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7 February 2025

Dear Rachael,

**East Anglia One North Offshore Wind Farm Order 2022**

**East Anglia Two Offshore Wind Farm Order 2022**

**Approval of the Lesser Black-Backed Gull Implementation and Monitoring Plan under Paragraph 3, Part 2 of Schedule 18 to the Orders**

## 1. Introduction

- 1.1. The East Anglia One North (“EA1N”) and the East Anglia Two (“EA2”) Offshore Wind Farm Orders 2022 (“the Orders”) contain requirements that the undertaker must comply with before certain works within the authorised developments as defined in the Orders can commence. These include requirements in relation to lesser black-backed gulls (“LBBG”).
- 1.2. Paragraph 3 of Part 2 of Schedule 18 to the Orders states that:

*“Following consultation with the LBBCSG, the LBBIMP must be submitted to the Secretary of State for approval (in consultation with the MMO, the local planning authority for any land containing the predator control fencing, and the relevant statutory nature conservation body). The LBBCSG must be consulted further as required during the approval process. The LBBIMP must be based on the strategy for lesser black-backed gull compensation set out in the lesser black-backed gull compensation plan and include*

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- a. details of the location where compensation measures will be deployed, why the location is appropriate ecologically and likely to support successful compensation,*

*and details of agreements demonstrating how any land and/or rights will or have been secured to deliver the ecology objectives of the LBBIMP;*

- b. details of designs of any predator control fencing including the type of fencing and area and location of enclosure, and details of any other habitat management measures;*
- c. an implementation timetable for delivery of any predator control fencing and any other habitat management measures that ensures relevant compensation measures are in place to allow four full lesser black-backed gull breeding seasons prior to the operation of any wind turbine generator forming part of the authorised development;*
- d. details of the proposed ongoing monitoring of the measures including: survey methods; survey programmes; success criteria; recording of LBBCSG consultations and project reviews; adaptive management measures and details of the factors used to trigger alternative compensation measures and/or adaptive management measures;*
- e. details of the maintenance schedule for any predator proof fencing; and*
- f. details of the work in respect of ornithological by-catch measures as set out in Appendix 7 of the Offshore Ornithology Without Prejudice Compensation Measures, that could support practical management measures to reduce ornithological by-catch, and which would be undertaken alongside or in place of the predator control fencing.”*

- 1.3. ScottishPower Renewables (“the Applicant”) made a request to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) for approval of the Lesser Black-Backed Gull Compensation Steering Group (“LBBCSG”) Plan of Work for the compensation measures as required by paragraph 2 of Part 2 of Schedule 18 to the Orders.
- 1.4. On 11 May 2023, the Secretary of State approved the LBBCSG Plan of Work, which sets out the LBBCSG terms of reference, the membership, the schedule of meetings, timetables, reporting and review periods, and the dispute resolution mechanism.
- 1.5. On 10 July 2023, the Applicant submitted an initial Lesser Black-Backed Gull Implementation and Monitoring Plan to the Secretary of State for consideration, relating only to the predator control measures required under paragraph 3 of Part 2 of Schedule 18 to the Orders. Details of the ornithological by-catch measures required under paragraph 3 of Part 2 of Schedule 18 to the Orders were to be submitted at a later date.
- 1.6. On 6 October 2023, the Secretary of State invited comments from members of the LBBCSG on the submitted predator control measures. The Secretary of State received no substantive comments from consultees on the submitted predator control measures.
- 1.7. The Secretary of State did not have any concerns or requirements for further information on the submitted predator control measures but reiterated that the Secretary of State will only issue a final decision on the acceptability of the plan when a full plan, inclusive of the ornithological by-catch measures, is received.
- 1.8. On 7 November 2024, the Applicant submitted a request for the approval of the full Lesser Black-Backed Gull Implementation and Monitoring Plan (“LBBIMP”), inclusive of ornithological by-catch measures, for the Alde-Ore Estuary Special Protection Area, as

required by paragraph 3 of Part 2 of Schedule 18 to the Orders. The documents provided included the full LBBIMP and the LBBCSG Agreement Log for EA1N and EA2.

## **2. Representations**

- 2.1. On 13 January 2025, the Secretary of State invited comments from Natural England, the Marine Management Organisation (“MMO”), the Royal Society for the Protection of Birds (“RSPB”), and East Suffolk Council. The deadline for response was 11.59pm on 27 January 2025.
- 2.2. Natural England responded on 28 January 2025 and stated that Natural England is satisfied with the LBBIMP as written and has no further comments to make.
- 2.3. The MMO responded on 23 January 2025 and stated that following a review of the documents that the MMO wishes to defer to Natural England ornithologists and the Joint Nature Conservation Committee to advise on matters relating to the LBBIMP.
- 2.4. The RSPB responded on 13 January 2025 and stated that the RSPB has no further comments to make on the update to the LBBIMP in relation to by-catch.
- 2.5. East Suffolk Council did not respond to the request for comment from the Secretary of State.

## **3. The Secretary of State’s consideration of the Applicant’s LBBIMP and the Representations**

- 3.1. The Secretary of State has considered the LBBIMP and LBBCSG Agreement Log provided by the Applicant as well as the representations received from consultees.
- 3.2. Paragraph 3 of Part 2 of Schedule 18 to the Orders states that the LBBGIMP must be based on the strategy for compensation set out in the lesser black-backed gull compensation plan. The lesser black-backed gull compensation plan is set out in Appendices 5 and 7 of the Offshore Ornithology Without Prejudice Compensation Measures Revision 5, dated 31 January 2022.
- 3.3. The lesser black-backed gull compensation plan confirmed that measures to control nest predation of LBBG within the Alde-Ore Estuary Special Protection Area would be the most appropriate measure to deliver compensation for EA1N and EA2.
- 3.4. The Secretary of State notes that the Applicant has entered into a cooperation agreement with RWE, who are developing the Norfolk Boreas and Norfolk Vanguard offshore windfarms (“the Norfolk Projects”), to deliver a combined predator control solution to meet the lesser black-backed gull compensation requirements for their respective projects. The Secretary of State also notes that the Applicant has prepared the LBBIMP in line with the approach developed by RWE within the LBBGIMP of the Norfolk Projects approved by the Secretary of State on 26 January 2023.
- 3.5. In relation to the reduction in predation and disturbance from non-predatory mammals the LBBIMP provides for the creation of a six-hectare fenced enclosure at Orford Ness, producing a ‘predator proof’ breeding site for breeding LBBG. The full length of the fence would be inspected on a regular basis and any damaged areas repaired. This would be combined with monitoring of predators outside of the enclosure through sand traps, camera traps, and night vision surveys. The Applicant proposes core and additional monitoring of LBBG activity to inform the regular reporting to the LBBCSG and Secretary of State on the

effectiveness of the compensation measures. The Applicant also proposes adaptive management measures, such as additional habitat management and the placement of decoy birds within the enclosure, should the compensation measures implemented be found to be ineffective.

- 3.6. In relation to the predator control measures, the Secretary of State is content that the LBBIMP is based on the strategy for compensation set out in the lesser black-backed gull compensation plan and complies with the requirements under paragraph 3 of Part 2 of Schedule 18 to the Orders.
- 3.7. The lesser black-backed gull compensation plan stated that a secondary measure to reduce accidental ornithological by-catch in fisheries would also contribute to delivering compensation for EA1N and EA2.
- 3.8. In relation to the reduction in accidental ornithological by-catch in fisheries, the LBBIMP provides for the following actions:
  - **Action 1: Convene an ornithological by-catch reduction working group** – To convene an ‘Ornithological By-Catch Reduction Technical Working Group’ comprised of representatives from Natural England, the MMO, and other advisory bodies to inform the delivery of the proposed ornithological by-catch reduction compensation measures.
  - **Action 2: By-catching monitoring** – To undertake a year of monitoring, in collaboration with the fishing industry in East Anglia, to record ornithological by-catch, current equipment and techniques employed, and the level of by-catch risk.
  - **Action 3: Investigate new by-catch reduction measures** – To investigate alternative fishing gear and new fishing methods, with the aim of identifying alternatives to current gear types and methods which have the potential to reduce ornithological by-catch.
  - **Action 4: By-catch reduction technology trials** – To undertake a year of controlled at sea-trials of the alternative fishing gear and new fishing methods identified in Action 3 to quantify changes in ornithological by-catch events.
  - **Action 5: By-catch reduction fund** – To establish a fund with a total value of £500,000 to support fishers improve current fishing gear and methods to reduce ornithological by-catch. The gear eligible for funding would be informed by the findings that emerge from Actions 3 and 4.
- 3.9. The Applicant also proposes to monitor the progress and findings from the above actions, to inform the regular reporting to the LBBCSG and the Secretary of State on the effectiveness of the compensation measures.
- 3.10. In relation to the ornithological by-catch measures the Secretary of State is content that the LBBIMP is based on the strategy for compensation set out in the lesser black-backed gull compensation plan and complies with the requirements under paragraph 3 of Part 2 of Schedule 18 to the Orders.
- 3.11. Having considered all the information before him, the Secretary of State is satisfied that the LBBIMP and LBBCSG Agreement Log provides the necessary information and complies with the requirements of paragraph 3 of Part 2 of Schedule 18 to the Orders.
- 3.12. The Secretary of State **approves** the LBBIMP in accordance with paragraph 3 of Part 2 of Schedule 18 to the Orders.

Yours sincerely,

*John Wheadon*

John Wheadon

Head of Energy Infrastructure Planning Delivery

Department for Energy Security & Net Zero