the biogeographical population of Kittiwake:
- Kittiwake 44,520 pairs (89,040 breeding adults, 4 year average 2008-2011)

### 5.2 Conservation Objectives

39. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features rely;
  - The populations of each of the qualifying features; and
  - The distribution of the qualifying features within the site.
40. NE has stated the target is to restore the size of the breeding population of kittiwakes to a level which is at or above 83,700 breeding pairs, whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.



41. The Flamborough and Filey Coast SPA replaced the Flamborough Head and Bempton Cliffs SPA. The trend in the kittiwake population for this site has been subject to discussion and disagreement between seabird experts (e.g. John Coulson) and the Statutory Nature Conservation Bodies (SNCBs). At the time of citation, the Flamborough Head and Bempton Cliffs SPA was thought to support 83,370 breeding pairs of kittiwakes (2.6% of the breeding Eastern Atlantic population) (count as of 1987). However, there were 37,617 kittiwake pairs or 75,234 breeding adults recorded in 2008 (JNCC Seabird Colony Register). The citation (JNCC 2011a) notes that the SPA designations were reviewed in 2000, at which point kittiwakes were the only notified feature of the site. There is some uncertainty as to whether there were ever as many as 83,370 pairs of kittiwakes at this site; this number has been challenged repeatedly by the world's leading expert on kittiwake biology (Coulson 2011), most recently by noting that this colony should have been increasing in numbers based on monitoring data on its productivity. The apparent decline from 83,370 pairs in 1987 to 37,617 pairs in 2008 does not correspond with population trajectories elsewhere based on the influence of productivity on population change (Coulson 2017) and the simplest explanation is that a count of individuals was erroneously reported as pairs, thereby doubling the apparent population size at a stroke. Indeed, recent counts by the RSPB show a small increase in kittiwake breeding numbers in the years since 2008 (Aitken et al. 2017), as predicted by Coulson (2017).

### 5.3 Quantification of effect

#### 5.3.1 Project alone

42. The revised kittiwake collision mortality apportioned to the FFC SPA following incorporation of collision mitigation through an increase in rotor draught height of 2m (REP1-047, REP3-073) is a mean of 0.7 adults (95% confidence interval 0.2 – 1.3) at East Anglia ONE North.
43. Natural England has agreed that the Project alone will not result in AEoI (REP3-117) and Statement of Common Ground with Natural England (Offshore Ornithology) (REP8-110).

#### 5.3.2 In-combination

44. The in-combination annual kittiwake collisions apportioned to the FFC SPA from all windfarms predicted to have connectivity are presented in Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update (document reference ExA.AS-8.D12.V1). There are various total figures dependent upon which projects are included in the calculation which range from 337 to 533 individuals (see document reference ExA.AS-8.D12.V1 for more details).



45. Note that the in-combination totals do not include the estimated collisions at Hornsea Project Three since that windfarm has been consented on the basis that it fully compensates for its predicted 73 collisions.
46. The current Project therefore contributes between 0.1% and 0.2% to the total predicted mortality.
47. The Applicant firmly maintains the position presented in the original Application and during the Examination, based on consideration of the outputs from population modelling (APP-043) as supplemented in this submission, that an in-combination AEoI for the Project with other plans and projects can be ruled out beyond reasonable scientific doubt for the kittiwake feature of the FFC SPA.
48. Furthermore, the Project's impacts are extremely small compared with those for most other windfarms and would also be more than offset by the difference between the total collisions based on consented windfarm designs compared with as-built designs (i.e. 'headroom', Trinder 2017 and AS-041).
49. The contribution to the in-combination total from the Project must also be taken into consideration with respect to the requirement, scale and timescale for delivery of compensation measures.
50. Nonetheless, without prejudice to the Applicant's position, possible compensation options are discussed below.

## 5.4 Compensation measures

### 5.4.1 Potential measures

51. Furness et al. (2013) identified seven potential measures that were likely to improve the conservation status of kittiwakes:
  - Closure of sandeel and sprat fisheries in UK waters;
  - Provision of artificial structures for new kittiwake colonies;
  - Mink eradication;
  - Feral cat eradication;
  - Rat eradication;
  - Fencing out foxes from colonies; and
  - Exclusion of great skuas.
52. Controlling predators (mink, cat, rat, fox and great skua) is not considered appropriate at FFC SPA, since there is no evidence that predation from any of these species exerts any significant pressure on the population. This has been discussed with stakeholders for other projects in the Southern North Sea and was



accepted by RSPB and NE in the screening exercise undertaken by the Applicant (as summarised in REP3-054)

53. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue. This aspect has also been discussed in detail in the Hornsea Project Three compensation submission (Ørsted 2020a) (also see REP6-046). Current evidence suggests that kittiwake are less susceptible to by-catch by fisheries than other species (Miles et al (2020), Northridge et al (2020) and therefore the fisheries by-catch proposal (see **Appendix 7: Secondary measure: Ornithological By-catch**) is not considered relevant at this point in time<sup>2</sup>. Therefore, provision of additional nesting habitat in southern North Sea coastal locations where natural (or existing artificial) nesting opportunities are limited is considered the only realistic option.
54. The Applicant notes that there are a number of existing programmes for the creation of artificial structures for kittiwake nesting and others may be proposed in the future. Therefore, where other parties have an interest in the creation or extension of artificial nest structures for kittiwakes the Applicant will seek to engage with them to work collaboratively and strategically where appropriate (discussed further under **Section 5.4.3**). However, on the basis that any proposed compensation measures must be demonstrated to be viable for the Project, the following sections provide the detail of provision of additional nesting habitat without assuming any collaboration or integration with other parties' measures.

## 5.4.2 Measures taken forward

### 5.4.2.1 Provision of artificial nest sites

#### 5.4.2.1.1 Overview

55. Nesting habitat for kittiwakes is considered to be a limiting factor on the southern North Sea population (Coulson 2011). Natural nest habitat is sea cliffs with ledges which are too narrow for other species to use and which offer protection from aerial predators, for example through the presence of overhangs. Such habitat is almost completely absent south of Flamborough Head along the east English coast. However, this species does nest on artificial structures and there are several examples of this along the Suffolk and Norfolk coasts. The attraction of these locations is the lower competition for food in the surrounding seas due to the much smaller populations present (compared with the more than 40,000 pairs at FFC SPA). This means that foraging trips are typically shorter and consequently reproductive success is generally higher. Through higher breeding success these colonies can act as source populations, with the surplus

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<sup>2</sup> Northridge et al (2020) do not record by-catch of this species in the North Sea, although it is noted that the by-catch recorded in the Celtic sea (28 individuals) is still an order of magnitude above the predicted collision mortality from the Project.



productivity (i.e. above that required to replace natural losses in the natal colony) being exported as young birds which can recruit to become breeding adults at other colonies, such as FFC SPA. Notably the latter, which typically has low productivity rates, is likely to require such imports to maintain itself.

56. Examples of kittiwake colonies on artificial coastal structures include:
- Lowestoft: harbour wall structure (bespoke) and jetties, town centre buildings including a church tower;
  - Sizewell nuclear power station: outfall structures;
  - Tyneside and Gateshead: existing structures (e.g. buildings and bridges) and bespoke structures ('kittiwake towers'); and
  - Dunbar: castle and harbour walls.
57. Kittiwakes also attempt to breed on offshore oil and gas platforms, although in most cases these birds are discouraged due to health and safety concerns. Nonetheless, where the birds are tolerated (e.g. certain Norwegian platforms), larger colonies of up to 200 have formed (Christensen-Dalsgaard et al. 2019). Studies indicate that these colonies perform well due to reduced predation pressures and proximity to less contested foraging grounds.
58. Descriptions of these colonies at Lowestoft and Tyneside are provided below.

#### *5.4.2.1.1 Lowestoft*

59. Lowestoft is distant from any large colonies of kittiwakes or other seabird species with which kittiwakes may compete (Mitchell et al. 2004). Kittiwakes have been nesting at Lowestoft since the 1940s, and breeding numbers have increased, reaching 364 pairs in 2017 (the most recent count in the JNCC SMP database). Kittiwakes used to nest on structures of the Lowestoft pier pavilion, but when the pier pavilion was removed in 1989, they moved to a purpose built structure (a wall in the harbour with ledges).
60. Birds immediately began using the new ledges, which were constructed with the initial aim of providing nest sites for 120 pairs, the number that used the pavilion structure. Since then kittiwakes have also colonised several nearby buildings, including a church tower, which may be a consequence of the limited space on the harbour wall ledges which by 1995 held over 240 pairs.
61. Unfortunately, it appears that the nest wall has become accessible to predators (foxes and large gulls) and as a consequence has been abandoned (pers. comm. M. Swindells). However, with some simple modifications (barriers at the base to prevent fox access and overhanging ledges to prevent large gulls from flying onto the nest ledges) it would be expected that these problems could be resolved.



These would be expected to enable successful breeding at this location to recommence. The Applicant notes NE's commentary in their Deadline 5 submission (REP5- 082) regarding Lowestoft Harbour and will investigate these points further.

62. Coulson (2017) estimated that to maintain a stable population, kittiwakes need to produce about 0.8 chicks per nest (i.e. to replace natural losses). The Lowestoft kittiwake colonies produced an average of 1.1 chicks per nest between 2010 and 2017 (JNCC SMP database, most recent data available), which is among the highest recorded at any colonies in the UK. This is clear evidence that these birds have good supplies of food for breeding. By comparison, RSPB data show breeding success of kittiwakes at FFC SPA during the same period was below 0.8 chicks per nest (at monitored plots) in six years out of eight at colonies at Flamborough and Bempton and below 0.5 chicks per nest in six years out of the six monitored at Filey (Aitken et al. 2017). This is despite the fact that both locations are within the same sandeel spatial unit and so presumed to be affected by the same sandeel population dynamics (Olin et al. 2020). This may be explained by the presence of other prey species in the diet of kittiwakes at Lowestoft (Ørsted 2020b).
63. From this it can be seen that the Lowestoft breeding colonies have historically produced excess young (i.e. more chicks than needed for colony maintenance), and that there are opportunities to enhance this through further nest site provision, thereby increasing the numbers of kittiwakes breeding at Lowestoft, and providing additional recruits for the FFC SPA population.

#### 5.4.2.1.1.2 River Tyne

64. Kittiwakes have bred on various structures (including purpose-built ones) and buildings (e.g. warehouses and bridges) along the River Tyne for several decades, with around 1,000 pairs recorded in total (Turner 2010, JNCC SMP database). Despite some efforts to deter birds in some places, between 2010-2019 the mean productivity of the River Tyne artificial colonies was 0.96 chicks per nest (i.e. above the 0.8 chicks per nest threshold needed to sustain the population) and therefore this colony is expected to be exporting young birds able to recruit to colonies elsewhere. To reduce the potential for conflicts with residents (e.g. due to noise and guano) two new bespoke structures (kittiwake towers) were built to provide artificial nest sites in locations that avoided the risk of conflicts and there is now generally strong popular support for the kittiwakes in the area (Turner 2010).
65. Breeding success varies considerably among the different buildings and structures, suggesting that careful selection of where to provide additional nest sites would influence the productivity that would be achieved. This point indicates that not all artificial structures are equally good for kittiwakes to use and that





breeding success will vary according to the quality of the artificial structure provided.

#### 5.4.2.1.2 Recruitment Scale

66. A colony of 100 pairs would produce approximately 100 immature birds per year (productivity in artificial colonies varies, but it is considered realistic to assume 1 chick fledged per pair; Coulson 2011), slightly less than half of which would be predicted to be available to recruit to the breeding population (c. 49% survival from fledging to age 4, Horswill and Robinson 2015). Some of those would be required to replace losses at the new colony, but this would still leave considerable over-compensation for the upper 95% estimate of 1.3 adults required, and certainly much more than the ratio of 1:2 or 1:3 which NE has advised for such measures in relation to recent applications. Further details are discussed in the following sections.

##### 5.4.2.1.2.1 Expected productivity of colonising birds

67. Kittiwake first time breeders tend to be less productive than experienced adults (Coulson 2011) so it is typical for breeding success achieved by new populations to increase over the first few years. However, there is clear evidence that kittiwakes nesting on artificial nest sites typically have higher breeding success than kittiwakes at natural colonies:
- Lowestoft has averaged 1.1 chicks per nest (2010-2017);
  - River Tyne artificial sites has averaged 0.96 chicks per nest (2010-2019), and over 1 chick per nest at some of the structures within that group of sites; and,
  - Dunbar (castle and harbour) has averaged 1.2 chicks per nest (1991-2007).
68. By comparison, breeding success at natural colonies has included extended periods when productivity has not exceeded 0.8 chicks per nest, such as at the Isle of May (1991-2007) and FFC SPA (2010-2019).
69. Since productivity above 0.8 chicks per nest is required to maintain a UK kittiwake population it is clear that the artificial nest-site colonies of kittiwakes are able to both sustain themselves and to provide emigrants to support other colonies. The reason is likely to be due to competition for resources (e.g. prey), which will be greater at large colonies (i.e. a density dependent effect), and probably manifests as longer, less successful foraging trips which translates into poorer chick survival.

##### 5.4.2.1.2.2 Size of colony required

70. It is important to consider that the requirement is to compensate for an estimated loss of up to 1 adult kittiwakes per year due to the Project. That equates to the equivalent of 2 fledglings per year (because a fledgling has a 0.49 probability of becoming a breeding adult). To estimate the number of nests required to produce



the surplus recruits for the SPA population, it has been assumed that the artificial site productivity rate would be at least 1.0 and that 0.8 of that would be required to maintain the population. The excess of 0.2 chicks per pair is therefore available for recruitment elsewhere. To produce 2 breeding adults at FFC SPA this therefore requires 4 chicks, which at the excess productivity of 0.2 would be obtained from 20 nests. If this is scaled up to allow for over-compensation at a ratio of 1:3 this equates to 60 nests. This remains comfortably below the proposed target of a colony of 100 pairs (which represents an over-compensation ratio of 1:5). Note this also assumes productivity of 1.0, which is at the lower end of the range recorded at artificial colonies (0.96, to 1.2). Higher productivity would deliver additional compensation.

#### *5.4.2.1.2.3 Expected emigration rates of hatched birds from a new colony*

71. Most kittiwakes that reach breeding age recruit to a different colony than the one they were hatched in, with over 90% of females and 60% of males at a studied colony found to be immigrants (Coulson and Neve de Mevergnies 1992, Coulson 2011). Most individuals recruit into a colony that is within 500km of where they were hatched.
72. There is strong evidence that young kittiwakes try to establish themselves at colonies with high breeding success (Danchin et al. 1998, Boulinier et al. 2008, Coulson 2011). Small colonies generally tend to have higher breeding success so there is a greater attraction of immigrants to smaller, growing colonies.
73. It is likely that kittiwake recruits will find it much easier to establish themselves in colonies that have vacancies created by natural mortality of established breeding adults but have relatively low productivity. Where breeding success has been low there will be fewer local birds in the population to recruit (especially when the low recruitment to natal colonies is factored in), and the colony will be less attractive to potential recruits compared with a colony with higher breeding success. Larger colonies will have larger numbers of such vacancies arising. This will tend to even out the distribution of potential recruits among prospective colonies and is a likely mechanism by which birds fledged from the compensation colony may recruit into the FFC SPA colony. Therefore, it can be predicted that most of the kittiwakes that fledge from a compensation colony with newly created nest sites will end up nesting at other colonies, mostly but not exclusively within 500km of the compensation colony. This distance range encompasses most of the English North Sea coast between Tyneside and Lowestoft, with FFC SPA in the middle.

#### *5.4.2.1.2.4 Evidence for availability of potential recruits*

74. Kittiwake populations include large numbers of immature birds; using age based demographic rates (Horswill and Robinson 2015) it can readily be demonstrated that about 47% of the population comprises immature kittiwakes and 53% breeding adults (Furness 2015). Therefore, there is an ample supply of immature



birds looking for nest sites. Many of these immature birds can be observed on the fringes of kittiwake colonies in summer.

75. During their time attending the colony the immature birds may often attempt to settle on an existing nest, but are chased away by breeding adults. Some manage to establish a site between existing nests, or where a nest has been abandoned, and then may return the next year to breed at that site (Coulson 2011). Immature kittiwakes may also try to recruit into one colony but fail to do so and subsequently move elsewhere to try to recruit where there is less competition for sites. As a consequence, there is a wide range of age at first breeding in the kittiwake (Wooller and Coulson 1977, Porter 1990, Coulson 2011) as found in other long-lived birds.
76. A very few kittiwakes start to breed for the first time when two years old, whereas some do not breed for the first time until ten years old, with an average age of first breeding of four (Coulson 2011). Kittiwakes seeking to establish a nest site within a colony normally spend at least one year visiting the colony as an immature bird before establishing a nest site, and often take several years to succeed in obtaining a site. At North Shields, where kittiwakes were individually ringed so their recruitment behaviour could be observed, almost all marked birds that bred had been seen at the colony attempting to establish a site in the previous summer, and over 10% of female kittiwakes that started to breed at the colony had been seen there attempting to obtain sites at least three years before they managed to do so (Coulson 2011).
77. Danchin et al. (1998) and Boulinier et al. (2008) showed that immature kittiwakes, or adult kittiwakes that have failed in their breeding attempt, prefer to move to try to establish a breeding site within a colony where breeding success is high. This means that there is more competition for nest sites at more successful colonies. Tracking of kittiwakes seeking nesting opportunities (not only immatures but also failed breeders from unsuccessful colonies) has shown that birds may visit many colonies over a short period in summer in order to evaluate prospects for breeding, and seek to find a nest site where prospects are best (Ponchon et al. 2017).
78. Consistent with this evidence for kittiwakes competing to obtain better sites in more successful colonies, McKnight et al. (2019) found evidence for density-dependence in survival of immature kittiwakes and subsequent recruitment into the breeding population, implying strong competition for nest sites. Coulson (2011) found that the age of first breeding of kittiwakes at his study colony in North Shields changed significantly over decades, decreasing in breeding males from a mean of 4.59 in 1961-70 to 3.69 in 1981-90. Coulson (2011) attributed this change to reduced density-dependent competition for nest sites in the colony during the 1980s as a consequence of increased adult overwinter mortality at that



time. This further supports the view that there is normally strong competition for high quality nest sites among kittiwakes, and that the birds are physiologically capable of breeding at a much younger age than they actually do, because competition limits access to suitable nesting opportunities (Coulson 2011).

79. It can therefore be concluded from the evidence that there is a large pool of nonbreeding kittiwakes physiologically capable of breeding but constrained by competition. This clearly demonstrates the principle of ecological additionality and therefore, the provision of artificial nesting sites will address the impact of the development.
80. Furthermore, since it is clear that the amount of compensation required for the project would not be difficult to achieve, establishing a new artificial colony would permit kittiwakes to breed at a younger age because of less competition for sites, and would almost certainly allow high breeding success because of the lower levels of local competition for food.
81. Both of these demographic consequences would increase the rate of growth of the kittiwake population (overall) so would represent suitable compensation for losses attributable to the Project.

#### 5.4.2.1.3 Temporal scale

##### 5.4.2.1.3.1 *Timescale to achieve compensation*

82. The speed at which a new site would be colonised will depend on a range of factors, such as the status of the local population (increasing or declining), and availability of other structures. For example, the colony on the harbour wall in Lowestoft had reached a size of 259 pairs within six years of the pier (on which they had previously nested) being demolished (Brown and Grice 2005).
83. Efforts to accelerate recruits could include use of kittiwake models and using playback of sounds from established colonies. While these methods have been effective for other species (e.g. tern colonies have been shifted to areas at lower risk of flooding using decoy birds), it must be acknowledged that there is a degree of uncertainty about the effectiveness of such measures for the current purposes.
84. Nonetheless, kittiwakes were successfully attracted to the Gateshead tower within 6 months of construction by placing clay kittiwake decoys and disused old kittiwake nests on the ledges, with 18 pairs present in its first year of availability (note this is close to the estimated 20 nests that could deliver compensation for the Project). Furthermore, despite evidence that this is not the ideal design for an artificial colony, being rather exposed to sunshine, wind and rain, there were 131 pairs nesting there in the third breeding season (2000). In winter 2000/01 the structure was then relocated 1 km downstream from its original site to make way for commercial development of the area. However, many of the kittiwakes



followed the tower; 112 pairs nested there in 2001 (slightly fewer than in the year before the structure was moved) and there were 143 pairs in 2007 (Turner 2010).

85. Hornsea Project Three compensation proposals for kittiwake have incorporated a requirement for the structure to be available for initial colonisation at least four years prior to the commencement of windfarm operation (i.e. as the point at which the impact could begin). Four years would allow fledged chicks from the first cohort to reach breeding age and therefore be available to recruit into the FFC SPA population (thereby offsetting the windfarm impacts). It has been suggested that for each year of delay (i.e. less than four) the windfarm will accrue a mortality debt which will need to be paid off over the course of the compensation's operation.
86. In the case of the Project and the very small number of predicted collisions (upper Confidence Interval (CI) for the Project of 1.3) the Applicant considers that while this risk of incurring a mortality debt exists, the size of debt for a delay of 1 to 2 years remains extremely small and would readily be recouped within a year or two of the nest site becoming operational. Therefore, since the requirement for the colony to be constructed and colonised four years before windfarm operation is a lower concern for the current Project, it follows that there is also less requirement for the current in-principle compensation plan to contain detailed designs and site locations (although likely candidate locations would be Lowestoft or the River Tyne). Instead, these aspects can be addressed once a decision on the need to compensate for the Project has been made by the SoS.

#### 5.4.2.1.4 Monitoring and adaptive management

87. In the absence of a final design for the compensation measure, it is not possible to give full details of the monitoring programme that would be employed. However, monitoring would be expected to be straightforward, subject to the availability of locations to observe the structure, and would be consulted on with the compensation steering group (see **Section 5.4.3**). The primary objectives would be counts of the number of pairs and of their success. It would also be appropriate to undertake similar monitoring of existing colonies in the vicinity (several kilometres) to understand the role of the new structure within the local metapopulation. Adult kittiwakes are not considered likely to move from a colony once they have established a nest site, so most growth and decline is by way of new breeding birds and natural losses respectively, but such monitoring, potentially combined with a colour ringing campaign (assuming birds could be readily caught) would permit this assumption to be tested. To facilitate this at the focal colony (the colony established through the compensation measure) it would be advantageous to build in access. To minimise disturbance this could be via built-in doors accessed from behind. Such features would be dependent on the





structure design and location, and should therefore be included as considerations at an early stage.

88. It would also be prudent to consider how the structure could be modified or enhanced should the rate of colonisation or success (i.e. productivity) be lower than anticipated. The more flexible (or modular) the structure, the simpler it is likely to be to make adjustments.
89. Allowance for adaptive management will be planned for (although by its nature, this cannot be defined in detail in advance). The need for such measures will be based on monitoring evidence, for example if predation is found to be limiting productivity, or additional nest space is required to achieve target colony size. A hierarchy of possible management options will be drawn up and agreed with the Secretary of State in consultation with the compensation steering group (see **Section 5.4.3**), which will be used as a framework for taking action. This might include smaller scale interventions, such as using decoys to enhance colonisation, additional weather protection if exposure appears to be a problem, through to more intensive measure such as supplementary feeding of chicks and efforts to minimise or prevent predation. It would also set guidelines for when the adoption of more fundamental measures would be triggered, such as large scale structural modification or relocation if necessary.

#### 5.4.2.1.5 Delivery

90. Adding nest sites for kittiwakes at existing onshore artificial colonies (e.g. Lowestoft and/or River Tyne) would be an effective means to compensate for the project's impacts in both the short and long term. This would have the advantage of not requiring land purchase, instead being achieved in partnership with existing bodies (e.g. with the harbour authorities at Lowestoft and local authorities and land/property owners at Gateshead/Newcastle). If new structures were proposed, then these would be consented either through permitted development rights available to port authorities and/or statutory undertakers (if applicable) or by way of a separate planning application. This would be subject to the usual planning regulations (e.g. assessment of environmental impacts, etc.). However, it is not anticipated that structures at port locations would give rise to likely significant effects and the permitted development regime is likely to be appropriate for this type of structure.
91. As set out in the New Anglia Local Economic Partnership's Local Industrial Strategy (New Anglia 2020<sup>3</sup>), the Applicant is an important contributor to the delivery of the East of England offshore wind O&M cluster and is therefore working closely with a number of companies in the local and regional supply chain, including the Port of Lowestoft. As part of this relationship, the Applicant



would hope to be able to secure rights to an appropriate structure/facility on which additional nesting sites could be located in the event that compensation measures are deemed necessary by the SoS.

92. Because kittiwake have readily taken to nesting on a wide variety of artificial structures, both bespoke and opportunistic, there is scope to review the characteristics of alternatives to determine what the key features are for high breeding success. Likely candidate features are aspect (i.e. exposure to sun, rain and wind), protection from predators both aerial and terrestrial and distance to the sea. It is proposed that a study is undertaken of existing structures which will identify the important aspects to be incorporated into the proposed design. This will be carried out if the SoS decides that kittiwake compensation is required.

#### 5.4.2.1.6 Feasibility

93. As detailed above, identifying suitable candidate locations, obtaining the necessary rights (land, access, etc.) and installing a suitable colony structure are all considered to be feasible undertakings that the Applicant could achieve within the relatively short time-frame that would be required. Furthermore, the success of these measures as compensation could be readily determined through monitoring, and if enhancement should be considered necessary (e.g. additional nest capacity, improved protection from rain or predators) this too could be readily achieved. However, further work will be undertaken to explore how this could be delivered alongside similar proposals from other developments, where appropriate (see **Section 5.4.3**).

### 5.4.3 Summary and Roadmap for Delivery of Compensation (if required)

94. If kittiwake compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that provision of artificial nest sites would be the most appropriate measure to deliver compensation prior to the operation of the Project.
95. The measures which would be undertaken by the Applicant to secure artificial nest sites are as follows:
- Following a decision from the SoS that compensation is required, a steering group (the kittiwake compensation steering group (KCSG)) would be appointed to the task (e.g. comprising all relevant stakeholders) to oversee the development, implementation, monitoring and reporting of the compensation measures. A plan for the work of the KCSG would be submitted to and approved by the SoS.
  - It is proposed to secure the construction of onshore artificial nest sites, so that they are constructed and available for use prior to first operation of any wind turbine generator forming part of the authorised development





- The nest sites would be located on a structure similar in size and form to those already used by kittiwakes (e.g. in Lowestoft and Tyneside). Detailed design would begin following a decision from the SoS that this is required. Consultation will be required with the KCSG to agree the design parameters once the Applicant has developed initial proposals. If it is necessary to obtain planning consent for this structure the application would be submitted to the appropriate authority. The detailed design stage would include consideration of any potential wider effects, either beneficial or negative, on other habitats and species that might arise from the implementation of the proposed compensation measure, as required. The above will form the basis of the kittiwake implementation and monitoring plan (KIMP) which must be submitted to the SoS for approval (in consultation with the MMO, the local planning authority for the land containing the artificial nest site, and Natural England). The KIMP will also address why the location is appropriate ecologically and likely to support successful compensation.
  - The success of the compensation measures would be monitored through observation of numbers and breeding success. Results would be discussed with the KCSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly. Any amendments to or variations of the approved KIMP must be in accordance with the principles set out in the kittiwake compensation plan and may only be approved where it has been demonstrated to the satisfaction of the SoS that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the kittiwake compensation plan.
  - The structure would remain in place and be maintained as fit for purpose until the later of (i) the decommissioning of the windfarm or (ii) a determination by the SoS that the compensation measure is no longer required, following consultation with the relevant statutory nature conservation body.
96. As previously highlighted, there are a number of existing programmes for the creation of artificial structures for kittiwake nesting and others may be proposed in the near future. Given the scale of potential compensation from the Project, the Applicant considers that should compensation be required it would be more proportionate to deliver that through additions or contributions to a larger measure. Norfolk Boreas may also be required to implement compensation for kittiwake. As a result of this, the Applicant, East Anglia TWO Ltd and Norfolk Boreas Ltd have agreed to work together to deliver compensation collaboratively and have met jointly with Natural England on several occasions, most recently on the 9<sup>th</sup> June 2021. The Applicant, East Anglia TWO Ltd and Norfolk Boreas Ltd will continue to engage with Natural England over the coming months and with other stakeholders as and when appropriate, to ensure that should compensation measures be required, they can be implemented at the earliest



opportunity. However, should a strategic approach become unnecessary, for example, where Norfolk Boreas Ltd is not required to implement compensation, the bullets listed under **paragraph 95** provide the means to secure adequate Project alone measures.

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## 6 Appendix 2: Gannet

### 6.1 Overview

97. Flamborough and Filey Coast (FFC) SPA covers an area of 7,858ha and is located on the Yorkshire coast between Bridlington and Scarborough approximately 245km from the proposed East Anglia ONE North windfarm at the closest point. The SPA is in two sections: the southern section extends north from South Landing around Flamborough Head to Speeton; the northern section covers the peninsula of Filey Brigg before extending north west to Cunstone Nab. The seaward boundary extends 2km throughout the two sections of the site into the marine environment, running parallel to the landward boundaries to include the adjacent coastal waters. The SPA includes the RSPB reserve at Bempton Cliffs, the Yorkshire Wildlife Trust Flamborough Cliffs Nature Reserve and the East Riding of Yorkshire Council Flamborough Head Local Nature Reserve.
98. The site description indicates that the Flamborough and Filey Coast SPA qualifies under Article 4.2 of the Birds Directive (2009/147/EC) by supporting over 1% of the biogeographical population of gannet:
- Gannet 8,469 pairs (16,938 breeding adults, 2008-2012);

### 6.2 Conservation objectives

99. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features rely;
  - The populations of each of the qualifying features; and
  - The distribution of the qualifying features within the site.
100. The Flamborough and Filey Coast SPA supports the only mainland breeding colony of gannet in the UK. Bempton Cliffs, which forms part of the SPA, was first colonised in the 1960s, and there has been a steady rate of increase since that time (Joint Nature Conservation Committee (JNCC), 2013). This increase in breeding numbers has become rapid since 2000, with 3,940 Apparently Occupied Nests (AONs) counted in 2004, rising to 7,859 AONs in 2009, and 11,061 AONs in 2012 (Joint Nature Conservation Committee (JNCC), 2013). This contrasts

Applicable to East Anglia ONE North



with the situation across Britain and Ireland as a whole, where the rate of population growth has dropped in recent years, consistent with the expectation that the rate of increase would plateau (Langston et al., 2013), (WWT Consulting et al., 2012).

101. The potential for further growth of the Bempton Cliffs colony is considerable in view of the large number of non-breeding immature birds associated with the colony; 1,470 in 2009, and 798 in 2012 (Langston et al., 2013). The average (mean) number of nesting pairs from counts taken between 2008 and 2012 was 8,469 (Joint Nature Conservation Committee (JNCC), 2013), representing 2.6% of the North Atlantic biogeographic population (African-Eurasian Waterbird Agreement (AEWA), 2012).

### 6.3 Quantification of effect

#### 6.3.1 Project alone

102. The revised gannet collision mortality apportioned to the FFC SPA following incorporation of collision mitigation through an increase in rotor draught height of 2m (REP1-047, REP3-073) is a mean of 13.0 (95% confidence interval 3.1 – 26.0) at East Anglia ONE North.
103. Natural England has agreed that the Project alone will not result in AEoI (REP3-117).

#### 6.3.2 In-combination

104. The in-combination annual gannet collisions apportioned to the FFC SPA from all windfarms predicted to have connectivity are presented in the Deadline 11 Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update (document reference ExA.AS-8.D12.V1). There are various total figures dependent upon which projects are included in the calculation which range from 284 to 342 individuals (see document reference ExA.AS-3.D12.V1 for more details).
105. The Project therefore contributes between 3.8% and 4.6% to the total predicted mortality.
106. The Project's impacts are small compared with those for most other windfarms, and would also be more than offset by the difference between the total collisions based on consented windfarm designs compared with as-built designs (i.e. 'headroom', Trinder 2017 and AS-041).
107. On this basis, the Applicant firmly maintains the position presented in the original Application and during the Examination, as supplemented in this submission, that an in-combination AEoI for the Project with other plans and projects can be ruled out beyond reasonable scientific doubt for the gannet feature of the FFC SPA.



108. The contribution to the in-combination total from the Project must also be taken into consideration with respect to the scale and timescale for delivery of compensation measures.
109. It is also of note that all ten of the gannet populations at UK SPAs are in favourable conservation status, and all continue to increase, at an overall average of 2% per year. The UK SPA suite for breeding gannets was estimated to hold over 95% of the gannets breeding in the UK in 2000 (Stroud et al. 2016), and based on the most recent data for each site in the JNCC Seabird Monitoring Programme database, now holds about 90,000 more pairs than were present at designation of these sites (i.e. additional mortality of 180,000 adults would be required before favourable conservation status across the UK SPA suite would be at risk). Because gannet numbers are far above the population size at SPA designation in every one of the ten SPAs where breeding gannets are a feature, there should be no need to carry out measures to compensate for small levels of adult mortality, since those will not alter the favourable conservation status of the SPA suite for breeding gannets. Therefore, the overall coherence of the network of European sites for breeding gannets is not at risk.
110. Nonetheless, without prejudice to the Applicant's position, possible compensation options are discussed below.

## 6.4 Compensation measures

### 6.4.1 Potential measures

111. Furness et al. (2013) proposed measures which could improve the conservation status of UK seabird populations. These options were presented in relation to the UK SPA suite as a whole, but not all of them would be appropriate or effective for all locations. Those identified for gannet were:
- End harvest of chicks;
  - Encourage establishment of new colonies (natural or artificial); and
  - Investigate options for reducing mortality at colonies (e.g. due to entanglement in accumulated plastic waste and collisions with removable structures),
  - Reduce by-catch in fisheries.
112. There is only one UK colony where gannet chicks are harvested, Sula Sgeir, north of the Isle of Lewis. An annual harvest of 2,000 chicks is taken under license from this colony. This harvest is treated as culturally important and efforts to reduce or end this would be expected to be strongly opposed by both members of the community involved and the Scottish Government. Thus, while stopping the current harvest would offset the predicted losses due to windfarm collisions across the SPA suite for this species, it is not considered feasible.





113. Gannet has been identified as a species potentially at high risk of fishery by-catch, both in UK waters and elsewhere within the species migration and wintering areas (e.g. Portuguese coastal waters and off West Africa). However, it is extremely difficult to obtain reliable estimates for the mortality this results in, and attempting to change methods to reduce this across these regions would represent a severe challenge. In addition, monitoring to determine update of these measures and their success would be extremely difficult to achieve. Thus, while reducing fishery by-catch through use of modified fishing gear or deployment methods could offset predicted windfarm mortality, it is not considered a feasible option. Some studies have indicated that in regions where fisheries discards are banned gannets tend to have lower association with fishing vessels (Clark et al. 2020). Therefore, banning discards from fisheries where this practice exists could reduce by-catch. However, this is also considered to be very unlikely to be feasible in the fisheries where this practice continues.
114. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue (also see REP6-046).
115. Current evidence suggests that gannet are susceptible to by-catch by fisheries (Miles et al (2020), Northridge et al (2020) therefore the fisheries by-catch proposal (see **Appendix 7: Secondary measure: Ornithological By-catch**) would also be relevant to this species. This may be adopted as an alternative or in addition to the measures outlined within this appendix.
116. There is some evidence that a small amount of potentially avoidable mortality of adults and chicks occurs at breeding colonies (Votier et al. 2011). For example, gannets collect discarded plastic waste for use in nest building (presumably mistaking it for seaweed etc) and individuals occasionally become entangled and die. The Applicant is making enquiries with relevant organisations who manage gannet colonies to investigate whether removal of this waste or partial removal and/or trimming could reduce this risk. However, it is recognised that this could be extremely challenging (due to the volumes of waste present at some sites) and also may not be possible to undertake safely or without disturbance to birds. Therefore, while this may be a feasible option for small scale compensation, there is currently insufficient certainty for further detail to be included here.
117. Therefore, the only remaining option from those identified above is encouragement of new colonies. This is considered in more detail below.

## 6.4.2 Measures taken forward

### 6.4.2.1 Provision of artificial nest sites and/or establishment of new colonies

#### 6.4.2.1.1 Overview

118. Furness et al. (2013) state: *It might be possible to encourage gannets to form new colonies at locations where the species does not currently breed that are*



*some distance from existing colonies. Birds would be likely to be able to exploit local fish resources more efficiently where they did not have to travel long distances from their colony to feeding areas, and where nesting numbers were smaller so reduced competition. Behavioural attraction methods developed in Maine have since been used globally to restore at least 49 species of seabirds on 89 islands in 14 countries (Jones et al. 2011). Jones and Kress (2011) suggest that a typical restoration project for a seabird in a developed country may cost around £500,000 per annum over a project lasting at least 5, possibly 10 years on average. They point out that the successful project restoring Atlantic puffins to Eastern Egg Rock in Maine took 35 years of sustained effort to establish a population of 100 pairs of puffins. An attempt to start a new Australasian gannet colony at Young Nick's Head, in New Zealand by social attraction was successful, but attempts using the same method with Australasian gannets at Mana Island, New Zealand, and with northern gannets in Nova Scotia and in Quebec failed (Jones and Kress 2011). So it is uncertain whether northern gannets could be encouraged to colonise new sites, and the cost of attempting to stimulate colonisation would be quite high.*

119. In the North Sea, south of FFC SPA the only gannet colony is on the German Helgoland Island. Therefore, there is potential that given an appropriate location a colony could be established further south on the English North Sea coast (e.g. Norfolk or Suffolk). A colony in these locations would be around 200km from FFC SPA and therefore competition for prey resources would not be expected to be high. Birds breeding at a new site in this area could be at risk of collisions at existing offshore windfarms, although the high degree of windfarm avoidance exhibited by gannet (e.g. APEM 2014) would suggest this risk is likely to be small.

#### 6.4.2.1.2 Delivery

120. Given the small magnitude of project alone impact that would need to be compensated (13 adults per year), a colony of approximately 175 pairs would produce 140 fledglings, of which around 25% (estimated as the product of the individual age class survival rates, Horswill and Robinson 2015) would be expected to reach breeding age (at five years). Thus, 35 adult recruits would ensure 25 to replace predicted losses at the current projects and a further 10 to replace natural losses in the colony itself (using the adult survival rate of 92%).
121. It is likely that it would be necessary to actively encourage prospecting gannets to the new site. This would take the form of playback of colony sounds and using decoy birds and nests.

#### 6.4.2.1.3 Spatial scale

122. Nelson (1966) reported that gannets nested on the Bass Rock at a density of 2.3m<sup>2</sup>. While the population was much smaller at that time (c. 7,000 pairs), than it is now (over 75,000 pairs in 2014, Murray et al. 2015), this density figure is



considered a reasonable guide for current purposes. On this basis, a platform 10m to a side (gannets nest on flat surfaces at many colonies) could accommodate 175 pairs. A larger colony platform would be sensible to minimise the risk of experiencing chance breeding or recruitment failures in some years, and/or cope with such events without being abandoned, however at this nesting density, increasing the size of platform would not represent a problem.

#### 6.4.2.1.4 Temporal scale

123. Efforts to accelerate establishment of a new colony could include use of gannet models and playback of sounds from established colonies. While these methods have been effective for other species (e.g. tern colonies have been shifted to areas at lower risk of flooding using decoy birds), and success has been reported for Australasian gannet (e.g. one reported 28 fledged young in 2012, four years after the first attempts to attract birds began; Sawyer and Fogle 2013), it must be acknowledged that there is a degree of uncertainty about the effectiveness of such measures for northern gannet.
124. If the recent compensation proposals for artificial kittiwake colony establishment are used as a guide, then allowance may be required for a five year time lag between availability and initial colonisation of the proposed artificial colony sites and the commencement of windfarm operation (i.e. as the point at which the impact could begin). The five years is to allow fledged chicks from the first year of the colony to reach breeding age and therefore be available to recruit into the FFC SPA population (thereby offsetting the windfarm impacts). It has been suggested that if the colony is not producing chicks to this timetable then the windfarm will incur a mortality debt for each year of delay, which will need to be paid off over the course of the compensation's operation.
125. In the case of the Project and the small number of predicted collisions (13) the Applicant considers that while the same risk of incurring a mortality debt exists, the size of that debt for a delay of 1 to 2 years remains small and could be repaid across subsequent years. Therefore, since the requirement for the colony to be constructed and colonised five years before windfarm operation is of a lower concern for the current project, it follows that the requirement for the current in-principle compensation plan to provide detailed designs and site locations is also of a reduced concern, and these aspects can be addressed once a decision on the need to compensate for the Project has been made by the SoS. Areas of search would be expected to include the Suffolk and Norfolk coasts, which are far enough from existing colonies (the nearest are FFC SPA at over 150km and Helgoland, Germany at over 400km) that the risk of competitive exclusion from foraging areas would be minimal (as has been found in existing colonies, (Wakefield et al. 2013)).



126. Evidence for colony growth rates at new sites in Scotland (Murray et al. 2015) has shown that growth can be extremely rapid: breeding was first confirmed at Sule Skerry in 2003 with 15 pairs, with a census the following year reporting 57 nests which increased to 1,870 pairs in a decade (a 30 fold increase); a similar increases was recorded at Westray, from 14 to 751 pairs within 10 years (a 50 fold increase). Thus, under the right conditions a new colony should be able to generate the additional recruits required to compensate for the predicted mortality of 13 (range 3-26). Furthermore, the fact that new gannet colonies have been initiated at several locations over recent decades suggests that given an appropriate opportunity and encouragement, this species would readily make use of a suitable location.

#### 6.4.2.1.5 Monitoring

127. Monitoring would be expected to be straightforward, subject to the availability of locations to observe the structure. The primary objectives would be counts of the number of pairs and of their success. Adult gannets are not considered likely to move from a colony once established, so most growth and decline is by way of new breeding birds and natural losses respectively, but such monitoring, potentially combined with a colour ringing campaign (assuming birds could be readily caught) would permit this assumption to be tested. To facilitate this at the focal colony it would be advantageous to incorporate means of access. Gannets have been found to be fairly tolerant of disturbance at their colonies (e.g. for the purposes of fitting leg rings and tags), so it would be ideal if the new colony provided comparatively easy and safe access (as compared with the very great challenges of such work at FFC SPA) to permit research and monitoring opportunities. Such features would be dependent on the structure design and location, and should therefore be included as considerations at an early stage.
128. It would also be prudent to consider how the structure could be modified or enhanced should the rate of colonisation or success (i.e. productivity) be lower than anticipated. The more flexible (or modular) the structure, the simpler it is likely to be to make adjustments.

#### 6.4.2.1.6 Feasibility

129. As detailed above, identifying suitable candidate locations, obtaining the necessary rights (land, access, etc.) and installing a suitable colony structure are all considered to be feasible undertakings that the Applicant could achieve, although as this would be a comparatively novel undertaking for this species there are questions about the time frame for achieving success. However, once established the success of this measure as compensation could be readily determined through monitoring, and if enhancement should be considered necessary this too would be expected to be readily achievable.



#### 6.4.3 Summary and Roadmap for Delivery of Compensation (if required)

130. The Applicant reiterates that because gannet numbers are far above the population size at SPA designation in every one of the ten SPAs where breeding gannets are a feature, there should be no need to carry out measures to compensate for small levels of adult mortality. Therefore, the overall coherence of the network of European sites for breeding gannets is not at risk. The Applicant therefore does not consider that there is any requirement for any compensation.
131. If gannet compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that provision of artificial nest sites would be the most appropriate measure to deliver compensation prior to the operation of the Project.
132. The measures which would be undertaken by the Applicant to secure artificial nest sites are as follows:
- Following a decision from the SoS that compensation is required, a steering group (the gannet compensation steering group (GaCSG)) would be appointed to the task (e.g. comprising all relevant stakeholders) to oversee the development, implementation, monitoring and reporting of the compensation measures. A plan for the work of the GaCSG would be submitted to and approved by the SoS.
  - It is proposed to secure the construction of onshore artificial nest sites, so that they are constructed and available for use prior to first operation of any wind turbine generator forming part of the authorised development.
  - Detailed design would begin following a decision from the SoS that this is required. Consultation will be required with the GaCSG to agree the design parameters once the Applicant has developed initial proposals. If it is necessary to obtain planning consent for this structure the application would be submitted to the appropriate authority. The detailed design stage would include consideration of any potential wider effects, either beneficial or negative, on other habitats and species that might arise from the implementation of the proposed compensation measure, as required. The above will form the basis of the gannet implementation and monitoring plan (GaIMP) which must be submitted to the SoS for approval (in consultation with the MMO, the local planning authority for land containing any artificial nest site, and Natural England). The GaIMP will also address why the location is appropriate ecologically and likely to support successful compensation.
  - The success of the compensation measures would be monitored through observation of numbers and breeding success. Results would be discussed with the GaCSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly. Any amendments to or variations





of the approved GaIMP must be in accordance with the principles set out in the gannet compensation plan and may only be approved where it has been demonstrated to the satisfaction of the SoS that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the gannet compensation plan

- The structure would remain in place, and maintained as fit for purpose until the later of (i) the decommissioning of the windfarm or (ii) a determination by the SoS that the compensation measure is no longer required, following consultation with the relevant statutory nature conservation body.

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## 7 Appendix 3: Guillemot

### 7.1 Preamble

133. On the basis of the in-combination totals in the original application ((see **Section 4.6.4.2, Information to Support AA Report** (APP-043)) the combined displacement mortality of guillemot was estimated to be in the range 77 to 1,796 individuals. These would increase the baseline mortality rate of the population by 1.5% to 35%, while assessed using the Applicant's preferred evidence-based displacement and mortality rates, the increase would be 2.5%. On the basis of the most precautionary rates preferred by Natural England, there is potential for an adverse effect on the guillemot population due to in-combination displacement effects. However, the contribution to this from East Anglia ONE North is very small, estimated to comprise 0.2% (83 of 1,796). If Hornsea Four is included the contribution of the Project remains approximately 0.2%.
134. On the basis of the population model outputs (see **Section 4.6.4.2.2, Information to Support AA Report** (APP-043)) the number of predicted in-combination guillemot displacement mortalities attributed to the Flamborough and Filey Coast SPA is not at a level which would trigger a risk of population decline, but would only result in a small reduction in the growth rate currently seen at this colony, and so would not have an adverse effect on integrity of the SPA.
135. Therefore, the Applicant does not consider there is a likelihood that the Secretary of State would determine AEOL for in-combination effects. In addition, in the event the Secretary of State did determine AEOL for in-combination effects, the Project's contribution would be *de minimis* (0.2% of the precautionary in-combination total). Therefore, the Applicant considers there to be no grounds on which compensation measures would be required for the Project.
136. However, in the absence of any clear guidance for establishing a threshold at which 'without prejudice' compensation measures should be developed and noting that NE's position on guillemot is that AEOL '*cannot be ruled out*' in combination with Hornsea Project Three and Project Four, the following measures are presented. The Applicant requests that NE provides a clear view on whether they consider compensation measures should be proposed for this species.

### 7.2 Overview

137. Flamborough and Filey Coast (FFC) SPA covers an area of 7,858ha and is located on the Yorkshire coast between Bridlington and Scarborough



approximately 245km from the proposed East Anglia ONE North windfarm at the closest point. The SPA is in two sections: the southern section extends north from South Landing around Flamborough Head to Speeton; the northern section covers the peninsula of Filey Brigg before extending north west to Cunstone Nab. The seaward boundary extends 2km throughout the two sections of the site into the marine environment, running parallel to the landward boundaries to include the adjacent coastal waters. The SPA includes the RSPB reserve at Bempton Cliffs, the Yorkshire Wildlife Trust Flamborough Cliffs Nature Reserve and the East Riding of Yorkshire Council Flamborough Head Local Nature Reserve.

138. The site description indicates that the Flamborough and Filey Coast SPA qualifies under Article 4.2 of the Birds Directive (2009/147/EC) by supporting over 1% of the biogeographical population of guillemot:

- Guillemot 41,607 pairs (83,214 breeding adults, 2008-2011).

### 7.3 Conservation objectives

139. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features rely;
  - The populations of each of the qualifying features; and
  - The distribution of the qualifying features within the site.
140. The Flamborough and Filey Coast SPA colony of breeding common guillemot is the largest colony in England and the southernmost colony on the east coast that comprises over 10,000 individuals. Guillemot are absent from the low coastlines of south-east England, with no colonies between the Bempton-Flamborough coast and the Isle of Wight on the south coast (Joint Nature Conservation Committee (JNCC), 2001). Between 2008 and 2011 the site supported around 41,607 pairs during the breeding season (Natural England, 2014), equating to 83,214 breeding adults and representing 15.6% of biogeographic population of the southern *albionis* subspecies (African-Eurasian Waterbird Agreement (AEWA), 2012).
141. Counts undertaken as part of the 2008 Seabird Colony Census recorded a minimum of 59,817 individuals, an increase of 370% at this colony over 40 years and an increase of 20% since the year 2000 (Gilroy et al., 2009). Compared to



declines in many Scottish colonies, this data demonstrates how important and productive the Flamborough and Filey Coast SPA is<sup>4</sup>.

## 7.4 Quantification of effect

### 7.4.1 Project alone

142. The estimated number of guillemot apportioned to the FFC SPA is 83 at East Anglia ONE North. Of these, between 30% and 70% would be predicted to be at risk of displacement (i.e. 25-51 individuals) and of these a consequent mortality rate of between 1% and 10% would be applied, therefore giving a precautionary upper mortality of 6 individuals. It should be noted that these figures were estimated using Natural England's precautionary rates of displacement (70%) and mortality (10%). In a review of evidence on likely displacement effects for this species (Vattenfall 2019), it was concluded that realistic (but still precautionary) rates of 50% and 1% respectively were appropriate. Use of the latter rates reduces the predicted impact to less than 1 individual. It is clear from this that there is very little justification for compensation of this impact due to the project.
143. The above considerations on the extremely small scale of the impact and precaution in the assessment notwithstanding, Natural England has agreed that the Project alone will not result in AEol (REP3-117).

### 7.4.2 In-combination

144. The in-combination total number of guillemot at risk of displacement apportioned to the FFC SPA from all windfarms predicted to have connectivity is presented in the Deadline 11 Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update (document reference ExA.AS-8.D12.V1). There are various total figures dependent upon which projects are included in the calculation which range from 24,765 to 43,663 birds at risk of displacement (see document reference ExA.AS-8.D12.V1 for more details) which equate to mortalities (using Natural England's upper rates of 70% displaced and 10% mortality) of between 1,734 and 3,056. It is worth noting that the Hornsea windfarms on their own contribute up to 1,971 of the displacement mortality total (i.e. 65%). As stated above East Anglia ONE North could contribute a maximum of 6 individual mortalities.
145. The current Project therefore contributes between 0.2% and 0.3% to the total predicted mortality.

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146. The Project's impacts are extremely small compared with those for most other windfarms.
147. On the basis of these figures, the Applicant firmly maintains the position presented in the original Application and during the Examination, as supplemented in this submission, that an in-combination AEoI for the Project with other plans and projects can be ruled out beyond reasonable scientific doubt for the guillemot feature of the FFC SPA.
148. The contribution to the in-combination total from the Projects must also be taken into consideration with respect to the scale and timescale for delivery of compensation measures.
149. Nonetheless, without prejudice to the Applicant's position, possible compensation options are discussed below.

### 7.4.3 Compensation measures

#### 7.4.3.1 Potential measures

150. Furness et al. (2013) identified four potential measures that were likely to improve the conservation status of common guillemots:
  - Closure of sandeel and sprat fisheries in all UK waters;
  - Closure of sandeel and sprat fisheries in guillemot wintering areas;
  - Rat eradication; and
  - Prevent oil spills.
151. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue (see Annex 1 (REP6-046). Current evidence suggests that guillemot are susceptible to by-catch by fisheries (Miles et al (2020), Northridge et al (2020) therefore the fisheries by-catch proposal (see **Appendix 7: Secondary measure: Ornithological By-catch**) would also be relevant to this species. This may be adopted as an alternative or in addition to the measures outlined within this appendix
152. Furness et al. (2013) considered that there was strong evidence that preventing oil spills would benefit this species, but also acknowledged that considerable efforts are already made to avoid oil spills so it was not obvious what further steps could be taken.
153. Therefore, the remaining option is rat eradication and this is considered in more detail below.



#### 7.4.3.2 Measures taken forward

##### 7.4.3.2.1 Rat eradication from breeding colonies

###### 7.4.3.2.1.1 Overview

154. Rats are not expected to be a significant predator of guillemot eggs and chicks at FFC SPA, since most birds nest on cliff ledges which will be largely inaccessible to rats. However, there is potential for rat eradication to be undertaken at other SPA colonies, thereby benefiting the suite of sites designated for their conservation, or at non-SPA colonies, thereby benefiting the meta-population of common guillemot in the UK and indirectly benefiting the SPA sites because birds that recruit into SPA colonies include individuals reared at non-SPA colonies as well as at other SPA colonies.
155. Eradication of rats from Lundy resulted in guillemot breeding numbers increasing from 2,348 to 6,198 individuals. This manifested both as an increase in success in existing parts of the island and an increase in breeding distribution of this species on the island into areas that would have been accessible to rats. Combined, the productivity increases are therefore attributed to the removal of the pressure of predation by rats (Booker et al. 2019). Clearly the Lundy case study provides strong evidence that eradication of rats can benefit guillemots in some colonies, but this may depend on the amount of ground nesting habitat and whether or not guillemot numbers can increase into such habitat or are constrained by other factors such as food availability.

###### 7.4.3.2.2 Delivery

156. Rat eradication from offshore islands to benefit breeding birds has been undertaken on numerous islands worldwide. The methods used and the success achieved vary depending on the island characteristics. Therefore, it would first be necessary to identify a suitable island for an eradication campaign before the delivery mechanism could be determined.

###### 7.4.3.2.3 Spatial scale

157. The most important considerations are to ensure complete eradication and minimising the risk of recolonisation. Thus, it is important to distribute bait throughout the site in question (to ensure no survivors) and to take steps to prevent accidental reintroduction (e.g. use of sealed containers for transporting supplies to the island).

Selection of a suitable location for an eradication programme would need to consider factors such as whether rats are thought to be limiting the guillemot population, accessibility, delivery method, likelihood of reintroduction and whether the island has human inhabitants (and how this would affect the programme). Selection of the colony would be based on criteria, developed by Ratcliffe et al, (2009) and Stanbury et al. (2017), to rank locations in terms of the





cost-effectiveness and consideration of the risk of re-invasion by rats (and other introduced mammalian predators). The list of islands identified by Stanbury et al. (2017) which have rats present is provided in **Table 7-1**, of which 13 have breeding guillemot which could potentially benefit from a rat eradication.

**Table 7-1 Rank order of islands identified by Stanbury et al (2017) for which rat eradication would offer benefits to breeding seabirds. Note that only those islands which had rats listed are shown here, but the original rankings have been retained. Key to conservation status: UNc = unfavourable no change ; UD = unfavourable declining; FM = favourable maintained**

| Rank order | Name, location                                    | SPA for guillemot? | Most recent guillemot count (individuals) in JNCC SMP database, year of count and conservation status on NatureScot SiteLink |
|------------|---------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------|
| 4a         | Garbh Eilean and Eilean an Taighe, Shiant Islands | Yes                | 2,119 (2015); UNc                                                                                                            |
| 4b         | Rousay, Orkney                                    | Yes                | 6,500 (2016); UD                                                                                                             |
| 4c         | Rathlin Island, Northern Ireland                  | Yes                | 130,445 (2011)                                                                                                               |
| 7a         | Colonsay and Oronsay, Inner Hebrides              | Yes                | 18,724 (2018); FM                                                                                                            |
| 7b         | Unst, Shetland                                    | Yes                | 6,109 (2016); UD                                                                                                             |
| 10         | Rum, Small Isles                                  | Yes                | 2,454 (2000); UNc                                                                                                            |
| 12b        | Inchkeith, Forth Estuary                          | No                 | 278 (2020)                                                                                                                   |
| 14         | Hoy, Orkney                                       | Yes                | 12,198 (2017); UNc                                                                                                           |
| 15         | Flotta, Orkney                                    | No                 | 64 (2019)                                                                                                                    |
| 16a        | Tiree, Inner Hebrides                             | No                 | 3,610 (2018)                                                                                                                 |
| 18a        | Stronsay, Orkney                                  | No                 | 750 (2018)                                                                                                                   |
| 18b        | Eilean Mhuire, Shiant Islands                     | Yes                | 5,624 (2015); UNc                                                                                                            |
| 25         | Herm, Channel Islands                             | No                 | 135 (2015)                                                                                                                   |

#### 7.4.3.2.4 Temporal scale

158. Eradication programmes are typically conducted in a relatively short space of time (weeks/months) as this improves success rates. Once completed, apart from ongoing measures to prevent reintroduction, no additional costs would be required. Species often show recoveries in numbers and breeding success within a short period of time (e.g. within 1 to 2 years), although this would be very dependent on the specific situation.

#### 7.4.3.2.5 Monitoring

159. Monitoring for both rats and the response in the target populations would be essential. Regularly checked traps is the simplest means to check for the presence of rats, while annual counts of the guillemot population and productivity rates would reveal how successful the measure had been. A relatively modest



increase in productivity would be required to offset the predicted mortality at the projects.

#### 7.4.3.2.6 Feasibility

160. Rat eradications are an established method for improving the conservation status of breeding seabird populations. However, since this is not an option for FFC SPA itself it would need to be conducted at another location.

#### 7.4.4 Summary and Roadmap for Delivery of Compensation (if required)

161. If guillemot compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that rat eradication at relevant colonies would be the most appropriate measure to deliver compensation prior to installation of any wind turbine tower forming part of the Project.
162. The measures which would be undertaken by the Applicant to secure rat eradication are as follows:
- Following a decision from the SoS that compensation is required, a steering group (the guillemot compensation steering group (GuCSG)) would be appointed to the task (e.g. comprising all relevant stakeholders) to oversee the development, implementation, monitoring and reporting of the compensation measures. A plan for the work of the GuCSG would be submitted to and approved by the SoS.
  - The Applicant will undertake a screening exercise to locate a suitable guillemot colony (or colonies) for an eradication programme. This exercise would be based on criteria referenced above and guided by the GuCSG. Once suitable location(s) have been identified, the Applicant will liaise with the relevant landowners and appropriate authorities to determine the permitting requirements and any land access needs. The detailed design stage would include consideration of any potential wider effects, either beneficial or negative, on other species that might arise from the implementation of the proposed compensation measure, as required. This will form the basis of the guillemot implementation and monitoring plan (GuIMP). The GuIMP will also address why the location(s) is appropriate ecologically and likely to support successful compensation.
  - The GuIMP would be submitted to the SoS for approval (in consultation with the MMO, the local planning authority for land containing the rat colonies to be the subject of any eradication programme, and Natural England) and eradication undertaken with all necessary permits/authorisations in place.
  - The success of the eradication measures would be monitored through observation of numbers of guillemot at the compensation site(s). Results would be discussed with the GuCSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly.



- On-going monitoring at the compensation site(s) will be undertaken periodically to ensure that the compensation site(s) remains rat-free.
- Monitoring and, if necessary, repeat eradications would continue, until the windfarm has been decommissioned or a determination is made by the SoS on duration, following consultation with the relevant statutory nature conservation body, that compensation is no longer required.

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## 8 Appendix 4: Razorbill

### 8.1 Preamble

163. On the basis of the in-combination totals in the original application ((see **Section 4.6.3.2, Information to Support AA Report** (APP-043)) the combined displacement mortality of razorbill apportioned to the FFC SPA was estimated to be in the range 18 to 421 individuals. These would increase the baseline mortality rate of the population (all ages) by 0.8% to 19%, while assessed using the Applicant's preferred evidence-based displacement and mortality rates, the increase would be 1.3%. Applying the most precautionary rates preferred by Natural England, there is potential for an adverse effect on the razorbill population due to in-combination displacement effects. However, the contribution to this from the Project is very small, estimated to comprise 0.2% (0.9 individuals from a total of 421). If Hornsea Four is included the contribution of the Project remains approximately 0.2%.
164. On the basis of the population model outputs (see **Section 4.6.3.2.2, Information to Support AA Report** (APP-043)) the number of predicted in-combination razorbill displacement mortalities attributed to the FFC SPA is not at a level which would trigger a risk of population decline, but would only result in a small reduction in the growth rate currently seen at this colony, and so would not have an adverse effect on integrity of the SPA.
165. Therefore, the Applicant does not consider there is a likelihood that the SoS would determine AEOL for in-combination effects and even if this were the case, the Project's contribution would be *de minimis* (0.2% of the precautionary in-combination total). Therefore, the Applicant considers there to be no grounds on which compensation measures would be required for the Project.
166. However, in the absence of any clear guidance for establishing a threshold at which 'without prejudice' compensation measures should be developed and noting that NE's position on razorbill is that AEOL '*cannot be ruled out*' in combination with Hornsea Project Three and Project Four, the following measures are presented. The Applicant requests that NE provide a clear view on whether they consider compensation measures should be proposed for this species.

### 8.2 Overview

167. Flamborough and Filey Coast (FFC) SPA covers an area of 7,858ha and is located on the Yorkshire coast between Bridlington and Scarborough approximately 245km from the proposed East Anglia ONE North windfarm at the



closest point. The SPA is in two sections: the southern section extends north from South Landing around Flamborough Head to Speeton; the northern section covers the peninsula of Filey Brigg before extending north west to Cunstone Nab. The seaward boundary extends 2km throughout the two sections of the site into the marine environment, running parallel to the landward boundaries to include the adjacent coastal waters. The SPA includes the RSPB reserve at Bempton Cliffs, the Yorkshire Wildlife Trust Flamborough Cliffs Nature Reserve and the East Riding of Yorkshire Council Flamborough Head Local Nature Reserve.

168. The site description indicates that the Flamborough and Filey Coast SPA qualifies under Article 4.2 of the Birds Directive (2009/147/EC) by supporting over 1% of the biogeographical population of razorbill:
- Razorbill 10,570 pairs (21,140 breeding adults, 2008-2011).

### 8.3 Conservation objectives

169. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features rely;
  - The populations of each of the qualifying features; and
  - The distribution of the qualifying features within the site.
170. The Flamborough and Filey Coast SPA is the only site in England to support a colony of over 5,000 individuals, the only other colonies of this size being located in Scotland, and is the southernmost colony of any size on the east coast. The SPA supports around 10,500 breeding pairs. This constitutes 2.3% of the biogeographic population of the subspecies *Alca torda islandica* (African-Eurasian Waterbird Agreement (AEWA), 2012).

### 8.4 Quantification of effect

#### 8.4.1 Project alone

171. The estimated number of razorbill at risk of displacement apportioned to the FFC SPA is 11 at East Anglia ONE North. Of these, between 30% and 70% would be predicted to be at risk of displacement (3-8) and of these a consequent mortality rate of between 1% and 10% would be applied, therefore giving a precautionary upper mortality of 1 individual. It should be noted that this figure was estimated using Natural England's precautionary rates of displacement (70%) and mortality





(10%). In a review of evidence on likely displacement effects for this species (Vattenfall 2019), it was concluded that realistic (but still precautionary) rates of 50% and 1% respectively were appropriate. Use of the latter rates reduces the predicted impact to much less than 1 individual. It is clear from this that there is very little justification for compensation of this impact due to the project.

172. The above considerations on the extremely small scale of the impact and precaution in the assessment notwithstanding, Natural England has agreed that the Project alone will not result in AEol (REP3-117).

#### 8.4.2 In-combination

173. The in-combination total number of razorbill at risk of annual displacement apportioned to the FFC SPA from all windfarms predicted to have connectivity is presented in the Deadline 11 Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update (document reference ExA.AS-8.D12.V1). There are various total figures dependent upon which projects are included in the calculation which range from 6,136 to 7,262 birds at risk of displacement (see document reference ExA.AS-8.D12.V1 for more details) which equate to mortalities (using Natural England's upper rates of 70% displaced and 10% mortality) of between 430 and 508. It is worth noting that the Hornsea windfarms on their own contribute up to 225 of the displacement mortality total (i.e. 44%). As stated above, East Anglia ONE North could contribute a maximum of 1 individual mortality.
174. The current Project therefore individually contributes 0.2% to the total predicted mortality.
175. The Project's impacts are extremely small compared with those for most other windfarms.
176. On the basis of these figures, the Applicant firmly maintains the position presented in the original Application and during the Examination, as supplemented in this submission, that an in-combination AEol for the Project with other plans and projects can be ruled out beyond reasonable scientific doubt for the razorbill feature of the FFC SPA.
177. The contribution to the in-combination total from the Projects must also be taken into consideration with respect to the scale and timescale for delivery of compensation measures.
178. Nonetheless, without prejudice to the Applicant's position, possible compensation options are discussed below.



## 8.5 Compensation measures

### 8.5.1 Potential measures

179. Furness et al. (2013) identified four potential measures that were likely to improve the conservation status of razorbills:
- Closure of sandeel and sprat fisheries in all UK waters;
  - Closure of sandeel and sprat fisheries in razorbill wintering areas;
  - Rat eradication; and
  - Prevent oil spills.
180. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue (see Annex 1 (REP6-046). Current evidence suggests that razorbill are susceptible to by-catch by fisheries (Miles et al (2020), Northridge et al (2020) therefore the fisheries by-catch proposal (see **Appendix 7: Secondary measure: Ornithological By-catch**) would also be relevant to this species. This may be adopted as an alternative or in addition to the measures outlined within this appendix
181. Furness et al. (2013) considered that there was strong evidence that preventing oil spills would benefit this species, but also acknowledged that considerable efforts are already made to avoid oil spills so it was not obvious what further steps could be taken.
182. Therefore, the remaining option is rat eradication and this is considered in more detail below.

### 8.5.2 Measures taken forward

#### 8.5.2.1 Rat eradication from breeding colonies

##### 8.5.2.1.1 Overview

183. Rats are not expected to be a significant predator of razorbill eggs and chicks at FFC SPA, since most birds nest on cliff ledges which will be largely inaccessible to rats. However, there is potential for rat eradication to be undertaken at other SPA colonies, thereby benefiting the suite of sites designated for their conservation, or at non-SPA colonies, thereby benefiting the meta-population of razorbill in the UK and indirectly benefiting the SPA sites because birds that recruit into SPA colonies include individuals reared at non-SPA colonies as well as at other SPA colonies.
184. Eradication of rats from Lundy resulted in razorbill breeding numbers increasing from 950 to 1,735 individuals and showing an increase in breeding distribution of this species on the island into areas that would have been accessible to rats, so the increase is attributed to the removal of the pressure of predation by rats (Booker et al. 2019).



#### 8.5.2.1.2 Delivery

185. Rat eradication from offshore islands to benefit breeding birds has been undertaken on numerous islands worldwide. The methods used and the success achieved vary depending on the island characteristics. Therefore, it would first be necessary to identify a suitable island for an eradication campaign before the delivery mechanism could be determined.

#### 8.5.2.1.3 Spatial scale

186. The most important considerations are to ensure complete eradication and minimising the risk of recolonisation. Thus, it is important to distribute bait throughout the site in question (to ensure no survivors) and to take steps to prevent accidental reintroduction (e.g. use of sealed containers for transporting supplies to the island). Costs have been estimated as between £150/ha to over £400/ha.

187. Selection of a suitable location for an eradication programme would need to consider factors such as whether rats are thought to be limiting the razorbill population, accessibility, delivery method, likelihood of reintroduction and whether the island has human inhabitants (and how this would affect the programme). Selection of the colony would be based on criteria, developed by Ratcliffe et al, (2009) and Stanbury et al. (2017), to rank locations in terms of the cost-effectiveness and consideration of the risk of re-invasion by rats (and other introduced mammalian predators). The list of islands identified by Stanbury et al. (2017) which have rats present is provided in **Table 8-1**, of which 14 have breeding razorbill which could potentially benefit from a rat eradication programme.

**Table 8-1 Rank order of islands identified by Stanbury et al (2017) for which rat eradication would offer benefits to breeding seabirds. Note that only those islands which had rats listed are shown here, but the original rankings have been retained. Key to conservation status: FR = favourable recovered**

| Rank order | Name, location                              | SPA for razorbill? | Most recent razorbill count (individuals) in JNCC SMP database, year of count and conservation status on NatureScot SiteLink |
|------------|---------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------|
| 4a         | Garbh Eilean and Eilean an Taighe, Shiantas | Yes                | 7,327 (2015); FR                                                                                                             |
| 4b         | Rousay, Orkney                              | No                 | 469 (2016)                                                                                                                   |
| 4c         | Rathlin Island, Northern Ireland            | Yes                | 22,975 (2011)                                                                                                                |
| 7a         | Colonsay and Oronsay, Inner Hebrides        | No                 | 262 (2018)                                                                                                                   |
| 7b         | Unst, Shetland                              | No                 | 146 (2016)                                                                                                                   |
| 10         | Rum, Small Isles                            | No                 | 94 (2000)                                                                                                                    |
| 12b        | Inchkeith, Forth Estuary                    | No                 | 178 (2020)                                                                                                                   |
| 14         | Hoy, Orkney                                 | No                 | 1,718 (2017)                                                                                                                 |
| 15         | Flotta, Orkney                              | No                 | 267 (2019)                                                                                                                   |



| Rank order | Name, location                | SPA for razorbill? | Most recent razorbill count (individuals) in JNCC SMP database, year of count and conservation status on NatureScot SiteLink |
|------------|-------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------|
| 16a        | Tiree, Inner Hebrides         | No                 | 372 (2018)                                                                                                                   |
| 18a        | Stronsay, Orkney              | No                 | 14 (2018)                                                                                                                    |
| 18b        | Eilean Mhuire, Shiant Islands | Yes                | 371 (2015) FR                                                                                                                |
| 23         | Housay, Out Skerries          | No                 | 3 (2001)                                                                                                                     |
| 25         | Herm, Channel Islands         | No                 | 35 (2015)                                                                                                                    |

#### 8.5.2.1.4 Temporal scale

188. Eradication programmes are typically conducted in a relatively short space of time (weeks/months) as this improves success rates. Once completed, apart from ongoing measures to prevent reintroduction, no additional costs would be required. Species often show recoveries in numbers and breeding success within a short period of time (e.g. within 1 to 2 years), although this would be very dependent on the specific situation.

#### 8.5.2.1.5 Monitoring

189. Monitoring for both rats and the response in the target populations would be essential. Regularly checked traps is the simplest means to check for the presence of rats, while annual counts of the razorbill population and productivity rates would reveal how successful the measure had been. An extremely modest increase in productivity is all that would be required to offset the predicted mortality at the projects.

#### 8.5.2.1.6 Feasibility

190. Rat eradications are an established method for improving the conservation status of breeding seabird populations. However, since this is not an option for FFC SPA itself it would need to be conducted at another location.

### 8.5.3 Summary and Roadmap for Delivery of Compensation (if required)

191. If razorbill compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that rat eradication at relevant colonies would be the most appropriate measure to deliver compensation prior to the installation of any wind turbine tower forming part of the Project.

192. The measures which would be undertaken by the Applicant to secure rat eradication are as follows:

- Following a decision from the SoS that compensation is required, a steering group (the razorbill compensation steering group (RCSG)) would be appointed to the task (e.g. comprising all relevant stakeholders) to oversee the development, implementation, monitoring and reporting of the



compensation measures. A plan for the work of the RCSG would be submitted to and approved by the SoS.

- The Applicant will undertake a screening exercise to locate a suitable razorbill colony (or colonies) for an eradication programme. This exercise would be based on criteria referenced above and guided by the RCSG. Once suitable location(s) have been identified, the Applicant will liaise with the relevant landowners and appropriate authorities to determine the permitting requirements and any land access needs. The detailed design stage would include consideration of any potential wider effects, either beneficial or negative, on other species that might arise from the implementation of the proposed compensation measure, as required. This will form the basis of the razorbill implementation and monitoring plan (RIMP). The RIMP will also address why the location(s) is appropriate ecologically and likely to support successful compensation.
- The RIMP would be submitted to the SoS for approval (in consultation with the MMO, the local planning authority for land containing the rat colonies to be the subject of any eradication programme, and Natural England) and eradication undertaken with all necessary permits/authorisations in place.
- The success of the eradication measures would be monitored through observation of numbers of razorbill at the compensation site(s). Results would be discussed with the RCSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly.
- On-going monitoring at the compensation site(s) will be undertaken periodically to ensure that the compensation site(s) remains rat-free.
- Monitoring and, if necessary, repeat eradications would continue, until the windfarm has been decommissioned or a determination is made by the SoS on duration, following consultation with the relevant statutory nature conservation body, that compensation is no longer required.

## 8.6 References

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## 9 Appendix 5: Lesser Black backed gull

### 9.1 Overview

193. The Alde-Ore Estuary SPA covers 2,417ha and is located on and around the Suffolk coast, 52km from the proposed East Anglia ONE North windfarm at its closest point. The SPA comprises an estuarine complex of the rivers Alde, Butley and Ore. The Alde-Ore Estuary was also listed as a Ramsar site in October 1996 for its internationally important wetland assemblage. The SPA citation was published in January 1996 and the site was classified by the UK Government as an SPA under the provisions of the Birds Directive in August 1998. The site is coincident with the Alde-Ore Estuary Site of Special Scientific Interest (SSSI), which was notified in 1952, with the SSSI boundary being identical to that of the SPA and Ramsar sites. The SPA/Ramsar site also forms part of the Alde-Ore and Butley European Marine Site.
194. There are several important habitats within the Alde-Ore Estuary site, including intertidal mudflats, saltmarsh, vegetated shingle (including the second-largest and best-preserved area in Britain at Orfordness), saline lagoons and semi-intensified grazing marsh. The diversity of wetland habitat types present is of particular significance to the birds occurring on the site, as these provide a range of opportunities for feeding, roosting and nesting within the site complex. At different times of the year, the site supports notable assemblages of wetland birds including seabirds, wildfowl and waders. As well as being an important wintering area for waterbirds, the Alde-Ore Estuary provides important breeding habitat for several species of seabird, wader and birds of prey. During the breeding season, gulls and terns feed substantially outside the SPA (JNCC 2011). The Suffolk Wildlife Trust, the National Trust and the RSPB have nature reserves within the SPA.
195. The SPA site description (as published in 2001) indicates that the Alde-Ore Estuary qualifies as an SPA under Article 4.1 of the Birds Directive (79/409/EEC) by regularly supporting populations of Annex I species of European importance: breeding populations of little tern, marsh harrier and Sandwich tern, and avocet (both breeding and wintering). The site also qualifies under Article 4.2 of the Birds Directive by supporting two Annex II species - a wintering population of redshanks, and a breeding population of lesser black-backed gulls, the designation of the lesser black-backed gulls being based on 14,074 breeding pairs (4 year mean peak, 1994-1997). At designation, the site regularly supported



59,118 individual seabirds during the breeding season, including: herring gull, black-headed gull, lesser black-backed gull, little tern and Sandwich tern.

196. Following the UK SPA review (Stroud et al. 2001) additional Article 4.2 qualifying features were identified as needing protection: a breeding seabird assemblage of international importance (at least 20,000 seabirds) and a wintering waterbird assemblage of international importance (at least 20,000 waterbirds).
197. This site does not support any priority habitats or species.

## 9.2 Conservation Objectives

198. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- the extent and distribution of the habitats of the qualifying features;
  - the structure and function of the habitats of the qualifying features;
  - the supporting processes on which the habitats of the qualifying features rely;
  - the populations of each of the qualifying features; and
  - the distribution of the qualifying features within the site.
199. When the site was classified in 1996, breeding lesser black-backed gulls were present in internationally important numbers (Natural England 2014); the 4 year peak mean (1994-1997) was 14,070 breeding pairs (derived from the JNCC Seabird Monitoring Programme database; agreed by Natural England's Chief Scientist in 2012). However, after a peak of 23,400 pairs in 2000, numbers reduced significantly below the target; the 5 year peak mean (2011-2015) was 1,940 breeding pairs (JNCC 2014).
200. Natural England has stated the target is to restore the size of the breeding population to a level which is above 14,074 breeding pairs whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.

## 9.3 Quantification of effect

### 9.3.1 Project alone

201. The revised lesser black-backed gull collision mortality apportioned to the Alde-Ore Estuary (AOE) SPA following incorporation of collision mitigation through an increase in rotor draught height of 2m (REP1-047, REP3-073) is a mean of 0.3 (95% confidence interval 0-0.9) at East Anglia ONE North.
202. Natural England has agreed that the Project alone will not result in AEoI (REP3-117).



### 9.3.2 In-combination

203. The in-combination annual lesser black-backed gull collisions apportioned to the AOE SPA from all windfarms predicted to have connectivity are presented in the Deadline 11 Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update (document reference ExA.AS-8.D12.V1) . There are various total figures dependent upon which projects are included in the calculation and the total ranges from 50.1 to 55.5.
204. The current Project therefore contributes between 0.5 and 0.6% to the maximum predicted mortality.
205. The Project's impacts are of a size which would be more than offset by the difference between the total collisions based on consented windfarm designs compared with as-built designs (i.e. 'headroom', Trinder 2017 and AS-041).
206. The Applicant firmly maintains the position presented in the original Application and during the Examination, as supplemented in this submission, that an in-combination AEoI for the Project with other plans and projects can be ruled out beyond reasonable scientific doubt for the lesser black-backed gull feature of the AOE SPA.
207. The contribution to the in-combination total from the Project must also be taken into consideration with respect to the scale and timescale for delivery of compensation measures.
208. Nonetheless, without prejudice to the Applicant's position, possible compensation options are discussed below.

## 9.4 Compensation measures

### 9.4.1 Potential measures

209. Furness et al. (2013) identified five potential measures that were likely to improve the conservation status of lesser black-backed gulls:
- Mink eradication at lesser black-backed gull colonies;
  - Fencing out foxes from colonies;
  - End culling of lesser black-backed gulls;
  - Closure of sandeel and sprat fisheries; and
  - Eradicate rats at lesser black-backed gull colonies.
210. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue (also see REP6-046). Furthermore, there is little evidence that this would deliver improvements in breeding success for this species since it is not reliant on these forage fish species and has a diverse diet, including terrestrial sources. Current evidence



suggests that gulls are susceptible to by-catch by fisheries (Miles et al (2020), Northridge et al (2020) therefore the fisheries by-catch proposal (see **Appendix 7: Secondary measure: Ornithological By-catch**) would also be relevant to this species. This may be adopted as an alternative or in addition to the measures outlined within this appendix.

- 211. Until 2019 this species could be legally culled under a General Licence and consequently there was no requirement to report numbers killed. This is no longer the case and culling licences require reporting which should enable a better understanding of the extent to which this affects populations. While this may become an option for future consideration, at present it is too uncertain for inclusion.
- 212. Consequently, predator control, and in particular fox control for the AOE SPA, is taken forward for further consideration.
- 213. Where other parties have an interest in predator control measures for lesser black-backed gulls at the AOE SPA, the Applicant will seek to engage with them to work collaboratively and strategically where appropriate (discussed further under **Section 9.4.3**). However, on the basis that any proposed compensation measures must be demonstrated to be viable for the Project, the following sections provide the detail of provision of additional nesting habitat without assuming any collaboration or integration with other parties' measures.

## 9.4.2 Measures taken forward

### 9.4.2.1 Fencing to exclude foxes

#### 9.4.2.1.1 Overview

- 214. Lesser black-backed gulls at AOE SPA are thought to be subject to high levels of egg and chick predation by mammals (especially foxes). Prevention of this predation would greatly enhance productivity and could more than compensate for the loss of 0.3 adults at the Project.
- 215. Numbers of lesser black-backed gulls breeding at the Alde-Ore Estuary SPA have declined dramatically since 2000. A part of that decline could be related to reductions in the availability of fisheries discards (Sherley et al. 2020). However, the decline has been attributed primarily to impacts of predation by foxes in the colony. At Orford Ness, in 2000, 75% of nests (in a colony of 23,000 pairs), failed due to fox predation (Mavor et al. 2001). Breeding numbers at Orford Ness fell from 24,000 pairs in 2001 to 6,500 pairs in 2002 due to fox activity at the colony because fox control was not carried out there in 2002 (Mavor et al. 2003). Numbers of lesser black-backed gulls breeding at Orford Ness have now declined to a few tens of pairs, all of which have nested on the rooftops of buildings there, which further supports the hypothesis that this species is now



unwilling to nest on the ground at Orford Ness because of the impact of mammal predators (notably foxes) on breeding success.

216. In the UK, some examples of using electric fences to exclude foxes from colonies have been partially successful, but electric fences are not fully effective in excluding predators and require frequent maintenance. A more expensive but much more effective alternative is the use of predator-proof fences, such as deployed in Hawaii at Ka'ena Point Natural Area Reserve (Young et al. 2012). These 2m tall fences were set up in November 2010 to February 2011 around 20 ha of coastal habitat within Ka'ena Point to prevent predators (including rats and mice) from entering the protected area. Predators (in their case dogs, cats, mongoose, rats and mice) were eradicated within the enclosed 20ha. This was the first predator proof fence constructed in the United States at the time of its completion (Young et al. 2012). Such completely predator-proof fencing would be particularly appropriate for colonies subject to predation by rats or American mink as well as by foxes. Similar predator-proof fences have been established at many sites around the world with very high success in protecting birds from mammal predators (VanderWerf et al. 2014, Ruykys and Carter 2019).
217. By 2006, in total, around 109 km of predator-proof fencing had been erected in various areas of mainland New Zealand to exclude predators from sites with important populations of native animals and birds (Scofield et al. 2011, Innes et al. 2012, Scofield and Cullen 2012, [REDACTED]).
218. There are several examples of the use of predator-proof fences to protect seabirds from mammals [REDACTED]. A predator-proof fence completed in 2007 stretches 10.6 km across the neck of the peninsula from coast to coast at Cape Kidnappers Peninsula, North Island, New Zealand. This fence protects a privately owned and financed seabird restoration project where grey-faced petrels and Cook's petrels are being re-introduced (Furness et al. 2013). Another good example of successful deployment of a predator-proof fence to protect a seabird colony is one erected in 2001 to protect 36-ha on Pitt Island (Chatham Islands, New Zealand) from feral cats and pigs. Between 2002 and 2005, 200 endangered Chatham petrel chicks from the only known breeding site on South East Island (Chatham Islands) were moved into the fenced reserve. In 2012, 17 pairs from these translocated birds returned to breed (Furness et al. 2013). In Europe, predator-proof fencing has been used very successfully to protect breeding seabirds from alien invasive mammal predators in Azores (Portugal), funded by EU LIFE+ [REDACTED].



#### 9.4.2.1.2 Delivery

219. Subject to further discussions with relevant stakeholders and landowners, fences could be installed at strategic locations to exclude foxes (and potentially other predators).
220. It seems very likely that provision of a nesting area from which mammal predators are excluded would be a highly effective conservation measure for this population. However, it would be important to collate the available evidence at the site in order to ensure that other options which could offer alternative effective solutions are not overlooked, and to confirm that the current poor breeding success is related primarily to mammalian predation rather than other possible contributory factors.
221. The results of the above review notwithstanding, it is apparent that part of Orford Ness would be suitable for lesser black-backed gulls to nest if an area was made fox-proof. Establishing a protected area for lesser black-backed gulls at Orford Ness would also reduce the conflict between recovering gull breeding numbers and protecting avocets and other ground nesting birds from gull predation at Havergate Island. It has been demonstrated not only that seabird breeding success can be very much higher in areas within predator-proof fences, but also that seabird breeding numbers tend to recover rapidly when given such protection. This method would be much more effective than attempting to reduce fox numbers by lethal control, as the lower fox densities in areas subject to control will draw in replacement individuals from the surrounding wider countryside where fox numbers are higher. In addition, predator proof fences exclude rats and American mink as well as other mammal predators such as feral cats, so provide a very much more effective protection than any attempts simply to control fox numbers in the area.
222. For clarity, the Applicant's proposal relates to installation of 'New Zealand' style fencing. This will be more effective than the electric fencing which the Applicant understands is currently used at the site.

#### 9.4.2.1.3 Spatial scale

223. The spatial scale would be determined by the results of the review and a pilot study. However, as an illustration, the following sections consider the scale of predator exclusion fencing that would be appropriate.
224. Predator-proof fencing is expensive, costing around £100 per m to construct, and around £1 per m per year to maintain, with a life-span in New Zealand of around 25 years, so a considerable rate of depreciation (Scofield et al. 2011). However, maintenance costs and life span will depend very much on the environment where the fencing is set up. In New Zealand, where much of the fencing is in forested habitat, trees falling onto the fence can cause expensive damage, as





can cyclones (Scofield et al. 2011). In the predominantly open habitat of UK seabird colonies such fencing would be under less risk of damage, although corrosion from salt spray would be a consideration. There are several companies providing predator-proof fencing.

225. Enclosing an area of approximately four hectares (for illustrative purposes, a square with 200m long sides) with 'New Zealand' style fencing of approximately 2m height would require a minimum of 800m at £100/m construction, so £80,000 with annual maintenance costs of approximately £800. It is however recognised that the final footprint and design of the enclosed area is likely to reflect a variety of factors such as habitat, topography and other constraints such as designations and landscape features. Therefore, an irregular shape which takes these sensitivities into account is likely to be more appropriate. It is probably not appropriate to enclose an area much smaller than this in order to minimise the risk that the birds do not use the enclosed space (and careful siting and likely habitat management at the implementation stage would be important, as noted above). However, this scale of enclosure would provide for orders of magnitude more successful nesting pairs than necessary to compensate for the potential loss of 1.6 birds at the Project. For example, lesser black-backed gull nest density at the SPA probably averages less than 1 pair per square metre, therefore within an enclosure of 40,000m<sup>2</sup> (as proposed) the entire target restored population of 14,000 could readily be accommodated, even allowing for the fact that not all the habitat within the enclosure would be expected to be suitable (which could be improved through siting and habitat management at the implementation stage). An enclosed area of approximately four hectares would, therefore, provide sufficient compensation for the Project and other windfarm projects for which compensation may be required (e.g. East Anglia TWO and Norfolk Boreas, see **Section** Key to this process is recognition of the small number for which compensation may be appropriate (0.3 birds per year), in the context of the massive decline in breeding numbers of lesser black-backed gulls at Alde-Ore Estuary SPA from tens of thousands of pairs at site designation to a few hundred pairs at present. Recovery of that population requires much stronger management action than has been taken up to now, and the Applicant is willing to contribute in a proportionate way to that important conservation action. For example, at Galloper Wind Farm 22 lesser black-backed gull collisions were predicted for birds from the SPA (on the basis of equivalent modelling methods to those used in the current assessment), which represents more than a third of the in-combination total of 54. A proportionate contribution from the Applicant might therefore be around 10% of the level of contribution made by Galloper, and the Applicant considers that the above outline (fencing proposal is in line with this level of contribution.



226. Finally, in terms of the spatial scale of the compensation measures and its siting, detailed design would also be cognisant of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). A series of principles will be developed by the Applicant to assist in siting the compensation measure.
227. Following initial site investigations, potential fence locations will be developed and provided to appropriate consultees (e.g. Natural England, Historic England, Suffolk Coast and Heaths AONB Partnership, local planning authority, landowners, etc.) for feedback and discussion. This will ensure that all relevant points of view are included in the design and that the final decisions reflect those discussions.
228. In terms of fencing options, the examples of the 'Xcluder' brand<sup>5</sup> referred to above (see **section 9.4.2.1.1**), would offer a highly functional solution, whilst also providing an appearance that is sympathetic for a rural location through the use of natural materials, such as timber posts.

#### 9.4.2.1.4 Temporal scale

229. If the above outline proposal is adopted then, in its entirety, it would represent a long term compensation measure, and it may not be achievable to complete all of the steps outlined above prior to wind farm operation. However, the Applicant would begin the process (consultation with stakeholders, collation of evidence, drafting plan for implementation) prior to operation. Until the results of the initial phases (review and pilot study) are available it would not be possible to guarantee completion of all remaining stages prior to operation. However, this is considered appropriate given the small magnitude of the contribution to the in-combination impact from the Project, which is less than 5%. Hence, an appropriate timescale for implementing the various measures, based on the small scale of impact from the project and the predicted large magnitude of success, would be agreed with the Secretary of State in consultation with NE as part of the approval of the agreed strategy. This approach is considered appropriate given the large degree of over-compensation that is anticipated from this proposal and is in line with the EC (2012) guidance.
230. As an alternative longer term option, a strategic fund could be set-up and administered by an appropriate body, such as the local planning authority, in consultation with NE and the land owners responsible for managing the Alde-Ore Estuary SPA. This could set out the level of contribution payable by a project (determined by reference to impact) and how those contributions would be used to compensate for impacts on the SPA population.

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<sup>5</sup> [REDACTED]



#### 9.4.2.1.5 Management and Monitoring

231. Management and monitoring would include regular checks of the fence integrity, and any habitat management requirements to maintain suitable habitat for the gulls to nest in addition to monitoring of the breeding population within the enclosure. If initial take up of the nesting opportunities within enclosed areas is slow then playback of calls and use of decoys could be considered to attract individuals.

#### 9.4.2.1.6 Feasibility

232. This option is considered to be entirely feasible. This has also been accepted as feasible in principle by stakeholders. However, further work will be undertaken to explore how this could be delivered alongside similar proposals from other developments, where appropriate (e.g. East Anglia TWO and Norfolk Boreas, see **Section 9.4.3**).

### 9.4.3 Summary and Roadmap for Delivery of Compensation (if required)

233. If compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that predator control would be the most appropriate measure to deliver compensation prior to the operation of the Project.

234. The measures which would be undertaken by the Applicant to secure predator control are as follows:

- Following a decision from the Secretary of State that compensation is required, a steering group (the lesser-black backed gull compensation steering group (LBBCSG)) would be appointed to the task (e.g. comprising all relevant stakeholders) to oversee the development, implementation, monitoring and reporting of the compensation measures. A plan for the work of the LBBCSG would be submitted to and approved by the SoS.
- It is proposed to secure the compensation, so that it is constructed and operational prior to first operation of any wind turbine generator forming part of the authorised development.
- Detailed design would begin following a decision from the SoS that this is required. Consultation will be required with the LBBCSG to agree the design parameters once the Applicant has developed initial proposals. If it is necessary to obtain planning consent for this structure the application would be submitted to the appropriate authority. The detailed design stage would consider any potential wider effects, either beneficial or negative, on other habitats and species that might arise from the implementation of the proposed compensation measure, as required and would also be cognisant of the sensitivities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The above will form the basis of the lesser-black backed gull implementation and monitoring plan (LBBIMP) which must be submitted to



the SoS for approval (in consultation with the MMO, the local planning authority for land containing the predator control fencing, and Natural England). The LBBIMP will also address why the location is appropriate ecologically and likely to support successful compensation.

- The success of the measures would be monitored through observation of numbers of lesser black back gull and ensuring fence integrity and any habitat management requirements. Results would be discussed with the LBBICSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly.
  - Management would continue, until the later of (i) the decommissioning of the windfarm or (ii) a determination by the SoS that the compensation measure is no longer required, following consultation with the relevant statutory nature conservation body.
235. As previously highlighted, there is potential for other parties (i.e. East Anglia TWO Ltd and Norfolk Boreas Ltd) to be developing similar compensation proposals for the Alde-Ore SPA. Given the scale of potential compensation from the Project, the Applicant considers that should compensation be required it would be more proportionate to deliver that through collaboration on a strategic larger measure and towards that end the Applicant, East Anglia TWO Ltd and Norfolk Boreas Ltd have agreed to work together to deliver compensation collaboratively for this compensation measure. As a result of this, Natural England approached Defra earlier in 2021 with proposals for a strategic compensation option. Following several meetings between the Applicant, East Anglia TWO Ltd, Norfolk Boreas Ltd, Natural England and Defra, most recently on 15<sup>th</sup> June 2021, it has however been concluded that a wider strategic compensation project led by Defra would not align with the timescales for the Applicant, East Anglia TWO Ltd and Norfolk Boreas Ltd. Therefore, the Applicant, East Anglia TWO Ltd and Norfolk Boreas Ltd still intend to work collaboratively on this compensation measure and will continue to engage with Natural England and with other stakeholders, to ensure that should compensation measures be required, they can be implemented at the earliest opportunity. Should a strategic approach become unnecessary, for example, where Norfolk Boreas Ltd is not required to implement compensation, the bullets listed under **paragraph 234** provide the means to secure adequate Project alone measures.

## 9.5 References

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## 10 Appendix 6: Red-throated diver

### 10.1 Overview

236. The Outer Thames Estuary SPA (OTE SPA) was designated in August 2010. It covers 3,294km<sup>2</sup> of marine habitat with part in English territorial waters (0-12 nautical miles) and part in UK offshore waters (12 to 200 nautical miles), with the Annex 1 species red-throated diver as the sole feature (Natural England and JNCC 2010). Extensions were proposed to the SPA in 2015 to include coastal and riverine areas used for foraging by breeding terns (the tern colonies are already designated at other locations).
237. An estimated 6,466 red-throated divers wintered in the SPA from 1989-2006/07 (Natural England and JNCC 2013). However, the population appears to have increased substantially since then, and NE's current advice is that the population is 18,079 (NE, 2019).
238. The Thames supports important commercial fisheries, estuarine and marine recreational angling. There is also a well-established cockle harvesting industry (Natural England and JNCC 2010).

### 10.2 Conservation Objectives

239. The Conservation Objectives for the site are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:
- the extent and distribution of the habitats of the qualifying features;
  - the structure and function of the habitats of the qualifying features;
  - the supporting processes on which the habitats of the qualifying features rely;
  - the populations of each of the qualifying features; and
  - the distribution of qualifying features within the site.
240. JNCC and Natural England (2013) advise that to fulfil the conservation objectives for the Annex I feature red-throated diver and its supporting habitat, the relevant and competent authorities for this area should manage human activities within their remit such that they do not result in deterioration or disturbance, or impede the restoration of this feature through loss of habitat by removal (e.g. capital dredging, harvesting, coastal and marine development), damage by physical disturbance or abrasion of habitat (e.g. extraction), non-physical disturbance through noise or visual disturbance (e.g. shipping, wind turbines), toxic



contamination by introduction of synthetic and/or non-synthetic compounds (e.g. polychlorinated biphenyls (PCBs), pollution from oil and gas industry, shipping), non-toxic contamination to prey species only by changes in e.g. turbidity (e.g. capital and maintenance dredging), biological disturbance by selective extraction of species (e.g. commercial fisheries) and non-selective extraction (e.g. entanglement with netting and wind turbine strike).

## 10.3 Quantification of effect

### 10.3.1 Projects alone

241. The Applicant has undertaken a considerable amount of assessment on the potential effects of the projects on red-throated divers in the OTE SPA (see REP11-026). The assessment (REP11-026) was presented for two approaches, the Applicant's model and the straight-line approach (based upon NE advice in REP4-087<sup>6</sup> and previously described in REP11-026 as '*NE advised rates*'), and had several different outputs, namely: effective area of displacement (expressed as a percentage of the OTE SPA area); individuals displaced and mortality (assumed to be 10% of the individuals displaced, based upon the highly precautionary mortality rates agreed for use in the Application (APP-043 and APP-060)). The approaches and their outputs are fully described in REP11-026.
242. Part 5 of the letters published by the Secretary of State for Business, Energy and Industrial Strategy (SoS) on 20<sup>th</sup> December 2021 states:
- In relation to the red-throated diver feature of the Outer Thames Estuary Special Protection Area ("SPA"), the Applicant, in consultation with Natural England, is requested to provide an updated project layout that includes a sufficient buffer between the array and the SPA boundary to remove displacement impacts on red-throated divers within the SPA*
243. In response to this request, the Applicant has revisited the original assessment to explore the options for amended windfarm site boundaries and the resultant changes to the magnitude of effect of displacement on RTD in the OTE SPA. The results are presented for the current boundary (which represents the Applicant's position at the end of the examination) and a series of alternate boundaries at 0.5km increments to a distance of 10km from the OTE SPA. The methodology for generating these boundaries and undertaking the subsequent assessment of effects is covered in the Technical Appendix to the *Applicants' Responses to SoS Questions 20th December 2021 (Item 5)*.

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<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010077/EN010077-003535-EN010077%20338712%20EA1N%20Appendix%20A12%20-%20NE%20advice%20on%20RTD%20in%20the%20OTE%20SPA%20Deadline%204.pdf>



244. The spatial modelling found that the average distance over which the existing windfarms in the SPA have displaced birds is 7-8km (a range as the modelling used 1km wide buffers). On the basis of this modelling and using the current boundary, the Applicant has demonstrated that 0.4 % of the SPA could be subject to effective displacement, and up to 34 individuals could be displaced within the SPA by East Anglia ONE North, of which (at a precautionary 10% mortality rate) a maximum of 3 individuals could suffer mortality. Using the straight-line approach up to 1.4% of the SPA could be subject to effective displacement, 127 individuals could be displaced and a maximum of 13 individuals could suffer mortality (at a precautionary 10% mortality rate). **Table 10-1** presents the results of both the Applicant's model and the straight-line approach for East Anglia ONE North for the current boundary and a series of potential alternate boundaries.



**Table 10-1 Summary of displacement effect for East Anglia ONE North in terms of effective area of displacement and individuals displaced using both the Applicant's model and straight-line approach.**

| EA1N                                 | Area of overlap (km <sup>2</sup> ) | % area of SPA                                                                                                                                                                                                                                                                                                                                                                                                              | Applicants' Model                                 |                                                              |                       | Straight-line approach                            |                                                              |                       |
|--------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------|-----------------------|---------------------------------------------------|--------------------------------------------------------------|-----------------------|
|                                      |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                            | Effective area of displacement (km <sup>2</sup> ) | Effective area of displacement % SPA (3,924km <sup>2</sup> ) | Individuals displaced | Effective area of displacement (km <sup>2</sup> ) | Effective area of displacement % SPA (3,924km <sup>2</sup> ) | Individuals displaced |
| Current (2km)                        | 158                                | 4.03                                                                                                                                                                                                                                                                                                                                                                                                                       | 16.58                                             | 0.42                                                         | 34.3                  | 54.54                                             | 1.39                                                         | 127.08                |
| 2.5km                                | 151.89                             | 3.87                                                                                                                                                                                                                                                                                                                                                                                                                       | 14.77                                             | 0.38                                                         | 22.17                 | 50.62                                             | 1.29                                                         | 97.22                 |
| 3km                                  | 145.31                             | 3.70                                                                                                                                                                                                                                                                                                                                                                                                                       | 12.88                                             | 0.33                                                         | 18.54                 | 46.4                                              | 1.18                                                         | 88.05                 |
| 3.5km                                | 137.69                             | 3.51                                                                                                                                                                                                                                                                                                                                                                                                                       | 10.99                                             | 0.28                                                         | 15.01                 | 42.17                                             | 1.07                                                         | 77.83                 |
| 4km                                  | 127.9                              | 3.26                                                                                                                                                                                                                                                                                                                                                                                                                       | 8.87                                              | 0.23                                                         | 11.4                  | 37.07                                             | 0.94                                                         | 66.42                 |
| 4.5km                                | 118.16                             | 3.01                                                                                                                                                                                                                                                                                                                                                                                                                       | 7.04                                              | 0.18                                                         | 8.4                   | 32.61                                             | 0.83                                                         | 56.43                 |
| 5km                                  | 108.54                             | 2.77                                                                                                                                                                                                                                                                                                                                                                                                                       | 5.61                                              | 0.14                                                         | 5.88                  | 28.19                                             | 0.72                                                         | 47.04                 |
| 5.5km                                | 100.12                             | 2.55                                                                                                                                                                                                                                                                                                                                                                                                                       | 4.15                                              | 0.11                                                         | 3.88                  | 24.3                                              | 0.62                                                         | 38.61                 |
| 6km                                  | 92.16                              | 2.35                                                                                                                                                                                                                                                                                                                                                                                                                       | 2.72                                              | 0.07                                                         | 2.35                  | 20.41                                             | 0.52                                                         | 31.15                 |
| 6.5km                                | 84.51                              | 2.15                                                                                                                                                                                                                                                                                                                                                                                                                       | 1.75                                              | 0.04                                                         | 1.75                  | 17.08                                             | 0.44                                                         | 24.72                 |
| 7km                                  | 76.8                               | 1.96                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.82                                              | 0.02                                                         | 0.55                  | 13.78                                             | 0.35                                                         | 19.03                 |
| 7.5km                                | 68.99                              | 1.76                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.39                                              | 0.01                                                         | 0.16                  | 11.06                                             | 0.28                                                         | 14.39                 |
| 8km                                  | 61.12                              | 1.56                                                                                                                                                                                                                                                                                                                                                                                                                       | 0                                                 | 0                                                            | n/a                   | 8.38                                              | 0.21                                                         | 10.34                 |
| 8.5km                                | 53.2                               | 1.36                                                                                                                                                                                                                                                                                                                                                                                                                       | 0                                                 | 0                                                            | n/a                   | 6.3                                               | 0.16                                                         | 7.24                  |
| 9km                                  | 45.19                              | 1.15                                                                                                                                                                                                                                                                                                                                                                                                                       | 0                                                 | 0                                                            | n/a                   | 1.52                                              | 0.04                                                         | 4.63                  |
| 9.5km                                | 37.28                              | 0.95                                                                                                                                                                                                                                                                                                                                                                                                                       | 0                                                 | 0                                                            | n/a                   | 0.8                                               | 0.02                                                         | 2.88                  |
| 10km                                 | 29.36                              | 0.75                                                                                                                                                                                                                                                                                                                                                                                                                       | 0                                                 | 0                                                            | n/a                   | 0.14                                              | 0.00                                                         | 1.4                   |
| Area of Overlap                      |                                    | This is simply the area contained within the overlap of the buffer between the windfarm and the SPA. At each boundary distance this was calculated in 1km increments from 0 – 12km and then summed                                                                                                                                                                                                                         |                                                   |                                                              |                       |                                                   |                                                              |                       |
| % SPA                                |                                    | This is the area of overlap as a percentage of the total SPA area of 3,924km <sup>2</sup>                                                                                                                                                                                                                                                                                                                                  |                                                   |                                                              |                       |                                                   |                                                              |                       |
| Effective area of displacement       |                                    | This is the area within each of the 1km increment buffer overlaps with the SPA which is potentially subject to displacement. This is calculated by multiplying the area of overlap by the appropriate displacement percentage (using either the Applicant's modelled displacement rate or straight-line approach rate and then each increment is summed. This allows for the gradient of effect to be expressed spatially. |                                                   |                                                              |                       |                                                   |                                                              |                       |
| Effective area of displacement % SPA |                                    | This is the effective area of displacement as a percentage of the total SPA area of 3,924km <sup>2</sup>                                                                                                                                                                                                                                                                                                                   |                                                   |                                                              |                       |                                                   |                                                              |                       |
| Individuals displaced                |                                    | This is the number of individual birds which could be displaced.                                                                                                                                                                                                                                                                                                                                                           |                                                   |                                                              |                       |                                                   |                                                              |                       |



245. With respect to all measures used (effective area of displacement, individuals displaced and mortality (at 10%)) the Applicant considers there will be no AEol based on the current boundary. Any revised boundary which moved the site further from the OTE SPA would simply further reduce any residual effects.
246. Natural England has accepted that there is very unlikely to be a detectable effect on the SPA population from the Project (REP4-087), however NE consider that redistribution of individuals within the SPA is contrary to the conservation objective to maintain the diver distribution and that this therefore constitutes an AEol in its own right. NE state that there is a project alone AEol from the Project (REP4-087).

### 10.3.2 In-combination

247. The Applicant undertook an in-combination assessment (see REP11-026), which considered the dates of windfarm construction, diver survey data and designation of the SPA. This presented an argument that since all of the windfarms within the SPA (Kentish Flats, Gunfleet Sands and London Array) were consented prior to the SPA's designation, and in the case of the first two were operational by this time, they should be treated as part of the baseline in the assessment since any effects of these windfarms would already have been included in the designated SPA. Furthermore, the SPA population estimate was updated following surveys conducted in 2018, when all of these windfarms had been operational for a minimum of five years. Consequently, there is a strong argument to be made that these operational windfarms should not be included in the in-combination assessment.
248. This position notwithstanding, it is also very apparent that if the operational wind farms are included, these sites contribute approximately 10 times as much impact as the projects (i.e. an effective area of displacement of 5% of the SPA compared with 0.5% for East Anglia ONE North with the current boundary, and no displacement due to East Anglia TWO). And yet, the diver population estimated in the SPA has either increased (the population estimate has changed from approximately 6,664 in 2005 (and listed as the population at the time of designation), to a current estimate of 18,079) or at the very least not declined (if this three times increase is solely attributable to improved survey methods as NE suggest). It is therefore reasonable to state that there is no effect on the diver population at present and the very small additional effect attributed to the projects will not materially change that situation.
249. A summary of the results of the in-combination assessment as presented in section 5.3 of the updated ***Displacement of Red-Throated Divers in the Outer Thames Estuary SPA*** assessment (REP11-026) is as follows:



- As noted above, in terms of the *effective* area over which displacement could occur, the figure is between 5.0% and 5.2% of the SPA, to which East Anglia ONE North adds 0.4% to 0.5% (note that East Anglia TWO adds nothing on this basis, being at least 8.3km from the SPA, however using the precautionary straight-line approach this windfarm could add an area equivalent to 0.05%<sup>7</sup> of the SPA).
  - An in-combination total of 1,431 individuals at risk of displacement (34 from East Anglia ONE North and 4<sup>7</sup> from East Anglia TWO) is predicted which, at 10% mortality, would result in a total of 143 individual mortalities which equates to 0.7% of the SPA population. However, as discussed in section 3 of REP11-026, a mortality rate of 1% is considered more realistic and precautionary for this species and impact (see Vattenfall 2019 for a discussion of evidence for red-throated diver displacement mortality), which would result in less than 0.1% of the population at risk of in-combination displacement mortality.
250. According to the European Environment Agency, the Article 12 report for 2008-2012 shows that the EU breeding population of red-throated divers is stable over the recent short-term, and increasing over the long term. The winter (non-breeding) population in the EU has been increasing over the recent short-term, but the trend is unknown over the long term due to a lack of historical survey data (EU 2021). Overall, the threat to red-throated divers in the EU is categorized as “least concern” and the population status is defined as Green “Secure”.
251. The highest concentration of red-throated divers is to be found in spring in the German North Sea, where these birds stage before migrating to breeding areas. Research has shown the strongest observed avoidance of operational offshore wind farms by red-throated divers in German North Sea waters during spring (Mendel et al. 2019, Vilela et al. 2020). Vilela et al. (2020) concluded “*over the entire study period, the spring abundance of divers fluctuated between individual years without any clear trend, with overall stable population numbers between 2001 and 2018*”.
252. They also concluded that no connection with the expansion of wind power in the German North Sea and the inter-annual variability in diver abundance was found and no indication was found that the carrying capacity limit within the main concentration area has been reached (Vilela et al. 2020). Although numbers were not reduced by construction and operation of offshore wind farms within this study area, red-throated diver distribution was affected. Divers avoided offshore

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<sup>7</sup> Note that REP11-026 stated the area of the SPA was 0.075 and mortality to be 6 individuals, this was an error, the number should have been 0.05% and 4 individuals. The Technical Appendix to the *Applicants’ Responses to SoS Questions 20<sup>th</sup> December 2021 (Item 5)* has the full corrected figures for East Anglia TWO. This slight reduction in effect does not materially affect the conclusions.





windfarms and redistributed across areas away from the offshore wind farms. Vilela et al. (2020) calculated that when spring peak numbers were present, red-throated divers avoided an area equivalent to a 2km radius around offshore wind farms in the southern part of the area and 5km radius around offshore windfarms in the northern part of the area. However, in winter, when numbers present were smaller, the avoidance distance from offshore windfarms was less clear and generally smaller than in spring.

253. Despite showing avoidance in winter, there was an increase in the population over the years from before wind farm construction to after. Vilela et al. (2020) concluded “*differences [in avoidance] show that seasonal and spatial factors may play a role in the specific responses of divers to offshore wind farms and results found here are therefore not directly transferable to areas other than those considered in this study*”.
254. We should, therefore, be very cautious about applying results from the German study to divers in the Outer Thames Estuary, as that is considered inappropriate by the German researchers. Nevertheless, the conclusion that red-throated diver displacement by offshore wind farms in German waters has had no adverse impact on numbers is important. That there is no evidence of numbers being at carrying capacity in the area is also important, as that indicates that redistribution of birds as a consequence of avoidance of offshore wind farms will have no adverse impact on the population providing their habitat availability exceeds requirements, as indicated by the German research.
255. Nonetheless, without prejudice to the Applicant’s position, possible compensation options are discussed below.

## 10.4 Compensation measures

### 10.4.1 Potential measures

256. Furness et al. (2013) identified the following potential measures that were likely to improve the conservation status of red-throated divers:
- Provision of nesting rafts;
  - Closure of sandeel and sprat fisheries close to wintering areas, breeding areas or generally in UK waters; and,
  - Prevention of oil spills.
257. As noted in **section 3.2**, fisheries management is not considered a feasible compensation option for the Applicant to pursue (see Annex 1 (REP6-046)).
258. Furness et al. (2013) considered that although this species is at risk of oiling in winter, there was limited evidence that preventing oil spills would yield a notable improvement in their conservation status. Furthermore, it was acknowledged that



considerable efforts are already made to avoid oil spills so it was not obvious what further steps could be taken.

259. Nesting rafts have been demonstrated to improve breeding success. The population of red-throated divers which winter in the southern North Sea do not breed in the UK, and are distributed widely through remote areas of Fennoscandia and Russia, so efforts to support breeding success through nesting rafts would need to focus on that region. Therefore, this would be an extremely difficult measure to deliver and monitor. Furthermore, as noted above, the Applicant and NE are in agreement that it is very unlikely that there will be a population effect which needs to be compensated. At the time of the previous submission of the Without-Prejudice Compensation Measures (REP12-060) there was agreement between the Applicant and NE that any measure would need to be 'like for like' and the effect that NE would require to be compensated is the distribution of birds within the SPA. However, as discussed in **Section 2**, the draft Defra guidance (Defra, 2021) would potentially allow for this measure as a Tier 2 measure on the proposed hierarchy (see **Table 2-1**). Whilst discussions are on-going with third parties on how a measure could be implemented, those discussions are not sufficiently advanced for inclusion of such a measure in this submission.
260. Entanglement in fishing gear (by-catch) is one of the main causes of red-throated diver mortality (Natural England, 2019) and although red throated diver by-catch was not recorded in recent UK-based reviews (Northridge et al (2020), Miles et al (2020)) it has previously been widely recorded in other countries as Miles et al (2020) highlight.
261. Bycatch reduction has the potential to have a positive effect on the population of red-throated divers in the SPA and support their conservation status and is therefore a credible compensation measure in line with draft guidance from Defra (2021).
262. In addition to measures that would have positive effects on the red-throated diver population, to compensate directly for the displacement effect of East Anglia ONE North and East Anglia TWO, vessel navigation management within the SPA is also proposed.
- 10.4.1.1 Measures taken forward**
263. Two compensation measures are taken forward: vessel navigation management for both East Anglia ONE and East Anglia THREE, and bycatch reduction. Vessel navigation management is outlined in this Appendix. By-catch management is covered separately in Appendix 7 given the wider benefits to seabirds this measure has the potential to offer.



#### 10.4.1.1.1 Navigation management

##### 10.4.1.1.1.1 Overview

264. Navigation management measures compensate for the area of displacement from the windfarm(s) by reducing vessel traffic through the SPA (as vessels also cause displacement of red-throated diver). The Applicant can deliver management of the vessels it controls, namely vessel traffic that will be associated with construction, operation and maintenance and decommissioning. The Applicant and its parent company ScottishPower Renewables (SPR) are already committed to navigation management via vessel routing as RTD mitigation for both the East Anglia ONE North and East Anglia TWO projects, and should compensation measures be necessary, via vessel re-routing for East Anglia ONE and East Anglia THREE as well.
265. This East Anglia ONE and East Anglia THREE vessel re-routing as compensation for East Anglia ONE North and East Anglia TWO is discussed further below.
266. Importantly, the Applicant and SPR can deliver this commitment within the SPA where Natural England consider the AEoI may occur. This would be the primary compensatory measure.

##### 10.4.1.1.1.2 Delivery

267. The Applicant and SPR have undertaken the necessary re-routing studies for the crew transfer vessels it controls for the current East Anglia ONE operations and the vessels for the future windfarm decommissioning activities; and future East Anglia THREE construction, operation and decommissioning activities from the port of Lowestoft over the core winter months of 1 November to 1 March (inclusive).
268. The Applicant has established vessel transit routes from the port of Lowestoft to the East Anglia THREE and East Anglia ONE windfarm sites avoiding, as far as possible, the SPA with a 2km buffer either side of the route to account for the range over which red-throated diver are known to flush from vessels in transit.
269. The results of those exercises are shown in **Figure 10.1** (East Anglia THREE) and **Figure 10.2** (East Anglia ONE) where the illustrative 'direct routes' that could have been taken from Lowestoft to the windfarm sites prior to this re-routing and the subsequent compensation routes are clearly shown.
270. The main component of the SPA overlaps the approaches to the port of Lowestoft and therefore it is not possible to avoid transiting through this part of the SPA. However, the re-routes have been specifically created to follow the navigation approaches to the port, and thus limit the impact of the projects' vessel movements to areas of existing navigation routes associated with Lowestoft.



271. For East Anglia ONE the vessels use the same re-routing from Lowestoft as for East Anglia ONE North and East Anglia TWO, avoiding the seaward section of the main component of the SPA by routeing through the gap between the main component and northern component of the SPA (as shown on **Figure 10-2**).
272. Once beyond the main component of the SPA, vessel traffic from Lowestoft to and from East Anglia THREE has been re-routed to avoid the northern component of the SPA (as shown on **Figure 10-1**).













### *Commitment to Delivery*

273. The Applicant has entered into a legal agreement with East Anglia THREE Limited to secure vessel management measures in respect of East Anglia THREE in the event that there is an obligation included in the Development Consent Order to provide compensatory measures in respect of the red-throated diver feature of the Outer Thames Estuary SPA. Details of the measures secured within the agreement together with a copy of the agreement are provided in the **Applicants' Responses to the Secretary of State's Questions of 2<sup>nd</sup> November 2021 (Items 4 – 7)** (dated 30<sup>th</sup> November 2021).<sup>8</sup>.
274. East Anglia ONE Limited has agreed to vessel management measures in respect of East Anglia ONE and the Applicant has entered into a legal agreement with East Anglia ONE Limited to secure these compensatory measures.

#### *10.4.1.1.1.3 Spatial scale*

275. The extent of compensation required would be in proportion to the magnitude of effect predicted to occur as a result of East Anglia ONE North (and East Anglia TWO with regard to any contribution to in-combination effects). Thus, the first step would be to estimate and agree the area of the SPA affected, and then to determine where within the SPA the same area could be subject to navigational management measures. On the basis of the assessment in REP11-026 (also see the Technical Appendix to the *Applicants' Responses to SoS Questions 20<sup>th</sup> December 2021 (Item 5)*), using the current boundaries and the straight-line approach the projects combined could have an effective area of displacement within the SPA of 56.52km<sup>2</sup> (54.54km<sup>2</sup> for East Anglia ONE North and 1.98km<sup>2</sup> for East Anglia TWO) which may need to be compensated.
276. The EA1N Offshore Ornithology Without Prejudice Compensation Measures document (REP12-060) explained that re-routing of operation and maintenance vessels between Lowestoft and East Anglia THREE would reduce a frequent temporary impact of approximately 80km<sup>2</sup>. The basis of this calculation was explained in REP12-060 under **paragraph 260** and **Figure 10-1**:
- “The northern component of the SPA is approximately 20km at its widest point in the south and approximately 12km at its narrowest point in the north. The direct route between the operation and maintenance port at Lowestoft and the East Anglia THREE windfarm site passes through the widest part of the northern component as shown in Figure 10-1. Assuming a 4km displacement area centred on the direct route gives an area of approximately 80km<sup>2</sup> that would be avoided on a daily basis by operation and maintenance vessels taking the direct route.*

<sup>8</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-007888-ExA.AS-1.SoSQ.V1%20Applicants'%20Responses%20to%20the%20Secretary%20of%20State's%20Questions%20of%202nd%20November%202021%20\(Items%204-7\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-007888-ExA.AS-1.SoSQ.V1%20Applicants'%20Responses%20to%20the%20Secretary%20of%20State's%20Questions%20of%202nd%20November%202021%20(Items%204-7).pdf)



*This compares with a total effective area of the SPA estimated to be subject to displacement of between 16km<sup>2</sup> and 19km<sup>2</sup> (using the Applicants model results) or 54km<sup>2</sup> (using the NE approach). For construction vessels taking the direct route between Great Yarmouth and East Anglia THREE, the area of the SPA that would be avoided would be approximately 48km<sup>2</sup>.”*

277. It should be noted that the basis for assuming a 4km wide displacement area centred on the vessel transit route (i.e. 2 km either side of the vessel transit route) is based on Natural England advice that red-throated diver are displaced up to 2km from vessels and was the agreed basis of the EIA and HRA vessel disturbance assessments (as presented in APP-060 and APP-043).
278. In progressing the vessel re-routing measure, the Applicant has reconsidered the assumption made in REP12-060 on the basis that operation and maintenance vessels will not travel to the same point in the windfarm at all times . In fact, vessels will generally take the most direct route to the part of the windfarm for which activities are planned. The Applicant has therefore calculated the area of the OTE SPA that would be affected by daily vessel transits assuming three direct routes from Lowestoft to the centre-north, centre and centre-south of East Anglia ONE and East Anglia THREE as shown in **Figure 10-1** and **10.2**.
279. In order to understand the effectiveness of each of the vessel re-routing measures the three direct routes were plotted through the SPA and a 2km offset applied either side to establish the area of displacement that each route had within the SPA. The average of these three areas of displacement was calculated for East Anglia ONE and separately for East Anglia THREE.
280. The average areas for each Project which would be avoided by re-routing are as follows:
- East Anglia ONE:  $(35.7 + 37.1 + 41.8) / 3 = 38.2\text{km}^2$
  - East Anglia THREE:  $(52.3 + 76.0 + 48.7) / 3 = 59.0\text{km}^2$
  - East Anglia ONE and East Anglia THREE combined = **97.2km<sup>2</sup>**
281. The Applicant has therefore used these figures as the area of the OTE SPA that would be affected by construction, daily operation and maintenance and decommissioning vessel transits prior to re-routing for East Anglia THREE. Of note, this area is lower than the ‘approximately 80 km<sup>2</sup>’ area presented in REP12-060, and a more precautionary calculation, on the basis that it:
- Is the average of three direct routes to and from the centre-north, centre and centre-south of East Anglia THREE;
  - Does not include vessels originating from Great Yarmouth; and



- Does not include construction and decommissioning vessels
282. The Applicant considers that it is appropriate to use the average of three direct routes given that the operation and maintenance requirements in different parts of the windfarm over the projects' life-cycles are unknown and will be dependent on the performance of individual wind turbine generators i.e. the place of work within the windfarm could be anywhere within the boundary. Typically, when transiting from port to their place of work a vessel skipper will take the most direct fuel efficient route with some correction for conditions such as wave height and direction and other sea users.
283. In addition to daily operation and maintenance vessel transits from Lowestoft, East Anglia THREE may also be serviced less frequently by other operation and maintenance vessels from Greater Yarmouth, which would also avoid transiting through the OTE SPA. Likewise, East Anglia THREE construction and decommissioning vessel traffic would also avoid transiting through the OTE SPA. However, the Applicant has not included the area of the OTE SPA that would be affected by these less frequent vessel transits from Great Yarmouth in the calculation of the area affected by vessel transits from Lowestoft, due to their less frequent nature, nor the construction and decommissioning vessel transits due to their unknown routing at this stage. The Applicant has therefore taken a precautionary approach in not aggregating the area of the OTE SPA for which displacement effects can be removed through vessel re-routing for both Lowestoft and Great Yarmouth combined or by including re-routed construction and decommissioning vessel traffic within the calculation, despite the fact that this would provide a larger area that could be used to compensate the potential effect of the East Anglia ONE North / East Anglia TWO wind turbines on red-throated diver.
284. For East Anglia ONE the Applicant has calculated figures based on the area of the OTE SPA that would be affected by daily crew transfer vessel transits during the operation and maintenance of the generation assets prior to re-routing, this is also considered a precautionary calculation on the basis that:
- It is the average of three direct routes to and from the centre-north, centre and centre-south of East Anglia ONE, and
  - Excludes decommissioning requirements on East Anglia ONE as they are not known at this time but are likely to be greater than operation and maintenance vessel transits.



285. Overall, the Applicant has taken a precautionary approach in calculating the area of the OTE SPA for which displacement effects can be removed through vessel re-routing for both East Anglia ONE and East Anglia THREE.

### **Compensation requirements for alternate boundary options**

286. **Table 10-2** and **Table 10-3** illustrate the various combinations of alternate project boundaries together with compensation for the project-alone and in-combination with East Anglia TWO respectively.

287. Note that for East Anglia TWO in the in-combination scenarios, it is assumed that the boundary remains unchanged from current position.

288. The 'compensation ratio' is simply the factor by which the area of compensation exceeds the effective area of displacement. There is no official guidance for a minimum ratio of compensation to effect other than the general rule that it must be greater than 1:1 and the higher the ratio the more beneficial the measure<sup>9</sup>.

**Table 10-2 Compensation ratios for vessel re-routing measure compared using effective area of SPA subject to displacement for Applicant's model and Straight-line approach for alternate East Anglia ONE North boundary options**

Anglia ONE North boundary options

|                             |                                                   | Applicants' Model                    |                    | Straight line approach                            |                                      |                    |
|-----------------------------|---------------------------------------------------|--------------------------------------|--------------------|---------------------------------------------------|--------------------------------------|--------------------|
| EA1N                        | Effective area of displacement (km <sup>2</sup> ) | Compensation area (km <sup>2</sup> ) | Compensation ratio | Effective area of displacement (km <sup>2</sup> ) | Compensation area (km <sup>2</sup> ) | Compensation ratio |
| EA1 compensation only       |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 38.20                                | 2.3:1              | 54.54                                             | 38.20                                | 0.7:1              |
| 6.5km                       | 1.75                                              | 38.20                                | 22:1               | 17.08                                             | 38.20                                | 2.2:1              |
| 8km                         | 0                                                 | 38.20                                | n/a                | 8.38                                              | 38.20                                | 4.6:1              |
| EA3 compensation only       |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 59.00                                | 3.6:1              | 54.54                                             | 59.00                                | 1:1                |
| 6.5km                       | 1.75                                              | 59.00                                | 34:1               | 17.08                                             | 59.00                                | 3.5:1              |
| 8km                         | 0                                                 | 59.00                                | n/a                | 8.38                                              | 59.00                                | 7:1                |
| Both EA1 & EA3 compensation |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 97.20                                | 5.9:1              | 54.54                                             | 97.20                                | 1.8:1              |
| 6.5km                       | 1.75                                              | 97.20                                | 55:1               | 17.08                                             | 97.20                                | 5.7:1              |
| 8km                         | 0                                                 | 97.20                                | n/a                | 8.38                                              | 97.20                                | 11.6:1             |

**Table 10-3 Compensation ratios for vessel re-routing measure compared using effective area of SPA subject to displacement for Applicant's model and Straight-line approach for alternate East**

<sup>9</sup> From Natural England's Deadline 17 response to Norfolk Boreas - **Response to the Applicant's responses to the Examining Authority's Sixth round of Written Questions and Deadline 16 Response**. "We note that in the UK compensatory measures have generally been provided with a 'multiplier' that expresses the likelihood of success of the measure in question. 1:1 compensation rates have only been accepted where there is a high degree of confidence in the measure e.g. creation of a readily-created habitat. Elsewhere ratios for habitat creation have been e.g. 2:1 or 3:1." <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002544-DL17%20-%20Natural%20England%20-%20Deadline%20Submission.pdf>



**Anglia ONE North boundary options in-combination with East Anglia TWO. Note that for East Anglia TWO it is assumed that the boundary remains unchanged from current position**

|                             | Applicants' Model                                 |                                      |                    | Straight line approach                            |                                      |                    |
|-----------------------------|---------------------------------------------------|--------------------------------------|--------------------|---------------------------------------------------|--------------------------------------|--------------------|
|                             | Effective area of displacement (km <sup>2</sup> ) | Compensation area (km <sup>2</sup> ) | Compensation ratio | Effective area of displacement (km <sup>2</sup> ) | Compensation area (km <sup>2</sup> ) | Compensation ratio |
| EA1 compensation only       |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 38.20                                | 2.3:1              | 56.52                                             | 38.20                                | 0.7:1              |
| 6.5km                       | 1.75                                              | 38.20                                | 22:1               | 19.06                                             | 38.20                                | 2:1                |
| 8km                         | 0                                                 | 38.20                                | n/a                | 10.36                                             | 38.20                                | 3.7:1              |
| EA3 compensation only       |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 59.00                                | 3.5:1              | 56.52                                             | 59.00                                | 1:1                |
| 6.5km                       | 1.75                                              | 59.00                                | 34:1               | 19.06                                             | 59.00                                | 3:1                |
| 8km                         | 0                                                 | 59.00                                | n/a                | 10.36                                             | 59.00                                | 5.7:1              |
| Both EA1 & EA3 compensation |                                                   |                                      |                    |                                                   |                                      |                    |
| Current (2km)               | 16.58                                             | 97.20                                | 5.8:1              | 56.52                                             | 97.20                                | 1.7:1              |
| 6.5km                       | 1.75                                              | 97.20                                | 55:1               | 19.06                                             | 97.20                                | 5:1                |
| 8km                         | 0                                                 | 97.20                                | n/a                | 10.36                                             | 97.20                                | 9:1                |

289. With the **current project boundary**, re-routing from East Anglia ONE alone would compensate for the displacement effect to a ratio of greater than 2:1 using the Applicant's model approach. Using the straight-line approach, re-routing of East Anglia THREE or of both East Anglia ONE and East Anglia THREE would be required to achieve a compensation ratio of greater than 1:1.
290. With East Anglia ONE North alternate boundaries at greater distances from the SPA, re-routing vessels from East Anglia ONE would be sufficient to achieve greater than 1:1 compensation on either the Applicant's model or the straight-line approach.
291. For East Anglia ONE North in combination with East Anglia TWO with the **current project boundaries**, re-routing from East Anglia ONE would compensate for the displacement effect to a ratio of 0.7:1 and re-routing from East Anglia THREE would compensate to a ratio of 1:1 using the straight-line approach. Using the Applicant's model, either compensation measure would deliver greater than a 2:1 ratio.
292. With East Anglia ONE North alternate boundaries at greater distances from the SPA, re-routing vessels from either East Anglia ONE or East Anglia THREE would be sufficient to achieve greater than 2:1 compensation on either the Applicant's model or the straight-line approach for the in-combination effect of East Anglia ONE North and East Anglia TWO.



293. For the **East Anglia ONE North alternate boundary at 6.5km** from the SPA in combination with East Anglia TWO, the East Anglia ONE re-routing measure would compensate at a ratio of 22:1 (Applicant's model) or 2:1 (straight-line approach), this would increase to a 5:1 ratio (straight-line approach) if East Anglia THREE re-routing was also included.
294. For the **East Anglia ONE North alternate boundary at 8km** from the SPA in combination with East Anglia TWO, the East Anglia ONE re-routing measure would compensate at a ratio of 3.7:1 (straight-line approach), this would increase to a 9:1 ratio if East Anglia THREE re-routing was also included. Note for this boundary the SPR model is not relevant as no displacement is predicted.
295. Although the displacement effect of vessel movements and from static structures such as offshore wind turbines are different (one is a flushing effect from the path of moving vessels and the other is just avoidance of the static structures), it should be noted that displacement by vessels causes birds to flee and there is some delay before areas are resettled. Burger et al (2019) highlight that as birds mainly move and distribute themselves by drifting or swimming, it can be hypothesized that any gaps that occur due to a temporal disturbance will only be filled gradually when new birds slowly move into the area again. Therefore, although the vessel disturbance event itself may be limited to the duration of the vessel passage the resettling time will be prolonged. With multiple vessel transits per day during short winter days and slow resettlement, the effect of the vessel movements would be a consistent, though temporary, pressure. It is likely that the net energy costs of flying away from approaching vessels (and consequent loss of foraging time and opportunity) will be considerably greater than the energy cost of avoiding static structures such as offshore wind turbines.
296. Should compensatory measures be required, management of existing or planned traffic associated with East Anglia ONE and East Anglia THREE would represent a genuine reduction in displacement and be considered compensation. In terms of the draft Defra Guidance '*Best practice guidance for developing compensatory measures in relation to Marine Protected Areas Data*' (Defra, 2021) it is considered by the Applicant that, notwithstanding some slight differences between the type of displacement and behavioural response (i.e. flushing versus avoidance) described above, both have the same end result in that there is an area of the SPA where there is displacement of birds. Therefore, this would represent a Tier 1 measure in the proposed hierarchy i.e. '*Address same impact at same location*'.





#### 10.4.1.1.1.4 Temporal scale

297. This compensation would need to be operating once the turbines were installed and to continue until decommissioning was complete, unless evidence is collected to confirm that the birds have habituated to the effect and that compensation is no longer required. It should also be noted that these measures are only required during the core winter months of November to February (inclusive).

#### 10.4.1.1.1.5 Monitoring

298. The red-throated diver distribution within the SPA would need to be regularly monitored in order to determine the extent of diver redistribution due to both the windfarm and the shipping management. This would either confirm the efficacy of the compensation, determine that it was in fact unnecessary (e.g. if a redistribution due to the windfarm is not actually observed) or determine that additional measures would be required (e.g. further shipping management). The established method for monitoring the red-throated diver distribution is digital aerial surveys. Initially these would need to be undertaken annually, until such time as the effects were considered sufficiently well understood that no further monitoring was required. This could include more focussed surveys of the shipping management areas, to record diver distributions in relation to shipping movements and thereby establish the degree of displacement and how this has been reduced.

#### 10.4.1.1.1.6 Feasibility

299. The Applicant considers redirecting existing (or planned) construction, operation and maintenance and decommissioning traffic shipping routes within the SPA to be entirely feasible, especially as there are different degrees to which this will be required (e.g. seasonally) and also that measures such as reducing vessel speed can also play a role in the success of this as compensation for displacement.

### 10.4.2 Summary and Roadmap for Delivery of Compensation (if required)

300. If compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that vessel traffic management would be the most appropriate measure to deliver compensation prior to the installation of any wind turbine tower forming part of the Project.
301. **Table 10-4** below summarises the compensation measures being proposed and an assessment of each against factors proposed by the Defra draft guidance (Defra, 2021).



**Table 10-4 Summary of compensation measures for East Anglia ONE North in relation to Defra draft guidance**

| Measure                                                                                                    | Vessel rerouting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            | Bycatch reduction                                                                                                                                                                                                                                                             |                                            |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
|                                                                                                            | Boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicants' model <sup>1</sup>             | Straight-line approach <sup>2</sup>                                                                                                                                                                                                                                           |                                            |
| <i>a. The extent of the impact – the number and status of the features affected</i>                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Effective area of displacement as % of SPA | Individuals displaced                                                                                                                                                                                                                                                         | Effective area of displacement as % of SPA |
|                                                                                                            | Current (2km)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.42                                       | 34                                                                                                                                                                                                                                                                            | 1.39                                       |
|                                                                                                            | 6.5km                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.04                                       | 1.75                                                                                                                                                                                                                                                                          | 0.44                                       |
|                                                                                                            | 8km                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0                                          | 0                                                                                                                                                                                                                                                                             | 0.21                                       |
|                                                                                                            | 1 = Model estimates a gradient of effect away from the Project<br>2 = straight line approach assumes a gradient of 100% displacement in the Project falling to zero displacement at 10 km                                                                                                                                                                                                                                                                                                              |                                            |                                                                                                                                                                                                                                                                               |                                            |
| <i>b. The environmental value and function of the affected feature</i>                                     | The Outer Thames Estuary SPA is classified for the protection of the largest aggregation of wintering red-throated diver in the UK, around 38% of the wintering population; the population is categorised as of least conservation concern (category Green) by the RSPB. The management status of the OTE SPA is categorised as 'Progressing towards being well managed'                                                                                                                               |                                            |                                                                                                                                                                                                                                                                               |                                            |
| <i>c. The environmental value and function of the proposed compensatory measure</i>                        | High – rerouting vessels will reduce displacement effect in the SPA and compensate by a ratio of: <ul style="list-style-type: none"> <li>at least 1:1 for the current site boundary (straight-line approach, EA3 measure alone)</li> <li>at least 2:1 for 6.5km boundary (straight-line approach, EA1 measure alone, higher with EA3 measure or both measures)</li> <li>at least 4:1 for 8km boundary (straight-line approach, EA1 measure alone, higher with EA3 measure or both measures)</li> </ul> |                                            | Low – evidence shows that seabird bycatch can be reduced with modified/alternative fishing gear, and help to reduce mortality amongst the population; evidence of measures needed to reduce bycatch of RTDs is less clear and mortality reduction levels cannot be determined |                                            |
| <i>d. The location of the proposed compensatory measure</i>                                                | Outer Thames Estuary SPA                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            | Outer Thames Estuary SPA                                                                                                                                                                                                                                                      |                                            |
| <i>e. How quickly compensatory measures are expected to be functioning and contributing to the network</i> | Prior to impact occurring – vessels will follow alternative routes prior to installation of wind turbines forming part of EA1N                                                                                                                                                                                                                                                                                                                                                                         |                                            | Fishing gear improvements will be rolled out from year 4 (year 1 being year of consent)                                                                                                                                                                                       |                                            |



| Measure                                                                                                                                  | Vessel rerouting                                                                                              | Bycatch reduction                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <i>f. The confidence in the measure being entirely effective and the ability for its success to be monitored and managed accordingly</i> | High – management control procedures and monitoring of vessel traffic will ensure a high degree of compliance | Low – dependent on successfully identifying and deploying suitable gear modifications or gear alternatives |

302. The measures which would be undertaken by the Applicant to secure vessel traffic management are as follows:

- The Applicant would confirm the vessel management measures to be adhered to by SPR projects (including locations and timing) and how vessel routing would be controlled and monitored and why the location is appropriate ecologically and likely to support successful compensation.
- Regular reporting would be undertaken to demonstrate compliance with the vessel routing. In addition, the red throated diver displacement monitoring committed to outside of the compensation measures (see the In-principle Monitoring Plan (REP8-028)) would be reported on. If feasible, this monitoring would be designed to incorporate consideration of the vessel management measures and their effects. Results would be discussed with the statutory nature conservation body.
- Management would continue, until the windfarm has been decommissioned or a determination is made by the SoS on duration, following consultation with the relevant statutory nature conservation body, that compensation is no longer required.

303. The Applicant has entered into legal agreements with East Anglia THREE Limited and East Anglia ONE Limited to secure vessel management measures.

304. Measures to be undertaken by the Applicant to secure the by-catch measure are detailed in Appendix 7.

## 10.5 References

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(<https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010079/EN010079-002249-Womble%20Bond%20Dickinson%20on%20Behalf%20of%20Norfolk%20Vanguard%20-%20Appendices%20to%20written%20Questions-%20Email%204.pdf>)



# 11 Appendix 7: Secondary measure: Ornithological By-catch

## 11.1 Overview

305. Fisheries by-catch has been noted as a potentially significant pressure on seabird populations worldwide, particularly involving fixed nets and long-lines. By-catch is highlighted in Dias et al. (2019) which concluded that the top three threats to the world's seabirds are climate change (and related severe weather events), fisheries (including by-catch), and invasive alien species.

306. Defra has been undertaking a UK wide study aimed at determining the population effects on seabirds from by-catch through the UK Seabird Plan of Action (Defra 2020) and notes that until recently, relatively little was known about the mortality from the UK fishing fleet. Defra note that Northridge et al. (2020) provided the first estimates of UK by-catch using rates sampled by the UK By-catch Monitoring Programme, using dedicated on-board observers, and scaled up to UK-wide seabird populations using estimates of fishing effort. In Northridge et al (2020), it was stated:

*'Preliminary estimates of overall fulmar by-catch in the offshore longline fishery are very imprecise and could lie between 2200 and 9100 per annum. Estimates for guillemots may lie between 1800 and 3300 per annum, mainly from static net fisheries. Most other seabird species caught in the fisheries included in this analysis are likely taken in the dozens per year, except for cormorants and gannets, which may number in the hundreds.'*

307. Defra priorities include improving upon these estimates to create a more accurate and representative estimate of by-catch by identifying enhancements to the monitoring programme and the effects of mitigation measures on seabird populations. Defra note that two related studies are close to completion:

- An investigation of whether there are by-catch "hotspots" around the UK where priority action should be focussed (e.g. via trials of reduction techniques to be undertaken).
- A review of worldwide by-catch reduction methods, which are relevant to the UK and for which further research would be required.

308. Estimates presented in Northridge et al (2020) suggest guillemot, gannet, gull species, and razorbill would benefit from by-catch reduction action. They report median UK annual by-catch estimates of approximately 50 kittiwake, 4,000 guillemot, 600 gannet and 260 razorbill. Miles et al (2020) estimated that by-catch



mortality was more than 1% of total adult annual mortality for seven of the 10 seabird species investigated (which included guillemot and gannet). Miles et al (2020) note that there are many UK seabird species for which by-catch estimates are yet to be made, because they have not to date been recorded by the UK Bycatch Monitoring Programme; some of these have had high by-catch rates reported in other countries, such as divers (other than great-northern), black guillemot and various shearwater species, so it is not clear whether UK by-catch of these species is under-recorded/not sampled or is indeed extremely low. Three of the 10 species in the Miles et al (2020) study (although none of interest in the current context) showed a greater than 1% increase in estimated population size following removal of by-catch mortality, over the 25-year projection period.

309. In this proposal, the Applicant describes an indirect Compensation measure which could relate to the Flamborough and Filey Coast SPA<sup>10</sup> for guillemot, gannet, gull species, razorbill and lesser black-backed gull from the Alde Ore Estuary SPA.
310. The Applicant notes that although effects on red-throated diver from the Outer Thames Estuary SPA relate to displacement (and therefore compensation measures which reduce mortality are less relevant), a reduction in potential by-catch of red-throated diver would nonetheless be beneficial. Entanglement in fishing gear is one of the main causes of red-throated diver mortality (Natural England, 2019) and although red throated diver by-catch was not recorded in recent UK-based studies (Northridge et al (2020), Miles et al (2020)) it has previously been widely recorded in other countries as Miles et al (2020) highlight. Therefore, this measure should also be considered for red throated diver.
311. The actions identified by the Applicant in this measure could, in time, deliver benefits for the wider national site network (and Natura 2000 network) and for a wider range of seabirds than those listed above (and potentially marine mammals) through reduced by-catch or a longer term reduction in discarded nets (ghost fishing gear).
312. The measure described here comprises a tiered package of actions which seek to reduce seabird by-catch. This is independent of current or future policies but aims to support current Defra research and by-catch reduction objectives

## 11.2 Delivery

313. Although the Applicant considers the project-alone effects on guillemot, gannet, gull species, razorbill and red-throated diver (those species vulnerable to by-catch) to be low, the Applicant does note that this low ceiling for Compensation

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<sup>10</sup> Northridge et al (2020) do not record by-catch of this species in the North Sea, although it is noted that the by-catch recorded in the Celtic sea (28 individuals) is still an order of magnitude above the predicted collision mortality from the Project.





presents an opportunity to progress indirect measures which could have a UK-wide positive effect well beyond that of any other direct Compensation measures available to the Applicant.

314. The Applicant proposes to adopt the successful approach of other by-catch reduction projects, notably the Agreement on the Conservation of Albatross and Petrel which were undertaken through collaboration with the fishing industry, nature conservation bodies and academics, and to build on the body of work funded by Defra and undertaken by JNCC in the UK Seabird Plan of Action.
315. Linking bird mortality through by-catch to specific Natura 2000 sites is difficult for a number of reasons as outlined in Miles et al 2020, specifically low or variable sampling, the exclusion of non-UK registered vessel data, that proportions of breeding UK seabirds could not be estimated from by-catch records. Furthermore, there is no simple correlation between mortality risk from the number of nets and lines deployed to the realisation of that risk in witnessed by-catch mortality and linking the replacement of fishing gear or deployment of new methods is open to random outcomes and associated annual variation.
316. Therefore, rather than setting out prospective mortality avoidance numbers and associated population increases, the Applicant assumes that there is potential for a UK-wide beneficial effect well beyond the project-alone impacts if suitable by-catch mitigation is identified and can be adopted widely.

### 11.3 Actions

317. The measure will adopt a tiered approach as follows.

#### 11.3.1 Action 1 (Year 1)

318. Engagement with academics, nature conservation bodies and the fishing industry to form a by-catch reduction working group with a focus on the East Anglia region, or, to join any existing working group with the same objective.
319. ScottishPower Renewables, the parent company of the Applicant, has a longstanding track record in forming, co-ordinating and chairing expert working groups to gather views from technical experts and to carefully consider those views and inputs in setting strategies to overcome knowledge gaps and determine pragmatic routes forward:

##### 11.3.1.1 The Offshore Wind Strategic Monitoring Research Forum (OWSMRF)

320. Co-founder and Chair of group comprising scientists, nature conservation bodies and developers which aims to better understand the impacts of large-scale offshore wind development on marine birds. The group uses a collaborative approach to identify critical gaps in our understanding, summarise existing



evidence, and fill these gaps by developing robust research proposals to obtain new evidence.

#### 11.3.1.2 Commercial Fisheries Working Group

321. This group was set up by ScottishPower Renewables to act as a forum for discussion and dissemination of information with regard to ScottishPower Renewables projects, which includes East Anglia ONE North and East Anglia TWO. The group meets regularly to discuss matters of co-existence and is chaired by the Eastern Inshore Fisheries and Conservation Authority and engages fishermen based in the East Anglia region. Successful discussions through the group have resulted in planned sea trials of long-lining feasibility within East Anglia ONE windfarm, and a trawling survey over buried assets.

#### 11.3.1.3 Harbour Porpoise Monitoring Research Project

322. ScottishPower Renewables commissioned a novel monitoring and research project to record underwater noise during the construction of East Anglia ONE and engaged both a technical advisory group (comprising scientific advisors to steer the project) and a stakeholder group (comprising regulators and nature conservation advisors to socialise objectives and preliminary results).

#### 11.3.1.4 DEPONS

323. ScottishPower Renewables were co-founders of this project which funded at-sea research to tag harbour porpoise and track their behaviour during the construction of an offshore windfarm in the Danish North Sea. The results were included in the DEPONS population effects model and socialised with stakeholders at all stages of the project.

#### 11.3.1.5 Scottish Marine Environment Enhancement Fund

324. This fund is aimed at funding enhancement of the marine environment using voluntary funding from offshore wind developers, oil and gas, fisheries and aquaculture. It was been set up by Nature.Scot and involves RSPB, Marine Scotland, the Crown Estate. ScottishPower Renewables has provided support for its creation and provided staff time in its formative stages. ScottishPower Renewables are excited by the aims of the fund and are committed to providing ongoing engagement and the potential for funding to support the project aims.

#### 11.3.1.6 Policy engagement

325. ScottishPower Renewables have strong experience in policy development with regulators, nature conservation bodies and other sea users. SPR are members of the Renewable UK Offshore Consents and Licensing Group and regularly attend stakeholder workshops to support the work of Energy UK, Renewable UK and the Sea Users Developer Group in discharging this role, and to provide valuable insight to stakeholders to help embed new policies at a strategic and working level.



326. The Applicant will draw upon these experiences and stakeholder connections to design the by-catch reduction working group and utilise stakeholder input to shape the scope of this group so that it delivers the agreed objectives. As a minimum, it is expected that the group will meet on a quarterly basis to agree a plan of action, with meetings held on a six-monthly basis thereafter. The working group would be convened on consent of the project and expects to cover expenses for fishing industry representatives to participate.

#### 11.4 Action 2 (year 2)

327. The Applicant proposes to undertake one year of monitoring in collaboration with the East Anglia based fishing industry to record seabird by-catch by species and number from long-lining and static net fisheries as a proportion to fishing effort. The detailed scope of work will be as advised by the by-catch reduction working group formed by the Applicant but is anticipated to comprise:

- The appointment of a fisheries liaison officer to engage the fishing industry on the monitoring project and reporting processes;
- The placement of a fisheries liaison officer on fishing vessels on a confidential basis to record presence and absence of by-catch in catch for different gear types that provides statistical value;
- The safe release of all live by-catch or recovery of all deceased by-catch for autopsy;
- The creation of a managed database to track by-catch data which can be incorporated by UK-wide research on by-catch, expected to include gear type, location, species, sex and age-class of by-catch;
- The creation of a technical report alongside the database for dissemination to academia and nature conservation bodies highlighting outcomes and recommendations.

##### 11.4.1 Action 3 (Year 2)

328. In parallel with (2) alternative fishing gear designs / new methods of gear deployment would be investigated by the working group. The aim would be to find a range of alternatives to the currently used gear types.

##### 11.4.2 Action 4 (Year 3)

329. The alternatives identified in (3) will be trialled in at-sea tests in the East Anglia region in collaboration with the fishing industry over a one-year duration. The methodology will be determined by the working group and the trials would include suitable controls. This will determine changes in by-catch incidence, success in catching target fish species and other information to support their wider deployment within the UK fishing industry.

330. The Applicant proposes to deploy controlled at-sea testing of alternative fishing gear designs / new methods of gear deployment in the East Anglia region as



advised by the by-catch reduction working group and taking advice from external projects and their advisors. This would comprise:

- The payment of East Anglia based fishermen on a non-targeted and confidential basis to deploy innovative technology and to record the catch landing value and catch species, as well as ad-hoc recommendations which would benefit future deployment;
- The payment of East Anglia based fishermen on a confidential basis to apply alternative techniques when deploying their current fishing gear, where the one year of monitoring recorded by-catch or suggested a by-catch risk;
- The creation of a technical report on the outcomes of the trials and a plain English report for public dissemination aimed at socialising the results and recommendations.

#### 11.4.3 Action 5 (Year 4 and ongoing)

331. The setting up of a fund, administered by the Applicant, to be used by fishermen for improvements in fishing gear and associated equipment to reduce by-catch following the recommendations of the at-sea trials, or as advised by contemporaneous Defra policies aimed to reduce by-catch, to a value of £500,000.00. This will be:
- Prioritised to benefit qualifying fishermen with a home port in the East Anglia region
  - Opened to UK fishermen in the Greater North Sea region if the funds are not fully utilised by East Anglia fishermen
  - Payable upon surrender of gear which presents a by-catch risk (i.e. a gear swap scheme)
332. Prospective applicants to this fund will be required to provide information as set out by the by-catch reduction working group but is envisaged to include:
- Extent of their participation in the monitoring effort or at-sea trials of new equipment or fishing methods;
  - The gear they currently deploy and the gear they are looking to replace or upgrade;
  - Their total fishing effort including the approximate location where they fish and how frequently (this data will be anonymised and kept confidential throughout)
  - A commitment to utilising the new gear or equipment and willingness for ad-hoc monitoring that it is being used and that by-catch records are being completed adequately
333. If during the by-catch monitoring efforts it is confirmed that by-catch is not an issue identified within the East Anglia region then it would be prudent to make



the funding available to fishermen registered in the UK who fish beyond the East Anglia region. Access to the funds would adopt a similar level of conditions to the above and be payable upon surrender of gear which presents a by-catch risk (i.e. a gear swap scheme) and a commitment to ongoing use of the new gear.

### 11.5 Spatial scale and location

334. Northridge et al 2020 identified by-catch hotspots in the UK, indicating that the coast around Shetland, north of the Humber Estuary, and along the south of England would benefit most from by-catch reduction effort. However, the report does caveat these conclusions given the variable sampling effort in the study. Therefore, the Applicant proposes to focus monitoring effort on the East Anglia region.
335. The rationale for this is twofold:
336. ScottishPower Renewables, the parent company of the Applicant, has a longstanding positive relationship with the fishing industry in East Anglia and a track record of ensuring co-existence between the two industries having commissioned post-construction long-lining and trawling compatibility surveys on East Anglia ONE. This provides a platform for working together to understand the risk of by-catch and acting to reduce it if highlighted as a concern;
337. Focussing efforts in the East Anglia region could provide more detail of the level of by-catch of the species of concern for the Project in the relevant waters.

### 11.6 Temporal scale

338. The Applicant is aware that at time of writing Defra is concluding work on the UK Seabird Plan of Action for 2020/21. The outputs aim to refine estimates of by-catch, improve monitoring and assessment, define best practice in mitigation, and engage on voluntary implementation or regulatory intervention where necessary. It is anticipated therefore that Actions 1 - 4 proposed by the Applicant may have been fully implemented or part-implemented at the time of operation of the EA1N and EA2 projects by the Defra work.
339. However, the Applicant proposes to provide security that in the absence of voluntary or regulatory interventions by Defra, Actions 1 - 4 will be undertaken in the East Anglia region. If there is voluntary or regulatory advancement the Applicant proposes to engage and support the programme of measures identified. The intent of Action 5 (and to some extent Action 4) is to increase the uptake of recommended interventions (by proving alternative fishing methods yield similar catch value) and to reduce the financial impact on the fishing industry (by supporting the purchase of new gear).



## 11.7 Monitoring

340. Monitoring is a fundamental component of deciding the course of action and measuring the success. The actions identified by the Applicant require ongoing monitoring, described below:

- Action 1 – no monitoring aspect
- Action 2 – one year of surveys to record by-catch by location, fishing method and bird data (number, species, age and sex), with data supplied to partner organisations to improve knowledge base and refine targets and objectives locally.
- Action 3 - no monitoring aspect
- Action 4 – monitoring effectiveness of the alternative gear trials from an economic and environmental basis; if the economics of the gear are strong and the by-catch is reduced (or avoided altogether) this would increase local adoption and could be used as a proof of concept for potential by-catch reduction measures possible in UK waters, as well as the basis of a proxy for monitoring the potential positive effects on seabird population.
- Action 5 – Monitoring the ongoing commitment to the use of alternative fishing gear (or new methods) would require ongoing liaison with the fishing industry. Individuals will be expected to commit to the new gear having only disposed of old gear as part of a gear swap scheme if the alternative would be similar or better, or regulated against. The key monitoring components would be:
  - Recording the uptake of alternative gear (or methodology changes);
  - Engaging with participants to record and assess incidences of by-catch after deploying new gear or methodology changes;
  - Engagement through the working group to identify breeding seabird population changes at e.g. the Flamborough and Filey Coast SPA

## 11.8 Feasibility

341. The Applicant has a high degree of confidence in the feasibility of delivering Actions 1-5. It is anticipated that Actions 1-4 will already be delivered by the time of the operation of EA1N and EA2 as work nears completion on the UK Seabird Plan of Action. However, the Applicant has proposed these independently, in the event that there are unforeseen delays or actions are targeted outside of the East Anglia area. The Applicant considers that Action 5, the setting up of a fund for gear replacement/equipment upgrades, to be above and beyond the deliverables of the UK Seabird Plan of Action but would underpin the success of it by increasing the speed of uptake of its recommendations.

342. The challenge, as noted in Miles et al 2020, is allocating a population increase to by-catch reduction effort as this may not be possible. The Applicant considers that its actions to remove the by-catch pressure and its ongoing monitoring that





the pressure remains removed, should be sufficient for ongoing scientific studies at seabird colonies to detect positive population changes. Furthermore, success in Actions 3 and 4 could provide a model which if adopted elsewhere in the UK, could greatly exceed the Compensation required for EA1N and EA2 project alone effects.

### 11.9 Summary and Roadmap for Delivery of Compensation (if required)

343. If compensation is deemed to be required following the Appropriate Assessment, the Applicant proposes that this indirect measure could provide information relevant to guillemot, gannet, razorbill, red-throated diver and lesser black-backed gull, which could in turn benefit these species in the longer term through reductions in by-catch.
344. The actions which would be undertaken by the Applicant to secure this measure are as follows:
- Following a decision from the SoS that compensation is required, the Applicant will engage with academics, nature conservation bodies and the fishing industry to form a by-catch reduction working group with a focus on the East Anglia region, or, to join any existing working group with the same objective;
  - Monitoring to record seabird by-catch by species and number from long-lining and static net fisheries in the East Anglia region;
  - In parallel with the above monitoring alternative fishing gear designs / new methods of gear deployment would be investigated by the working group;
  - The alternatives identified above will be trialled in at-sea tests in the East Anglia region in collaboration with the fishing industry over a one-year duration. The methodology will be developed in consultation with the working group and the trials would include suitable controls. This will determine changes in by-catch incidence, success in catching target fish species and other information to support their wider deployment within the UK fishing industry;
  - The Applicant will administer a fund to be used by fishermen for improvements in fishing gear and associated equipment to reduce by-catch following the recommendations of the at-sea trials, or as advised by contemporaneous Defra policies aimed to reduce by-catch, to a value of £500,000.00.
345. As previously highlighted, there are a number of existing programmes looking at by-catch (such as the UK Seabird Plan of Action) and others may be proposed in the near future. Therefore, where other parties have an interest in by-catch the Applicant will seek to engage with them to work collaboratively and strategically



where appropriate. Given the scale of potential compensation from the Project, the Applicant considers that should compensation be required it would be more proportionate to deliver that through additions or contributions to a larger measure. Notwithstanding this, the bullets listed under paragraph 340 provide the means to secure adequate Project alone measures.

## 11.10 References

ACAP Review and Best Practice Advice for Reducing the Impact of Demersal Longline Fisheries on Seabirds 13-17 May 2019

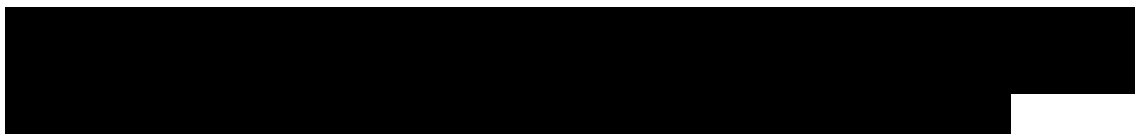
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## 12 Appendix 8: Discounted measures

347. For completeness, this section is included to highlight measures that were considered by the Applicant at various points in the process, but that were discounted either by the Applicant or after consultation with interested parties.

**Table 12-1 Discounted measures and reasoning**

| ID | Site / Species                                | Compensatory measure |                                                                                                                           | Key barriers                                                               |
|----|-----------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | OWF industry purchase of sandeel fishery quota in Dogger Bank area                                                        | No legal mechanism to deliver                                              |
| 2  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | SPR purchase of demersal otter trawl quota for sprat in EA1N area                                                         | No legal mechanism to deliver                                              |
| 3  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | OWF industry to contribute funding for UK legal case to deliver closed box for sandeel/sprat fishery                      | Considered not feasible for OWF to deliver – UK Government activity        |
| 4  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | OWF industry purchase of sandeel fishery quota in Dogger Bank area                                                        | No legal mechanism to deliver                                              |
| 5  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | SPR purchase of demersal otter trawl quota for sprat in EA1N area                                                         | No legal mechanism to deliver                                              |
| 6  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | Offshore wind industry to contribute funds for commercial trials of alternative pig/salmon feed not derived from sandeels | Considered not feasible – low likelihood of success in required timescales |
| 7  | FFC / kittiwake, gannet, guillemot, razorbill | Prey Enhancement     | Offshore wind industry to contribute funds to support UK alternative feed suppliers scale up business                     | Considered not feasible – low likelihood of success in required timescales |



| ID | Site / Species                                          | Compensatory measure                          |                                                                                                                                                                                              | Key barriers                                                                               |
|----|---------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 8  | FFC / kittiwake, gannet, guillemot, razorbill           | Productivity Improvement – Reduce Disturbance | Direct engagement with sailing, jet ski and other recreational craft clubs and associations to explain the effect of disturbance on sea birds (funding engagement with groups & individuals) | No additionality: possible management measure                                              |
| 9  | FFC / kittiwake, gannet, guillemot, razorbill           | Productivity Improvement – Reduce Disturbance | Indirect engagement with sailing, jet ski and other recreational craft clubs, associations and individuals (funding engagement with businesses)                                              | No additionality: possible management measure                                              |
| 10 | FFC / kittiwake, gannet, guillemot, razorbill           | Productivity Improvement – Reduce Disturbance | Provide funding to support increased number of reserve wardens in the summer period to engage and monitor visitors                                                                           | No additionality: possible management measure                                              |
| 11 | FFC / kittiwake, guillemot, razorbill                   | Predator Control – Crow Control               | Undertake control of crow predation outside the perimeter of the SPA to reduce the effect of crow predation on chicks to zero.                                                               | Additionality difficult to prove – crow control may be a management measure within the SPA |
| 12 | FFC / kittiwake                                         | Predator Diversion – Peregrine Falcons        | Increase productivity of wood pigeons (supporting diversionary feeding from seabirds as prey)                                                                                                | Anticipated to be refused as a Compensation measure                                        |
| 13 | AOE / LBBG (with benefit to other ground nesting birds) | Productivity Improvement: Reduce Disturbance  | Funding to engage on voluntary avoidance of airspace above the Alde Ore Estuary SPA during the breeding season                                                                               | Low likelihood of success: low flying training a national security priority                |
| 14 | AOE / LBBG (with benefit to other ground nesting birds) | Productivity Improvement: Reduce Disturbance  | Development and installation of interpretation to reduce disturbance from site visitors                                                                                                      | No additionality: possible management measure                                              |

| ID | Site / Species                                          | Compensatory measure                                   |                                                                                                                                               | Key barriers                                                                 |
|----|---------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 15 | AOE / LBBG (with benefit to other ground nesting birds) | Productivity Improvement:<br>Reduce Disturbance        | Development of new waymarked trails between interpretation boards and rest areas to develop new desire trails away from more sensitive areas; | No additionality: possible management measure                                |
| 16 | AOE / LBBG (with benefit to other ground nesting birds) | Productivity Improvement:<br>Reduce Disturbance        | Developer contribution to fund a seasonal ranger to encourage sensible access by providing                                                    | No additionality: possible management measure                                |
| 17 | AOE / LBBG (with benefit to other ground nesting birds) | Productivity Improvement:<br>Reduce Disturbance        | Construct new above ground nesting platforms in the design of the local vernacular to mimic shingle beach for ground nesting birds            | May be impossible to secure planning consent within the AONB                 |
| 18 | OTE / red-throated diver                                | Prey Enhancement                                       | Funding the identification and implementation of a no take zone in an area of the SPA                                                         | Considered not feasible for OWF to deliver – UK Government activity          |
| 19 | OTE / red-throated diver                                | Productivity Improvement:<br>Increasing Access to Prey | Removal of anthropogenic features e.g. redundant cables                                                                                       | Low to no benefit – RTD not bottom feeding in vicinity of EA1N windfarm site |