UK Government

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Five Estuaries Offshore Wind Farm

Regulation 63, 64, and 68 of the Conservation of Habitats and Species Regulations 2017

Regulation 28, 29, and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017

December 2025

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Contents

List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Artificial Nesting Structure	ANS
Central Impact Value	CIV
Climate Change Committee	CCC
Deemed Marine Licence	DML
Deep Water Route	DWR
Department for Energy Security and Net Zero	DESNZ
Department for Environment, Food and Rural Affairs	DEFRA
Development Consent Order	DCO
East Anglia Connection Node	EACN
Environment Agency	EA
Environmental Statement	ES
Essex County Council	ECC
European Economic Area	EEA
Examining Authority	ExA
Exclusive Economic Zone	EEZ
Flamborough and Filey Coast SPA	FFC SPA
Functionally Linked Land	FLL
Guillemot and Razorbill Implementation and Monitoring Plan	GRIMP
Habitat Regulations Assessment	HRA
Haisborough, Hammond and Winterton SAC	HHW SAC
Interested Parties	IPs
Imperative Reasons of Overriding Public Interest	IROPI
Kittiwake Implementation and Monitoring Plan	KIMP
Lesser Black-Backed Gull	LBBG
Lesser Black-Backed Gull Implementation and Monitoring Plan	LIMP
Likely Significant Effect	LSE

Margate and Long Sands SAC	MLS SAC
Marine Management Organisation	MMO
Marine Recovery Fund	MRF
Maximum Design Scenario	MDS
National Grid Electricity Transmission	NGET
National Policy Statement	NPS
Nationally Significant Infrastructure Project	NSIP
National Site Network	NSN
Natural England	NE
Noise Abatement Systems	NAS
North Falls Offshore Wind Farm	NFOWF
North Norfolk Sandbanks and Saturn Reef SAC	NNSSR SAC
Offshore Ornithology Engagement Group	OOEG
Offshore Transmission Network Review	OTNR
Onshore Export Cable Corridor	OnECC
Onshore Substation	OnSS
Outer Thames Estuary SPA	OTE SPA
Outer Trial Bank	OTB
Outline Landscape and Ecological Management Plan	oLEMP
Outline Marine Mammal Mitigation Protocol	oMMMP
Population Viability Analysis	PVA
Preliminary Environmental Information Report	PEIR
Proposed Compensation Site	PCS
Recommended DCO	rDCO
Report on the Implications for European Sites	RIES
Report to Inform Appropriate Assessment	RIAA
Royal Society for the Protection of Birds	RSPB
Site of Special Scientific Interest	SSSI
Special Areas of Conservation	SACs
Special Protection Areas	SPAs
Southern North Sea SAC	SNS SAC

Statement of Common Ground	SoCG
Statutory Nature Conservation Body	SNCB
Supplementary Advice on Conservation Objectives	SACO
Tendring District Council	TDC
The Planning Inspectorate	PINS
Upper Confidence Interval	UCI
Wind Turbine Generator	WTG
Written Ministerial Statement	WMS
Zone of Influence	ZoI

1 Introduction

1.1 Background

This is a record of the Habitats Regulations Assessment ("HRA") that the Secretary of State for Energy Security and Net Zero ("the Secretary of State") has undertaken under the Conservation of Habitats and Species Regulations 2017[1] ("the Habitats Regulations") and the Conservation of Offshore Marine Habitats and Species Regulations 2017[2] ("the Offshore Habitats Regulations") in respect of the Development Consent Order ("DCO") and Deemed Marine Licences ("DMLs") for the Five Estuaries Offshore Wind Farm and its associated infrastructure (the "Project"). The Examining Authority ("ExA") defines this as the "Proposed Development". It is defined as the "Project" within this HRA for consistency with the terminology of the Habitats Regulations. For the purposes of these Regulations, the Secretary of State is the competent authority.

The Project comprises the construction and operation of up to 79 wind turbine generators ("WTGs") in the southern North Sea accompanied by a network of subsea cables linking the WTGs to offshore substations. The onshore works would consist of subsea cabling to a landfall compound located at Sandy Point From there underground cabling would continue to a new onshore substation for Five Estuaries at Little Bromley, as well as to the East Anglia Connection Node ("EACN") substation proposed by National Grid Electricity Transmission ("NGET"). The Project is described in more detail in Section 2.

The Project constitutes a nationally significant infrastructure project ("NSIP") as defined by s.14(1)(a) of the Planning Act 2008 as it is for an offshore generating station with a capacity over 100MW.

The Project was accepted by the Planning Inspectorate ("PINS") on 22 April 2024, and five Inspectors were appointed as the ExA for the Application. The Examination of the Project application began on 17 September 2024 and concluded on 17 March 2025. The ExA submitted its report of the Examination, including its recommendation ("the ExA's Report"), to the Secretary of State on 17 June 2025. Numbered references to the ExA's Report are presented in the format "[ER *.*.*]".

This HRA also contains a consideration of the potential effects of the Project upon protected sites in European Economic Area ("EEA") States ("transboundary sites"). This is described in more detail in Section 10.

[1] https://www.legislation.gov.uk/uksi/2017/1012/contents

[2] https://www.legislation.gov.uk/uksi/2017/1013/contents

1.2 Relevant legislation

The Habitats Regulations aim to ensure the long-term conservation of certain species and habitats by protecting them from possible adverse effects of plans and projects. In the UK, the Habitats Regulations apply as far as the 12 nautical miles limit of territorial waters.

The Habitats Regulations provide for the designation of sites for the protection of habitats and species of international importance. These sites are called Special Areas of Conservation ("SACs"). The Regulations also provide for the classification of sites for the protection of rare and vulnerable birds and for regularly occurring migratory species within the UK and internationally. These sites are called Special Protection Areas ("SPAs"). SACs and SPAs together, referred to as European sites in legislation, form part of the UK's National Site Network ("NSN").

The Convention on Wetlands of International Importance 1972 ("the Ramsar Convention") provides for the listing of wetlands of international importance. These sites are called Ramsar sites. Government policy is to afford Ramsar sites in the United Kingdom the same protection as sites within the NSN (collectively referred to in this HRA as "protected sites").

Regulation 63 of the Habitats Regulations provides that:

…before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, [the competent authority] must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

And that:

In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

This Project is not directly connected with, or necessary to, the management of a protected site. The Habitats Regulations require that, where the Project is likely to have a significant effect ("LSE") on any such site, alone or in-combination with other plans and projects, an appropriate assessment ("AA") is carried out to determine whether or not the Project will have an adverse effect on the integrity ("AEoI") of the site in view of that site's conservation objectives. In this document, the following stages are collectively referred to as the HRA:

- Stage 1: Assessment of LSE;
- Stage 2: AA to determine whether there is an AEoI of a protected site;
- Stage 3: Assessment of Alternative Solutions;
- Stage 4: Imperative Reasons of Overriding Public Interest ("IROPI"); and
- Stage 5: Proposed Compensatory Measures.

The Secretary of State has had regard to relevant guidance on the application of the HRA including the PINS (2022) Advice Note 10[3], European Commission guidance[4], as well as joint guidance by Department for Environment, Food and Rural Affairs ("DEFRA"), Natural England ("NE"), the Welsh Government, and Natural Resources Wales (2021) on 'Habitats Regulations Assessment: protecting a European site'[5].

1.3 Site conservation objectives

Where an AA is required in respect of a protected site, Regulation 63(1) of the Habitats Regulations requires that it be an AA of the implications of the plan or project for the site in view of its conservation objectives. Government guidance also recommends that in carrying out the LSE screening, applicants must check if the proposal could have a significant effect on a protected site that could affect its conservation objectives.

DEFRA Guidance indicates that disturbance to a species or deterioration of a protected site must be considered in relation to the integrity of that site and its conservation objectives[6]. It states that *"the integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated"*.

Conservation objectives have been established by NE. When met, each site will contribute to the overall favourable conservation status of the species or habitat feature across its natural range. Conservation objectives outline the desired state for a protected site, in terms of the interest features for which it has been designated. If these interest features are being managed in a way which maintains their nature conservation value, they are assessed as being in a 'favourable condition'. An AEoI is likely to be one which prevents the site from making the same contribution to favourable conservation status for the relevant feature as it did at the time of its designation. There are no set thresholds at which impacts on site integrity are considered adverse. This is a matter for interpretation on a site-by-site basis, depending on the designated feature and nature, scale, and significance of the impact.

NE has issued generic conservation objectives, which should be applied to each interest feature of the site. Supplementary advice on conservation objectives ("SACOs") for each site underpins these generic objectives to provide site-specific information and give greater clarity to what might constitute an adverse effect on a site interest feature. SACOs are subject to availability and are currently being updated on a rolling basis.

[3] https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-ten/

[4] https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1

[5] https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

[6] https://www.gov.uk/guidance/appropriate-assessment

Where supplementary advice is not yet available for a site, NE advises that HRAs should use the generic objectives[7] and apply them to the site-specific situation. For SPAs, the overarching objective is to avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Habitats Regulations. This is achieved by, subject to natural change, maintaining and 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 the qualifying features; and
- the distribution of the qualifying features within the site.

For SACs, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving favourable conservation status of each of the qualifying features. This is achieved by, subject to natural change, maintaining and restoring:

- the extent and distribution of the qualifying natural habitats and habitats of qualifying species;
- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of qualifying species;
- the supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- the populations of qualifying species; and
- the distribution of qualifying species within the site.

The conservation objectives and, where available, SACOs have been used by the Secretary of State to consider whether the Project has the potential to have an AEoI of sites, either alone or in-combination with other plans or projects.

1.4 The Report on the Implications for European Sites and statutory consultation

Under Regulation 63(3) of the Habitats Regulations and Regulation 28(4) of the Offshore Habitats Regulations the competent authority must consult the appropriate Statutory Nature Conservation Body ("SNCB") and have regard to any representation made by that body within such reasonable time as the authority specifies.

NE is the SNCB for England and for English waters within the 12 nm limit. The JNCC is the SNCB beyond 12 nm, but this duty has been discharged by NE following the 2013 Triennial Review of both organisations. However, JNCC retains responsibility as the statutory advisor for

[7] http://publications.naturalengland.org.uk/publication/6734992977690624?cache=1656417868.31

protected sites that are located outside the territorial sea and UK internal waters (i.e. more than 12 nm offshore) and as such continues to provide advice to NE on the significance of any potential effects on interest features of such sites.

The ExA, with the support of the Inspectorate's Environmental Services Team, produced a Report on the Implications for European Sites ("the RIES") [PD-027]. The purpose of the RIES was to compile, document, and signpost information submitted by the Applicant and IPs during the Examination up to Deadline 5 (up to 10 January 2025). It was issued to ensure that IPs, including NE as the SNCB under Regulation 5 of the Habitats Regulations, had been formally consulted on Habitats Regulations matters in respect of the Application for the Project during the Examination.

The RIES was published on the PINS NSIP website and the ExA notified IPs that it had been published. Consultation on the RIES was undertaken between 3 February 2025 and 3 March 2025. The Applicant [REP7-083] and NE [REP7-110] provided comments on the RIES.

NE advised that it did not consider consultation on the RIES alone adequately discharges the statutory requirements to consult NE on the AA. Noting the Inspectorate's Advice Page 10, the RIES was not revised following consultation, and it was the ExA's recommendation [ER C 1.1.8] that due to the number of outstanding HRA-related issues at the point of issue of the RIES, the Secretary of State may wish to consult further on the matters highlighted to enable the Secretary of State to fulfil their duties under Regulation 63(3) of the Habitats Regulations and Regulation 28(4) of the Offshore Habitats Regulations.

For the avoidance of doubt, the Secretary of State considers all representations made by all IPs on HRA matters throughout the entirety of the Examination process. The Secretary of State does not rely solely on consultation on the RIES to inform his conclusions on matters relevant to the HRA, but he does consider that the RIES can formally support his duties to consult on AAs. The Secretary of State considers that the extensive consultation undertaken during the Examination, as well as the further information requests issued on 11 July 2025, 21 August 2025, and 26 September 2025, has adequately fulfilled his duties to consult on the AA under Regulation 63(3) of the Habitats Regulations and Regulation 28(4) of the Offshore Habitats Regulations.

1.5 Documents referred to in this HRA

This HRA has taken account of, and should be read in conjunction with, the documents produced as part of the Application and Examination, which are available on the PINS NSIP website[8]. In particular, but not limited to:

- the ExA's Report;
- the RIES [PD-027];
- the HRA Screening Report [APP-042] and Screening Matrices [REP8-006];
- the Report to Inform Appropriate Assessment ("RIAA") [REP8-004];

[8] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010115

- the HRA (Without Prejudice) Derogation Case [REP4-007];
- Benthic Compensation Strategy Roadmap [REP8-008];
- Margate and Long Sands SAC – Benthic Mitigation Plan [REP8A-011];
- Outline Benthic Implementation and Monitoring Plan [REP7-029];
- Lesser Black Backed Gull Compensation – Evidence, Site Selection and Roadmap [REP8-010];
- Lesser Black Backed Gull Implementation and Monitoring Plan [REP8-009];
- Lesser Black Backed Gull Compensation Site Suitability Report [APP-055];
- Lesser Black Backed Gull Habitats Regulations Assessment [REP7-025];
- Kittiwake – Evidence, Site Selection and Roadmap [REP5-017];
- Kittiwake Implementation and Monitoring Plan [REP5-023];
- Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012];
- Guillemot and Razorbill Implementation and Monitoring Plan [REP8-014]; and
- the final Statements of Common Ground ("SoCG") with the Marine Management Organisation ("MMO") [REP8A-031], the Environment Agency ("EA") [REP8A-025], and NE's Deadline 8A submissions including the Risk and Issues Log [REP8A-053].

Plus, all other information submitted during the Examination and during the Secretary of State's consideration of the Application.

Within this HRA, the Secretary of State will refer to the Lesser Black Backed Gull HRA [REP7-025]. The Applicant produced this document to assess the effects of the proposed compensatory measures for the LBBG feature of the Alde-Ore Estuary SPA and ensure that they would not themselves cause harm to the NSN. The Applicant has identified a Proposed Compensation Site ("PCS") at Orford Ness, Suffolk – an environmentally sensitive shingle spit which forms part of the Alde-Ore Estuary SPA and Ramsar site and the Orfordness - Shingle Street SAC. The proposed compensatory measures include the installation of predator exclusion fencing around an area of Orford Ness with the aim to exclude mammalian predators to provide a safe refuge for breeding LBBG.

2 Project description

The Project is located approximately 37km from the Suffolk coast at its closest point, covering an area of 128km^2 across two seabed areas. The onshore components of the Project lie within the administrative areas of Tendering District Council ("TDC") and Essex County Council ("ECC"). A detailed description of the Project is presented within the ES [APP-069 & APP-083] and is summarised below.

The Project comprises the following offshore components:

- Up to 79 offshore WTGs and associated foundations;
- Inter-array cables connecting the WTGs to up to two offshore substation platforms;
- Offshore interconnector export cables between the offshore substation platforms; and
- Offshore export cables to connect the landfall area.

The Project also comprises the following onshore components:

- A landfall site at Sandy Point connecting offshore and onshore cables;
- A buried onshore export cable corridor ("OnECC") from Sandy Point to a location north of the Ardleigh Road and to the west of Little Bromley;
- A new onshore substation ("OnSS") at a location west of Little Bromley and east of Ardleigh, and further buried onshore cables to connect to the proposed NGET EACN substation; and
- The provision of compensatory habitat for LBBGs at Orford Ness.

Some elements of the Project were not finalised when the Application was submitted to the ExA [ER 1.3.8]. Both the Project and the proposed North Falls Offshore Wind Farm ("NFOWF") (which is subject to its own application for development consent) have been allocated the same connection point to the national electricity transmission network and have worked together to develop a shared export cable corridor, landfall location, and single site for their respective substations. The Applicant has sought flexibility in submitting a final design, and as such as adopted a Maximum Design Scenario ("MDS") in accordance with PINS Advice Note 9 (Rochdale Envelope) to take a worst-case scenario approach in presenting and assessing effects, as set out in the Environmental Impact Assessment Methodology [APP-063] [ER 1.3.8]. Three scenarios for the onshore works are presented in relation to NFOWF, with Scenario 1 displaying the most coordination between the two projects, and Scenario 3 displaying the least. This allows flexibility depending on the gap between the two projects meeting their respective financial investment decisions.

The Rochdale envelope and the presented MDS provide sufficiently flexibility in the finalisation of the design whilst ensuring that the environmental effects of the Project eventually constructed have been properly assessed. The realistic worst-case MDS is assessed and outlined by the Applicant in its RIAA. The Secretary of State's HRA is based upon the realistic worst-case design scenario of the Project, in accordance with PINS Advice Note 9.

2.1 Changes to the Application during Examination

During the Examination, the Applicant submitted a formal change request on 10 October 2024. The change requests were accepted by the ExA on 22 October 2024. The ExA agreed with the Applicant that none of the changes were so material that they would constitute a different project, however, updates to the LBBG HRA were made to support the request [ER C 1.1.17].

The Applicant also submitted several revisions to the application documents, details of which can be found in the Guide to the Application document submitted at Deadline 8A [REP8A-002]. This provides a guide to documents submitted as part of the Application and was updated at each Deadline when new or revised documents were submitted. It provides a record of all documentation submitted into the Examination by the Applicant.

3 Stage 1: Screening for Likely Significant Effects ("LSEs")

Under Regulation 63 of the Habitats Regulations and Regulation 28 of the Offshore Habitats Regulations, the Secretary of State must consider whether the Project will have an LSE on a protected site, either alone or in-combination with other plans or projects. The purpose of this section is to identify any LSEs on protected sites that may result from the Project and to record the Secretary of State's conclusions on the need for an AA.

The protected sites and qualifying features that were considered in the Applicant's assessment of LSE are presented in Table 9.1 of the RIAA [REP8-004]. Section 3 of the HRA Screening Report [APP-042] also presents the broad approach undertaken for screening LSE and the selection process to identify relevant protected sites and qualifying features.

The spatial relationship between the Order Limits of the Project and protected sites is shown in Figures 1 and 2, and in more detail in Figures 4.1 – 4.6 of the HRA Screening Report [APP-042].

The ExA considered that all relevant protected sites and qualifying features have been identified by the Applicant [ER C 1.2.7]. However, the Secretary of State notes that in NE's Risk and Issues Log [REP8A-053], there was an outstanding concern in relation to certain protected sites within the North Sea Management Unit designated for harbour porpoise were screened out by the Applicant. In his first information request on 11 July 2025, the Secretary of State requested that the Applicant revise the RIAA [REP8-004] and HRA Screening Matrices [REP8-006] to screen in the transboundary sites for harbour porpoise within the North Sea Management Unit. On 8 August 2025, the Applicant provided revised versions of the RIAA and HRA Screening Matrices to include the transboundary sites for harbour porpoise within the North Sea Management Unit for the relevant impacts. On 5 September 2025, NE confirmed that the amendments made by the Applicant regarding the transboundary sites are sufficient to address their concerns. The Secretary of State is satisfied that all relevant protected sites and qualifying features have been identified.

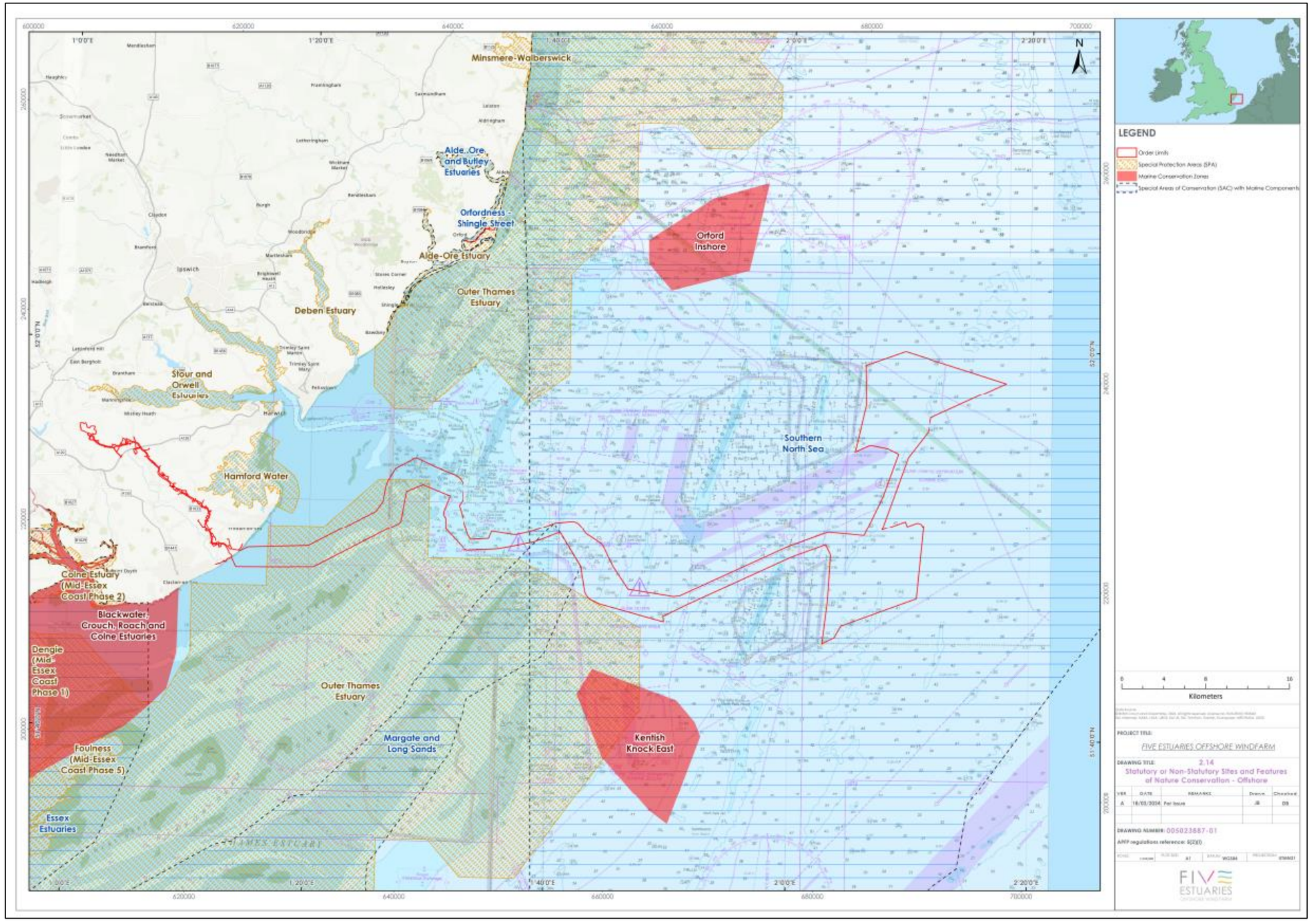

Figure 1: Spatial relationship of the Project and (offshore) protected sites

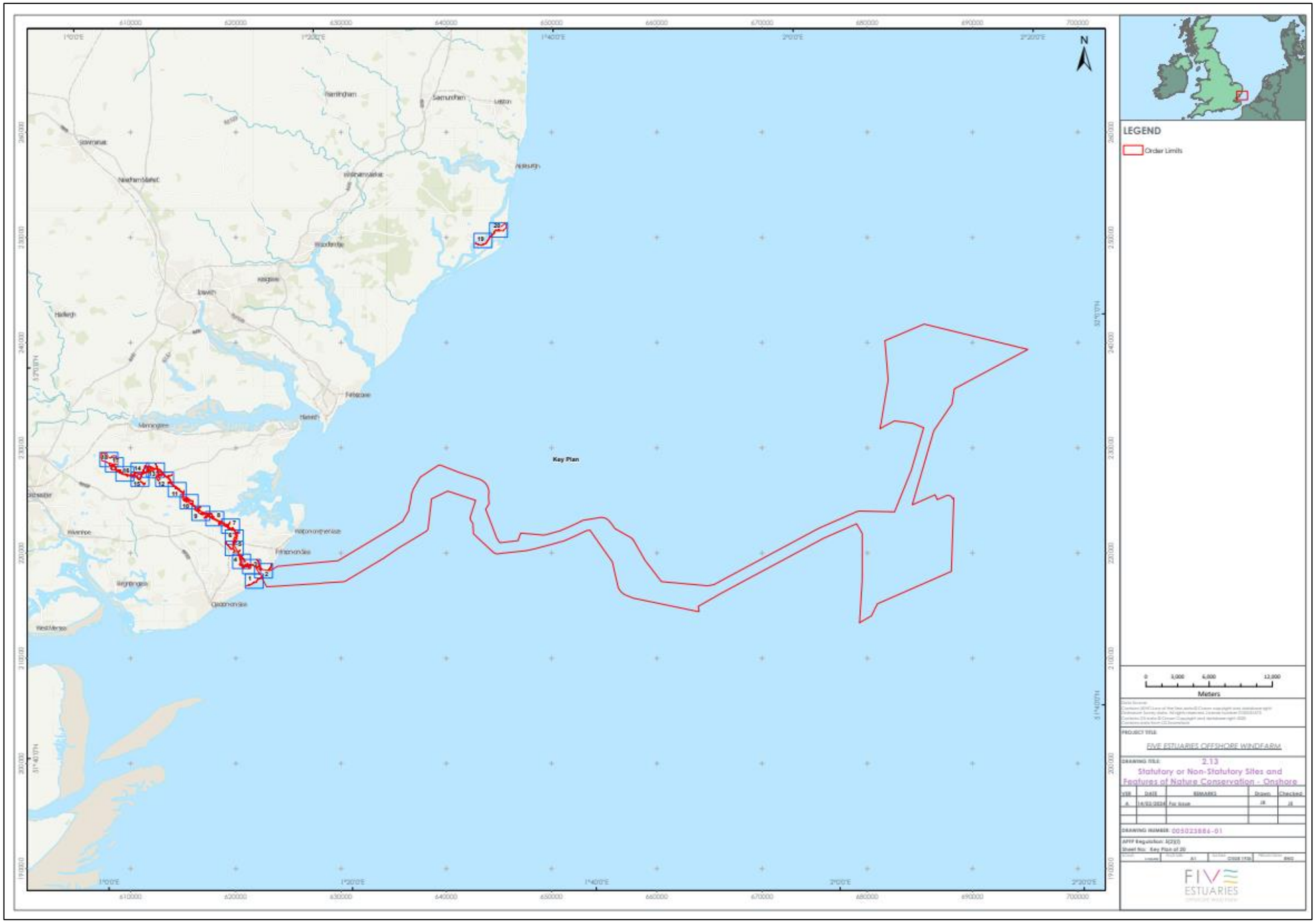

Figure 2: Spatial relationship of the Project and (onshore) protected sites (for detailed presentation see [APP-018])

3.1 Likely Significant Effects alone and in-combination

The Applicant identified the impacts, considered to have the potential to result in LSEs, from the Project alone in Section 9 of the RIAA [APP-042] and the LBBG HRA Report [REP7-025].

The following impacts considered by the Applicant to have the potential to result in LSEs on protected sites during construction, operation, and decommissioning of the Project (Table 3.1 of HRA Screening Matrices) were:

- Physical habitat loss/disturbance
- Suspended sediment/deposition
- Accidental pollution
- Invasive non-native species
- Electro-magnetic fields
- Changes to physical processes
- Underwater noise
- Collision risk
- Changes to prey availability and/or behaviour
- Disturbance at haul out
- Barrier effect
- Direct disturbance and displacement
- Habitat loss
- Pollution (water quality)
- Pollution (air quality)
- Decreases in water quantity
- Loss of foraging and roosting habitat outside of the protected site
- Disturbance/displacement of birds outside of the protected site
- Impacts on supporting populations, food plant and potential habitat outside of the protected site

The following impacts considered by the Applicant to have the potential to result in LSEs on protected sites during construction, operation, and decommissioning of the PCS at Orford Ness (Table 3.1 of HRA Screening Matrices) were:

- Damage to qualifying interest habitat or the habitats of the qualifying interest species
- Direct mortality of qualifying interest animals and plants
- Disturbance of qualifying interest birds due to the presence of workers
- Release of suspended solids and other pollution into waterways
- Spread of invasive non-native species
- Removal of grazing animals affecting vegetation composition
- Increases in nutrients from bird faeces affecting vegetation composition and water quality
- Changes in water flows caused by fence lines across ditches

The protected sites potentially affected, and the potential impact pathways, are provided in Table 2.1 of the HRA Screening Matrices. The following 106 protected sites were screened for alone LSE from the Project:

- Vlaamse Banken SAC
- Thanet Coast SAC
- Bancs des Flandres SAC
- Margate and Long Sands SAC
- Alde-Ore and Butley Estuaries SAC
- Orfordness – Shingle Street SAC
- Essex Estuaries SAC
- Deben Estuary Ramsar site
- Deben Estuary SPA
- Dengie (Mid-Essex Coast Phase 1) SPA
- Dengie (Mid-Essex Coast Phase 1) Ramsar site
- Stour and Orwell Estuaries Ramsar site
- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site
- Alde-Ore Estuary Ramsar site
- Foulness (Mid-Essex Coast Phase 5) Ramsar site
- Berwickshire and North Northumberland Coast SAC
- Humber Estuary SAC
- Humber Estuary Ramsar site
- Moray Firth SAC
- Southern North Sea SAC
- Wash and North Norfolk Coast SAC
- Transboundary sites for harbour porpoise (as detailed in Matrix 22 of the HRA Screening Matrices)
- Transboundary sites for seals (as detailed in Matrix 23 of the HRA Screening Matrices)
- Outer Thames Estuary SPA
- Alde-Ore Estuary SPA
- Minsmere-Walberswick SPA
- Minsmere-Walberswick Ramsar site
- Hamford Water SPA
- Thanet Coast and Sandwich Bay SPA
- Greater Wash SPA
- Colne Estuary (Mid-Essex Coast Phase 2) SPA
- Foulness (Mid-Essex Coast Phase 5) SPA
- Breydon Water SPA
- Blackwater Estuary SPA
- Blackwater Estuary Ramsar site
- Medway Estuary and Marshes SPA

- Dungeness, Romney Marsh and Rye Bay SPA
- North Norfolk Coast SPA
- North Norfolk Coast Ramsar site
- The Wash SPA
- Gibraltar Point SPA
- Humber Estuary SPA
- Flamborough and Filey Coast SPA
- Teesmouth and Cleveland Coast SPA
- Northumbria Coast SPA
- Northumbria Coast Ramsar site
- Northumberland Marine SPA
- Coquet Island SPA
- Farne Islands SPA
- Aberdaron Coast and Bardsey Island SPA
- Lindisfarne SPA
- Skomer Skokholm and the Seas off Pembrokeshire SPA
- St Abb's Head to Fast Castle SPA
- Grassholm SPA
- Imperial Dock Lock, Leith SPA
- Forth Islands SPA
- Ailsa Craig SPA
- Fowlsheugh SPA
- Isles of Scilly SPA
- Ythan Estuary, Sands of Foryie and Meikle Loch SPA
- Ythan Estuary, Sands of Foryie and Meikle Loch Ramsar site
- Buchan Ness to Collieston Coast SPA
- Rathlin Island SPA
- Loch of Strathbeg SPA
- Troup, Pennan and Lion's Heads SPA
- Inner Moray Firth SPA
- Cromarty Firth SPA
- Rum SPA
- East Caithness Cliffs SPA
- North Caithness Cliffs SPA
- Copinsay SPA
- Mingulay and Berneray SPA
- Hoy SPA
- Auskerry (UK) SPA
- Handa SPA

- Shaint Isles SPA
- Cape Wrath SPA
- Calf of Eday SPA
- Rousay SPA
- Marwick Head SPA
- Fair Isle SPA
- West Westray SPA
- Papa Westray (North Hill and Holm) SPA
- Sule Skerry and Sule Stack SPA
- Sumburgh Head SPA
- Mousa SPA
- Noss SPA
- Flannan Isles SPA
- St Kilda SPA
- North Rona and Sula Sgeir SPA
- Foula SPA
- Papa Stour SPA
- Fetlar SPA
- Ronas Hill-North Roe and Tingon SPA
- Hermaness, Saxa Vord and Valla Field SPA
- Ramna Stacks and Gruney SPA
- Southern Waters of Gibraltar SPA
- Vlakte van de Raan
- Westerschelde & Saeftinghe
- Voordelta
- Hamford Water SAC
- Hamford Water Ramsar site
- Stour and Orwell Estuaries SPA
- Stour and Orwell Estuaries Ramsar
- Abberton Reservoir SPA
- Abberton Reservoir Ramsar site

The protected sites affected, and the potential impact pathways, are also provided in Table 3.1 of the LBBG HRA Report [REP7-025]. The following 11 protected sites were screened for alone LSE from the Project PCS:

- Alde-Ore Estuary SPA
- Alde-Ore Estuary Ramsar site
- Orfordness – Shingle Street SAC
- Outer Thames Estuary SPA
- Alde-Ore Butley Estuaries SAC

- Southern North Sea SAC
- Sandlings SPA
- Staverton Park & The Thicks Wantisden SAC
- Minsmere-Walberswick SPA
- Minsmere-Walberswick Ramsar site
- Minsmere to Walberswick Heaths & Marshes SAC

The Applicant also identified the impacts considered to have the potential to result in LSEs from the Project, in-combination with other plans or projects, as detailed in Section 9 of the RIAA [REP8-004] and the LBBG HRA Report [REP7-025]. The Applicant considered that where potential for LSE has been identified alone, then the potential for in-combination effects should also be considered.

The Applicant applied a 'tiered' approach to the in-combination assessment to reflect the different levels of uncertainty associated with the project design and timeframes for the projects screened into assessment. The allocated 'Tiers' reflect the current stage of relevant projects within the planning and development process. This allowed the in-combination impact assessment to consider several future development scenarios, each with a differing potential for being built out. As described in Table 9.2 of the RIAA [REP8-004], the tiers consisted of:

- **Tier 1:** Projects in operation (that do not form part of the baseline). Projects that are under construction. Permitted applications, whether under the Planning Act 2008 or other regimes, but not yet implemented. Submitted applications, whether under the Planning Act 2008 or other regimes, but not yet determined.
- **Tier 2:** Projects on the PINS Programme of Projects where a Scoping Report has been submitted. Projects under the Planning Act 2008 where a PEIR has been submitted for consultation.
- **Tier 3:** Projects on the PINS Programme of Projects where a Scoping Report has not been submitted. Identified in the relevant Development Plan (and emerging Development Plans with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited. Identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

The projects and plans considered for the in-combination assessment are set out in Tables 9.5 – 9.9 in the RIAA [REP8-004].

The sites for which the Applicant could not exclude LSE from either the Project alone or in-combination with other projects and plans are presented in Volume 5, Report 4.4: Summary of Designated Sites [REP7-023].

At the end of the Examination there was an outstanding disagreement between the Applicant and NE [REP8A-053] (Point 20 in the Principal Areas of Disagreement Summary and Point 5 in J – Onshore Ecology) in relation to the lack of an assessment of the impacts from a future operations and maintenance port facility. NE [REP8A-053] highlighted that should the Project utilise the same operations and maintenance port facility as the operational Galloper Offshore Wind Farm, within the Stour and Orwell Estuaries SPA, an assessment of the impacts from any expansion of facility would be required.

Considering the advice of NE and Paragraph 4.3.12 of NPS EN-1, in his first information request on 11 July 2025, the Secretary of State requested that the Applicant provide an assessment of the reasonable worst-case scenario of the impacts from potential operations and maintenance port activities on the environment. The Secretary of State emphasised that if the Applicant has yet to make a final decision on the location of the operations and maintenance port facility, the Applicant should provide an assessment of the reasonable worst-case scenarios for the different ports under consideration. In response, on 8 August 2025 the Applicant confirmed that existing port infrastructure (including onshore infrastructure) would be used for its operations and that the Applicant is not seeking consent for new port facilities or infrastructure. Additionally, the Applicant highlighted that onshore traffic movements associated with the offshore works would not involve the movement of major components, which the Applicant stated would come by sea, and that the limited local traffic movements would be associated with crews driving to and from the port. The Applicant considered that it is not proportionate, reasonable or realistic to assess any onshore impact in relation to operation and maintenance port use given that the Project does not seek consent for the development of any port.

In his second information request on 21 August 2025, the Secretary of State invited NE to comment on the information provided by the Applicant and confirm whether this resolves the outstanding concern raised in their Risk and Issues Log [REP8A-053]. In response, on 5 September 2025 NE welcomed the information and additional assessment provided by the Applicant but reiterated that the lack of assessment refers to impacts on onshore and estuarine protected sites and qualifying features and therefore the additional information does not resolve their outstanding concern. NE noted that the final decision on the location of the operations and maintenance port facility will not be made until after consent for the Project is granted and that a separate application for any additional building works will be required. NE noted that as part of any future application for building works, an assessment to support the application will be required to assess the impacts on onshore and estuarine protected sites and qualifying features, and as such will engage on the matter further at the appropriate stage.

Having reviewed the information provided by the Applicant and the advice of NE, the Secretary of State is content that the Application does not seek consent for the development or expansion of an operations and maintenance port facility as part of the Project. The Secretary of State is satisfied that a separate application will need to be made in the future should any such works be needed, supported by a full assessment of potential impacts on protected sites and qualifying features. As such, the Secretary of State is content that impacts from any potential future operations and maintenance port facility do not need to be identified and assessed for the purposes of this HRA.

3.2 Likely Significant Effects conclusion

The Secretary of State has carefully considered the potential effects of the Project on all qualifying features of the protected sites raised during the Examination, taking into account their conservation objectives, to determine whether there will be LSEs in the context of the Habitats Regulations. The Secretary of State considers that sufficient information has been provided to inform an assessment in line with his duties under the Habitats Regulations.

The ExA considered that the correct protected sites and impact pathways had been identified in the RIAA [REP8-004] and the LBBG HRA Report [REP7-025] and was satisfied with the approach to the assessment of alone and in-combination LSE [ER C 1.2.33]. The ExA agreed that the Project is likely to have a significant effect on the qualifying features of the protected sites identified by the Applicant when considered alone, or in-combination with other plans or projects [ER C 1.2.34].

Based on the information before him, the views of IPs and NE, as well as the recommendations of the ExA, the Secretary of State concludes that LSE from the Project, alone and in-combination with other plans or projects, could occur during construction, operation, and decommissioning of the Project. Table 1 of this document presents the protected sites for which the Secretary of State considers that significant effects cannot be excluded, either alone or in-combination, alongside the qualifying features and relevant impact pathways. Table 2 of this document presents the protected sites for which the Secretary of State considers that significant effects cannot be excluded as a result of the PCS at Orford Ness. The LSE are therefore taken forward to AA to consider whether the Project would result in an AEoI of the identified protected sites.

4 Appropriate Assessment methodology

The requirement to undertake an AA is triggered when a competent authority, in this case the Secretary of State, determines that a plan or project is likely to have a significant effect on a protected site either alone or in-combination with other plans or projects. Guidance issued by DEFRA[9] states that the purpose of an AA is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in-combination with other plans and projects, and that the conclusions should enable the competent authority to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus is therefore specifically on the species and/or habitats for which the protected site is designated.

In line with the requirements of Regulation 63 of the Habitats Regulations and Regulation 28 of the Offshore Habitats Regulations:

"*In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given*."

The purpose of this AA is to determine whether an AEoI on the features of the protected sites identified in Tables 1 and 2 of this HRA, as a result of the Project alone or in-combination with other plans or projects, can be excluded in view of the site's conservation objectives and using the best scientific evidence available.

In accordance with the precautionary principle embedded in the integrity test and established through case law, the Secretary of State as the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the protected site, and this must be demonstrated beyond all reasonable scientific doubt. If the Secretary of State cannot exclude AEoI of the affected protected sites beyond all reasonable scientific doubt, then he can only agree to a plan or project if it complies with the requirements of Regulation 64 of the Habitats Regulations. Regulation 64 provides that the Secretary of State may agree to the plan or project only if satisfied that there are no alternative solutions, and that the plan or project must be carried out for imperative reasons of overriding public interest (IROPI). In addition, Regulation 68 requires compensatory measures to be secured which maintain the overall coherence of the NSN.

9 https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

5 Stage 2: Appropriate Assessment

The Secretary of State has undertaken an objective scientific assessment of the implications of the Project on the qualifying features of the protected sites identified in his screening assessment, using the best scientific evidence available. The assessment has been made in light of the site's conservation objectives, as detailed in Section 1.3 and set out in Tables 1 and 2 of this HRA.

The Applicant's RIAA [REP8-004] concluded an in-combination AEoI on the lesser black-backed gull qualifying feature of the Alde-Ore Estuary SPA and Ramsar site due to the risk of collision during the operation and maintenance phase of the Project. NE [PD2-005], the RSPB [RR-04], and the ExA [ER C 1.4.17] agreed that an in-combination AEoI on the LBBG qualifying feature of the Alde-Ore Estuary SPA and Ramsar site cannot be excluded.

For all other protected sites, the RIAA [REP8-004] and LBBG HRA Report [REP7-025] concluded that the Project would not adversely affect the integrity of any of the protected sites and features for which a LSE pathway was identified, either alone or in-combination with other projects or plans.

The Applicant's conclusion of no AEoI was not disputed at the close of the Examination in respect of the following protected sites:

- Abberton Reservoir SPA (cormorant, coot, gadwall, great crested grebe, mute swan, pochard, shoveler, widgeon, teal, tufted duck, waterbird assemblage)
- Abberton Reservoir Ramsar site (gadwall, shoveler, wigeon, waterbird assemblage)
- Alde-Ore Estuary SPA (sandwich tern, marsh harrier, little tern, avocet, redshank, ruff)
- Alde-Ore Ramsar site (little tern, avocet, marsh harrier, mediterranean gull, sandwich tern, greenshank, black-tailed godwit, shelduck, shoveler, spotted redshank, teal, redshank)
- Alde-Ore and Butley Estuaries SAC (estuaries, mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows)
- Berwickshire and North Northumberland Coast SAC (grey seal)
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA (dark-bellied brent goose, dunlin, grey plover, hen harrier, pochard, ringed plover, little tern, waterbird assemblage)
- Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site (dark-bellied brent goose, dunlin, grey plover, waterbird assemblage)
- Colne Estuary (Mid-Essex Coast Phase 2) SPA (dark-bellied brent goose, pochard, redshank, ringed plover, waterbird assemblage, little tern, hen harrier)
- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site (dark-bellied brent goose, redshank, waterbird assemblage)
- Deben Estuary SPA (avocet and dark-bellied brent goose)
- Deben Estuary Ramsar site (dark-bellied brent goose)
- Dengie (Mid-Essex Coast Phase 1) SPA (dark-bellied goose, grey plover, knot)
- Dengie (Mid-Essex Coast Phase 1) Ramsar site (dark-bellied goose, grey plover, knot)
- Essex Estuaries SAC (estuaries, mudflats and sandflats not covered by seawater at low tide, *Salicornia* and other annuals colonising mud and sand, *Spartina* swards, Atlantic salt

meadows, Mediterranean and thermos-Atlantic *halophilous* scrubs, sandbanks which are slightly covered by seawater all the time)
- Hamford Water SAC (Fisher's estuarine moth)
- Hamford Water SPA (dark-bellied brent goose, grey plover, redshank, ringed plover, shelduck, teal, little tern)
- Hamford Water Ramsar site (dark-bellied brent goose, redshank, ringed plover)
- Humber Estuary SAC (grey seal)
- Humber Estuary Ramsar site (grey seal)
- Minsmere-Walberswick SPA (avocet, great bittern, gadwall, greater white-fronted goose, hen harrier, northern shoveler, Eurasian teal, little tern, marsh harrier)
- Minsmere-Walberswick Ramsar site (great bittern, gadwall, northern shoveler, Eurasian teal, bearded tit, avocet, marsh harrier)
- Stour and Orwell Estuaries SPA (dark-bellied brent goose, dunlin, grey plover, pintail, redshank, knot, waterbird assemblage)
- Stour and Orwell Estuaries Ramsar site (dark-bellied brent goose, dunlin, grey plover, pintail, redshank, knot)

The ExA was satisfied that, on the basis of the information provided in the Applicant's RIAA [REP8-004] and LBBG HRA Report [REP7-025] and during the Examination, an AEoI on the above sites and the listed qualifying features can be excluded [ER C 1.4.25].

Based on the information before him, and subject to the mitigation measures as secured in the final Order, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the qualifying features of the protected sites listed above.

The Applicant also excluded AEoI alone or in-combination for the following protected sites and respective qualifying features:

- Alde-Ore Ramsar site (qualifying plant and invertebrate features)
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA (black-tailed godwit)
- Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site (black-tailed godwit)
- Farne Islands SPA (guillemot and razorbill as part of the seabird assemblage feature)
- Flamborough and Filey Coast SPA (kittiwake, gannet, guillemot, razorbill)
- Hamford Water SPA (black-tailed godwit and avocet)
- Hamford Water Ramsar site (black-tailed godwit)
- Margate and Long Sands SAC (sandbanks which are slightly covered by seawater all the time)
- Orfordness – Shingle Street SAC (coastal lagoons, annual vegetation of drift lines, perennial vegetation of stony banks)
- Outer Thames Estuary SPA (red-throated diver)
- Southern North Sea SAC (harbour porpoise)
- Stour and Orwell Estuaries SPA (black-tailed godwit and avocet)
- Stour and Orwell Estuaries Ramsar site (black-tailed godwit)
- The Wash and Norfolk North Coast SAC (harbour seal)

However, the Applicant's conclusions of no AEoI in relation to these protected sites and their qualifying features were disputed by IPs and outstanding disagreements remained at the close of the Examination [ER C 1.4.27]. This HRA discusses each below, grouped thematically.

5.1 Alde-Ore Estuary Ramsar site and Orfordness – Shingle Street SAC

In the LBBG HRA Report [REP7-025], the Applicant assessed the potential for an AEoI of the Alde-Ore Estuary Ramsar site and Orfordness – Shingle Street SAC from the Project alone and in-combination with other plans and projects as a result of the following:

- Damage to qualifying interest habitats or the habitats of qualifying interest features, including topography, during fence installation, maintenance and removal, during the installation of a ditch crossing, and during the management of vegetation.
- Direct mortality of qualifying interest animals and plants during fence installation and removal, and during the installation of a ditch crossing, and during the management of vegetation
- Disturbance of qualifying interest birds due to the presence of workers during fence installation, maintenance and removal and during the installation of a ditch crossing, and when undertaking vegetation management
- Release of suspended solids and other pollution into waterways during fence installation, maintenance and removal, during the installation of a ditch crossing, and when undertaking vegetation management.
- Spread of invasive non-native species and pathogens by bringing these on to site on construction and maintenance machinery, materials, and on workers clothing
- Removal of grazing animals from the PCS, affecting vegetation composition.
- Increases in nutrients from bird faeces affecting vegetation composition and water quality.
- Changes in hydrology caused by fence lines across ditches.

The LBBG HRA Report [REP7-025] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with other plans and projects. The mitigation measures listed by the Applicant in Section 4.4. of the LBBG HRA Report include a construction method statement to prevent and reduce pollution during installation works, the removal of cut vegetation from the PCS to reduce potential additional nutrients arising from nesting LBBG, removal of debris from drainage channels and fence lines, and biosecurity checks and cleaning of all machinery, materials and equipment to be brought onto site.

At the close of the Examination, an outstanding disagreement remained between NE and the Applicant in relation to the undertaking of seasonally appropriate pre-construction surveys of the PCS to inform mitigation requirements [REP8A-053] (Point 19 – Principal Areas of Disagreement Summary Statement). In its RR, NE (J4 and J7 [PD-012]) advised that seasonally appropriate surveys should be carried out at Orford Ness prior to determination as the baseline surveys had not been at an optimal time. The Applicant undertook additional botanical surveys in August 2024 and terrestrial invertebrate surveys during August, September, and October 2024. These surveys were undertaken on land immediately adjacent to the PCS but not within it due to access restrictions [REP4-007]. NE ([PD4-007], [REP5-094], [REP7-110]), however, considered that the baseline remained incomplete and that a more detailed survey of land included within the PCS

not covered by the surveys already undertaken would be required ahead of any measures being implemented.

The Applicant [REP6-044] acknowledged the limitations of the survey data collected but argued that it was sufficient to conclude that, with mitigation, there would be no AEoI from the Project alone and in-combination with others plans and projects. Nevertheless, the Applicant revised the LIMP at Deadline 8A [REP8A-009] to include a commitment to seasonally appropriate surveys and subsequent review of the proposed mitigation measures, in consultation with NE.

As NE was unable to comment on the revised LIMP, on 11 July 2025 the Secretary of State invited NE to provide final comments on any outstanding HRA-related matters. On 8 August 2025, NE welcomed the Applicant's commitment to carry out seasonally appropriate surveys prior to installation of the PCS, to inform any mitigation measures necessary to avoid and reduce potential impacts to the protected sites. NE stated that if the commitment is appropriately secured in the DCO, then this would resolve their outstanding concerns raised in the Risk and Issues Log [REP8A-053]. On 21 August 2025, the Secretary of State invited NE to provide daft wording to secure within the DCO the commitment to carry out seasonally appropriate surveys prior to installation of the PCS. On 5 September 2025, NE provided draft wording to secure seasonally appropriate surveys. The Secretary of State has adopted an amended version of the draft wording provided by NE within Schedule 13 Part 1 to the Order.

Considering the information provided by the Applicant during the Examination, the ExA was satisfied that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the scarce plant and invertebrate features of the AOE Ramsar site and the habitat features of the Orfordness – Shingle Street SAC [ER C 1.4.41].

Based on the information before him and the amendment to Schedule 13 Part 1 to the Order, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of scarce plant and invertebrate features of the AOE Ramsar site and the habitat features of the Orfordness – Shingle Street SAC.

5.2 Hamford Water SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and Blackwater Estuary SPA and Ramsar site – Avocet and Black-Tailed Godwit

In the RIAA [REP8-004], the Applicant assessed the potential for an AEoI on the respective avocet and black-tailed godwit features of the Hamford Water SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and the Blackwater Estuary SPA and Ramsar site from the Project alone and in-combination with other plans and projects. The RIAA [REP8-004] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with others plans and projects.

At the close of the Examination, outstanding disagreements remained between NE and the Applicant [REP8A-053] (Point 14 and 15 in J – Onshore Ecology) relating to the following:

- Effects of habitat loss during construction on the avocet feature of Hamford Water SPA and Stour and Orwell Estuaries SPA.

- Operational noise and visual disturbance impacts to the black-tailed godwit feature of the Hamford Water SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and the Blackwater Estuary SPA and Ramsar site.

5.2.1 Avocet

In relation to avocets, the Applicant [REP8-004] [REP8A-017] proposed the implementation of disturbance-free buffer zones around active nests to mitigate the effects of temporary habitat loss, as well as pre-construction surveys and oversight by an ecological clerk of works. The RIAA [REP8-004] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with others plans and projects to the avocet qualifying feature of the Hamford Water SPA and Stour and Orwell Estuaries SPA.

NE ([PD-012], [REP7-110], [REP8A-053]) requested further detail be provided on the intended methodology if the proposed disturbance-free buffer zones fail. The Applicant [REP8-036] stated that full detail of the measures in place to protect non-breeding birds at Holland Haven will be included, and expanded upon, the final Landscape and Ecological Management Plan associated with the landfall works once final details of the works are known, including their location and seasonal timings.

Noting the concern raised by NE, on 11 July 2025, the Secretary of State requested the Applicant revise the Outline Landscape and Ecological Management Plan ("oLEMP") [REP8A-017] to detail the actions that would be taken in the event that the proposed disturbance-free buffer zones around active nests of Schedule 1 bird species and other breeding bird species of conservation concern fail. On 8 August 2025, the Applicant provided a revised oLEMP which included a compliance assessment process (Section 10.4) to allow the ecological clerk of works to implement adaptive management in response to bird behaviour based on site activities. On 14 August 2025, the Secretary of State invited NE to confirm whether the amendments made by the Applicant to the oLEMP resolves their outstanding concern. On 5 September 2025, NE confirmed that the inclusion of Section 10.4 partly addresses the outstanding concern. NE stated that to fully resolve the concern the oLEMP should include a clearer commitment to implement further mitigation in the event that the buffers prove to be insufficient.

On 26 September 2025, the Secretary of State requested the Applicant revise the oLEMP to clearly detail a commitment to secure further mitigation in the event that the buffer zones for Schedule 1 bird species fail. On 10 October 2025, the Applicant provided a revised oLEMP which included a requirement that in the event that monitoring indicates that the buffer zones are unsuccessful in preventing disturbance, further mitigation would be implemented as determined by the ecological clerk of works.

Based on the information before him and the amended oLEMP, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the avocet feature of the Hamford Water SPA and Stour and Orwell Estuaries SPA.

5.2.2 Black-tailed godwit

In relation to black-tailed godwit, for scheduled maintenance the Applicant [REP8-004] proposed to mitigate noise and visual disturbance effects by scheduling it in weather above freezing and installing screening for any activity in the vicinity of the Holland Haven Marshes SSSI.

NE ([PD-012], [REP7-110], REP8A-053]) requested that the mitigation measures proposed for black-tailed godwit should also be implemented if unscheduled maintenance is required due to the potential for noise and visual disturbance. The Applicant [REP1-051] clarified that although it would not be possible to seasonally timetable unscheduled maintenance, mitigation such as screening of works is proposed to be implemented. Nevertheless, the Applicant revised the oLEMP at Deadline 8A [REP8A-017] to detail that where unplanned operational maintenance works are required, advice from an ecologist will be sought to determine if ecological impacts are possible and appropriate mitigation measures would be developed and agreed with relevant consultees prior to works taking place.

As NE was unable to comment on the revised oLEMP, on 11 July 2025 the Secretary of State invited NE to comment on whether the inclusion of paragraphs 10.2.5 and 10.2.6 in the revised oLEMP resolves its outstanding concern. On 25 July 2025, NE confirmed that the inclusion of paragraphs 10.2.5 and 10.2.6 will provide reassurance that any impacts on black-tailed godwit, likely to occur from unplanned maintenance, can be mitigated.

Considering the information provided by the Applicant during the Examination, the ExA was satisfied that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the respective avocet and black-tailed godwit features of the Hamford Water SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and the Blackwater Estuary SPA and Ramsar site. [ER C 1.4.47].

Based on the information before him and the amended oLEMP, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the black-tailed godwit feature of the Hamford Water SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and the Blackwater Estuary SPA and Ramsar site.

5.3 Flamborough and Filey Coast SPA – Kittiwake

In Section 11.4 and 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the kittiwake qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects as a result of collision mortality from the operation and maintenance of the Project.

The RIAA concluded that there would be no AEoI on the kittiwake qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects in relation to collision mortality.

In the RIAA (paragraph 11.4.207), the Applicant considered that the contribution from the Project to collision mortality of kittiwakes associated with the FFC SPA was 0.40 birds in the return migration bio-season and 0.43 birds in the post-breeding bio-season, equating to 0.82 birds throughout the entire non-breeding bio-season.

The Applicant noted that the latest in-combination totals for kittiwake collision mortality apportioned to the FFC SPA were those submitted at Deadline 8 of the examination for the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project, as advised by NE. The Applicant further explained that the values presented for the Sheringham Shoal and Dudgeon

Offshore Wind Farm Extension Project were updated for the Project and included additional values from the Green Volt OWF, West of Orkney OWF, Berwick Bank OWF, Outer Dowsing OWF, North Falls OWF, and Dogger Bank South OWF.

In the RIAA (paragraph 12.4.98), the Applicant concluded that the total collision mortality from projects in-combination for kittiwake apportioned to the FFC SPA (excluding projects where impacts have been compensated for) was 234.2 birds in the breeding season, 71.1 birds in the post-breeding migration bio-season, and 80.4 birds in the return migration bio-season. This gave an annual total of 385.3 birds.

The Applicant considered that the contribution from the Project of 0.82 birds per annum represents a small contribution to the in-combination total. The Applicant considered that the potential impacts on the population trends at the FFC SPA would not be distinguishable from natural fluctuations, and the impacts from offshore wind farms would be minimal compared to other ongoing pressures.

NE [PD2-005] disagreed with the Applicant's conclusion. NE stated that even prior to the Secretary of State's decision on the Hornsea 3 offshore windfarm, in-combination impacts had already reached a level where an AEoI could not be ruled out. NE considered that, in-combination with other projects, the contribution from the Project furthers the already present adverse effect. NE therefore maintained that an in-combination AEoI could not be excluded for the FFC SPA in relation to the kittiwake feature. NE's Risk and Issues Log [REP8A-053] shows the status of the matter as unresolved and that NE maintains its position that an AEoI cannot be ruled out for the Project in-combination with other plans and projects.

The ExA agreed with NE that it is not possible to exclude an AEoI from the in-combination collision risk for kittiwake. The ExA noted that the Project would make an additional contribution to the combined total impact to the FFC SPA kittiwake population, already considered by the Secretary of State as an AEoI to the SPA for other recently consented offshore wind farms [ER C 1.4.60].

Based on the information before him, the Secretary of State agrees that an AEoI on the kittiwake feature of the FFC SPA from collision mortality can be excluded from the Project alone. However, the Secretary of State agrees with NE and the ExA that an AEoI on the kittiwake feature of the FFC SPA from the Project, in-combination with other plans or projects, cannot be ruled out beyond reasonable scientific doubt. Whilst the Secretary of State recognises the individual contribution of the Project to the overall in-combination is modest, the current overall in-combination impact from the Project with other plans and projects is already over the threshold considered to be an AEoI on the kittiwake feature of the FFC SPA, which the effects from the Project will contribute to.

5.4 Flamborough and Filey Coast SPA – Guillemot

In Section 11.4 and Section 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the guillemot qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects as a result of disturbance/displacement during the non-breeding season from the operation and maintenance of the Project.

The RIAA concluded that there would be no AEoI on the guillemot qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects in relation to disturbance/displacement.

5.4.1 Project alone

Under the Applicant's preferred approach of a 50% displacement rate, and 1% mortality rate, the Applicant considered that the disturbance/displacement mortality from the Project of guillemot associated with the FFC SPA was 0.82 birds per annum in the non-breeding bio-season. The Applicant considered that this would increase the baseline mortality by 0.016%. The Applicant concluded that this level of effect would not be considered to be significant and deemed the level of change as one that would not be detectable to the overall annual baseline natural mortality rate for the species, and therefore an AEoI from the Project alone can be excluded.

While NE [REP8A-051] considered a 70% displacement rate and 2% mortality rate more appropriate, NE agreed with the Applicant's conclusion of no AEoI from the Project alone.

The ExA was also satisfied that an AEoI from disturbance/displacement mortality from the Project alone to the guillemot feature of the FFC SPA could be excluded [ER C 1.4.73].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI on the guillemot feature of the FFC SPA from disturbance/displacement mortality can be excluded from the Project alone.

5.4.2 Project in-combination

For the assessment of AEoI in-combination with other plans and projects, under the Applicant's preferred approach of a 50% displacement rate and 1% mortality rate, the Applicant considered that the total disturbance/displacement mortality from all projects in-combination for guillemot apportioned to the FFC SPA was 564.2 birds. Based on the recent 2022 population count for guillemot, the addition of 564.2 mortalities equates to a 6.2% increase in baseline mortality. The Population Viability Analysis ("PVA") predicts that this would result in an annual reduction in population growth rate of 0.4% and a counterfactual population size of 0.841.

The Applicant noted that the latest in-combination totals for guillemot displacement apportioned to the FFC SPA were those submitted at Deadline 8 of the examination for the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project. The Applicant further explained that the values presented for the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project were updated for the Project and included additional values from the Green Volt OWF, West of Orkney OWF, Berwick Bank OWF, Outer Dowsing OWF, North Falls OWF, and Dogger Bank South OWF.

The Applicant concluded that due to the favourable condition of the colony, as demonstrated by the growth rate from both historic colony counts, there is a strong resilience to any potential displacement effect and that the modelled PVA outputs fall within the natural variation of population growth, and therefore an AEoI from the Project in-combination can be excluded.

NE [PD2-005] disagreed with the Applicant's conclusion. NE stated that in-combination effects on the FFC SPA population of guillemot are already at a level where an AEoI could not be ruled

out. NE considered that, in-combination with other projects, the contribution from the Project furthers the already present adverse effect.

The Applicant presented NE's preferred approach which concluded that based upon a 70% displacement rate and 2% mortality rate. NE [PD2-005] [REP8A-051] considered that the total disturbance/displacement mortality from all projects in-combination for guillemot apportioned to the FFC SPA was 1,580 birds. The PVA predicts that this would result in an annual reduction in population growth rate of 1.2%.

NE [PD2-005] also considered that the Applicant gave a misleading outline of the status and recent population trends of guillemot. NE highlighted the recent 2023 Seabird Count (Burnell et al. 2023[10]) which showed that UK guillemot numbers have declined 8% since the last population count in 2000, with notably population decreases in the north. NE therefore considered that the future population growth rates at the FFC SPA could not sustain the predicted level of mortality and consequently concluded that it is not possible to rule out an AEoI from disturbance/displacement mortality from the Project, in-combination with other plans and projects, of the guillemot feature of the FFC SPA. NE's Risk and Issues Log [REP8A-053] shows the status of the matter as unresolved and that NE maintains its position that an AEoI cannot be ruled out for the Project in-combination with other plans and projects.

The ExA agreed with NE that it is not possible to exclude an AEoI from the in-combination disturbance/displacement for guillemot. The ExA noted that the Project would make an additional contribution to the combined total impact to the FFC SPA guillemot population, already considered by the Secretary of State as an AEoI to the SPA for other recently consented offshore wind farms [ER C 1.4.82].

As adopted in decisions on previous offshore wind farms, the Secretary of State considers that values of displacement and mortality for the assessment of displacement impacts on guillemot of 70% and 2% are, at the current time and based on current evidence, suitably precautionary for an assessment to be made. The Secretary of State, however, notes that this does not preclude him from accepting alternative parameters in future decisions.

Based on the information before him, the Secretary of State agrees with NE and the ExA that an AEoI on the guillemot feature of the FFC SPA from the Project, in-combination with other plans or projects, cannot be ruled out beyond reasonable scientific doubt. Whilst the Secretary of State recognises the individual contribution of the Project to the overall in-combination is modest, the current overall in-combination impact from the Project with other plans and projects is already over the threshold considered to be an AEoI on the guillemot feature of the FFC SPA, which the effects from the Project will contribute to.

5.5 Flamborough and Filey Coast SPA – Razorbill

In Sections 11.4 and 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the razorbill qualifying feature of the FFC SPA from the Project alone and in-combination

[10] https://jncc.gov.uk/our-work/seabirds-count/

with other plans and projects as a result of disturbance/displacement from the construction and operational phases of the Project.

The RIAA concluded that there would be no AEoI on the razorbill qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects in relation to disturbance and displacement during construction and decommissioning. No IPs disputed this conclusion, either alone or in-combination with other plans and projects [ER C 1.4.64 & ER C 1.4.66]. The ExA (using either the Applicant's or NE's preferred methodology) was satisfied that there would be no AEoI on the razorbill qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects in relation to disturbance and displacement during construction and decommissioning. Based on the information before him, and the views of NE and the ExA, the Secretary of State sees no reason to dispute this conclusion and agrees that an AEoI from disturbance and displacement during construction and decommissioning on the razorbill feature of the FFC SPA can be excluded from the Project alone and in-combination with other plans and projects.

5.5.1 Project alone

In relation to disturbance and displacement during operation and maintenance, under the Applicant's preferred approach of a 50% displacement rate and 1% mortality rate, the Applicant considered that the disturbance/displacement mortality from the Project of razorbill associated with the FFC SPA was 0.22 birds per annum. The Applicant considered that this would increase the baseline mortality by 0.010% relative to the citation population. The Applicant concluded that this level of effect would not be considered to be significant and deemed the level of change as one that would not be detectable to the overall annual baseline natural mortality rate for the species, and therefore no AEoI from the Project alone.

While NE [REP8A-051] considered a 70% displacement rate and 2% mortality rate (equating to 0.63 birds per annum) more appropriate, NE agreed with the Applicant's conclusion of no AEoI from the Project alone.

The ExA was satisfied (using either the Applicant's or NE's preferred methodology) that an AEoI on the razorbill feature of the FFC SPA from disturbance/displacement mortality during the operational phase can be excluded from the Project alone [ER C 1.4.73].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI on the razorbill feature of the FFC SPA from disturbance/displacement mortality during the operational phase can be excluded from the Project alone.

5.5.2 Project in-combination

In relation to disturbance and displacement during operation and maintenance, under the Applicant's preferred approach of a 50% displacement rate and 1% mortality rate, the Applicant considered that the total disturbance/displacement mortality from all projects in-combination for razorbill apportioned to the FFC SPA was 128.78 birds per annum. The Applicant considered that this would increase the baseline mortality by 5.8% relative to the citation population. The PVA predicts that this would result in an annual reduction in the population growth rate of 0.2%.

The Applicant concluded that due to the favourable condition of the colony, as demonstrated by the increasing growth rate from recent colony counts, there is a strong resilience to any potential

displacement effect and that the modelled PVA outputs fall within the natural variation of population growth, and therefore an AEoI from the Project in-combination can be excluded.

NE [PD2-005] disagreed with the Applicant's conclusion. NE stated that impacts had already reached a level where an AEoI could not be ruled out. NE considered that, in-combination with other plans and projects, the contribution from the Project furthers the already present adverse effect.

The Applicant presented NE's preferred approach which concluded that the total disturbance/displacement mortality from all projects in-combination for razorbill apportioned to the FFC SPA was 360.57 birds per annum. The PVA predicts that this would result in an annual reduction in the population growth rate of 0.67%.

NE's Risk and Issues Log [REP8A-053] shows the status of the matter as unresolved and that NE maintains its position that an AEoI cannot be ruled out for the Project in-combination with other plans and projects.

The ExA agreed with NE that an AEoI on the razorbill feature of the FFC SPA from disturbance/displacement mortality during the operational phase cannot be excluded from the Project in-combination with others plans and projects. The ExA noted that the Project would make an additional contribution to the combined total impact to the FFC SPA razorbill population [ER C 1.4.82].

As adopted in previous decisions on consented offshore wind farms, the Secretary of State considers that the values for displacement and mortality used in assessing displacement impacts on razorbill – 70% and 2%, respectively - are, at the current time and based on current evidence, suitably precautionary for such an assessment. The Secretary of State, however, notes that this does not preclude the acceptance of alternative parameters in future decisions.

While the Secretary of State acknowledges the conclusion of NE and the ExA that the in-combination impacts on the FFC SPA razorbill population have reached a level where an AEoI cannot be ruled out, he notes that no substantive evidence has been presented by NE to support this conclusion. Rather, the Secretary of State notes the consistent positive population growth rate from both historic and recent colony counts[11] (average of 6% annually), the positive condition of the colony, and the recent 2023 Seabird Count (Burnell *et al.* 2023[12]) which showed UK-wide razorbill numbers have increased by 18% since the last population count in 2000. The Secretary of State also notes that, based upon a 70% displacement rate and 2% mortality rate, the annual reduction in population growth rate would equate to 0.67% (a highly precautionary estimate), which would not fall outside natural fluctuations or reverse the observed growth rates of the population.

The Secretary of State acknowledges the uncertainty surrounding the adverse impact of future climatic and anthropogenic pressures on UK seabird populations but considers that concluding AEoI solely on this basis, and without substantive evidence, would be unreasonable. Similarly, there remains uncertainty surrounding the future beneficial impact of the removal of

[11] https://yorkshiremarinenaturepartnership.org.uk/manage/marine-protected-areas/flamborough-and-filey-coast-spa/seabird-monitoring-programme/

[12] https://jncc.gov.uk/our-work/seabirds-count/

anthropogenic pressures, namely the 2024 ban on commercial sandeel fishing in the UK waters of the North Sea. Such uncertain and unquantified future impacts on population growth rates are noted by the Secretary of State, but as no substantive evidence has been provided in relation to the razorbill population in question, the Secretary of State does not consider that the level of in-combination disturbance/displacement mortality currently predicted would hinder the achievement of the conservation objectives and targets presented in the SACOs for the razorbill feature of the FFC SPA.

The Secretary of State, therefore, disagrees with NE and the ExA and concludes that an AEoI on the razorbill feature of the FFC SPA from the Project, in-combination with other plans or projects, can be ruled out beyond reasonable scientific doubt. The Secretary of State notes that this is consistent with his conclusions on other recently consented offshore wind farms. In doing so, however, he notes that this decision does not preclude him from adopting an alternative conclusion in future decisions should new evidence arise.

For the avoidance of doubt, the Secretary of State acknowledges the decision reached by the Scottish Government in the Berwick Bank Offshore Wind Farm in relation to the razorbill feature of the FFC SPA. However, he notes that this decision was reached based upon different assessment parameters to those he considers appropriate for the purposes of this particular HRA.

5.6 Flamborough and Filey Coast SPA – Gannet

In Section 11.4 and 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the gannet qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects as a result of disturbance/displacement and collision mortality. The RIAA concluded that there would be no AEoI on the gannet qualifying feature of the FFC SPA from the Project alone and in-combination with other plans and projects.

By the close of the Examination, the Applicant and NE [REP7-110] agreed on the conclusion of no AEoI from the Project alone and in-combination.

However, by the close of the Examination there was an outstanding disagreement between the Applicant and the RSPB in relation to the application of additional macro-avoidance to predicted gannet collision mortalities. The RSPB [REP5-067] disagreed with the Applicant's approach in applying macro-avoidance, and considered that an AEoI cannot be excluded, alone or in-combination. However, the RSPB recognised that the Applicant had followed NE advice on this matter and notes that SNCBs do not have a common position on the issue.

The ExA, based on the submissions from the Applicant and NE, was satisfied that an AEoI from disturbance/displacement and collision mortality from the Project alone and in-combination to the gannet feature of the FFC SPA can be excluded [ER C 1.4.87].

Based on the information before him, and the views of NE and the ExA, the Secretary of State considers that the Applicant has followed NE guidance and agrees that an AEoI on the gannet feature of the FFC SPA from can be excluded from the Project alone and in-combination with other plans and projects.

5.7 Farne Islands SPA - Guillemot

In Sections 11.4 and 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the guillemot qualifying feature of the Farne Islands SPA from the Project alone and in-combination with other plans and projects as a result of disturbance/displacement from the construction and operational phases of the Project.

The RIAA concluded that there would be no AEoI on the guillemot qualifying feature of the Farne Islands SPA from the Project alone and in-combination with other plans and projects in relation to disturbance and displacement during construction and decommissioning. No IPs disputed this conclusion, either alone or in-combination with other plans and projects [ER C 1.4.94 & ER C 1.4.98]. The ExA was satisfied that there would be no AEoI on the guillemot qualifying feature of the Farne Islands SPA from the Project alone and in-combination with other plans and projects in relation to disturbance and displacement during construction and decommissioning. Based on the information before him, and the views of NE and the ExA, the Secretary of State sees no reason to dispute this conclusion and agrees that an AEoI from disturbance and displacement during construction and decommissioning on the guillemot feature of the Farne Islands SPA can be excluded from the Project alone and in-combination with other plans and projects.

5.7.1 Project alone

In relation to disturbance and displacement during operation and maintenance, under the Applicant's preferred approach of a 50% displacement rate and 1% mortality rate, the Applicant considered that the disturbance/displacement mortality from the Project of guillemot associated with the Farne Islands SPA was 0.69 birds per annum. The Applicant considered that this would increase the baseline mortality by 0.017% relative to the citation population. The Applicant concluded that this level of effect would not be considered to be significant and deemed the level of change as one that would not be detectable to the overall annual baseline natural mortality rate for the species, and therefore no AEoI from the Project alone.

While NE [REP7-110] considered a 70% displacement rate and 2% mortality rate (equating to 2 birds per annum) more appropriate, NE agreed with the Applicant's conclusion of no AEoI from the Project alone.

The ExA was satisfied (using either the Applicant's or NE's preferred methodology) that an AEoI on the guillemot feature of the Farne Islands SPA from disturbance/displacement mortality during the operational phase can be excluded from the Project alone [ER C 1.4.103].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI on the guillemot feature of the Farne Islands SPA from disturbance/displacement mortality during the operational phase can be excluded from the Project alone.

5.7.2 Project in-combination

Table 12.9 of the RIAA [REP8-004] states that in-combination operation and maintenance phase effects to the guillemot feature of the Farne Islands SPA were not assessed as the assessment alone concluded a potential for a trivial and inconsequential level of effect, which would provide no material contribution to the in-combination effect at the protected site.

NE [PD2-005] [REP7-110] disputed this conclusion and argued that the predicted contribution of the Project to the in-combination effect, whilst small at approximately 2 birds (based on a 70% displacement rate and 2% mortality rate), warrants further considerations, particularly given that NE has advised that an AEoI cannot be ruled out. NE considered that the Applicant should therefore include the Farne Islands SPA guillemot population within the scope of its compensatory proposals.

The Applicant revised the Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012] to include impacts to the Farne Islands SPA and the corresponding additional breeding pairs necessary.

NE's Risk and Issues Log [REP8A-053] shows that NE maintains its position that an AEoI cannot be ruled out for the Project in-combination with other plans and projects.

The ExA agreed with NE that an AEoI on the guillemot feature of the Farne Islands SPA from disturbance/displacement mortality during the operational phase cannot be excluded from the Project in-combination with others plans and projects. The ExA noted that it has not seen sufficient robust evidence that would bring into doubt the position of NE [ER C 1.4.108].

Based on the information before him, the Secretary of State agrees with NE and the ExA that an AEoI on the guillemot feature of the Farne Islands SPA from the Project, in-combination with other plans or projects, cannot be ruled out beyond reasonable scientific doubt. Whilst the Secretary of State recognises the individual contribution of the Project to the overall in-combination is modest, the current overall in-combination impact from the Project with other plans and projects is already over the threshold considered to be an AEoI on the guillemot feature of the Farne Islands SPA, which the effects from the Project will contribute to. The Secretary of State notes that this is consistent with his conclusions on other recently consented offshore wind farms.

5.8 Farne Islands SPA – Razorbill

In Section 11.4 and 12.4 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the razorbill qualifying feature of the Farne Islands SPA from the Project alone and in-combination with other plans and projects as a result of disturbance/displacement. The RIAA concluded that there would be no AEoI on the razorbill qualifying feature of the Farne Islands SPA from the Project alone and in-combination with other plans and projects.

By the close of the Examination, the Applicant and NE [REP5-096] [REP7-110] agreed on the conclusion of no AEoI from the Project alone and in-combination.

The ExA, based on the submissions from the Applicant and NE, was satisfied that an AEoI from disturbance/displacement from the Project alone and in-combination to the razorbill feature of the Farne Islands SPA can be excluded [ER C 1.4.95, ER C 1.4.98, ER C 1.4.103, & ER 1.4.107].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI from the Project alone and in-combination with other plans and projects.on the razorbill feature of the Farne Islands SPA can be excluded.

5.9 Outer Thames Estuary SPA – Red-Throated Diver

In the RIAA [REP8-004], the Applicant assessed the potential for an AEoI on the red-throated diver feature of the Outer Thames Estuary SPA ("OTE SPA") from disturbance and displacement as a result of the Project alone and in-combination with other plans and projects. The RIAA [REP8-004] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with others plans and projects.

At the close of the Examination, outstanding disagreements remained between NE and the Applicant [REP8A-053] (Point 7 in C – Offshore Ornithology). NE advised that, in order to rule out an AEoI on the red-throated diver feature, all vessel activity associated with the construction and decommissioning of the OfECC within a 2km buffer of the OTE SPA must be undertaken outside the seasonal restricted period (between 1st November and 31st March (inclusive)).

At Deadline 8A, the Applicant updated the Working in Proximity to Wildlife in the Marine Environment outline plan [REP8A-013] to include a modified bespoke buffer zone, a commitment to working in only one deep water route at any time to reduce the area of disturbance at any one time, carry out work in vessel clusters, working over a duration of three months within the restricted season, and carrying out the work outside of the restricted season where feasible.

As NE was unable to comment on the revised plan, on 11 July 2025 the Secretary of State invited NE to provide any comments on the modified 2km buffer zone around the OTE SPA, and the additional mitigation proposed by the Applicant.

On 25 July 2025, NE responded and confirmed that they are in ongoing dialogue with the Applicant on the matter and are working to find a working solution to resolve the outstanding concerns. NE also confirmed that work to lay cables within the SPA and its 2km buffer in the stretch west of the Trinity Deep Water Route ("DWR") and across the Sunk DWR would be of principal concern and therefore needed the most judicious mitigation possible.

NE suggested that one way to resolve the outstanding concern would be to only impose the seasonal restriction within the cable corridor west of the Trinity DWR (and apply vessel best practice elsewhere), thereby minimising disturbance to RTD not only where the ECC crosses the SPA directly but also in the higher diver density zones around the DWR routes where the ECC passes within 2km of the SPA boundary. However, NE were unclear how disruptive to operations this would be and the feasibility of installing the stretch of cable west of the Trinity DWR to shore entirely outside of the seasonally restricted period.

On 21 August 2025, the Secretary of State requested the Applicant to provide further programme-level detail to support its statements in relation to operational constraints from the imposition of seasonal restrictions in the 2km buffer within the cable corridor west of the Trinity DWR. The Secretary of State also invited NE to comment on the Applicant's overarching position.

On 5 September 2025, NE responded and reiterated that the main point of concern is for red-throated divers inside the SPA boundaries, and not inside the buffer zone. NE emphasised that the buffer zone is in place to protect red-throated divers inside the SPA and therefore their concern is not for the effects of vessel activity on the red-throated diver inside the buffer zone (which NE agreed are few in number), but the effects on the red-throated diver inside the

adjacent SPA. NE noted that the buffer zone represents the range over which disturbance events outside the SPA could negatively impacts red-throated divers inside the SPA.

NE acknowledged the high levels of vessel traffic to the north of the central section of the SPA and its likely impacts on current red-throated diver distribution. However, NE considered that the additional activity from cable laying and associated activities could materially alter the level of disturbance pressure in that vicinity. NE emphasised that it needs to be confident that any potentially disturbing activity within the 2km buffer does not result in any further erosion of habitat availability at the edge of the SPA boundary, causing or exacerbating any re-distribution of red-throated divers. NE also re-iterated that, if feasible, prioritising all cable laying activity within the SPA 2km buffer west of the DWR to shore outside the seasonally restricted period, once scheduling is possible, is the most robust way to avoid an AEoI. However, NE acknowledged that the complex work involved in laying cables across the two DWRs precludes any restriction on the work schedule within the 2km buffer until the logistical challenges become clearer and the potential for disruption is better understood. Consequently, NE advised that the DCO/dML be amended to require the Applicant to submit a Red-Throated Diver Deep Water Route Mitigation Strategy detailing these constraints once they are known and bringing forward the most robust set of mitigation options available in light of them.

The Applicant also responded on 5 September 2025. The Applicant stated that in order to allow the cable to be at a depth that satisfies the commitment to allow future dredging for the relevant ports, the depth must be two to three times greater than export cables are typically installed at. The Applicant considered that the methodology to achieve this in the challenging hydro-sedimentary regime at the site will be a complex process and the exact methodology (and therefore associated construction programme) is unknown at this time. The Applicant also stated that whilst detailed design and programming is not yet available, it is anticipated that a seasonal restriction could increase the overall cable installation programme by approximately a year. In summary, the Applicant stated that the timing of the works within the DWRs and the overall cable laying programme must be carefully coordinated to ensure it is as efficient and safe as possible, and in order to achieve this flexibility the project should be allowed to undertake seabed preparation activities within the DWR during the over-winter period.

On 15 October 2025, the Secretary of State invited all IPs to comment on the responses provided to his previous information requests. On 14 November 2025, the Applicant welcomed the suggestion from NE of a Red-Throated Diver DWR Mitigation Strategy in the place of a seasonal restriction on cable laying activities. Following more detailed planning of the cable installation in the DWR, the Applicant agrees that this is a pragmatic solution and that the strategy will be developed in consultation with NE prior to submission to the MMO.

The Secretary of State notes the agreement of NE and the Applicant for the DCO/dML to be amended to require the Applicant to submit a Red-Throated Diver Deep Water Route Mitigation Strategy detailing the constraints once they are known and bringing forward the most robust set of mitigation options. The Secretary of State has, therefore, amended condition 22(1)(d)(v) of Schedule 11 to the Order to secure that the laying of electrical export cables within, and in a 2km proximity to, the OTE SPA is prohibited between 1 November – 31 March (inclusive) in any year unless otherwise agreed in writing by the MMO in consultation with NE following the submission by the Applicant of a Red-Throated Diver Deep Water Route Mitigation Strategy. This ensures appropriate mitigation will be agreed between the Applicant, the MMO, and NE to reduce the level of disturbance and displacement generated from vessel activity to the red-throated diver

feature of the OTE SPA, while accommodating flexibility in the installation schedule given the complexity of the site.

Considering the information provided by the Applicant during the Examination and the proposed mitigation measures, the ExA was satisfied that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the red-throated diver feature of the Outer Thames Estuary SPA [ER C 1.4.121 – C 1.4.123].

Based on the information before him and the amended Order, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the red-throated diver feature of the Outer Thames Estuary SPA.

5.10 Margate and Long Sands SAC – Sandbanks which are slightly covered by seawater all the time

In Sections 11.2 and 12.2 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI on the sandbanks which are slightly covered by seawater all the time qualifying feature of the Margate and Long Sands SAC ("MLS SAC") from the following impacts pathways during construction, operation and decommissioning:

- Physical habitat loss or disturbance
- Suspended sediment or deposition
- Invasive non-native species
- Electro-magnetic fields (operation only)
- Changes to physical processes (operation only)
- Accidental pollution

The RIAA [REP8-004] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with others plans and projects.

Considering the information provided by the Applicant during the Examination, the advice of NE, and the amendment to Condition 13(1) of the recommended DCO ("rDCO") (as discussed below) the ExA was satisfied that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the sandbanks which are slightly covered by seawater all the time qualifying feature of the MLS SAC from all LSE pathways, except for physical habitat loss or disturbance during operation [ER C 1.4.238].

In relation to the amendment to Condition 13(1) of the rDCO, NE maintained [REP7-110] [REP8A-053] at the close of the Examination that an updated MLS SAC Benthic Mitigation Plan should be submitted for approval following completion of pre-construction surveys based on bespoke design details prior to works commencing to ensure that the mitigation would be effective. NE [REP8-052] suggested that the ExA may wish to consider a change to the dML condition to require final approval of the plan from the MMO in consultation with NE. The ExA noted that there were outstanding issues at the close of the Examination and that NE advised for some issues that if mitigation was not effective there was a risk of the relevant conservation objectives being hindered. The ExA also noted that further baseline data and design iteration are also required to finalise the cable routeing to minimise impacts to the MLS SAC, as well as

the development of detail relating to other mitigation proposals. As such, the ExA agreed that the MLS SAC Benthic Mitigation Plan should not be considered final and should be amended to require submission and approval of a final version that is substantially in accordance with the current version, following consultation with the MMO and the relevant SNCB. The ExA incorporated this condition into the rDCO at Condition 13(1).

Based on the information before him, the advice of NE and the ExA, and the amended rDCO the Secretary of State agrees that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the sandbanks which are slightly covered by seawater all the time qualifying feature of the MLS SAC from all LSE pathways, except for physical habitat loss or disturbance during operation.

In relation to physical habitat loss or disturbance during operation, the Applicant [REP8-004] assessed the potential for foundations and associated scour protection, cable protection at cable crossings, and where cable burial is not possible, to lead to a change from sedimentary habitat to hard substrate and a permanent habitat loss. The assessment was based on no more than 5,400 sq.m of cable protection in the MLS SAC (0.0008% of the total SAC area). The Applicant concluded that this area of the MLS SAC would undergo a permanent habitat change during the operational and maintenance phase of the Project but that there would be no AEoI during operation based on the loss being small in comparison to the total area of the SAC and the capacity of the features to recover.

NE ([PD2-007] [REP4-061] [REP5-096] disputed the Applicant's conclusion of no AEoI to the MLS SAC and noted that the Secretary of State's decisions for Hornsea Project 3, Norfolk Boreas, Norfolk Vanguard, and Sheringham and Dudgeon Extension Projects offshore wind farms determined that placement of cable protection would have a lasting impact over the lifetime of the Project, which could extend beyond its operational lifetime due to limitations in the ability to remove cable protection. NE also referred to the Secretary of State's decision for the Sheringham and Dudgeon Extension Projects offshore wind farms, noting that in that case measures of equivalent environmental benefit ("MEEB") were required to compensate for a volume (1,800 sq.m) of cable protection (proposed at the Cromer Shoal Chalk Beds Marine Conservation Zone) that is less than that proposed at the MLS SAC.

The Applicant [REP4-039] stated further that the most analogous example to the Project would be the Triton Knoll Electrical System DCO, for which the offshore electricity export cable was in part routed through the Inner Dowsing, Race Bank and North Ridge SAC sandbank feature (noting that the SAC was a Site of Community Importance ("SCI") at the time of the DCO's making). The Applicant noted that the Triton Knoll cable extended into the SCI and it was concluded over 0.01% of the sandbank feature would be impacted by the potential use of cable protection. The Applicant noted that the recommendation was that an AEoI could be excluded from the Project alone and in-combination, having regard to the mitigation and monitoring measures secured.

In response, NE [REP7-110] emphasised that Triton Knoll was not comparable to the Project for several reasons, including:

- The knowledge and understanding of impacts from cable protection placement has evolved significantly based on evidence from monitoring. As such, NE no longer advises that the structure, function, and extent of benthic qualifying features can be maintained where cable protection is placed within a designated site.

- The Inner Dowsing, Race Bank and North Ridge SAC was not designated until 2017 and conservation advice packages were not available to inform decision-making at the time.

NE [REP7-110] noted that the advice of Triton Knoll would have been different if it was being consented now, with its advice being more likely to follow that provided for the Sheringham and Dudgeon Extension Projects offshore wind farms.

At the close of the Examination, the Applicant [REP5-074] [REP8-004] maintained that the amount of cable protection within the MLS SAC would not constitute an AEoI. Whereas NE's Risk and Issues Log [REP8A-053] showed that NE maintains its position that an AEoI cannot be ruled out for the Project, if cable protection is used.

The ExA agreed that the habitat loss or alteration arising from placement of cable protection in the MLS SAC represents a small area of the total SAC at 0.0008%. The ExA also acknowledged the Applicant's commitment to mitigation measures, including the use of a burial hierarchy with a view to avoiding the need for cable protection in the MLS SAC [ER C 1.4.172].

However, the ExA noted that the dDCO would allow for up to 5,400 sq.m of cable protection to be placed in the MLS SAC and that the RIAA [REP8-004] concludes that this could result in permanent habitat loss or change to hard substrate during the operational and maintenance phase of the Project. Based on NE's advice that cable protection could prevent the structure, function, and extent of the sandbank qualifying feature being maintained, and in light of the qualifying feature being in unfavourable declining status, and with a conservation objective to restore the extent and distribution of the qualifying natural habitats, the ExA was not persuaded by the Applicant's position that because the loss would be small in scale it would not result in an AEoI and would not undermine the conservation objectives of the MLS SAC [ER C 1.4.173]. In reaching such finding, the ExA noted it was mindful of the Secretary of State's conclusion in the Sheringham and Dudgeon Extension Projects offshore wind farms and NE's advice that Triton Knoll is not an appropriate comparison to the Project.

As such, the ExA agreed with NE that an AEoI on the sandbanks which are slightly covered by seawater all the time qualifying feature of the MLS SAC from physical habitat loss or disturbance cannot be excluded from the Project alone during operation [ER C 1.4.173].

For the same reasons are set out above in relation to the Project alone, NE (PD2-007] [REP4-061] [REP5-096]) and the ExA concluded that an AEoI on the sandbanks which are slightly covered by seawater all the time qualifying feature of the MLS SAC from physical habitat loss or disturbance cannot be excluded from the Project in-combination with others plans and projects during operation [ER C 1.4.176]. The ExA considered that the scale of impact would be no greater than for the Project alone, based on evidence in the RIAA [REP8-004] that other projects would not add to the habitat loss of 5,400sq.m.

Based on the information before him, the Secretary of State agrees with NE and the ExA that the area of potential physical habitat loss or disturbance during operation would be 5,400 sq.m as a result of the maximum 5,400sq.m of cable protection in the MLS SAC, as allowed by the Order. He also agrees that an AEoI on the sandbanks which are slightly covered by seawater all the time qualifying feature of the MLS SAC from the Project, alone and in-combination with other plans or projects during operation, cannot be ruled out beyond reasonable scientific doubt as a result of physical habitat loss or disturbance.

5.11 Southern North Sea SAC – Harbour Porpoise

In Sections 11.3 and 12.3 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI on the harbour porpoise qualifying feature of the Southern North Sea SAC ("SNS SAC") from the following:

- Underwater noise, including barrier effects (construction and decommissioning)
- Collision risk (construction, operation and decommissioning)
- Physical habitat loss or disturbance (construction, operation and decommissioning)
- Accidental pollution and changes in water quality (construction and decommissioning)
- Changes to prey (construction, operation and decommissioning)

The RIAA [REP8-004] concluded that, with the application of mitigation measures, there would be no AEoI from the Project alone and in-combination with others plans and projects.

At the close of the Examination, an outstanding disagreement remained between NE and the Applicant [REP8A-053] in relation to underwater noise disturbance during construction. This was due to concerns over the Applicant's modelling and the lack of commitment to mitigation that would reduce underwater noise at the source. NE ([RR-061], [PD2-010], [REP7-016], [REP8A-053]) did not agree with the Applicant's conclusions of no AEoI from underwater noise disturbance during construction from the Project, in-combination with other plans and projects. However, NE did not dispute the Applicant's conclusion of no AEoI from the other listed LSE pathways.

The ExA, based on the submissions from the Applicant and NE, was satisfied that an AEoI from all LSE pathways assessed (other than the in-combination effects of underwater noise during construction) from the Project alone and in-combination to the harbour porpoise feature of the SNS SAC can be excluded [ER C 1.4.258].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI from all LSE pathways assessed (other than the in-combination effects of underwater noise during construction) from the Project alone and in-combination to the harbour porpoise feature of the SNS SAC can be excluded.

In relation to the concern over the Applicant's modelling for the in-combination assessment, NE [PD2-010] initially raised a query regarding whether seismic surveys had been included in the in-combination assessment. The Applicant updated the RIAA [REP1-016] to confirm seismic surveys were included and assigned as tier 7. However, at the close of the Examination, NE's Risk and Issues Log [REP8A-053] (Point 18 in H – Marine Mammals) shows the status of the matter as unresolved. NE states that it is still not clear if seismic surveys have been included in the in-combination assessment due to the contradicting text throughout the RIAA.

In his first information request on 11 July 2025 the Secretary of State requested that the Applicant revise the RIAA [REP8-004] to clarify whether seismic surveys have been assigned to Tier 6 or 7 in the in-combination assessment, as he notes differing tiers are provided in Table 9.6 and Table 12.2. The Secretary of State also requested that the Applicant clarify within the RIAA whether the in-combination assessment draws on the cumulative effects assessment (which includes seismic surveys), as presented in paragraphs 7.13.19 – 7.13.21 and Tables 7.43, 7.44, 7.47, and 7.50 of ES 6.2.7 Marine Mammal Ecology [APP-076].

On 8 August 2025, the Applicant confirmed that that seismic surveys are considered as Tier 7 for the purpose of the in-combination assessment undertaken in the RIAA and provided a revised RIAA with Table 12.2 corrected to reflect this. The Applicant also clarified that seismic surveys have not been included in the in-combination assessment of the SNS SAC as there is no information on spatial or temporal overlap of these hypothetical surveys with the SNS SAC. The Applicant considered that it is not appropriate to make up overlap as this would not be based on any real information and that the addition of seismic surveys would not make a material difference to the conclusions presented in the RIAA.

On 21 August 2025, the Secretary of State invited NE to confirm whether the amendments made by the Applicant to the RIAA and the clarification in relation to the in-combination assessment resolves the outstanding concern raised in the Risk and Issues Log [REP8A-053] (Point 18 in H – Marine Mammals). On 5 September 2025, NE noted the changes made in the RIAA and the Applicant's clarification and confirmed that the outstanding concern is resolved.

In relation to the concern over the lack of commitment to mitigation that would reduce underwater noise at the source, NE's Risk and Issues Log [REP8A-053] (Point 19 and 20 in H – Marine Mammals) shows the status of the matter as unresolved at the close of the Examination. NE states disagreement with the Applicant's conclusion of no AEoI from the Project, in-combination with others plans and projects, as a result of disturbance to the harbour porpoise feature of the SNS SAC. NE noted that the mitigation committed to in the Outline Marine Mammal Mitigation Protocol ("oMMMP") – Piling [REP7-044] is designed to reduce the likelihood of injury caused by underwater noise, not to reduce disturbance. NE considered that to reduce disturbance impacts to harbour porpoise and conclude no AEoI, the Applicant needs to commit to noise abatement systems ("NAS") to significantly reduce the sound at source.

In his first information request on 11 July 2025 the Secretary of State requested that the Applicant revise ES 6.2.7 Marine Mammal Ecology [APP-076], the oMMMP – Piling [REP7-044], and the Outline Southern North Sea SAC Integrity Plan [REP6-022] to commit to a specific NAS, or package of NAS, in the event that driven or part-driven piles are used during the construction of the Project, in order to reduce the level of underwater noise generated and its propagation through the marine environment.

On 8 August 2025, the Applicant responded that it noise mitigation is not required for the Project either in terms of reducing significant effects or avoiding an AEoI, however, the Applicant recognised that the use of noise mitigation systems is considered to be best practice and is therefore actively investigating which technologies would be effective and available for the Project. The Applicant noted that the commitments made in both the oMMMP – Piling and Outline Southern North Sea SAC Integrity Plan are in line with government policy (as established by the DEFRA Reducing Marine Noise policy paper published in January 2025) and will ensure that best endeavours for implementing noise mitigation will be demonstrated. On 8 August 2025, NE also responded to clarify that NE did not request the Applicant to commit to a specific type of NAS or noise reduction method, but rather for the Applicant to commit to the use of NAS generally.

Noting the responses from the Applicant and NE, on 21 August 2025, the Secretary of State asked the Applicant, NE, and the MMO to provide draft wording to secure within the Order the implementation of NAS in the event that driven or part-driven piles are used during construction, in order to secure a reduction in the level of underwater noise generated and its propagation

through the marine environment. On 5 September, both the Applicant and NE provided draft wording, which the Applicant states has been discussed between the three parties.

The Secretary of State has adopted an amended version of the draft wording provided by NE and the Applicant within condition 21(1)(f) of Schedule 10 and 22(1)(f) of Schedule 11 to the Order. The Order secures that, in the event that driven or part-driven piles are used during construction, the Applicant must include details of noise reduction methods through project design and the deployment of NAS / noise reduction measures within the final marine mammal mitigation protocol. This ensures a reduction in the level of underwater noise generated and its propagation through the marine environment, reducing the potential level of disturbance to the harbour porpoise feature of the SNS SAC.

Considering the information provided by the Applicant during the Examination, the ExA was satisfied that an AEoI from the Project alone or in-combination can be excluded beyond reasonable scientific doubt for the harbour porpoise of the SNC SAC [ER C 1.4.265].

Based on the information before him and the amended Order, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the harbour porpoise feature of the SNC SAC.

5.12 Wash and North Norfolk Coast SAC – Harbour Seal

In Section 11.3 and 12.3 of the RIAA [REP8-004], the Applicant assessed the potential for an AEoI of the harbour seal qualifying feature of the Wash and North Norfolk Coast SAC from the Project alone and in-combination with other plans and projects. The RIAA concluded that there would be no AEoI on the harbour seal qualifying feature of the Wash and North Norfolk Coast SAC from the Project alone and in-combination with other plans and projects.

By the close of the Examination, despite disagreement over the in-combination iPCoD modelling, the Applicant and NE [REP3-034] [REP8A-053] agreed on the conclusion of no AEoI from the Project alone and in-combination.

The ExA, based on the submissions from the Applicant and NE, was satisfied that an AEoI from from the Project alone and in-combination to the harbour seal feature of the Wash and North Norfolk Coast SAC can be excluded [ER C 1.4.262].

Based on the information before him, and the views of NE and the ExA, the Secretary of State agrees that an AEoI from the Project alone and in-combination with other plans and projects on the harbour seal feature of the Wash and North Norfolk Coast SAC can be excluded.

5.13 Appropriate Assessment conclusion

As the competent authority under the Habitats Regulations for this Application under the Planning Act 2008, the Secretary of State has undertaken an AA in respect of the conservation objectives of the relevant protected sites to determine whether the Project, either alone or in-combination with other plans or projects, will result in an AEoI.

The Secretary of State has carefully considered all the information available to him, including the recommendations of the ExA, the advice of NE as the SNCB, the views of all other IPs, and the Applicant's case.

The Secretary of State is satisfied that, given the relative scale and magnitude of the identified effects on the qualifying features of the protected sites and where relevant, the measures secured in the DCO and dML to avoid or reduce potential adverse effects, there would not be any implications for the achievement of site conservation objectives and therefore adverse effects on the integrity of the following protected sites can be excluded:

- Abberton Reservoir SPA
- Abberton Reservoir Ramsar site
- Alde-Ore and Butley Estuaries SAC
- Berwickshire and North Northumberland Coast SAC
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA
- Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site
- Colne Estuary (Mid-Essex Coast Phase 2) SPA
- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site
- Deben Estuary SPA
- Deben Estuary Ramsar site
- Dengie (Mid-Essex Coast Phase 1) SPA
- Dengie (Mid-Essex Coast Phase 1) Ramsar site
- Essex Estuaries SAC
- Hamford Water SAC
- Hamford Water SPA
- Hamford Water Ramsar site
- Humber Estuary SAC
- Humber Estuary Ramsar site
- Minsmere-Walberswick SPA
- Minsmere-Walberswick Ramsar site
- Orfordness – Shingle Street SAC
- Outer Thames Estuary SPA
- Southern North Sea SAC
- Stour and Orwell Estuaries SPA
- Stour and Orwell Estuaries Ramsar site
- The Wash and North Norfolk Coast SAC

For the reasons given in Section 5.5, the Secretary of State disagrees with NE and the ExA and concludes that an AEoI can be ruled out in relation to displacement and disturbance of razorbill of the Flamborough and Filey Coast SPA, in-combination with other plans or projects.

However, the Secretary of State agrees with the ExA, in accordance with the advice of NE, that an AEoI cannot be ruled out beyond reasonable scientific doubt in relation to:

- Collision mortality of the kittiwake feature of the Flamborough and Filey Coast SPA, in-combination with other plans or projects;

- Displacement and disturbance of the guillemot feature of the Flamborough and Filey Coast SPA, in-combination with other plans or projects;
- Displacement and disturbance of the guillemot feature of the Farne Islands SPA, in-combination with other plans and projects;
- Collision mortality of the lesser black-backed gull feature of the Alde-Ore Estuary SPA and Ramsar site, in-combination with other plans and projects; and
- Physical habitat loss of the sandbanks which are slightly covered by seawater all the time feature of the Margate and Long Sands SAC, alone and in-combination with other plans and projects.

The Secretary of State has not identified any further mitigation measures that could reasonably be imposed which would avoid or mitigate the potential AEoI identified and has therefore proceeded to consider the derogation provisions of the Habitats Regulations, as presented in Sections 6 to 9 below.

6 Consideration of case for derogation

Based on the AA, the Secretary of State cannot conclude, beyond all reasonable scientific doubt, the absence of an adverse effect from the Project in-combination with other plans or projects on the integrity of the Flamborough and Filey Coast SPA, the Farne Islands SPA, the Margate and Long Sands SAC, and the Alde-Ore Estuary SPA and Ramsar site. The Secretary of State has therefore decided to review the Project in the context of Regulations 64 and 68 of the Habitats Regulations and Regulations 29 and 36 of the Offshore Habitats Regulations to determine whether the Project can be consented.

Regulation 64 allows for the consenting of a project that is required for imperative reasons of overriding public interest ("IROPI"), even though it would cause an AEoI of a protected site. Consent may only be given where no alternative solutions to the project are available which are less damaging to the affected protected site and where Regulation 68 is satisfied. Regulation 68 requires the appropriate authority to secure any necessary compensatory measures to ensure that the overall coherence of the UK NSN is protected. The Secretary of State's consideration of information provided to inform these further tests are presented in subsequent sections of this HRA alongside his conclusions.

This part of the HRA has followed a sequential process whereby:

- alternative solutions to the Project have been considered;
- consideration has been given to whether there are IROPI for the Project to proceed; and
- compensation measures proposed by the Applicant for ensuring that the overall coherence of the UK NSN is protected have been assessed.

7 Consideration of alternatives

The Applicant [AS-003] identified the following four objectives as relevant to the Project, as an offshore wind farm:

- To generate low carbon electricity from an OWF in support of the decarbonisation of the UK electricity supply;
- To export electricity to the UK National Grid to support UK commitments for offshore wind generation and security of supply;
- To optimise generation and export capacity within the constraints of available (UK) sites and onshore transmission infrastructure; and
- To deliver a significant volume of (UK) offshore wind before 2030.

The Secretary of State has identified the objectives of the Project and has considered whether these objectives could be met by any feasible alternative solutions with a lesser impact on protected sites.

The Applicant also identified that the case for the need of the Project is based primarily on three key drivers:

- **Need to Reduce Greenhouse Gas Emissions**: The Applicant also considered the Project, as a major offshore wind generation project, as an essential element of the UK's response to climate change, and to provide an important contribution to a future generation portfolio capable of supporting a significant increase in low-carbon electricity demand and related reduction in greenhouse gas emissions. The Applicant highlights the urgency for increased offshore wind generation emphasised in the then draft NPS EN-1 (the now 2024 NPS EN-1) which establishes the need for substantially more installed offshore wind capacity to achieve Net Zero by 2050. The Applicant also references the support for offshore wind in the target to generate 50GW from offshore wind by 2030 under the British Energy Security Strategy (2022).
- **Need for Low Carbon Electricity Capacity**: The Applicant considered that the Project, as a major renewable energy infrastructure project with a capacity of over 100MW of low-carbon energy, would make a significant contribution towards the decarbonisation of the Great Britain electricity sector, as part of a wider global effort to address climate change. The Applicant also referenced the ability of the Project to address the UK Committee on Climate Change's identification of the need for urgent action to increase the pace of decarbonisation in order to keep decarbonisation on track and meet the UK's legal obligations under the Paris Agreement (2015), Climate Change Act 2008 (as amended), and the Glasgow Climate Pact (2021) to reach 'Net Zero' by 2050 in the UK.
- **Need for Energy Security**: The Applicant also considered that the Project would make an important contribution, as part of a diverse generation mix, to improve the stability of capacity utilisations among renewable generators and play an important role in the resilience of the Great Britain electricity system.

The Applicant provided an assessment of feasible alternative solutions to the Project [AS-003, Section 4].

The Secretary of State has considered alternative forms of energy generation in the context of the alternative solutions test and is satisfied that, in line with the 2021 joint guidance[13], alternative forms of electricity generation would not meet the objectives of the Project. Furthermore, other OWF proposals do not present an alternative solution as all available offshore windfarm projects are required in order to meet UK targets for renewable energy.

In his consideration of alternatives, the Secretary of State has not constrained himself solely to those alternatives that could be delivered by the Applicant. Nevertheless, the Secretary of State acknowledges that any alternative must be economically feasible for the developer and allow the developer to fulfil the terms of its lease with The Crown Estate.

Alternatives to the Project considered by the Secretary of State are consequently limited either to 'do nothing' or to alternative offshore wind farm projects.

Alternative types of offshore wind farm projects considered are:

- Offshore wind farms not in the UK Exclusive Economic Zone ("EEZ");
- Offshore wind farms within the UK EEZ; and
- Feasible alternative design parameters of the Project.

7.1 'Do Nothing'

The 'do nothing' option is discounted by the Applicant on the basis that this approach would not deliver any of the objectives of the Project or meet any of the identified needs. The Applicant notes that the 50GW of installed offshore windfarm generating capacity by 2030 target would require the majority of offshore wind farms in the process of seeking consent to go ahead. In terms of offshore wind generating capacity, the Applicant has identified 14.7GW from built and operational wind farms, with approximately 21.18GW from wind farms either currently under construction or have government support. Another 30.73GW of generating capacity has been announced with the anticipation of them being completed ahead of 2030. However, the Applicant notes that only a few of these have the potential to be advanced through the planning and construction process to be operational by 2030, and the Applicant considered that the Project is a necessary one to ensure the UK meets its renewable energy and decarbonisation commitments.

The Secretary of State agrees that a compelling need in the public interest for the Project is clearly established and the 'do nothing' option is not a feasible alternative solution as it would fail to meet any of the aims and objectives of the Project in meeting such compelling need.

[13] https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

7.2 Offshore wind farms not in UK EEZ

The Secretary of State considers that offshore wind farm projects which are located outside of UK territorial waters are not an alternative to the Project as this would not meet the objective to support decarbonisation and security of the UK's energy supply.

Although the UK is party to international treaties and conventions in relation to climate change and renewable energy, according to the principle of subsidiarity and its legally binding commitments under those treaties and conventions, the UK has its own specific legal obligations and targets in relation to carbon emission reductions and renewable energy generation. International and EU countries similarly have their own (different) binding targets and sites outside of the UK EEZ are therefore required for other countries to achieve their own respective targets in respect of climate change and renewable energy.

7.3 Offshore wind farms within the UK

Within the UK, all offshore wind farms are required to secure an Agreement for Lease from the Crown Estate or Crown Estate Scotland. The Crown Estate / Crown Estate Scotland identify suitable locations for offshore wind through leasing rounds informed by HRA and Strategic Environmental Assessment. The Applicant considers that this precludes the use of sites which have not been identified through the leasing rounds.

The Applicant considers that reliance on other alternative offshore wind farms already identified within the various leasing rounds would not deliver the objectives of the Project. This is on the grounds that there is a significant time lag between the identification of suitable locations in the leasing rounds and offshore wind farms becoming operational. There is also a risk that other projects may be refused consent, or developers may not proceed, as has already occurred with some existing projects. The Applicant considers that other alternative offshore wind farms are needed in addition to, not instead of, the Project.

The Applicant notes the potential for the repowering of existing offshore wind farms but concludes that most would not be close to the end of their normal lifespan. The Applicant considered therefore that the timeframes involved for the decisions on repowering would not be made in the foreseeable future and cannot meet the objective of delivering the significant volume of offshore wind capacity needed.

The Secretary of State agrees that a compelling need in the public interest for the Project is clearly established, and the use of alternative locations or the repowering of existing offshore wind farms would fail to meet the aims and objectives of the Project.

7.4 Alternative designs

Other potential alternative solutions reviewed by the Applicant relate to the design and operation of the Project. The Applicant considered the Project has adopted commitments (primary design principles, installation techniques and engineering designs/modifications) as part of the pre-

application phase, to eliminate and/or reduce the LSE arising from any potential impacts as far as possible.

In relation to a 'Smaller Wind Farm Site' alternative, the Applicant noted that the north array boundary was reduced by 22% prior to submission of the DCO application, which had a positive impact in constraining the area over which impacts to birds could occur. The Applicant considered that further reductions of the array area is not financially or technically feasible, or likely to be significantly less damaging.

In relation to a 'Fewer Turbines' alternative, the Applicant noted that fewer turbines would result in a lower capacity and would thus limit the ability of the Project to contribute to the objective of delivering the significant volume of offshore wind capacity needed.

In relation to a 'Number of Location of Export Cables' alternative, the Applicant noted that it sought to avoid routing the offshore export cable corridor through the Margate and Long Sands SAC but that this was not possible due to risks of compromising navigational safety. Consequently, an overlap of the offshore export cable corridor was required at the northern periphery of the SAC to provide a sufficient buffer distance from the pilotage area. Further, the Applicant noted that prior to submission of the DCO application, and in response to advice from NE, it reduced the number of export cables from four to two, which reduced the duration and footprint of the works by approximately 50%. In response to the ExA (Q4.2.3 [PD-027]), the Applicant [REP7-083] considered that further reductions would limit the ability of the Project to contribute to delivering a significant volume of offshore wind capacity as the generating capacity would be reduced in proportion to the reduction in the number of cables. The Applicant also stated that the offshore export cable corridor width cannot be reduced further as there would not be sufficient room for micro-siting to avoid constraints such as potential archaeological features or UXO.

In relation to the 'Offshore Transition Network Review' alternative, the Applicant stated that it was engaged in the Government-led Offshore Transmission Network Review ("OTNR") to investigate the feasibility of a coordinated offshore grid connection working with North Falls offshore wind farm and the SeaLink project. The Applicant considered that there is currently no certainty that this would be a viable option. The Applicant [PD4-006] later noted that the Review's high-level feasibility study concluded that coordination is technically feasible but that it would result in an increase in capital costs, constraints costs, and programme delays of up to five years. Additionally, on 3 September 2024, the Department for Energy Security and Net Zero [AS-011] announced it would no longer be providing further feasibility funding to the Applicant and the promotors of North Falls offshore wind farm and NGET in relation to the proposed wind farms connecting with NGET's proposed SeaLink offshore transmission network reinforcement. Based on the urgent need for the Project, the impact on the delivery date, and the associated costs, the Applicant did not consider the OTNR option to be a feasible alternative and progressed the delivery of a radial onshore connection.

In relation to the 'Increased Air Gap' alternative, the Applicant considered that the 28m air gap was driven by the balance of ornithological collision risk, engineering constraints, and landscape and visual impact considerations. The Applicant stated that significant concerns were raised by various stakeholders including Natural England and the Suffolk and Essex Coast & Heaths National Landscape Partnership in relation to seascape, landscape, and visual impacts which led to the curtailment of wind turbine generator heights. The Applicant considered that seascape,

landscape, and visual impact concerns, and engineering constraints meant that the ability to further increase the air gap above 28m is not a feasible alternative.

In relation to a 'Smaller Rotors / Swept Area' alternative, the Applicant noted that smaller rotors for the same number of turbines would result in a lower capacity and would thus limit the ability of the Project to contribute to delivering the significant volume of offshore wind capacity needed. The Applicant noted that for smaller rotors to achieve the same generating capacity, it would require a greater number of turbines which would increase the magnitude of effects to ornithology receptors. The Applicant concluded that it was not a feasible alternative.

Ultimately, the Applicant considered the design and maximum area for development of the Project is informed by expert judgement and considerations of legal, technical, and commercial feasibility, and that any further design refinement is likely to reduce the benefit without any material improvement, and therefore further design changes are not a feasible alternative solution for the Project.

7.5 Conclusion

The ExA concluded that no alternative design parameters are known to be implementable that would present a feasible alternative solution and that there are no alternative solutions that would deliver appreciable benefits in terms of reduced AEoI of the impacted protected sites. The ExA was satisfied that the Applicant has presented a compelling case that there are no alternative solutions to the delivery of the Project [ER D1.5.31 – D1.5.32].

Following a review of the information submitted by the Applicant, the recommendation of the ExA, and having identified the objectives of the Project and considered all alternative solutions to fulfil these objectives, the Secretary of State is satisfied that no feasible alternative solutions are available that would meet the Project objectives with an appreciable reduction in predicted impacts on protected sites. The Secretary of State notes that this conclusion does not preclude further design refinements being made following the completion of further site investigations in the post-decision stage.

8 Imperative Reasons of Overriding Public Interest

Regulation 64 provides that a project having an AEoI on a protected site may proceed (subject to a positive conclusion on alternatives and the provision of any necessary compensation) if there are IROPI. This section of the HRA determines whether there are IROPI for the Project to proceed.

The parameters of IROPI are explored in relevant guidance, including the 2021 joint guidance[14] and the European Commission guidance (2018), which identify the following principles:

- **Imperative** – urgency and important: There would usually be urgency to the objective(s), and it must be considered "indispensable" or "essential" (i.e. imperative). In practical items, this can be evidenced where the objective falls within a framework for one or more of the following;
    - (i) actions or policies aiming to protect fundamental values for citizens' life (health, safety, environment);
    - (ii) fundamental policies for the State and the Society; or
    - (iii) activities of an economic or social nature, fulfilling specific obligations of public service.
- **Public Interest**: The interest must be a public rather than a solely private interest (although a private interest can coincide with delivery of a public objective).
- **Long-Term**: The interest would generally be long-term; short-term interests are unlikely to be regarded as overriding because the conservation objectives of protected sites are long-term interests.
- **Overriding**: The imperative need in the public interest of the development must outweigh the harm, or risk of harm, to the integrity of the protected site which is predicted by the AA.

The HRA derogations identify certain in-principle grounds of IROPI that may be advanced in favour of such a project. Where the site concerned hosts a priority natural habitat or a priority species, grounds for IROPI should include human health, public safety, or beneficial consequences of primary importance to the environment but otherwise may also be of a social or economic nature. The Applicant's derogation case [AS-003, Section 5] concluded that the identified affected features of the Flamborough and Filey Coast SPA, the Farne Islands SPA, the Margate and Long Sands SAC, and the Alde-Ore Estuary SPA and Ramsar site were not priority species and therefore the case presented for IROPI included consideration of social and economic benefits.

The Applicant's case for the imperative need for the Project as presented in [AS-003, Section 5] is based on the following points (in summary):

- There is an urgent need to establish a secure, diverse, affordable, and resilient energy supply and meet decarbonisation targets. This provides a clear and urgent need for the proposed development to help meet the UK Government target of 50GW of offshore wind installed capacity by 2030.

[14] https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

- Urgent action is required to reduce rising global temperatures and to limit the effects of climate change on human health and safety by reducing greenhouse gas emissions.
- NPS EN-1 and EN-3 require delivery of substantial amounts of renewable energy with offshore wind being one of the major components, which is critical national infrastructure.
- The adoption of net zero by 2050 requires a substantial reduction in carbon emissions, which will create substantial additional demand for low carbon electricity in the 2030s and 2040s.
- The Project can deliver large amounts of low carbon electricity from as early as the late 2020s and its connection to the National Energy Transmission System (NETS) means it would contribute to management of the national electricity system. It can make a large, meaningful, and timely contribution to decarbonisation and security of supply, while helping lower bills for consumers.

The Applicant [AS-003] considered that the Project can be viewed as of overriding public interest compared with the extent of harm to the impacted qualifying features of the protected sites because of the public interest from the benefits of the Project. The Applicant also considered that the Project would contribute to alleviating a key anthropogenic pressure on seabirds at the Alde-Ore Estuary and Flamborough and Filey Coast SPAs, arising from climate change driven reductions in prey availability. The Applicant considered this would also apply to the Margate and Long Sands SAC, where increased weather instability could result in suboptimal conditions for benthic habitats.

8.1 The National Policy Statements (NPSs)

The Project is considered against the 2024 NPSs, as those were in force at the time the application was accepted for Examination. The overarching NPS for Energy (NPS EN-1) sets out national policy for energy infrastructure in Great Britain. It has effect, in-combination with the relevant technology-specific NPS, on recommendations made by PINS to the Secretary of State on applications for energy developments that fall within the scope of the NPSs. These provide the primary basis for decisions by the Secretary of State on National Energy Infrastructure.

The NPSs set out a case for the need and urgency for new energy infrastructure to be consented and built with the objective of supporting the Government's policies on sustainable development, in particular by:

- mitigating and adapting to climate change; and
- contributing to a secure, diverse, and affordable energy supply.

The 2024 NPS for renewable energy infrastructure (NPS EN-3) covers those technologies which, at the time of publication in 2024, were technically viable at generation capacities of over 50 MW onshore and 100 MW offshore. This includes offshore wind and as such the need for this technology is fully covered by the NPSs.

The Secretary of State is of the view that the NPSs clearly set out the specific planning policies which the Government believes both respect the principles of sustainable development and can facilitate the consenting of energy infrastructure on the scale and of the kinds necessary to help us maintain, safe, secure, affordable, and low-carbon supplies of energy.

The 2024 NPSs set out the national case and establish the need for certain types of infrastructure, as well as identifying potential key issues that should be considered by the decision maker. Section 104 of the Planning Act 2008 makes clear that where an NPS exists relating to the development type applied for, the Secretary of State must have regard to it. The NPSs provide specific policy in relation to offshore wind development, and the policies set out in NPS EN-1, EN-3, and EN-5 therefore apply.

This national need relates both to the decarbonisation of the electricity supply within the required timeframe and to the risk the decarbonisation programme could pose to the security of electricity supply as more traditional generating stations are decommissioned. With regard to the latter, the Secretary of State notes the ruling in case C-411/17 by the European Court of Justice that the objective of ensuring the security of the electricity supply constitutes an IROPI.

At the time the NPSs were published, scientific opinion was that, to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2 degrees Celsius. Global emissions must therefore start falling as a matter of urgency.

The energy NPSs were intended to speed up the transition to a low-carbon economy and help the UK to realise its climate change commitments sooner than would a continuation under the current planning system. They recognise that moving to a secure, low-carbon energy system to enable the UK to meet its legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels, is challenging, but achievable. This would require major investment in new technologies to electrify heating, industry, transport, and cleaner power generation. Under some 2050 pathways, electricity generation would need to be virtually emission-free, as emissions from other sectors were expected to persist. Consequentially, the need to electrify large parts of the industrial, heating, and transportation sectors could double electricity demand by 2050.

The NPSs conclude that the UK needs sufficient electricity capacity from a diverse mix of technologies and fuels, and therefore the UK also needs all forms of energy infrastructure covered by the NPSs to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. Thus, all applications for development consent for the forms of energy infrastructure covered by the energy NPSs should be assessed on the basis that the Government has demonstrated that there is a need for those forms of infrastructure and that the scale and urgency of that need is as described within EN-1 Part 3. Substantial weight should therefore be given to the contribution which projects would make towards satisfying this need for a secure, low carbon, electricity supply when considering applications for development consent under the Planning Act 2008.

To achieve the target of UK commitments to largely decarbonise electricity generation by 2030, the NPSs conclude that it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent. The NPSs expect offshore wind farms to make up a significant proportion of the UK’s renewable energy generating capacity up to 2030 and towards 2050.

8.2 The United Kingdom's legal commitment to decarbonise

This section sets out the obligations of the Climate Change Act 2008, against which the 2024 NPSs were established. It then outlines the UK's 2019 legally binding commitment to achieving 'Net Zero' carbon emissions by 2050, against which the need for future electricity generation developments should be assessed, as well as updated ambitions in the Clean Power Action Plan 2030 (2024).

8.2.1 Climate Change Act 2008

The Government through the 2008 Act, set legally binding carbon targets for the UK, aiming to cut emissions (relevant to the 1990 baseline) by 34% by 2020 and at least 80% by 2050, through investment in energy efficiency and clean energy technologies such as renewables, nuclear, and carbon capture and storage.

The 2008 Act is underpinned by further legislation and policy measures. Many of these have been consolidated in the UK Low Carbon Transition Plan (LCTP), and UK Clean Growth Strategy. A statutory body, the Committee on Climate Change (CCC), was also created by the 2008 Act, to advise the UK and devolved Governments and Parliaments on tackling and preparing for climate change, and to advise on setting carbon budgets. The CCC reports regularly to the Parliaments and Assemblies on the progress made in reducing greenhouse gas emissions. The UK Government has set five-yearly carbon budgets which currently run until 2032.

8.2.2 Enhancements of existing UK Government Policy: Net-Zero

In October 2018, following the adoption by the UN Framework Convention on Climate Change of the Paris Agreement, the Intergovernmental Panel on Climate Change (IPCC) published a 'Special Report' on the impacts of global warming of 1.5 degrees Celsius above pre-industrial levels. This report concluded that human-induced warming had already reached approximately 1 degrees Celsius above pre-industrial levels, and that without a significant and rapid decline in emissions across all sectors, global warming would not likely be contained, and therefore more urgent international action is required.

In response, in May 2019, the CCC published their report titled: 'Net-Zero: The UK's Contribution to Stopping Global Warming'. This report recommended that the UK Government extend the ambition of the 2008 Act past the delivery of net UK greenhouse has savings of 80% from 1990 levels, by 2050. The CCC recommended that "the UK should set and vigorously pursue an ambitious target to reduce GHG emissions to 'Net-Zero' by 2050, ending the UK's contribution to global warming within 30 years." Importantly, the CCC recommendation identified a need for low-carbon infrastructure development which is consistent with the need case set out in NPS EN-1, but points to an increased urgency for action.

Since the implementation of the Climate Change Act 2008, the UK Government has set five-yearly carbon budgets. The latest of which is the sixth carbon budget (CB6) which was laid in legislation in April 2021 and commits to cutting greenhouse gas emissions by 78% by 2035, compared to the 1990 level, in line with the CCC's recommendation. The sixth carbon budget spans from 2033-2037.

In October 2021, the UK Government published The Net Zero Strategy: Build Back Greener. It is a cross-economy strategy which set out the measures to keep the UK on a path to achieving Net Zero, including action to keep on track for meeting carbon budgets and the UK's 2030 Nationally Determined Contribution. The Net Zero Strategy was set to meet the level of decarbonisation that CB6 requires and simultaneously cater to a 40-60% increase in electricity demand. This presents a substantial challenge and could require having to build out all currently known low-carbon technologies in the power sector at or close to their maximum technical limits by 2035.

In March 2019 the Government announced its ambition to deliver at least 30GW of offshore wind by 2030, as part of the Offshore Wind Sector Deal (the 'Sector Deal'). The Sector Deal reinforced the aims of the UK's Industrial Strategy and Clean Growth Strategy, which seeks to maximise the advantages for UK industry from the global shift to clean growth, and in particular: "The deal will drive the transformation of offshore wind generation, making it an integral part of a low-cost, low-carbon, flexible grid system." Within supplementary documents to the Queen's Speech, December 2019, the Government committed to increase their ambition on offshore wind to 50GW by 2030. In June 2019, the Government amended the 2008 Act to implement the CCC's recommendation. This made the UK the first major economy to pass laws requiring it to end its contribution to global warming by 2050.

In December 2024, the Government published the Clean Power 2030 Action Plan, updating the ambition to rapidly deploy new renewable energy capacity across the whole of the UK. The Plan outlines that, by 2030, the power system must see clean energy sources produce at least as much power as Great Britain consumes in total over the whole year, and at least 95% of Great Britain's generation. This entails between 43-50 GW of offshore wind generating capacity to be installed, emphasising the urgent need for significant numbers of renewable energy projects to progress to construction.

Within this context, the importance of all offshore wind projects currently under development to the achievement of government policy and pledges is clear.

8.3 Conclusion

The ExA noted that the absence of priority habitats and species allows the consideration of benefits of a social and economic nature [ER D 1.6.8].

The ExA, considering the information surrounding the need for the Project, the public interests presented, and that the interests are overriding when measured against the adverse effects on the affected features of the Flamborough and Filey Coast SPA, the Farne Islands SPA, the Margate and Long Sands SAC, and the Alde-Ore Estuary SPA and Ramsar site, was content that IROPI for the Project has been established [ER D 1.6.8].

The Secretary of State agrees with the ExA and the Applicant and considers that imperative reasons in the public interest for the Project to proceed are clearly established, especially the contribution that the Project would make towards renewable electricity generation and ensuring the security of electricity supply from a domestically generated source. The Secretary of State also considers that such need in the public interest for the Project clearly outweighs the predicted

harm to the integrity of the Flamborough and Filey Coast SPA, the Farne Islands SPA, the Margate and Long Sands SAC, and the Alde-Ore Estuary SPA and Ramsar site.

9 Compensatory measures

Having determined that there are no feasible alternative solutions and that the Project must be carried out for IROPI, the Secretary of State has proceeded to consider below the requirements of Regulation 68; to provide that any necessary compensatory measures are secured to ensure that the overall coherence of the NSN is maintained.

The Applicant submitted, on a without prejudice basis, a proposed package of compensatory measures for the following protected sites and qualifying features:

- Lesser black-backed gull feature of the Alde-Ore Estuary SPA and Ramsar site
- Kittiwake feature of the Flamborough and Filey Coast SPA ('without prejudice')
- Guillemot feature of the Flamborough and Filey Coast SPA and Farne Islands SPA ('without prejudice')
- Sandbanks which are slightly covered by seawater all the time feature of the Margate and Long Sands SAC ('without prejudice')

9.1 Lesser black-backed gull – AOE SPA and Ramsar site

9.1.1 Applicant

The compensatory measures proposed by the Applicant for LBBG are provided in the following documents:

- HRA Derogation Case [AS-003]
- Lesser Black-Backed Gull Compensation Site – Habitats Regulations Assessment [REP7-025]
- Lesser Black-Backed Gull Implementation and Monitoring Plan ("LIMP") [REP8A-009]
- Lesser Black-Backed Gull Compensation – Evidence, Site Selection and Roadmap [REP8-010]

The potential compensatory measures proposed by the Applicant for LBBG of the AOE SPA and Ramsar site are:

- Installation of predator fencing and restoration of habitat within the fenced enclosure at Orford Ness within the AOE; or
- Predator control and habitat management at the Outer Trail Bank ("OTB") in The Wash

At Orford Ness, the Applicant [REP8-010] proposes to install predator exclusion fencing to encourage colonisation by LBBG and, in turn, to reduce nest predation and increase breeding success. The Applicant intends to undertake regular pre- and post-implementation monitoring of both targeted predators and LBBG populations to determine the success of the measure and whether any adaptive management measures need to be implemented.

The Applicant also proposes the restoration of suitable nesting habitat within the fenced enclosure to increase breeding site availability. This may include grassland improvement such

as the partial mowing of grassland areas to create sward height diversity throughout the enclosure to encourage the availability of both open ground for nesting and higher vegetation for shelter, or sand dune restoration such as the removal of scrub and trees to ensure an open vegetation profile for nesting is maintained. The Applicant also intends to undertake regular pre- and post-implementation monitoring of habitat within the enclosure to determine the success of the measure and whether any adaptive management measures need to be implemented.

Alternatively, at OTB, the Applicant [REP8-010] proposes to undertake predator eradication and habitat restoration and, in turn, reduce nest predation and increase breeding success. The presence of predators on OTB would be determined using trail camera, footprint tunnels, and wax blocks and, if presence is confirmed, a predator eradication would be undertaken in accordance with the Island Biosecurity Manual. The Applicant also intends to undertake regular post-eradication monitoring in the lead up to each breeding season throughout the lifetime of the Project to ensure that there is no reinfestation of OTB. The Applicant also proposes to survey vegetation during site visits to the OTB to ensure that the breeding areas for LBBG are not overgrown. Where it is deemed that vegetation management is required, the Applicant intends to undertake strimming before the breeding season to encourage the availability of both open ground for nesting and higher vegetation for shelter.

In the Lesser Black-Backed Gull Compensation – Evidence, Site Selection and Roadmap [REP8-010], the Applicant set out ratios for 1:1, 2:1, and 3:1 for both the Central Impact Value ("CIV") (mean) and the 95% Upper Confidence Interval ("UCI") under the Hornsea Four methodology, to calculate the compensation quantum.

The Applicant [REP8-010] considered the mean impact numbers, and not the 95% UCI, as the most appropriate measure to calculate compensation quanta. The Applicant considered the mean impact numbers, applying a 2:1 ratio at Orford Ness and a 3:1 ratio at OTB for the Hornsea Four calculation method to be the most appropriate. Under this approach, the Applicant concluded a compensation quantum of 42.8 (43) breeding pairs of LBBG at Orford Ness, or 64.2 (65) breeding pairs of LBBG at OTB, to compensate for the impact to the LBBG feature of the AOE SPA.

The Applicant [REP8-010] states that the site at Orford Ness will be a minimum of 6ha in size. The Applicant considered based on a nesting density of 400 nests/ha that this size of an area, with predator fencing installed and appropriate habitat management, has the potential to produce a maximum of 2,400 nests. For the OTB, the Applicant considered that the area has the potential to produce a maximum of 1,500 additional breeding pairs.

9.1.2 Natural England

At Deadline 8, NE [REP8-051] considered that, subject to reaching agreements with the relevant landowners and bringing forward measures at both the Orford Ness and OTB sites, the proposed predator eradication and exclusion measures would be an appropriate and proportionate compensatory measure. NE emphasised that given the ecological uncertainties regarding the success of colonisation at the Orford Ness site and the current impacts of rat predation and vegetation growth at the OTB site, it considers there to be significant merit in progressing both schemes.

Despite being broadly supportive of the proposals, NE raised several concerns during the Examination. NE [PD2-006 & REP8-051] raised concern that the impacts of the predator

exclusion fencing on the Orfordness – Shingle Street SAC and AOE Ramsar site are not sufficiently understood and therefore impacts might not be adequately mitigated. This issue has been discussed in the AEoI section of this document (section 5.1) and is not repeated here.

NE [PD2-006] also raised concern as to the potential delay in use of the Orford Ness site by LBBG and considered that there would be a risk of mortality debt accruing. NE particularly highlighted the fact that LBBG typically do not begin to breed until their fifth year, and the lack of successful colonisation by breeding gulls in the Norfolk Projects and East Anglia Project's compensation compound in the 2023 breeding season. NE advised that the predator exclusion fencing at the Orford Ness site should be erected a minimum of four years in advance of the operational phase to extend the lead in time as much as possible, noting that this schedule was required and achieved by the Norfolk Projects.

The Applicant [REP5-074] acknowledged that it may potentially accrue a mortality debt by committing to the predator exclusion fencing being erected three years in advance of the operational phase but argued that either measure has the potential to over-compensate and that mortality debt would be easily recovered over the lifetime of the Project. The Applicant also argued that accruing a small mortality debt would be appropriate given the Critical National Priority status of the Project. Additionally, the Applicant stated that the Norfolk Projects and East Anglia Project's compensation compound is still in its infancy and adaptive management measures are in place to aid future colonisation of the site.

NE [PD2-006] also raised specific concerns in relation to the maintenance of predator exclusion fencing and remediation of potential breaches. The Applicant provided an outline fence maintenance methodology and schedule within the LIMP submitted at Deadline 5 [REP5-022], which NE [REP7-108] considered satisfied their concern.

In relation to the OTB, NE [PD2-006] and the RSPB [RR-094] questioned the evidence supporting rat predation as the primary factor limiting breeding success at OTB. The Applicant [REP1-051] stated that the presence of rats and signs of predation were noted in an RSPB 2023 survey, in the Applicant's Digital Aerial Surveys of OTB [REP3-026], and in further surveys carried out by NE [REP6-053] during the 2024 breeding season. The Applicant [REP8-036], therefore, considers that whilst further survey work would be beneficial prior to implementing the proposed measures at OTB, the measures would likely have a high degree of success.

NE [PD2-006] also advised that OTB is a challenging site to access and that an appropriate access methodology and schedule for management had not been presented. NE requested that an outline statement should be included within the LIMP. NE also considered that workable plans for monitoring and biosecurity would also need to be included. The Applicant [REP1-051] stated that negotiations concerning access and use of OTB were at an advanced stage. The Applicant confirmed that the OTB site is owned by The Crown Estate which cannot be the subject of compulsory powers, and the land is therefore not secured in the Order Limits. However, the Applicant submitted a letter from The Crown Estate [REP6-054] which stated that The Crown Estate was not yet in a position to enter into any legal documentation with the Applicant, but confirmed its intention to continue to work with the Applicant in good faith to assist them in finding appropriate areas in which compensation measures can be facilitated within the necessary timescales, subject to reaching agreement on various matters.

Furthermore, NE disagreed with the Applicant's approach to calculating how many additional breeding pairs would be required to compensate for the impact. At Deadline 5 and 8, NE [REP5-095 & REP8-051] summarised what it considered the approach to compensation should consist of:

- Input value of 95% UCI to reflect the uncertainty regarding the potential impacts of the Project
- Use of the Hornsea Four method
- Ratio of 3:1 to increase confidence that sufficient benefits will still arise, should the measure underperform

NE [REP8-051] initially advocated for the use of the Hornsea Three Part 2 method of calculating quanta, as it is considered to be the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact. NE noted that the method was conceived to inform the design parameters of ANS for kittiwake and thus may be limited for calculating the quanta for other seabird species. Following testing of the method for LBBG, NE considered that it produced "unrealistic and clearly disproportionate requirements for scaling compensatory measures". In light of this, NE advised that in the absence of a robust alternative option for LBBG, it is appropriate in this case for the Hornsea Four method to be used, in conjunction with the 95% UCI and 3:1 ratio.

Under NE's preferred methodology this would conclude a compensation quantum of 597.2 breeding pairs of LBBG for the impact to the LBBG feature of the AOE SPA.

In the Risk and Issues Log submitted at Deadline 8A, NE [REP8A-053] also raised the following concerns in relation to Schedule 13 Part 1 (Lesser Black-Backed Gull):

- The condition relating to the Offshore Ornithology Engagement Group ("OOEG") should be updated to include provision of terms of reference, a timetable for the preparation and delivery of the LIMP, and a dispute resolution mechanism. NE notes that these have been included in many previous compensation schedules for LBBG;
- In comparison to previous compensation schedules, the list of requirements to be included in the LIMP is lacking in detail with respect to survey methodologies, timetables for the monitoring to be conducted and reports to be delivered, success criteria, a detailed mechanism to determine the need for any adaptive management measures, and potential further monitoring and maintenance of such measures;
- NE notes that many previous compensation schedules require compensation to be provided four full breeding seasons prior to commencement of operation, whereas Schedule 13 Part 1 only requires compensation to be provided for three full breeding seasons; and
- The compensation delivered may be required for longer than the lifetime of the Proposed Development and, therefore, Schedule 13 Part 1 should specify that compensation should be maintained until the Secretary of State approves its decommissioning in consultation with the relevant statutory nature conservation body.

9.1.3 ExA

The ExA concluded that the package of proposed compensation measures is feasible, appropriate, and would ultimately ensure the overall coherence of the UK NSN [ER D 1.7.26]. The ExA agreed that the project-specific compensatory measures proposed by the Applicant for

LBBG is sufficient for the level of impact anticipated from the Project and agrees the implementation of the LIMP [REP8A-009], secured through Schedule 13 Part 1, has the potential to deliver a proportionate level of benefit [ER D 1.7.26].

Considering the evidence presented during the Examination, the ExA [ER D 1.7.27] recommended to the Secretary of State parameters to use to calculate the compensation quanta for LBBG for the AOE SPA for the Project:

- Impact value based on worst-case mortality rates;
- Ratio of 3:1 to reflect various uncertainties relating to the productivity of the site and the potential to accrue a mortality debt; and
- Central impact value to be proportionate with the level of impact associated with the Project

Under this recommended approach, the ExA concluded a compensation quantum of 127.3 (123) breeding pairs of LBBG for the impact to the LBBG feature of the AOE SPA [ER D 1.7.28].

The ExA considered it prudent that the development of compensation packages comprises multiple measures to provide resilience should an individual measure fail or underperform. However, the ExA concluded that they saw no reason to believe the recommended compensation quantum cannot be delivered at one site, and therefore recommends that the measures at the Orford Ness site are implemented, with the OTB retained as an option should the Orford Ness site fail to meet its objectives.

9.1.4 Secretary of State

The Secretary of State agrees with NE and the ExA that the approach to compensatory measures proposed by the Applicant is appropriate for the level of impact identified from the Project and agrees that an appropriate contribution to the Marine Recovery Fund ("MRF"), or the implementation of a final LIMP, would deliver a proportionate level of compensation and benefit.

Considering the advice from NE and the ExA in relation to the compensation quantum, as similarly adopted in decisions on previous offshore wind farms, the Secretary of State considers that in this case the CIV, using a 3:1 ratio and the Hornsea Four approach, are, at the current time and based on current evidence, appropriate to calculate the compensation quantum required. The Secretary of State, however, notes that this does not preclude him from accepting alternative parameters in future decisions.

Under this approach, the Secretary of State agrees with the ExA and concludes a compensation quantum of 127.3 breeding pairs of LBBG, rounded down to 127, would sufficiently compensate for the impact to the LBBG feature of the AOE SPA.

However, the Secretary of State had a number of outstanding concerns in relation to the proposed LIMP [REP8A-009]. In his information request on 11 July 2025, the Secretary of State asked the Applicant to make the following revisions to the LIMP:

- Include the Wildlife Trust(s) (relevant to the sites at which predator exclusion/eradication are proposed to be implemented) within paragraph 4.1.3 as relevant parties to be invited to form part of the OOEG in an advisory capacity.
- Revise paragraph 6.4.13 so that biosecurity measures 'will' be implemented, rather than 'may' as stated.

- Provide further detail as to the proposed breeding monitoring plan at Outer Trial Bank, including core and additional monitoring.
- Provide further detail as to the proposed habitat management measures at Outer Trial Bank.
- Provide a methodology for how the Outer Trial Bank site would be accessed.
- Include a new section on data-sharing which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to The Crown Estate's Marine Data Exchange and relevant Local Environmental Records Centres.

On 11 August 2025, the Applicant responded to the Secretary of State's information request. The Applicant provided a revised LIMP which included the requests made by the Secretary of State, except the inclusion of the relevant Wildlife Trusts within paragraph 4.1.3 as the Applicant considered they should not be involved in the management or monitoring of either site. However, the Applicant noted that should the core members of the OOEG request their attendance, the relevant Wildlife Trusts could be considered as 'other relevant parties' to the OOEG.

In his information request on 21 August 2025, the Secretary of State asked NE to confirm whether the revised LIMP submitted by the Applicant resolved its concerns raised in their Risk and Issues Log [REP8A-053]. On 5 September 2025, NE confirmed that they welcomed the amendments made by the Applicant to the LIMP, particularly the inclusion of both sites within the compensation package, the development of the access methodology to OTB, and a schedule for management. However, NE noted concern that the installation schedule of the predator-proof fence at Orford Ness is unchanged from three years before commencement.

The Secretary of State welcomes the revised LIMP submitted by the Applicant and considers the outstanding concerns listed above are now resolved. While the Secretary of State notes the concern of NE in relation to the installation schedule, he considers a three-year period is sufficient as both proposed measures are capable of supporting a far greater number of nests than are required, thereby compensating for any mortality debt accrued.

Considering the advice from NE [REP8A-053] in relation the DCO and to ensure consistency with previously made Orders, the Secretary of State has made the following key amendments to Schedule 13 Part 1 of the Order:

- A plan of works for the OOEG to be submitted to and approved by the Secretary of State;
- A requirement for the Applicant to extend an invitation to the relevant Wildlife Trust to participate in the OOEG as an advisory member;
- A requirement for the Applicant to undertake detailed, seasonally appropriate ecological surveys prior to submitting the LIMP and to develop any additional mitigation measures to avoid adverse impacts on habitat, fauna, and flora within the red line boundary of the proposed compensation measure;
- Further detail to be included within the final LIMP, including how monitoring and reporting data will be provided to The Crown Estate Marine Data Exchange, the relevant Local Environmental Record Centre(s), and any relevant ecological recording schemes;
- Provision for the results of the monitoring and reporting scheme to be made publicly available and submitted at least annually to the Secretary of State and members of the OOEG; and
- A mechanism to trigger the implementation of adaptive management measures, should the compensation measures delivered be found to be ineffective.

Ultimately, having reviewed all the information before him, the Secretary of State is satisfied that the scale of compensation as identified is appropriate, and appropriate monitoring and adaptive management is secured to ensure the long-term success of the measure.

The Secretary of State is satisfied that the necessary compensatory measures can be secured and delivered to protect the coherence of the UK NSN for LBBG as required by Regulations 29 and 36 of the Offshore Habitats Regulations and Regulations 64 and 68 of the Habitats Regulations. He considers that Schedule 13 Part 1 of the Order adequately secures the further work required to progress the proposed compensation measures.

9.2 Kittiwake – FFC SPA

9.2.1 Applicant

The compensatory measures proposed by the Applicant for kittiwake are provided in the following documents:

- HRA Derogation Case [AS-003];
- Kittiwake Implementation and Monitoring Plan ("KIMP") [REP5-023].
- Kittiwake Compensation – Evidence, Site Selection and Roadmap [REP5-017]

The potential compensatory measures proposed by the Applicant for kittiwake of the FFC SPA are:

- Collaborating with Dogger Bank South offshore windfarm to use an existing artificial nesting structure ("ANS") in Gateshead on the River Tyne; or
- Provision of a monetary contribution to the MRF for the delivery of strategic compensation.

In the Kittiwake Compensation – Evidence, Site Selection and Roadmap [REP5-017], the Applicant set out ratios for 1:1, 2:1, and 3:1 for both the CIV (mean) and the 95% UCI under both the Hornsea Three and Hornsea Four methodologies, to calculate how many nesting spaces would be required to compensate for the impact.

The Applicant [REP5-017] considered the mean impact numbers, and not the 95% UCI, as the most appropriate measure to calculate compensation requirements. The Applicant considered the mean impact numbers, applying a 3:1 ratio for the Hornsea Four calculation method to be the most appropriate. Under this approach, the Applicant concluded a compensation quantum of 6.6 breeding pairs of kittiwakes, and that the provision of 7 nesting spaces would compensate for the impact to the kittiwake feature of the FFC SPA.

The Applicant [REP5-023] stated that the delivery of the artificial nesting spaces would be undertaken through use of the existing kittiwake ANS at Gateshead that was constructed on behalf of RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited.

The Applicant has secured formal agreement with Dogger Bank South, submitted as an appendix to the Kittiwake Compensation – Evidence, Site Selection and Roadmap (Appendix B of [REP5-017]), to contribute towards a defined share of the kittiwake ANS to cover the required compensation quantum of the Project.

The Applicant considered that as the East coast of England kittiwake population is mainly found on the stretch of coast between Humberside and Northumberland, the location of the ANS at Gateshead is in an optimal location with connectivity to existing kittiwake colonies and the FFC SPA.

The Applicant [REP5-023] also highlighted that as the existing ANS at Gateshead has already been constructed and is already providing artificial nesting spaces for kittiwakes to utilise, the FFC SPA would receive benefit from these compensation measures before the Project becomes operational.

9.2.2 Natural England

At Deadline 8, NE [REP8-051] commented that it considers that the proposed additional nesting at the existing ANS at Gateshead would be an appropriate and proportionate compensatory measure. NE highlighted how it proposed using the existing ANS at Gateshead for the compensatory requirement of the Project during Discretionary Advice Service meetings with the Applicant.

However, both NE [PD2-006] and the RSPB [RR-094] queried the delivery mechanism and sharing arrangements with Dogger Bank South. Both parties questioned how the Applicant's contribution would be secured and how the number of any kittiwake pairs occupying the ANS would be divided and shared between the participating projects. Following updates to the Roadmap at Deadline 2 [REP2-009] made by the Applicant to provide additional details on the practical arrangements of using the existing ANS at Gateshead, NE was satisfied with the arrangements proposed [REP4-061]. The RSPB continued to request further detail on the apportionment of the ANS between participating projects and it remained an 'ongoing point of discussion' in its SoCG with the Applicant [REP5-067].

Furthermore, NE disagreed with the Applicant's approach to calculating how many nesting spaces would be required to compensate for the impact. At Deadline 5 and 8, NE [REP5-095 & REP8-051] summarised what it considered the approach to compensation should consist of:

- Input value of 95% UCI to reflect the uncertainty regarding the potential impacts of the Project
- Use of the Hornsea Three Stage 2 approach, as this takes into account the need for the ANS to produce recruits to sustain the colony itself when birds need replacing, rather than drawing on birds out of the wider biogeographic population to do so
- Ratio of 3:1 to reflect various uncertainties around the timing and speed of colonisation of the ANS, whether the ANS will grow the population rather than simply relocating breeding birds to it, and the extent to which its recruits would end up breeding in the NSN.

Under this approach, NE concluded a compensation quantum of 45.7 breeding pairs of kittiwakes, and that the provision of 46 nesting spaces would compensate for the impact to the kittiwake feature of the FFC SPA.

The Risks and Issues Log [REP8A-053] submitted by NE at Deadline 8A shows that NE considers the proposed KIMP to be an appropriate and proportionate measure to compensate to the modest contribution of the Project to the in-combination AEoI on the kittiwake feature of the FFC SPA. NE, however, disagree with the Applicant and consider that the 95% UCI should be used alongside a compensation ratio of 3:1.

9.2.3 ExA

The ExA concluded that the package of proposed compensation measures is feasible, appropriate, and would ultimately ensure the overall coherence of the UK NSN [ER D 1.7.55]. The ExA agreed that the project-specific compensatory measures proposed by the Applicant for kittiwake is sufficient for the modest level of impact anticipated from the Project and agrees the implementation of the KIMP [REP5-115], secured through Schedule 13 Part 2, has the potential to deliver a proportionate level of benefit [ER D 1.7.55].

Considering the evidence presented by the Applicant and precedents from previous methods accepted by the Secretary of State in determining to grant consent, the ExA recommended to the Secretary of State parameters to use to calculate the compensation quanta for kittiwake for the FFC SPA for the Project:

- The CIV be used to be proportionate with the level of impact associated with the Project [ER D 1.7.57].
- A 3:1 ratio be used to reflect various uncertainties such as the timing and speed of colonisation of the ANS [ER D 1.7.57].
- The Hornsea Three Stage 2 approach be used as the ExA noted that this was advised by NE and that the ExA could find no substantial reasons against using a Stage 2 approach [ER D 1.7.57].

Under this recommended approach, the ExA concluded a compensation quantum of 15.9 (rounded to 16) breeding pairs of kittiwakes, and that the provision of 16 nesting spaces would compensate for the impact to the kittiwake feature of the FFC SPA [ER D 1.7.58].

9.2.4 Secretary of State

The Secretary of State agrees with NE and the ExA that the approach to compensatory measures proposed by the Applicant is appropriate for the level of impact identified from the Project and agrees that an appropriate contribution to the MRF, or the implementation of a final KIMP, would deliver a proportionate level of compensation and benefit.

Considering the advice from NE and the ExA in relation to the compensation quantum, as similarly adopted in decisions on previous offshore wind farms, the Secretary of State considers that in this case the CIV, using a 3:1 ratio and the Hornsea Three Stage 2 approach, are, at the current time and based on current evidence, appropriate to calculate the compensation quantum required. The Secretary of State, however, notes that this does not preclude him from accepting alternative parameters in future decisions.

Under this approach, the Secretary of State agrees with the ExA and concludes a compensation quantum of 15.9 breeding pairs of kittiwakes, and that the provision of 16 nesting spaces would sufficiently compensate for the impact to the kittiwake feature of the FFC SPA.

However, the Secretary of State had a number of outstanding concerns in relation to the proposed KIMP [REP5-023]. In his information request on 11 July 2025, the Secretary of State asked the Applicant to make the following revisions to the KIMP:

- Include within paragraph 3.1.4 a requirement to convene a steering group of relevant parties, including the RSPB and relevant Wildlife Trust to be invited to form part of the steering group in an advisory capacity;

- Remove the following sentence from paragraph 6.1.1, "*The Applicant will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Projects control e.g. climate change, prey availability*." As the competent authority under the Habitats Regulations, it is the Secretary of State who determines whether implementation of adaptive management measures is appropriate;
- Include a new section within the KIMP on data-sharing which must require the regular submission by the Applicant of all relevant pre-implementation and operational survey and monitoring data to The Crown Estate's Marine Data Exchange and relevant Local Environmental Records Centres.

On 11 August 2025, the Applicant responded to the Secretary of State's information request. The Applicant provided a revised KIMP which included some of the requests made by the Secretary of State. The Applicant included the RSPB as a consultee and included a new section outlining how survey and monitoring data will be shared. The Applicant considered that the Wildlife Trust is not a relevant party to consult on the development and delivery of the compensation measure and failed to remove the sentence, as requested, from paragraph 6.1.1.

In his information request on 21 August 2025, the Secretary of State reiterated his request for the removal of the following sentence from paragraph 6.1.1, "*The Applicant will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Projects control e.g. climate change, prey availability*."

On 5 September 2025, the Applicant responded to the Secretary of State's information request and provided a revised KIMP with the removal of the final sentence from paragraph 6.1.1., as requested.

The Secretary of State welcomes the revised KIMP submitted by the Applicant and considers the outstanding concerns listed above are now resolved.

Considering the advice from NE [REP8A-053] in relation the DCO and to ensure consistency with previously made Orders, the Secretary of State has made the following key amendments to Schedule 13 Part 2 of the Order:

- Refinement of how the Applicant can elect to make a payment to the Marine Recovery Fund or submit a KIMP to the Secretary of State for approval, in order to fulfil the requirement for compensation
- A plan of works for the OOEG to be submitted to and approved by the Secretary of State;
- A requirement for the Applicant to extend an invitation to the RSPB and relevant Wildlife Trust to participate in the OOEG as advisory members;
- Further detail to be included within the final KIMP, including how monitoring and reporting data will be provided to The Crown Estate Marine Data Exchange, the relevant Local Environmental Record Centre(s), and any relevant ecological recording schemes;
- Provision for the results of the monitoring and reporting scheme to be made publicly available and submitted at least annually to the Secretary of State and members of the OOEG; and
- A mechanism to trigger the implementation of adaptive management measures, should the compensation measures delivered be found to be ineffective.

Having reviewed all the information before him, the Secretary of State is satisfied that the scale of compensation as identified is appropriate, and appropriate monitoring and adaptive management is secured to ensure the long-term success of the measure.

The Secretary of State is satisfied that the necessary compensatory measures can be secured and delivered to protect the coherence of the UK NSN for kittiwake as required by Regulations 29 and 36 of the Offshore Habitats Regulations and Regulations 64 and 68 of the Habitats Regulations. He considers that Schedule 13 Part 2 of the Order adequately secures the further work required to progress the proposed compensation measures, including a contribution to the MRF or the approval of a final KIMP.

9.3 Guillemot – FFC SPA and Farne Islands SPA

9.3.1 Applicant

The compensatory measures proposed by the Applicant for guillemot are provided in the following documents:

- HRA Derogation Case [AS-003];
- Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012]; and
- Guillemot and Razorbill Implementation and Monitoring Plans ("GRIMP") [REP8-014].

The potential compensatory measures proposed by the Applicant for guillemot of the FFC SPA and Farne Islands SPA are:

- Provision of a monetary contribution to the MRF for the delivery of strategic compensation; or
- Reducing recreational disturbance of guillemot and razorbill through the following measures at selected colony sites in south-west England:
    - Signage
    - Visitor access statements
    - Coordination with equipment hire business
    - Coordination with recreational organisations
    - Wardens

The Applicant [REP8-012] considered that the proposed measures would reduce recreational disturbance on guillemot in locations within the biogeographic range of the FFC SPA and Farne Islands SPA, and directly contribute breeding adults back into the regional population and the NSN.

NE [PD2-006] and the RSPB [RR-094] considered that further on-site monitoring work should be undertaken by the Applicant to establish the current levels and sources of disturbance experienced by each colony. NE stated that this assessment should be combined with discussions with local experts who could advise specific compensation measures that would be most effective at each site.

The Applicant [REP8-012] stated that initial site investigations and engagement with local experts had been undertaken at ten short-listed colonies in the south-west of England during the

2024 breeding season and provided information regarding site investigations in Section 7 of [REP8-012]. The ten short-listed colonies selected for compensation measures were:

- Bawden Rocks
- Carters Rocks
- Carvannet – Portreath 3
- Grower Rock
- Highveer Point
- Lye Rock
- Lynton 1 & 2
- North Cornwall 2
- Tresungers Point
- Treyarnon – Merope

Of the ten colonies, the Applicant [REP8-012] considered that five have low potential, two have moderate potential, and three have high potential for compensatory measures to be successful. Given the amount of recreational activity, North Cornwall 2, Tresungers Point, and Lye Rock were considered by the Applicant to have high potential for compensation measures targeted at reducing recreational disturbance.

The Applicant [REP8-012] considered that once further surveys are completed to characterise baseline levels of disturbance and colony productivity, along with further coordination with relevant stakeholders, have been completed the final site and compensation measure selections can be made to develop the GRIMP and evidence that the chosen measures would sufficiently compensate for the population losses from the Project. The Applicant [REP8A-038] stated that this data would be collected from the 2025 breeding season onwards.

In the Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012], the Applicant set out 50:1 and 70:2 displacement and mortality ratios for both the mean (CIV) and the 95% UCI to the FFC SPA and Farne Islands SPA using the Hornsea Four compensation calculation method, alongside compensation ratios of 1:1, 2:1, and 3:1.

The Applicant [REP8-012] considered a displacement rate of 50% and a mortality rate of 1% under the CIV as the most appropriate parameters to calculate compensation requirements. The Applicant did not offer a preferred compensation ratio.

The Applicant considered that although the Hornsea Four compensation calculation method provides a rough estimate of the required compensation quanta and was accepted by the Secretary of State in determining the consent for previously consented projects, the method does not consider the additional boost to the productivity of auks that benefit from disturbance reduction and therefore is an overestimate of the compensation requirements for the Project. The Applicant therefore considered that until an appropriate compensation calculation methodology can be agreed with NE, it considers that any requirements should be presented in terms of a range of impact numbers, as displayed in Table 3 of [REP8-012].

9.3.2 Natural England

At Deadline 8, NE [REP8-051] considered that, subject to further development and refinement, the proposed recreational disturbance reduction measures would be an appropriate and

proportionate compensatory measure. NE highlighted how it proposed potential recreational disturbance reduction to south-west auk colonies to multiple developers, including the Applicant.

Despite being broadly supportive of the proposals, NE raised several concerns during the Examination. NE [PD2-006 & REP8-051] raised concerns that the short-listed sites had not been secured with relevant landowners and stakeholder participation had not been formalised. The Applicant [REP1-051] considered that the majority of the proposed measures would not require landowner consent or the securing of land, and that it was continuing discussions with relevant stakeholders and other offshore windfarm projects to determine the best approach for delivering the proposed measures. At Deadline 8A, the Applicant [REP8A-040] submitted a letter from the Cornwall Wildlife Trust. The Trust stated that, provided the relevant strategic coordination and funding provisions are sufficient, the Trust can provide the necessary services that would be required to deliver the potential measures and are therefore willing to enter into an appropriate commercial agreement should compensation be deemed necessary by the Secretary of State.

NE [REP8A-053] also made various recommendations for the Applicant's proposals to measure success of the compensation and associated monitoring methods. NE recommended that success be measured by seeking to see positive changes in bird numbers and productivity as well as changes in human behaviour, and a comprehensive monitoring programme that includes human activity would be needed to identify these changes when they may occur. NE advised the Applicant to consider the use of innovative techniques such as drones or cameras for recording human activity.

Furthermore, NE disagreed with the Applicant's approach to calculating how many nesting spaces would be required to compensate for the impact. At Deadline 5 and 8, NE [REP5-095 & REP8-051] summarised what it considered the approach to compensation should consist of:

- Input value of 95% UCI to reflect the uncertainty regarding the potential impacts of the Project
- Use of the Hornsea Four method
- Ratio of 3:1 to increase confidence that sufficient benefits will still arise, should the measure underperform

NE [REP8-051] initially advocated for the use of the Hornsea Three Part 2 method of calculating quanta as it was considered to be the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact. NE noted that the method was conceived to inform the design parameters of ANS for kittiwake and thus may be limited for calculating the quanta for other seabird species. Following testing of the method for guillemot, NE considered that it produced "unrealistic and clearly disproportionate requirements for scaling compensatory measures". In light of this, NE advised that in the absence of a robust alternative option for guillemot, it is appropriate in this case for the Hornsea Four method to be used, in conjunction with the 95% UCI and 3:1 ratio.

Under this approach, NE concluded a compensation quantum of 39.27 breeding pairs of guillemot for the impact to the guillemot feature of the FFC SPA. At the time of NE's comments [REP8-051], the Applicant had not presented any calculations for guillemot of the Farne Islands SPA, however, given the similarity between the impacts, NE considered that the FFC SPA values could be used indicatively. At Deadline 8, the Applicant updated the Guillemot and Razorbill –

Evidence, Site Selection and Roadmap [REP8-012] to include calculations for the Farne Islands SPA. Under NE's preferred methodology this would conclude a compensation quantum of 35.43 breeding pairs of guillemot for the impact to the guillemot feature of the Farne Islands SPA.

9.3.3 ExA

The ExA concluded that the package of proposed compensation measures is feasible, appropriate, and would ultimately ensure the overall coherence of the UK NSN [ER D 1.7.43]. The ExA agreed that the project-specific compensatory measures proposed by the Applicant for guillemot is sufficient for the level of impact anticipated from the Project and agrees the implementation of the GRIMP, secured through Schedule 13 Part 3, has the potential to deliver a proportionate level of benefit [ER D 1.7.43].

Considering the evidence presented during the Examination, the ExA [ER D 1.7.44] recommended to the Secretary of State parameters to use to calculate the compensation quanta for guillemot of the FFC SPA and Farne Islands SPA for the Project:

- Impact value based on worst-case mortality rates;
- Ratio of 3:1 to reflect various uncertainties relating to the productivity of the site and the potential to accrue a mortality debt; and
- Central impact value to be proportionate with the level of impact associated with the Project

Under this recommended approach, the ExA concluded a compensation quantum of 31.0 breeding pairs of guillemot for the impact to the guillemot feature of the FFC SPA. The ExA also concluded a compensation quantum of 35.43 breeding pairs of guillemot for the impact to the guillemot feature of the Farne Islands SPA [ER D 1.7.45].

9.3.4 Secretary of State

The Secretary of State agrees with NE and the ExA that the approach to compensatory measures proposed by the Applicant is sufficient for the level of impact identified from the Project and agrees that an appropriate contribution to the MRF or the implementation of final GCIMP(s), would deliver a proportionate level of compensation and benefit.

As adopted in decisions on previous offshore wind farms, the Secretary of State considers that in this case the CIV, the Hornsea Four compensation calculation method, using a 70:2 displacement and mortality ratio and a 3:1 compensation ratio, is, at the current time and based on current evidence, appropriate to calculate the compensation quantum required. The Secretary of State, however, notes that this does not preclude him from accepting alternative parameters in future decisions.

In his information request on 21 August 2025 ("the second information request"), the Secretary of State asked the Applicant to re-calculate the compensation quantum within the Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012] in accordance with the latest demographic rate advice presented within the '*Interim advice regarding demographic rates, EIA scale mortality rates and reference populations for use in offshore wind impact assessments*' (2024) published by Natural England and Natural Resources Wales. On 5 September 2025, the Applicant responded to the Secretary of State's information request and provided a revised version of the Guillemot and Razorbill – Evidence, Site Selection and Roadmap with the re-calculated compensation quantum.

Under the adopted approach and using the revised quantum, the Secretary of State concludes a compensation quantum of 30.23 breeding pairs of guillemot for the impact to the guillemot feature of the FFC SPA and a compensation quantum of 25.59 breeding pairs of guillemot for the impact to the guillemot feature of the Farne Islands SPA.

In the Guillemot and Razorbill – Evidence, Site Selection and Roadmap [REP8-012], the Applicant estimates that from the three shortlisted sites, an equivalent conservative maximum of 184 additional adult breeding pairs could be delivered into the regional population. The Secretary of State is therefore satisfied that the sites would have the sufficient capacity to deliver the above compensation quantum, alongside that of the Rampion 2 offshore windfarm.

The ExA [ER D 1.4.47] noted that reference to the Farne Islands SPA had not been incorporated by the Applicant in either the without prejudice wording for Part 3 of Schedule 13 of the dDCO [REP8A-042] or the GRIMP [REP8-014]. The ExA therefore recommended that the Secretary of State obtained from the Applicant amended versions of Part 3 of Schedule 13 of the rDCO, together with the GRIMP.

In his information request on 11 July 2025 (“the first information request”), the Secretary of State asked the Applicant to provide an amended without prejudice versions of Schedule 3 Part 3 and the GRIMP to include provision for compensatory measures for guillemot as a qualifying feature of the Farne Islands SPA. The Applicant responded to the Secretary of State’s information request and provided a revised version of the dDCO and GRIMP, as requested. The Secretary of State welcomes the revised dDCO and GRIMP submitted by the Applicant and considers this outstanding concern is now resolved.

Noting the concerns of NE in relation to outstanding agreements with relevant landowners, potential developer partnerships, and relevant stakeholders, the Secretary of State also asked the Applicant in the first information request to provide an update on whether appropriate participation with these bodies has been agreed. On 25 July 2025, the Applicant responded to the Secretary of State’s information request. The Applicant stated that it has continued to engage with offshore windfarm development partners and the Cornwall Wildlife Trust to develop the collaborative compensation measures for auks. The Applicant states that they have reached agreement with offshore windfarm development partners to jointly fund a Project Manager position within Cornwall Wildlife Trust with the aim that this role would engage relevant local stakeholders and landowners.

Noting that the Applicant omitted an update on progress in agreeing appropriate participation with relevant local stakeholders and landowners in its response, the Secretary of State in his second information request asked the Applicant to provide a further update on whether appropriate participation has been agreed. On 5 September 2025, the Applicant responded to the Secretary of State’s information request. The Applicant stated that as there are five offshore windfarm projects (including the Project) party to the proposed collaborative compensation measures, it would be confusing for local stakeholders and landowners, and potentially damaging to the success of the measure, were each individual project to seek to engage individually with the relevant parties. As such, the Applicant stated that it has not progressed agreements with those stakeholders, beyond initial engagement prior to the involvement of the Cornwall Wildlife Trust. The Applicant considered that engagement would best be done by the Cornwall Wildlife Trust as a single delivery partner on behalf of the relevant projects.

Considering the representations made by the Applicant, the Secretary of State agrees that engagement with local stakeholders and landowners is best delivered through a single coordinating body, rather than as a fragmented and disjointed effort from individual projects. The Secretary of State takes comfort in the agreement to between the Applicant and its offshore windfarm development partners to jointly fund a Project Manager position within Cornwall Wildlife Trust to deliver this. As such, the Secretary of State considers this outstanding concern is now resolved.

Further to this, the Secretary of State had a number of outstanding concerns in relation to the proposed GRIMP [REP8-014]. In the first information request, the Secretary of State asked the Applicant to make the following revisions to the GRIMP:

- Require that the success of the compensation will be determined by both positive changes in bird numbers and productivity, as well as positive human behavioural change.
- Provide further detail of how these changes in bird numbers and productivity, and human behavioural change, would be monitored using currently available techniques
- Provide further detail of additional monitoring such as dietary analysis and colour ringing
- Require, under Section 4.3, the engagement with relevant local tourism and recreational stakeholders in the development of the compensation measure.
- Include the Cornwall Wildlife Trust and relevant tourism and recreational stakeholders within paragraphs 3.1.4 as relevant parties to be invited to form part of the OOEG in an advisory capacity.
- Revise paragraph 3.1.4, noting that no artificial nesting program is to be implemented through the GRIMP
- Remove the following sentence from paragraph 6.1.3, "*The Project will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Project's control e.g. climate change, prey availability*." As the competent authority under the Habitats Regulations, it is the Secretary of State who determines whether implementation of adaptive management measures is appropriate.
- Include a new section on data-sharing which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to The Crown Estate's Marine Data Exchange and relevant Local Environmental Records Centres.

On 11 August 2025, the Applicant responded to the Secretary of State's information request. The Applicant provided a revised GRIMP which included some of the requests made by the Secretary of State. The Applicant included the RSPB as a consultee and included a new section outlining how survey and monitoring data will be shared. However, the Applicant failed to remove the sentence, as requested, from paragraph 6.1.3.

In his information request on 21 August 2025, the Secretary of State reiterated his request for the removal of the following sentence from paragraph 6.1.3, "*The Project will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Project's control e.g. climate change, prey availability*."

On 5 September 2025, the Applicant responded to the Secretary of State's information request and provided a revised GRIMP with the removal of the final sentence from paragraph 6.1.3, as requested.

In his information request on 21 August 2025, the Secretary of State also asked NE to confirm whether the amendments made by the Applicant to the GRIMP resolve the outstanding concerns raised in the Risk and Issues Log [REP8A-053].

On 5 September 2025, NE stated that they welcomed the amendments made to the GRIMP, which help resolve some of the outstanding concerns raised in the Risk and Issues Log. However, NE noted that the Applicant continues to base the compensation quantum for the FFC SPA and Farne Islands SPA on the predicted impacts using the Applicant's approach, rather than that advised by NE. NE advised the Secretary of State to base the compensation quantum on the approach advised by NE.

The Secretary of State welcomes the revised GRIMP submitted by the Applicant and considers the outstanding concerns listed above are now resolved.

Considering the advice from NE in relation the DCO and to ensure consistency with previously made Orders, the Secretary of State has made the following key amendments to Schedule 13 Part 3 of the Order:

- Refinement of how the Applicant can elect to make a payment to the Marine Recovery Fund or submit GCIMP(s) to the Secretary of State for approval, in order to fulfil the requirement for compensation;
- A requirement for the Applicant to submit site-by-site GCIMP(s) to ensure that the proposed management measures for compensation are achievable and tailored for each of the three shortlisted sites;
- A plan of works for the OOEG to be submitted to and approved by the Secretary of State;
- A requirement for the Applicant to extend an invitation to the RSPB and relevant Wildlife Trust to participate in the OOEG as advisory members;
- Further detail to be included within the final GCIMP(s), including how monitoring and reporting data will be provided to The Crown Estate Marine Data Exchange, the relevant Local Environmental Record Centre(s), and any relevant ecological recording schemes;
- Provision for the results of the monitoring and reporting scheme to be made publicly available and submitted at least annually to the Secretary of State and members of the OOEG; and
- A mechanism to trigger the implementation of adaptive management measures, should the compensation measures delivered be found to be ineffective.

Having reviewed all the information before him, the Secretary of State is satisfied that the scale of compensation as identified is appropriate, and appropriate monitoring and adaptive management is secured to ensure the long-term success of the measure.

The Secretary of State is satisfied that the necessary compensatory measures can be secured and delivered to protect the coherence of the UK NSN for guillemot as required by Regulations 29 and 36 of the Offshore Habitats Regulations and Regulations 64 and 68 of the Habitats Regulations. He considers that Schedule 13 Part 3 of the Order adequately secures the further work required to progress the proposed compensation measures, including a contribution to the MRF or the approval of the final GCIMP(s).

9.4 Sandbanks which are slightly covered by seawater all the time – MLS SAC

The compensatory measures proposed by the Applicant for sandbanks are provided in the following documents:

- HRA Derogation Case [AS-003];
- Margate and Long Sands Special Area of Conservation – Benthic Mitigation Plan [REP8A-011];
- Benthic Compensation Strategy Roadmap [REP8-008]; and
- Outline Benthic Implementation and Monitoring Plan [REP7-029].

The potential compensatory measures proposed by the Applicant for sandbanks of the MLS SAC are:

- Provision of a monetary contribution to the MRF for the delivery of strategic compensation;
- Project-led compensation comprising removal of disused telecommunications' cables in SACs with protected sandbank features; or
- Project-led compensation comprising seagrass habitat creation or restoration.

9.4.1 Applicant – Removal of Disused Telecommunication Cables

In relation to the removal of disused telecommunication cables, the Benthic Compensation Strategy Roadmap [REP8-008] did not identify any disused cables in the MLS SAC. However, disused telecommunication cables were recorded in the Haisborough, Hammond and Winterton SAC ("HHW SAC") (3,999.6sqm of cable intersecting with sandbank, owned by British Telecom ("BT")) and in the North Norfolk Sandbanks and Saturn Reef SAC ("NNSSR SAC") (9,147sqm of cable intersecting with sandbank owned by BT and BAE Systems). Collectively, the Applicant considered that removal could provide 13,146.6sqm of possible surface area relative to the worst-case scenario of 5,400sqm of cable protection as a result of the Project, a compensation ratio of more than 2:1.

The Applicant [REP8-008] states that artificial features laid on sandbank habitat represent an existing pressure on relevant designated sites hindering the development of Annex I habitats or impacting on the overall integrity of a site. The Applicant considers that the removal of existing disused infrastructure could therefore remove or reduce existing pressures and provide a compensatory measure.

The Applicant [REP8-008] provided initial detail in relation to the objective, function, and scale of the proposed compensation measure, as well as an overview of the likely delivery process and timescales.

The Applicant stated that only initial engagement had taken place with BT as the cable owner to agree mechanisms for removal, liability, and transfer. The Applicant submitted a Letter of No Objection for Subsea Cable Removal from BT at Deadline 7 (Appendix A of [REP8-008]). BT confirmed that subject to further detailed discussion and notwithstanding any planning consents or marine licences required to be obtained by the Applicant, there is no reason in principle why a signed agreement could not be reached to allow the Applicant to remove discussed cables owned by BT. No evidence of engagement with BAE Systems was provided by the close of the Examination in relation to the cables within the NNSSR SAC.

9.4.2 Natural England – Removal of Disused Telecommunication Cables

While NE [PD2-008] expressed in principle support for the removal of disused telecommunication cables, NE raised concerns in relation to the feasibility, timing, location, and success criteria of the compensation measure.

NE [REP8A-053] acknowledged the letter from BT but raised concern as to how commitments with cable owners would be secured and that the location of the disused cables have not been presented in detail and agreed with the relevant SNCBs.

NE also advised that evidence is needed that the identified telecommunication cables are causing a significant impact on the Annex I sandbank qualifying features of the HHW SAC and NNSSR SAC and hindering their respective conservation objectives. NE [REP8A-053] advised that unless the disused infrastructure is surface laid, exposed, or protected at the surface, NE do not consider the proposed removal, per se, to provide benefits to the affected site or feature and, therefore, to constitute compensation.

The Applicant [REP8-008] stated that it is not known if the identified cables are surface laid and had not provided details as to the location of the disused cables or their intersection with Annex I sandbank habitat in the HHW SAC or NNSSR SAC by the close of the Examination.

NE [REP8A-053] recorded these matters as unresolved in its Risk and Issues Log submitted at Deadline 8A. NE [REP5-097] stated that it was unlikely the Applicant would be able to provide sufficient evidence or security during the Examination that removal of disused telecommunication cables alone would effectively compensate for the impacts from the Project on the Annex I sandbank feature.

9.4.3 Applicant – Seagrass Habitat Creation / Restoration

In relation seagrass habitat creation / restoration, the Applicant [REP8-008] considered that if ‘like for like’ benthic compensation cannot be provided, ‘non like for like’ compensation such as restoration or creation of habitat with similar or identical ecological function to Annex I sandbank habitat could be considered. The Applicant notes that seagrass beds are a sub-type of Annex I sandbank habitat.

The Applicant [REP8-008] provided initial detail in relation to the objective and function of the proposed compensation measure, as well as an overview of the likely delivery process and timescales.

The Applicant notes that the creation of a subtidal seagrass bed is not deemed suitable within the MLS SAC as there is no evidence of seagrass beds occurring historically, therefore alternative subtidal sites could be investigated, particularly to the west along the Lincolnshire coast or intertidal sites within the wider region of the southern North Sea. The Applicant identified several UK seagrass restoration projects, such as the partnership between Orsted and the Yorkshire Wildlife Trust to restore approximately 30ha of seagrass habitat in the Humber Estuary as part of Orsted’s Hornsea Project Four offshore windfarm compensation requirements.

In response to a question from the ExA (ME.1.10 [PD-011]) on the weighting that could be afforded to project-led compensatory measures, the Applicant [REP2-039] confirmed that seagrass habitat creation / restoration should be given the lowest weighting as it is not ‘like for like’ and it would only supplement other options with approximately 10% of the compensation

quantum, consistent with DEFRA guidance. This is consistent with advice from NE [PD2-008] [REP4-061] [REP5-096] that seagrass habitat creation / restoration could only be considered as part of a package of compensation measures and providing less than 10% of the required compensation quantum.

9.4.4 Natural England – Seagrass Habitat Creation / Restoration

NE [PD2-008] expressed concern that the location, project design, implementation, success criteria, and monitoring were not presented in detail or agreed with the SNCB. NE noted the Applicant's suggestion of the Lincolnshire coast but queried which seagrass restoration projects would be supported and how the Applicant would demonstrate that the compensation measure was additional what the selected project(s) had already entrained.

NE [REP8A-053] recorded these matters as unresolved in its Risk and Issues Log submitted at Deadline 8A. NE [REP5-097] stated that it was unlikely the Applicant would be able to provide sufficient evidence or security during the Examination that seagrass habitat creation / restoration would compensate for the impacts from the Project.

9.4.5 Applicant and Natural England – Strategic Compensation

In relation to strategic compensation, the Applicant [REP8-008] identified SAC designation or extension to include an additional area of Annex I sandbank habitat within the NSN as having the potential to compensate for the impacts from the Project. The Applicant identified possible extension areas of 408sq.km for the Inner Dowsing, Race Bank and North Ridge SAC and 253sq.km for the HHW SAC as having ecological merit. The Applicant noted, however, that these can only be delivered by DEFRA in conjunction with NE and the JNCC.

NE [PD2-008] advised that strategic compensation has the greatest likelihood of maintaining the coherence of the NSN. NE stated that sufficient capacity could be built into the design of the strategic compensation measure to compensate for the impacts from the Project as a sole measure. The Applicant [REP1-051] [REP2-039] agreed with NE on this matter.

As the strategic compensation would be delivered by DEFRA, NE [PD2-008] advised that information provided by the Applicant in the Benthic Compensation Strategy Roadmap [REP8-008] relating to timing, deliverability, location, success criteria, implementation, and monitoring should not be relied upon. NE highlighted that this would be determined by DEFRA and has not been secured yet.

On 29 January 2025, the *Marine Environment* Written Ministerial Statement ("WMS") was issued by DEFRA[15]. The WMS confirmed that DEFRA would commit to designating new marine protected areas ("MPA") and/or extending existing MPAs to deliver strategic compensation to compensate for likely environmental effects of offshore wind development, as there are no ecologically effective options that developers can deliver themselves to compensate for unavoidable impacts to seabed habitats in SACs and Marine Conservation Zones.

The Applicant [REP7-083] considered that the WMS should provide significant comfort to the ExA and the Secretary of State that if compensation is required then use of strategic

[15] https://questions-statements.parliament.uk/written-statements/detail/2025-01-29/hcws394

compensation can be relied upon as an effective and achievable compensation measure. The Applicant also agreed that strategic compensation should be given the highest weighting of its proposed compensation options and confirmed that it remained the Applicant's preferred option.

NE [REP7-110] maintained that a strategic compensation measure had the greatest likelihood of maintaining the coherence of the NSN and did not believe there was merit in further progressing or placing reliance on project-led compensation measures.

9.4.6 ExA

The ExA was satisfied that the MDS associated with the placement of cable protection is 5,400sq.m, being the maximum volume of cable protection that could be placed during construction and subsequently repaired or replaced. The ExA, therefore, recommended a compensation quantum of 5,400sq.m for the impact to the Annex I sandbank feature of the MLS SAC [ER D.17.68].

The ExA concluded that the proposed strategic compensation measure is feasible, appropriate, and would ultimately ensure the overall coherence of the UK NSN [ER D 1.7.80]. Noting the position of the Applicant and the advice of NE as the SNCB, the ExA considered that a strategic compensation measure has the greatest likelihood of maintaining the coherence of the NSN. The ExA is satisfied that financial contribution to the MRF or other strategic compensation fund would result in delivery of a strategic compensation measure [ER D.1.7.78].

The ExA is also satisfied that publication of the WMS and associated DESNZ guidance[16] provided evidence that DEFRA is committed to providing new or extended MPA designations through the MRF that provide sufficient capacity to compensate for the identified habitat loss effects of offshore windfarm development from Round 3 and 4 leasing, and 2017 extensions, which would include the Project [ER D.1.7.78].

The ExA carefully considered all the evidence submitted to the Examination and considered that the removal of disused telecommunication cables would not be suitable as a sole compensation measure [ER D.1.7.89]. The ExA concurred with the advice of NE, noting that whilst the Applicant identified a possible surface area of 13,146.6sq.m of redundant telecommunication cables for removal, it was not known if these cables are surface laid or if they are hindering the conservation objectives of the SACs in which they are located [ER D.1.7.90]. The ExA also agreed with the advice of NE that to be an effective compensation measure, it would need to address an issue to the extent that the coherence of the NSN will be preserved. In the absence of survey evidence for the disused telecommunication cables under consideration for removal, the ExA did not consider that the Secretary of State can have confidence that the coherence of the NSN would be preserved [ER D.1.7.91].

Additionally, whilst there was some evidence of engagement between the Applicant and BT as a cable owner, the ExA considered that there is little firm detail about the location of the disused telecommunication cable it is describing in its letter of no objection, and if this is the cable in the

16 https://www.gov.uk/government/publications/strategic-compensation-measures-for-offshore-wind-activities-marine-recovery-fund-interim-guidance/strategic-compensation-measures-for-offshore-wind-activities-marine-recovery-fund-interim-guidance#use-of-mpa-designation-andor-extensions-of-mpas-as-benthic-compensation

HHW SAC and NNSSR SAC identified by the Applicant for removal. The ExA also was unclear what progress had been made on securing a legally binding agreement for the Applicant to undertake the removal of the telecommunication cable. The ExA also notes that the Applicant has not supplied any information regarding engagement with BAE Systems, who the Applicant identifies as the cable owner in the NNSSR SAC.

Ultimately, the ExA did not consider that any reliance can be placed on this project-led compensation measure without further evidence from the Applicant [ER D.1.7.92].

In relation to seagrass habitat creation or restoration, the ExA notes that whilst the Applicant stated that there might be suitable sites along the Lincolnshire coast it has not identified any specific sites or provided any evidence that these could be secured for the purpose of compensation. The ExA notes that the Applicant has provided no evidence of discussion or agreement with any potential delivery partners. The ExA also considered that there is insufficient evidence to demonstrate how the additionality test would be met if the Applicant were to contribute towards an existing seagrass creation or restoration project.

Ultimately, the ExA did not consider that the proposed seagrass habitat creation or restoration would be suitable as a sole compensation measure. The ExA also considered that there is a lack of clarity and detail in the proposal to recommend it as partial compensation measure or for as an adaptive management measure, and that further evidence from the Applicant would be needed for the Secretary of State to place reliance on it [ER D.1.7.101].

The ExA considered that they cannot be certain that the identified project-led compensation measures for Annex I sandbank habitat would be feasible to deliver, or that these would provide sufficient compensatory value to address the effects of the Project and concluded that uncertainty remained as to whether these would be successful in ensuring overall coherence of the UK NSN [ER D.1.7.103]. If the Secretary of State wished to place reliance on project-led compensation measures, then the ExA suggested that the Secretary of State should require the Applicant to:

- Undertake considerable additional work on the proposal to remove disused telecommunication cables, including survey and analysis to confirm that there are surface-laid cables, and to an extent that would provide sufficient surface area for compensation, progress towards legal agreements with the cable owner(s) and additional consenting required, and development of monitoring proposals
- Undertake significant additional work to demonstrate the feasibility of seagrass habitat creation or restoration proposals, including identification of suitable sites for subtidal habitat and progress with delivery partners to demonstrate how the compensation measure would be implemented and managed.

Ultimately, the ExA concluded that a strategic compensation measure is the only potential compensation measure identified by the Applicant upon which reliance can be placed [ER D.1.7.108].

9.4.7 Secretary of State

The Secretary of State agrees with the ExA and concludes a compensation quantum of 5,400sq.m for the impact to the Annex I sandbank feature of the MLS SAC.

The Secretary of State also agrees with NE and the ExA that there is significant uncertainty as to whether the identified project-led compensation measures would be feasible to deliver, or that they would provide sufficient compensation to address the effects of the Project. This is informed by the lack of detailed information provided by the Applicant on either of the project-led compensation measures. For the Secretary of State to place reliance on the project-led compensation measures, considerable additional work would be needed on the proposals to demonstrate that they would be feasible and ecologically effective options.

On the advice of the ExA, the Secretary of State asked DEFRA in his information request on 11 July 2025 to confirm whether the proposed strategic compensation (the extension of an existing SAC or designation of a new SAC with Annex I Sandbank feature) to compensate for an AEoI on the MLS SAC would be deliverable through the MRF, noting that the fund has yet to be formally established and become operational. On 27 July 2025, DEFRA responded to confirm that the Project could be eligible for the compensation it is proposing to make available via compensatory MPAs. DEFRA expressed confidence that compensation is likely to be available for the Annex I Sandbank feature and that this could be delivered through the MRF. DEFRA noted that this would be verified upon application to the MRF through the supporting documentation provided by the Applicant at the time.

Considering the advice of DEFRA, the WMS, and the associated DESNZ guidance, the Secretary of State takes comfort that strategic compensation, in the form of a contribution by the Applicant to the MRF (or other strategic compensation fund) once it becomes operational, can be relied upon as an effective and achievable compensation measure. The Secretary of State agrees with NE and the ExA that the strategic compensation measure is sufficient for the level of impact identified from the Project and agrees that an appropriate contribution to the MRF would deliver a proportionate level of compensation and benefit.

As such, the Secretary of State has removed project-level compensation measures from Schedule 13 Part 4 of the Order. The amended Schedule 13 Part 4 solely secures compensation for Annex I sandbank habitat through a contribution or series of contributions by the Applicant to the MRF (or other strategic compensation fund).

Having reviewed all the information before him, the Secretary of State is satisfied that the scale of compensation as identified at 5,400sq.m is appropriate, and that the necessary strategic compensatory measures can be secured and delivered to protect the coherence of the UK NSN for Annex I sandbank habitat as required by Regulations 29 and 36 of the Offshore Habitats Regulations and Regulations 64 and 68 of the Habitats Regulations. He considers that Schedule 13 Part 4 of the Order adequately secures the application and contribution by the Applicant required to progress strategic compensation measures through the MRF (or other strategic compensation fund).

10 Transboundary assessment

The Secretary of State considers that it is important to consider the potential impacts on protected sites in other European Economic Area ("EEA") states, known as transboundary sites. The ExA also considered the implications for transboundary sites. The conclusions of the ExA's considerations and the Secretary of State's own views on this matter are presented below.

On 31 May 2022, following the Applicant's request for an EIA scoping opinion, PINS undertook a transboundary screening and consultation on behalf of the Secretary of State pursuant to Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the United Nations Environment Programme Convention on Biological Diversity 1992. A second and final screening was undertaken on 14 May 2024 following submission of the Application documents. PINS considered that the Project was likely to have a significant effect either alone or in-combination on the environment in an EEA state. Notification of transboundary issues were required under Regulation 32 of the 2017 EIA Regulations and issued to The Netherlands, Belgium, Germany, Denmark, and France.

Potential transboundary impacts were considered in the Applicant's RIAA [REP8-004], updated in response to the Secretary of State's information request on 21 August 2025. The Secretary of State notes that the Applicant considered non-UK protected sites in its Application and concluded that there would be no AEoI from the Project alone and in-combination on any transboundary sites.

NE [REP8A-053], in their final Risk and Issues Log, considered that while the majority of correct protected sites and qualifying features had been considered in the Applicant's RIAA [REP8-004], noted that those protected sites within the North Sea Management Unit designated for harbour porpoise and more than 26km from the Project were not screened in for assessment. In his information request on 11 July 2025, the Secretary of State asked the Applicant to revise the RIAA and HRA Screening Matrices [REP8-006] to screen in the transboundary sites for harbour porpoise within the North Sea Management Unit. In response, the Applicant provided a revised RIAA and HRA Screening Matrices to include the transboundary sites, as requested, but reiterated that all transboundary sites are located beyond the standard distance over which disturbance of harbour porpoise is expected (26km, based on the Effective Deterrent Range). As such, the Applicant considered that potential impacts to transboundary sites are not considered to be significant based on the distance between the sites and the Project.

In his information request on 21 August 2025, the Secretary of State asked NE to confirm whether the amendments made by the Applicant to the RIAA and HRA Screening Matrices to screen in the transboundary sites for harbour porpoise within the North Sea Management Unit resolved the outstanding concern raised in their Risk and Issues Log [REP8A-053]. In response, NE confirmed that the amendments made by the Applicant in regard to the transboundary sites were sufficient to address the outstanding concern.

The governments of The Netherlands, Belgium, Germany, Denmark, and France did not engage with the Examination on HRA-related matters [ER 2.8.3].

The ExA was satisfied that, on the basis of the information provided by the Applicant and NE's agreement that the correct sites and qualifying features had been considered in the RIAA, that the Project would not have an LSE on protected sites in any EEA state [ER 2.8.4].

The Secretary of State has not been presented with any substantive evidence to demonstrate that transboundary impacts would have an LSE on any protected site in an EEA state. As such, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, would not have an LSE on any transboundary protected site. The Secretary of State is satisfied that further stages of a transboundary assessment are therefore not required.

11 Conclusion

The Secretary of State has carefully considered all information presented within the Application, during the Examination, and the representations made by NE and all IPs, along with the ExA's Recommendation Report.

The Secretary of State concludes that an AEoI cannot be ruled out for the following:

- Lesser black-backed gull feature of the Alde-Ore Estuary SPA and Ramsar site
- Kittiwake feature of the Flamborough and Filey Coast SPA
- Guillemot feature of the Flamborough and Filey Coast SPA and Farne Islands SPA
- Sandbanks which are slightly covered by seawater all the time feature of the Margate and Long Sands SAC

He has considered the derogation provisions to determine whether the Project can be consented. The Secretary of State is satisfied that there are no feasible alternative solutions to fulfilling the objectives of the Project which would remove or reduce the risk of an AEoI of the protected sites. The Secretary of State is also satisfied that there are clearly imperative reasons in the public interest for the Project to proceed, and that these reasons clearly outweigh the impacts to the protected sites. The Secretary of State is also satisfied that a package of compensatory measures to ensure that the overall coherence of the UK NSN is maintained is secured through Schedule 13 of the Order and can be delivered.

Table 1: Protected sites and qualifying features considered in the assessment of LSE

Protected site	Qualifying feature(s)	Potential for Likely Significant Effects
Vlaamse Banken SAC	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
	Twaite shad	Increase in underwater noise
Bancs des Flandres SAC	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Margate and Long Sands SAC	Sandbanks which are slightly covered by sea water all the time	Physical habitat loss / disturbance Suspended sediment / deposition Accidental pollution Invasive non-native species Electro-magnetic fields Changes to physical processes

Essex Estuaries SAC	Sandbanks which are slightly covered by seawater all the time	Physical habitat loss / disturbance Suspended sediment / deposition Invasive non-native species Electro-magnetic fields Changes to physical processes
Deben Estuary Ramsar site	Dark-bellied brent goose (wintering)	Collision risk
Deben Estuary SPA	Avocet (non-breeding) Dark-bellied brent goose (non-breeding)	Collision risk
Dengie (Mid-Essex Coast Phase 1) SPA	Dark-bellied brent goose Grey plover Knot Hen harrier	Collision risk
Dengie (Mid-Essex Coast Phase 1) Ramsar site	Dark-bellied brent goose (over-wintering) Grey plover (over-wintering) Red knot (over-wintering) Waterbird assemblage	Collision risk
Stour and Orwell Estuaries Ramsar site	Internationally and nationally important populations of Black-tailed godwit, Dark-bellied brent goose, Dunlin, Grey plover, Knot, Pintail, Redshank Important passage populations of Redshank	Collision risk

	Wintering waterbird assemblage	
Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site	Waterfowl assemblage of international importance Dark-bellied brent goose (over-wintering) Redshank (over-wintering) Waterbird assemblage Wetland invertebrate assemblage Wetland plant assemblage	Loss of foraging and roosting habitat outside the SPA Disturbance of birds outside the SPA Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality
Alde-Ore Estuary Ramsar site	Lesser black-backed gull (breeding) Avocet (wintering) Redshank (wintering)	Collision risk
Berwickshire and North Northumberland Coast SAC	Grey seal	Underwater noise Collision risk Changes to prey Habitat loss Disturbance at haul out
Humber Estuary SAC	Grey seal	Underwater noise Collision risk Changes to prey Habitat loss Disturbance at haul out

Humber Estuary Ramsar site	Grey seal	Underwater noise Collision risk Changes to prey Habitat loss Disturbance at haul out
	Internationally important populations of Golden plover, Dunlin, Black-tailed godwit, Bar-tailed godwit, Redshank, Shelduck, Red Knot Nationally important populations of Hen harrier, Dark-bellied brent goose, Teal, Wigeon, Goldeneye, Avocet, Oystercatcher, Ringed plover, Grey plover, Lapwing, Sanderling, Curlew, Whimbrel, and Turnstone	Collision risk
Southern North Sea SAC	Harbour porpoise	Underwater noise Collision risk Physical habitat loss / disturbance Changes to prey Accidental pollution
The Wash and North Norfolk Coast SAC	Harbour seal	Underwater noise Collision risk Changes to prey Habitat loss Disturbance at haul out

Outer Thames Estuary SPA	Red-throated diver	Disturbance and displacement
Alde-Ore Estuary SPA	Avocet (breeding and non-breeding) Lesser black-backed gull (breeding) Redshank (non-breeding) Ruff (non-breeding)	Collision risk
Minsmere-Walberswick SPA	Bittern (breeding) Gadwall (breeding and non-breeding) Teal (breeding) Shoveler (breeding and non-breeding) Hen harrier (non-breeding) Avocet (breeding) White-fronted goose (non-breeding)	Collision risk
Minsmere-Walberswick Ramsar site	Bittern (non-breeding) Gadwall (non-breeding) Teal (non-breeding) Shoveler (non-breeding) Avocet (non-breeding)	Collision risk

Hamford Water SPA	Avocet (non-breeding) Black-tailed godwit (non-breeding) Dark-bellied brent goose (non-breeding) Grey plover (non-breeding) Redshank (non-breeding) Ringed plover (non-breeding) Shelduck (non-breeding) Teal (non-breeding)	Loss of foraging and roosting habitat outside the SPA Disturbance of birds outside the SPA Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality
Colne Estuary (Mid-Essex Coast Phase 2) SPA	Dark-bellied brent goose (over-wintering) Hen harrier (over-wintering) Pochard (over-wintering) Redshank (over-wintering) Ringed plover (over-wintering) Waterbird assemblage (over-wintering) Little tern (breeding)	Loss of foraging and roosting habitat outside the SPA Disturbance of birds outside the SPA Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality
Blackwater Estuary SPA	Black-tailed godwit (non-breeding) Dark-bellied brent goose (non-breeding) Dunlin (non-breeding) Grey plover (non-breeding)	Loss of foraging and roosting habitat outside the SPA Disturbance of birds outside the SPA Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality

	Hen harrier (non-breeding) Waterbird assemblage (non-breeding) Little tern (breeding) Pochard (breeding) Ringed plover (breeding)	
Blackwater Estuary Ramsar site	Black-tailed godwit (wintering) Dark-bellied brent goose (wintering) Dunlin (wintering) Grey plover (wintering) Waterbird assemblage	Loss of foraging and roosting habitat outside the SPA Disturbance of birds outside SPA Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality
	Wetland invertebrate assemblage Saltmarsh Wetland plant assemblage	Impacts on supporting populations of plants and invertebrates outside the Ramsar site
Flamborough and Filey Coast SPA	Gannet	Collision risk Disturbance and displacement
	Kittiwake	Collision risk
	Guillemot Razorbill	Disturbance and displacement
Farne Islands SPA	Guillemot	Disturbance and displacement

	Razorbill	
Viakte van de Raan SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Westerschelde & Saeftinghe SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Voordelta SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Hamford Water SAC	Fisher's estuarine moth	Impacts on supporting populations, food plant and potential habitat outside the SAC Water quality: Pollution from site run-off affecting habitat quality Decreases in water quantity

		Decreases in air quality
Hamford Water Ramsar site	Important wintering populations of Black-tailed godwit, Dark-bellied brent goose, Redshank, and Ringed plover	Disturbance of birds outside the Ramsar site Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decrease in air quality
Stour and Orwell Estuaries SPA	Black-tailed godwit (over-wintering) Dark-bellied brent goose (over-wintering) Dunlin (over-wintering) Grey plover (over-wintering) Knot (over-wintering) Pintail (over-wintering) Redshank (over-wintering) Waterbird assemblage (over-wintering) Redshank (on passage) Avocet (breeding)	Disturbance of birds outside the SPA Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decreases in air quality Loss of foraging and roosting habitat outside the SPA
Abberton Reservoir SPA	Cormorant (breeding) Coot (non-breeding) Gadwall (non-breeding) Great crested grebe (non-breeding)	Disturbance of birds outside the SPA Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decreases in air quality

	Mute Swan (non-breeding) Pochard (non-breeding) Shoveler (non-breeding) Teal (non-breeding) Tufted duck (non-breeding) Wigeon (non-breeding) Waterbird assemblage	Loss of foraging and roosting habitat outside the SPA
Abberton Reservoir Ramsar site	Gadwall (wintering) Shoveler (wintering) Wigeon (wintering) Waterbird assemblage	Disturbance of birds outside the Ramsar site Water quality: Pollution from site run-off affecting prey availability Decreases in water quantity Decreases in air quality Loss of foraging and roosting habitat outside the SPA
Waddenzee SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
SBZ 1 SCI	Grey seal	Underwater noise Habitat loss

		Collision risk Changes to prey Disturbance at haul out
SBZ 2 SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
SBZ 3 SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Noordzeekustone SCI	Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out
Klaverbank SCI	Harbour seal and Grey seal	Underwater noise Habitat loss

		Collision risk Changes to prey Disturbance at haul out
Doggersbank SAC	Harbour seal and Grey seal	Underwater noise Habitat loss Collision risk Changes to prey Disturbance at haul out

Table 2: Protected sites and qualifying features considered in the assessment of LSE (LBBG PCS).

Protected site	Qualifying feature(s)	Potential for Likely Significant Effects
Alde-Ore Estuary Ramsar site	Marsh mallow Sea heath Sea pea Dittander Bur meddick Curved hard-grass Borrer's saltmarsh grass Spiral tasselweed Perennial glasswort	Changes to qualifying interest habitats or the habitats of the qualifying interest species Direct mortality of qualifying interest animals and plants Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality

	Marsh sowthistle Suffocated clover Yellow-vetch Narrow-leaved eelgrass Ground lackey Fancy-legged fly *Cheilosia velutina* *Empis prodomus* *Dixella attica* *Hylaeus euryscapu* *Pseudamnicola confuse* Starlet sea anemone Lagoon sand shrimp *Euophrys browning* Dufffy's bell-headed spider *Haplodrassus minor* *Trichoncus affinis*	Changes in water flows caused by fence lines across ditches
	Avocet (breeding and non-breeding) Lesser black-backed gull (breeding) Little tern (breeding)	Changes to qualifying interest habitats or the habitats of the qualifying interest species Direct mortality of qualifying interest animals and plants

	Marsh harrier (breeding) Mediterranean gull (breeding) Sandwich tern (breeding) Greenshank (non-breeding) Black tailed godwit (non-breeding) Pintail (non-breeding) Shelduck (non-breeding) Shoveler (non-breeding) Spotted redshank (non-breeding) Redshank (non-breeding) Teal (non-breeding) White fronted goose (non-breeding) Wigeon (non-breeding)	Disturbance of qualifying interest birds due to the presence of workers Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality Changes in water flows caused by fence lines across ditches
Alde-Ore Estuary SPA	Lesser black-backed gull (breeding) Little tern (breeding) Sandwich tern (breeding) Marsh harrier (breeding) Avocet (breeding and non-breeding) Redshank (non-breeding) Ruff (non-breeding)	Changes to qualifying interest habitats or the habitats of the qualifying interest species Direct mortality of qualifying interest animals and plants Disturbance of qualifying interest birds due to the presence of workers Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens

		Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality Changes in water flows caused by fence lines across ditches
Orfordness – Shingle Street SAC	Coastal lagoons Annual vegetation of drift lines Perennial vegetation of stony banks	Changes to qualifying interest habitats or the habitats of the qualifying interest species Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality Changes in water flows caused by fence lines across ditches
Alde-Ore and Butley Estuaries SAC	Estuaries Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows	Changes to qualifying interest habitats or the habitats of the qualifying interest species Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens Increases in nutrients from bird faeces affecting vegetation composition and water quality

		Changes in water flows caused by fence lines across ditches
Minsmere-Walberswick Ramsar site	Great bittern (breeding) Gadwall (breeding) Eurasian teal (breeding) Northern shoveler (breeding) Marsh harrier (breeding) Pied avocet (breeding) Bearded tit (breeding)	Changes to qualifying interest habitats or the habitats of the qualifying interest species Direct mortality of qualifying interest animals and plants Disturbance of qualifying interest birds due to the presence of workers Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality Changes in water flows caused by fence lines across ditches
Minsmere-Walberswick SPA	Eurasian teal (breeding) Great bittern (breeding) Northern shoveler (breeding) Gadwall (breeding) Pied avocet (breeding) Little tern (breeding) Hen harrier (non-breeding)	Changes to qualifying interest habitats or the habitats of the qualifying interest species Direct mortality of qualifying interest animals and plants Disturbance of qualifying interest birds due to the presence of workers Release of suspended solids and other pollution into waterways Spread of non-native species and pathogens

		Removal of grazing animals affecting vegetation composition Increases in nutrients from bird faeces affecting vegetation composition and water quality Changes in water flows caused by fence lines across ditches

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Date: December 2025