



The Planning Inspectorate

REPORT on the IMPLICATIONS for EUROPEAN SITES Proposed East Anglia THREE Offshore Wind Farm

An Examining Authority report prepared with the support
of the Environmental Services Team

17 November 2016

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Report on the Implications for European Sites for
East Anglia THREE Offshore Wind Farm

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1. INTRODUCTION

Background

- 1.1 East Anglia THREE Limited (EATL) (the Applicant) has applied to the Secretary of State for Business, Energy and Industrial Strategy (SoSBEIS) for a development consent order (DCO) under section 37 of the Planning Act 2008 (as amended) for the proposed East Anglia THREE Offshore Wind Farm (the application). The SoS for Communities and Local Government (SoSCLG) has appointed an Examining Authority (ExA) to conduct an Examination of the application, to report its findings and conclusions, and to make a recommendation to the SoSBEIS as to the decision to be made on the application.
- 1.2 The relevant SoS (SoSBEIS) is the competent authority for the purposes of the Habitats Directive¹, the Habitats Regulations², and the Offshore Marine Regulations³ for applications submitted under the Planning Act 2008 regime (as amended). The findings and conclusions on nature conservation issues reported by the ExA will assist the SoSBEIS in performing their duties under the Habitats Regulations and the Offshore Marine Regulations.
- 1.3 This report compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the Examination by both the Applicant and Interested Parties (IPs), up to Deadline 6 of the Examination (8 November 2016), in relation to potential effects on European sites⁴. It is not a stand-alone document and should be read in conjunction with the Examination documents referred to in this report. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website [here](#).
- 1.4 It is issued to ensure that IPs, including Natural England (NE) and the Joint Nature Conservation Committee (JNCC) as the relevant statutory nature conservation bodies (SNCBs), are consulted formally on Habitats Regulations matters. NE is the relevant SNCB for England and for English

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

² The Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitats Regulations').

³ The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (as amended) (the 'Offshore Marine Regulations') apply beyond UK territorial waters (12 nautical miles (nm)). These regulations are relevant when an application is submitted for an energy project in a renewable energy zone (except any part in relation to which the Scottish Ministers have functions).

⁴ The term European sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs), candidate SACs, possible SACs, Special Protection Areas (SPAs), potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

waters within the 12 nautical mile (nm) limit. JNCC is the relevant SNCB beyond 12nm. NE confirmed in its Relevant Representation (RR) [RR-003] that pursuant to an authorisation made on 9 December 2013 by the JNCC under paragraph 17(c) of Schedule 4 to the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), NE is authorised to exercise JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200nm) adjacent to England. NE confirmed that the East Anglia THREE offshore wind farm was included in that authorisation and, therefore, NE will be providing statutory advice in respect of that delegated authority. However, JNCC retains responsibility as the statutory adviser for European offshore marine sites that are located outside the territorial sea and UK internal waters (i.e. more than 12nm offshore) and continues to provide advice to NE on the significance of any potential impacts on interest features of those sites.

- 1.5 The process of issuing the RIES to the SNCBs may be relied on by the SoSBEIS for the purposes of Regulation 61(3) of the Habitats Regulations and Regulation 25 of the Offshore Marine Regulations. Following consultation, the responses will be considered by the ExA in making its recommendation to the SoSBEIS and will be made available to the SoSBEIS along with this report. The RIES will not be revised following consultation.

European sites not considered in this RIES

- 1.6 The Applicant has considered potential impacts on European sites in other European Economic Area (EEA) States [APP-101 to APP-106], including European sites located within Sweden, Denmark, Germany, the Netherlands, Belgium, France and Ireland.
- 1.7 During the pre-application stage, and as part of the EIA Regulation 24 process, the SoSCLG notified the EEA States identified above, together with Norway, informing them about the proposed development. Of these, Belgium and France responded to confirm that they wished to be consulted on the proposed application. Rijkswaterstaat, the Ministry of Infrastructure and the Environment in the Netherlands, registered as an IP to the Examination. Sweden, Norway, and Denmark confirmed that they did not wish to participate in the Regulation 24 consultation process. Sweden did, however, state that the Swedish Agency for Marine and Water Management (SwAM) wished to be informed about the final EIA Report and the application. No other EEA States responded to the SoSCLG's notification.
- 1.8 Following acceptance of the application, the ExA took the decision to write to the governments of France and Belgium, and also to SwAM, to offer

them 'other person' status in the Examination [PD-008 to PD-010]. Belgium was the only party to respond to the procedural decision and stated that the Brussels-Capital Region had no interest in intervening in this matter [REP2-004].

- 1.9 During the Examination, a Statement of Common Ground (SoCG) was provided between the Applicant and Rijkswaterstaat [REP2-047]. This SoCG noted agreement in respect of European sites considered for potential likely significant effects on marine mammal species that were screened out from the Habitats Regulations Assessment (HRA). It stated that given the date on which the application was submitted, the correct list of European sites was considered and that it is appropriate to screen out these sites. In respect of offshore ornithology, the Applicant and Rijkswaterstaat were in agreement that the HRA screening process had been undertaken appropriately.
- 1.10 Only UK European sites are addressed in this report.

Documents used to inform this RIES

- 1.11 The full list of documents used to inform the RIES is provided in Annex 1 to this report. Key documents are detailed below.

DCO application documents

- 1.12 The Applicant provided a HRA report entitled 'Information for the Habitats Regulations Assessment' [APP-101] (hereafter referred to as the 'HRA report') with the DCO application, together with screening matrices [APP-102], integrity matrices [APP-105], and further supporting appendices [APP-103, APP-104, and APP-106].

Pre-Examination

- 1.13 The Applicant provided a number of post-acceptance submissions during the pre-examination stage, which were accepted into the Examination by the ExA. These included an erratum correcting the HRA report in respect of kittiwake (*Rissa tridactyla*) in-combination collision mortality [AS-003 and AS-008 (a duplicate of AS-003)], and also a correction to the marine mammals cumulative assessment numbers [AS-009].

Examination

Displacement matrices

- 1.14 A number of documents and representations related to the Applicant's ornithological assessment methodology were submitted during the Examination. These were provided in response to the ExA's questions and representations made by IPs, including NE. During the early stages of the Examination, NE and the Applicant differed in their approach to the

displacement matrices for auks. Revised displacement matrices for auk species were subsequently provided at Deadline 2 by both NE and the Applicant. NE provided these as Annex A to its Written Representation (WR) [REP2-017]. The Applicant provided these as Appendix 4 to the SoCG with NE [REP2-053]. These were, however, provided in relation to differences in the Applicant's and NE's position in respect of EIA methodology rather than a specific HRA matter.

Collision risk modelling (CRM)

- 1.15 During the Examination, the Applicant proposed changes to its in-combination assessment to account for a planned reduction in turbine numbers at the already consented East Anglia ONE offshore wind farm. The original consented wind farm in 2014 allowed for up to 240 turbines to be constructed. The Applicant confirmed at the first Environmental Matters Issue Specific Hearing (ISH) [REP4-006] that the East Anglia ONE offshore wind farm has obtained an amended Order which permits the construction of either a HVDC option of 1200MW comprising up to 240 wind turbines, or an HVAC option of up to 750MW comprising up to 150 wind turbines. The change to the East Anglia ONE Order was granted by the SoSECC on 29 March 2016.
- 1.16 The Applicant stated in its written submission following the ISH [REP4-006] that, following an award of a Contract for Difference (CfD) from the UK Government for an installed capacity of 714MW, East Anglia ONE Ltd has confirmed that it will progress with the HVAC option for East Anglia ONE, together with a reduced overall number of wind turbines to 102. On this basis, the Applicant submitted an updated CRM at Deadline 4 [REP4-011] to present revised cumulative collision risk figures based on a reduced number of wind turbines for the East Anglia ONE offshore wind farm to 102 turbines. The updated CRM also considered the Flamborough and Filey Coast potential Special Protection Area (pSPA).
- 1.17 In addition, the Applicant confirmed at Deadline 5 [REP5-012] that it had committed to a proposed change to the turbine design within the proposed development. The Applicant stated that it had agreed to increase the draught height of 70% of turbines for the proposed development by 2m. As a result of this change, a revised CRM was provided by the Applicant at Deadline 5 [REP5-026]. This revised CRM included revised collision risk modelling figures for the change to the proposed development, together with figures associated with the reduction in turbines at the East Anglia ONE offshore wind farm.
- 1.18 The revised CRM [REP5-026] presented data for the proposed development alone and in-combination, for both EIA purposes and in respect of the Flamborough and Filey Coast pSPA. This revised CRM also included at Appendix 3 the CRM data for the consented reduction in the

number of turbines to be installed for the East Anglia ONE Offshore Wind Farm (ie 150 turbines), following a request from the ExA in its second written questions [PD-018].

- 1.19 The ExA issued a Rule 17 letter on 28 October 2016 [PD-019], following discussions at the second Environmental Matters ISH, requesting a further CRM to identify the cumulative (for EIA purposes) and in-combination (for HRA purposes) collision risk modelling totals based on the 150 wind turbine scenario at East Anglia ONE offshore wind farm. This was requested as the current amended Order for East Anglia ONE offshore wind farm permits the installation of up to 150 turbines for the HVAC option and the proposal for 102 turbines appeared not to be legally secured.
- 1.20 The Applicant subsequently provided at Deadline 6 a revised CRM for East Anglia ONE with a theoretical maximum build out case of 150 turbines [REP6-044] (the 'revised CRM (150 turbines)'). The revised CRM (150 turbines) [REP6-044] reproduced Tables 7, 8 and 9 from the revised CRM document submitted at Deadline 5 [REP5-026], but substituted a 150 turbine case for the 102 turbine case previously presented.
- 1.21 Annex 3 to the RIES provides more information in respect of these changes, together with discussions during the Examination on this matter in respect of HRA.

Possible Special Areas of Conservation for harbour porpoise

- 1.22 During the pre-examination stage, formal consultations on a number of possible Special Areas of Conservation (pSACs) for harbour porpoise (*Phocoena phocoena*) in UK waters were issued by JNCC and the relevant bodies within the devolved administrations. NE advised in its RR [RR-003] that further work was likely to be required by the Applicant during the Examination process to assess the impacts of the project on these sites, and in particular the harbour porpoise features of the Southern North Sea (SNS) pSAC.
- 1.23 As a result of the consultations, and in line with Government policy⁵ which states that pSACs should be given the same protection as European sites, relevant pSACs have been considered during the Examination.
- 1.24 The HRA report [APP-101] acknowledged that a number of draft SACs (dSACs) for harbour porpoise in UK waters were being considered at the point of the DCO application, including a proposed site located within the Southern North Sea, which may or may not overlap with the proposed development. The HRA report identified the SNS dSAC as a site for further assessment. Owing to the absence of consultation on the dSAC at the time, the Applicant agreed with members of the Evidence Plan

⁵ Paragraph 118 of the NPPF

Steering Group [APP-164, APP-107], including NE and the Marine Management Organisation (MMO), that it was not possible to make any further assessment on the SNS dSAC then and that it was appropriate for the Applicant to provide additional information at a later date following public release of site details.

- 1.25 Following a request by the ExA in its Rule 8 letter⁶ [PD-011], the Applicant initially submitted for Deadline 3 of the Examination an interim HRA report for the SNS pSAC, entitled 'Information for the Habitats Regulations Assessment: Interim Marine Mammal Assessment Southern North Sea pSAC' [REP3-012] (the 'interim SNS pSAC HRA report'). A full HRA report for the SNS pSAC entitled 'Information for the Habitats Regulations Assessment: Marine Mammal Assessment Southern North Sea pSAC' (Revision A) [REP4-016 and REP4-017 (tracked change version)], was provided at Deadline 4 (the 'Revision A SNS pSAC HRA report'), which was superseded by a further updated version at Deadline 6 (Revision B) [REP6-021]. The latest version of the HRA report is hereafter referred to as the 'Revision B SNS pSAC HRA report' [REP6-021].
- 1.26 A draft Site Integrity Plan (dSIP), entitled 'In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan', was also submitted at Deadline 4 [REP4-013] in support of the HRA assessment. Submissions relating to the interim and Revision A SNS pSAC HRA report and the dSIP were also provided during the Examination, including a Deadline 5 submission from the Applicant ('NE advice and meeting note' [REP5-028]), and Deadline 4, 5 and 6 submissions from NE [REP4-029 and REP5-009], MMO [REP4-032, REP5-008 and REP6-009], The Wildlife Trusts (TWT) [REP5-007 and REP6-003], and Whale and Dolphin Conservation (WDC) [REP5-004].

Revised screening and integrity matrices

- 1.27 In response to the ExA's questions during the Examination, the Applicant was requested to provide revised screening and integrity matrices in respect of a number of offshore ornithology European sites. Revised versions were submitted at Deadline 2 [REP2-088 and REP2-089] and Deadline 5 [REP5-029]. The Applicant was also requested through a Rule 17 letter issued by the ExA on 28 October 2016 [PD-019] to provide screening and integrity matrices for the SNS pSAC to accompany its revised SNS pSAC HRA report. Screening and integrity matrices were provided for the SNS pSAC [REP6-022] at Deadline 6.
- 1.28 Links to the Applicant's screening and integrity matrices for European sites and qualifying features, where the Applicant's conclusions were not disputed by IPs, are provided at Annex 4 to this report. Matters examined

⁶ The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

in relation to the Applicant's screening conclusion and adverse effects on integrity are discussed in Sections 3 and 4, and also at Annex 3 of this report. For those European sites and qualifying features which have been the key focus of the Examination, or where the Applicant's conclusions were disputed/where uncertainty remains, the matrices for these sites have been updated by the ExA, with the support of the Environmental Services Team of the Planning Inspectorate. The European sites for which screening and integrity matrices have been produced in this RIES are in respect of the SNS pSAC and the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA. These matrices are included at Annex 4.

Evidence Plan and Statements of Common Ground

- 1.29 During the pre-application stage, the Applicant and a number of parties (including NE, MMO, RSPB, and Suffolk County Council) engaged in an HRA Evidence Plan process. Appendix 6 to the HRA report [APP-107] contains the agreement logs signed by NE and the MMO at the point of the DCO application. The agreement logs record areas of agreement and any areas of outstanding disagreement at the point of the DCO application. The agreement logs with NE were updated during the Examination and submitted as part the SoCG between the Applicant and NE at Deadline 2 [REP2-053].
- 1.30 A SoCG between the Applicant and RSPB was provided at Deadline 2 [REP2-049], together with a SoCG between the Applicant and TWT [REP2-057], and a SoCG between the Applicant and WDC [REP2-056].

Structure of this RIES

- 1.31 The remainder of this report is as follows:
- **Section 2** identifies the European sites that have been considered within the DCO application and during the Examination, up to Deadline 6 (8 November 2016). It provides an overview of the issues that have emerged during the Examination.
 - **Section 3** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects, either alone or in combination with other projects and plans. The section also identifies where IPs have disputed the Applicant's screening conclusions, together with any additional European sites and qualifying features screened for potential likely significant effects during the Examination.
 - **Section 4** summarises the European sites and qualifying features which have been considered in terms of adverse effects on site integrity, either alone or in combination with other projects and plans. The section identifies where IPs have disputed the Applicant's conclusions, together

with any additional European sites and qualifying features considered for adverse effects on integrity during the Examination. A more detailed explanation of the information provided during the Examination in respect of adverse effects on site integrity is set out in Annex 3 to this RIES.

- **Annex 1** lists the documents used to inform the RIES.
- **Annex 2** lists the sites and features considered for screening during the Examination. It also identifies which sites and features the Applicant concluded would be likely to experience significant effects and the views of the SNCBs' and other IP's on the Applicant's conclusion.
- **Annex 3** provides a more detailed explanation of the matters discussed during the Examination in respect of those European sites and qualifying features for which potential adverse effects on site integrity were considered during the Examination, including the views of SNCBs and other IPs.
- **Annex 4** provides links to the screening and integrity matrices for the European sites and qualifying features considered during the Examination. Annex 4 also comprises screening and integrity matrices for the SNS pSAC (see Stage 1 Matrix 1 and Stage 2 Matrix 1), for which the Applicant's conclusions remain disputed/unclear at the point of issue of this RIES, and for the Flamborough and Filey Coast pSPA (see Stage 1 Matrix 2 and Stage 2 Matrix 2) and Flamborough Head and Bempton Cliffs SPA (see Stage 1 Matrix 3 and Stage 2 Matrix 3), for which the Applicant's conclusions were initially disputed by IPs and were also a key focus of the Examination. The matrices summarise the position in respect of the Applicant, SNCBs and IPs up to Deadline 6 of the Examination.

2. OVERVIEW

European sites considered

- 2.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment.
- 2.2 The HRA report [APP-101] considered 208 European sites within the HRA screening assessment and presented these in screening matrices [APP-102]. Furthermore, the HRA report [APP-101] included reference to the SNS dSAC, although no screening or integrity matrix was provided for this site at the point of the DCO application. Of the 208 sites identified in the screening matrices [APP-102], 103⁷ are European sites for which the UK is responsible, together with the SNS dSAC.
- 2.3 The full list of UK European sites considered by the Applicant during the Examination is included as a table in **Annex 2** to this report, noting that this table includes 107 European sites as a result of the addition of two additional sites considered during the Examination: the SNS pSAC and the Flamborough Head and Bempton Cliffs SPA (see explanation regarding the latter below); and the separating out of the following SPA and Ramsar sites into each designation: Alde-Ore Estuary SPA and Ramsar; and the Deben Estuary SPA and Ramsar. This table also identifies whether the relevant SNCB and other IPs agreed with or disputed the Applicant's conclusions. Figures identifying the broad location of all European sites considered in the HRA report are provided as Figures 1 to 4 to the HRA report [APP-101]. The location of the SNS pSAC is shown on Figure 1 of the Revision B SNS pSAC HRA report [REP6-021].
- 2.4 The HRA report [APP-101] included consideration of a number of European sites located within Scotland and Wales, all of which were screened out of further assessment by the Applicant. Scottish Natural Heritage (SNH) and Natural Resources Wales (NRW) were invited to the Examination by the ExA as 'other persons' [PD-007 and PD-006, respectively]. NRW has not provided any comments or representations. SNH responded to the invitation stating that for any issues affecting Scottish nature conservation interests, advice should be sought in the first instance from Marine Scotland [REP2-115]. Marine Scotland registered as an IP to the Examination, but has not to date provided any comments or representations in respect of European sites.
- 2.5 During the Examination, the Applicant was requested by the ExA to provide separate screening and integrity matrices for the Flamborough

⁷ The 103 sites includes a number of SPA and Ramsar sites that the Applicant has considered jointly in the HRA report [APP-101]

Head and Bempton Cliffs SPA, as a matrix had only been provided for the Flamborough and Filey Coast pSPA (a proposed extension to the Flamborough Head and Bempton Cliffs SPA). In addition, and as a result of a subsequent consultation issued in respect of pSACs for harbour porpoise (as discussed in Section 1 above), the Applicant provided an 'Information to inform HRA assessment on the Southern North Sea pSAC' report [REP3-012, updated by REP4-016 and REP4-017 (tracked changed version), and again by REP6-021]. Matrices for the SNS pSAC were requested from the Applicant in a Rule 17 letter [PD-019]. These were provided by the Applicant at Deadline 6 [REP6-022]. The matrices for the SNS pSAC have been amended, together with the matrices for Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA, by the ExA with the support of the Environmental Services Team of the Planning Inspectorate and included at Annex 4 to this report.

- 2.6 No other European sites or qualifying features potentially affected by the application were identified by IPs during the Examination.

Assessment methodology

The HRA report [APP-101]

- 2.7 The HRA screening report [APP-101] explains the approach taken to identifying European sites likely to be significantly affected by the application. The effects considered in the HRA report are based on the project design defined in the relevant chapters of the Applicant's Environmental Statement (ES) [APP-109 to APP-137]. Tables 2.2 and 2.3 of the HRA report summarise the offshore and onshore project characteristics/parameters for the application. These are the same characteristics/parameters identified in ES Chapter 5 Description of Development [APP-113]; however, see information relating to changes made to the draught height of the turbines during the Examination at Paragraph 2.16 and Section 4 below.
- 2.8 Section 2 of the HRA report [APP-101] presented the Applicant's HRA screening assessment. The screening was carried out by categories, as follows:
- Offshore habitats;
 - Fish;
 - Marine mammals;
 - Birds;
 - Onshore habitats; and
 - Onshore species (other than birds).

- 2.9 A variety of potential effects arising from the proposed development was considered for each category, for example: disturbance and displacement of species, including prey species; collision with wind turbine components; and barrier to species movement.
- 2.10 Section 2 includes a high-level screening exercise for each of the above categories, with a more detailed screening assessment undertaken for marine mammals and birds.
- 2.11 The process for identifying European sites for screening is described in Section 2.4 of the HRA report [APP-101] and is based on the conceptual source-pathway-receptor model.

In-combination assessment

- 2.12 Sections 1.5.4 and 1.7.3 of the HRA report [APP-101] describe the approach taken to the in-combination assessment. The approach used to assess in-combination effects has been based on the approach used in the Applicant's ES cumulative impact assessments for each relevant topic, whilst Appendix 2 to the HRA report [APP-103] presents further information in respect of the in-combination screening of projects for ornithology receptors. The types of projects that the Applicant states could potentially be considered for the in-combination assessment for ornithology are listed in paragraph 4 of Appendix 2 [APP-103]. Paragraph 5 lists the stages of projects and plans that have been considered. Appendix 2 expands on why it has screened out all projects and plans apart from offshore wind farms for the ornithology assessment.
- 2.13 The offshore wind farms considered by the Applicant in its screening of likely significant effects on offshore ornithological receptors are listed in Table 2 of Appendix 2 [APP-103] to the HRA report. The Applicant has used the tiered approach proposed by NE and JNCC. At the request of the ExA, the NE and JNCC tier guidance was submitted to the Examination by the Applicant at Deadline 5 [REP5-027]. Projects in Tiers 1 to 5 were considered in the HRA report and its Appendix 2 [APP-101 and APP-103], as follows:
- Tier 1 Built and operational projects;
 - Tier 2 Projects that are under construction*;
 - Tier 3. Consented application(s) not yet implemented;
 - Tier 4. Submitted application(s) not yet determined; and
 - Tier 5. Future projects (e.g. pre-scoping stage).

*no projects at Tier 2 stage were identified by the Applicant in the HRA report [APP-101]

- 2.14 No other projects or plans were identified by IPs during the Examination in respect of the Applicant's HRA assessment in the HRA report.
- 2.15 The scope of the in-combination assessment was not disputed by NE or other IPs during the Examination. The SoCG between the Applicant and NE [REP2-053] did not identify any areas of concern with regard to the Applicant's approach to the in-combination and cumulative assessments. NE confirmed in the SoCG that the Applicant's screening of plans, projects and impacts for the cumulative assessments in respect of offshore habitats, benthic ecology, fish, marine mammals, terrestrial/onshore ecology, and onshore ornithology was appropriate. In respect of offshore ornithology, NE agreed that the list of wind farms included in the cumulative assessment was complete and the correct tiers had been assigned [REP2-053].

Changes to the proposed development during the Examination

- 2.16 During the Examination the Applicant agreed to amend the proposed development in the draft DCO (dDCO) (at Requirement 2 and also Condition 1 of Schedules 10 and 11 (i.e. the Generation Asset Deemed Marine Licences (DMLs))) to allow for an increased draught height of at least 70% of the total number of wind turbines in the authorised scheme by 2m. The revised CRMs submitted for Deadline 5 [REP5-026] and Deadline 6 [REP6-044] included revised collision mortality calculations for both the EIA and HRA (the latter in respect of the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA), taking into account this proposed increase to the wind turbine draught height.

The Revision B SNS pSAC HRA report

- 2.17 The Revision B SNS pSAC HRA report [REP6-021] provided at Deadline 6 presents the Applicant's HRA assessment in respect of the SNS pSAC and its harbour porpoise qualifying feature. The Revision B SNS pSAC HRA report explains the approach taken to the assessment and includes: a summary of the current status of the SNS pSAC; a summary of the HRA screening contained in the HRA report [APP-101]; an overview of the draft conservation objectives and management measures for the SNS pSAC; a summary of the harbour porpoise baseline; an assessment of potential effects on the SNS pSAC, both alone and in combination with other plans and projects; mitigation and management measures; and a summary of the assessment conclusions.
- 2.18 Appendix A to the Revision B SNS pSAC HRA report [REP6-021] contains a Table of Consultation describing consultations undertaken to date with NE in respect of previous iterations of the SNS pSAC HRA report. Appendix B summarises the list of plans and projects which have been screened-in to the SNS pSAC in combination assessment. Appendix C summarises the

seasonal average area of effect by the three scenarios considered for the in-combination assessment. Screening and integrity matrices for the SNS pSAC were also provided by the Applicant at Deadline 6 [REP6-022].

- 2.19 Section 5.5 and Appendix B of the Revision B SNS pSAC HRA report [REP6-021] describe the approach taken to the in-combination assessment on the SNS pSAC. It is explained that this is based on the tiered approach described in Section 12.4.4 of ES Chapter 12 [APP-120] and Appendix 12.5 [APP-164], and has considered underwater noise, indirect impacts and direct interaction from all stages of any plan or project within the North Sea Management Unit (MU) for harbour porpoise (the reference population boundary) where there is the potential for overlap with the proposed development. Section 4.5 of the Revision B SNS pSAC HRA report explains that selection of the North Sea MU as the reference population was agreed in consultation with NE at Evidence Plan Meeting 5 (see ES Appendix 12.1 [APP-164]).
- 2.20 The Revision B SNS pSAC HRA report [REP6-021] describes that the plans and projects screened into the cumulative assessment as identified in ES Appendix 12.5 [APP-168] were reviewed for the SNS pSAC, and on this basis, an updated list of the offshore wind farms considered in the in combination assessment is provided in Table B1 of Appendix B to the report. Table B2 of Appendix B identifies any projects for which changes have occurred between the time of the EIA cumulative assessment presented in ES Chapter 12 [APP-120] and the HRA in-combination assessment presented in the Revision B SNS pSAC HRA report [REP6-021]. Appendix B Tables B3 to B6 identify all the other developments, according to type, considered in the in-combination assessment (i.e. other renewables developments; aggregate extraction and dredging; oil and gas installations/activities; and licenced disposal sites, respectively). It is explained in Appendix B why navigation and shipping and subsea cables and pipelines were screened out of the in-combination assessment.

HRA matters considered during the Examination

- 2.21 Two key HRA matters have been the focus of the Examination. These are:
- the effect of the proposed development in combination with other offshore wind farm projects on the breeding kittiwake and gannet (*Morus bassanus*) qualifying features of the Flamborough and Filey Coast pSPA and breeding kittiwake qualifying feature of the Flamborough Head and Bempton Cliffs SPA; and
 - the effect of the proposed development alone and in-combination on the harbour porpoise qualifying feature of the SNS pSAC.

- 2.22 In respect of the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA, concerns were expressed by NE and the RSPB during the Examination regarding the Applicant's approach to assessing the collision risk and displacement effects on seabird populations. However, a large number of these concerns related to the Applicant's methodology for the EIA assessment for bird species rather than the HRA.
- 2.23 Key areas of dispute and/or matters explored during the Examination in respect of the ornithology methodology included:
- In-combination collision mortality figures arising from the reduction in the number of East Anglia ONE offshore wind farm turbines, and proposed changes to the draught height of the majority of wind turbines for the proposed development;
 - Use of Population Viability Analysis (PVA) vs Potential Biological Removal (PBR);
 - Use of density dependent outputs vs density independent outputs;
 - Reference populations used in the model for kittiwake;
 - Methodology for determining seasonal displacement of auks; and
 - Choice of model and avoidance rate applied for gannet.
- 2.24 In respect of the SNS pSAC, a separate interim HRA report for this site was provided by the Applicant at Deadline 3 [REP3-012], with a full report provided at Deadline 4 [REP4-016], which was further updated at Deadline 6 [REP6-021]. A dSIP [REP4-013] and draft Marine Mammal Mitigation Protocol (dMMMP) [APP-298] were also submitted by the Applicant, which support the Applicant's SNS pSAC HRA reports. The potential for likely significant effects and any adverse effects on the integrity of the SNS pSAC have been key areas explored during the Examination. The SNS pSAC is discussed in more detail at Section 4 and Annex 3 of this RIES.

3. LIKELY SIGNIFICANT EFFECTS

- 3.1 The Applicant's HRA screening is presented in Section 2 of the HRA report [APP-101] and also summarised in the screening matrices [APP-102, REP2-088 and REP2-089].
- 3.2 The full details of the assessments that have informed the screening stage are referenced in the HRA report [APP-101]. The full assessments are presented in the relevant ES chapters (e.g. for ornithology receptors the relevant chapters are: ES Chapter 13 Offshore Ornithology [APP-121] and ES Chapter 24 Onshore Ornithology [APP-132]).
- 3.3 The Applicant has addressed potential in-combination effects within its HRA report [APP-101]. As described in Section 2 above, the scope of the Applicant's in-combination assessment in the HRA report [APP-101] was not disputed by NE or other IPs during the Examination.
- 3.4 In respect of the SNS pSAC, the Applicant's initial HRA screening for the SNS pSAC was included in the HRA report at Section 2.5.4 and summarised in Table 2.11 [APP-101]. The HRA screening for the pSAC is also restated at Section 2 of the Revision B SNS pSAC HRA report [REP6-021]. The location of the SNS pSAC is presented in Figure 1 of the Revision B SNS pSAC HRA report [REP6-021]. A screening matrix for the SNS pSAC was provided by the Applicant at Deadline 6 [REP6-022]. As the position of the SNCBs and other IPs in respect of the Applicant's HRA assessment on the SNS pSAC is currently uncertain, the SNS pSAC screening matrix has been amended and included at Annex 4 of this RIES (see Stage 1 Matrix 1).
- 3.5 In-combination effects on the SNS pSAC are discussed in detail at Section 5.5 of the Revision B SNS pSAC HRA report [REP6-021]. Appendix B to the Revision B SNS pSAC HRA report [REP6-021] summarises the plans and projects screened in to the Applicant's in-combination assessment. The Revision B SNS pSAC HRA report [REP6-021] states at paragraph 13 that it was agreed with NE that the in-combination assessment would follow the approach taken for the cumulative assessment within the ES [APP-120].

HRA screening summary and screening matters discussed in the Examination

- 3.6 Of the 103⁸ UK European sites screened by the Applicant at the point of DCO submission [APP-101], the Applicant identified that significant effects, either alone or in combination with other projects or plans, were

⁸ Including the SNS dSAC

likely as a result of the proposed development on seven⁹ European sites and their various qualifying features as listed in Table 3.1 below. The SPA/Ramsar sites and features were carried forward to a further ornithological assessment by the Applicant in the HRA report (Section 3) [APP-101], whilst the SNS pSAC was carried forward to further assessment in the Revision B SNS pSAC HRA report (Section 5) [REP6-021].

Table 3.1: European sites and qualifying features for which the Applicant concluded likely significant effects

European site	Features for which Applicant concluded likely significant effects
Alde-Ore Estuary SPA	Lesser black-backed gull (<i>Larus fuscus</i>) (in-combination collision risk)
Alde-Ore Estuary Ramsar	Lesser black-backed gull (in-combination collision risk)
Deben Estuary SPA	Dark-bellied brent goose (<i>Branta bernicla</i>) (construction disturbance, alone and in-combination)
Deben Estuary Ramsar	Dark-bellied brent goose (construction disturbance, alone and in-combination)
Flamborough and Filey Coast pSPA	Kittiwake and gannet (in-combination collision risk)
Outer Thames Estuary SPA	Red-throated diver (<i>Gavia stellata</i>) (construction disturbance, alone and in-combination)
Southern North Sea dSAC (now pSAC)	Harbour porpoise (noise impacts, prey impacts, collision risk, and in-combination effects)

- 3.7 NE and the Applicant agreed that the SNS pSAC should be screened in for further assessment in respect of HRA [APP-101, APP-107, RR-003, and REP2-053].
- 3.8 Screening matters discussed in the Examination are described further in the following paragraphs, where they are not addressed alongside the consideration of adverse effects on site integrity presented in detail at Annex 3 to the RIES. These include a number of European sites and/or

⁹The European sites are separated out in the RIES into SPAs and Ramsar sites; however, due to the HRA report [APP-101] considering SPA and Ramsar sites together where the qualifying features are the same (eg Alde-Ore Estuary SPA and Ramsar site are treated as one site), four European sites are stated to have been carried forward to further ornithological assessment in the HRA report [APP-101].

qualifying features screened out of likely significant effects by the Applicant at the screening stage (Section 2 of the HRA report [APP-101]).

Alde-Ore Estuary SPA and Ramsar

- 3.9 The ExA queried with NE in the first written questions [PD-012] whether herring gull (*Larus argentatus*) was a qualifying feature of the Alde-Ore Estuary SPA and/or Ramsar, as there appeared to be some discrepancy between documents identifying the features of the European site. It also questioned whether there have been, or if there are, any forthcoming consultations for this European site that may have brought about changes to the qualifying features. NE confirmed in response [REP2-018] that herring gull is not a qualifying feature of the Alde-Ore Estuary SPA and there have not been, nor are there any forthcoming, formal consultations that have brought about any additions to the Alde-Ore Estuary SPA. NE did, however, also confirm that herring gull are assemblage features of the Alde-Ore Estuary SPA. This was stated by NE to have been confirmed in the 'Expert Report on coastal and offshore ornithology' submission by Richard Caldwon on 30 July 2013 for the East Anglia ONE offshore wind farm Examination.
- 3.10 Likely effects on herring gull as a qualifying feature of the Alde-Ore Estuary SPA and Ramsar were screened out by the Applicant in its HRA report [APP-101].

Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA

- 3.11 The HRA report [APP-101] included reference to Flamborough Head and Bempton Cliffs SPA, but went on to only discuss Flamborough and Filey Coast pSPA due to the qualifying feature of the SPA (breeding kittiwake) being also included in the pSPA.
- 3.12 The ExA is aware of the need to consider SPAs formally designated under the Habitats Regulations, plus UK Government policy to consider pSPAs as if they are formally designated under the Habitats Regulations. Therefore, the ExA [PD-012] requested that the Applicant provide separate screening and integrity matrices for the SPA, in addition to the matrices provided for the pSPA. The Applicant provided a screening matrix for the Flamborough Head and Bempton Cliffs SPA at Deadline 2 [REP2-088]. An integrity matrix for the SPA was provided at Deadline 5 [REP5-029].
- 3.13 The HRA report [APP-101] carried forward to a further assessment of likely significant effects and consideration of an adverse effect on integrity the gannet and kittiwake qualifying features of the Flamborough and Filey Coast pSPA, as a result of in-combination collision risk (see Section 4 and Annex 3 of the RIES). As the Applicant's conclusions in respect of Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs

SPA in respect of the kittiwake and gannet qualifying features were initially disputed during the Examination, and have been a key matter discussed, revised screening and integrity matrices for these two sites have been included at Annex 4 of the RIES.

- 3.14 Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA is discussed in more detail at Section 4 and Annex 3 of this RIES.

Outer Thames Estuary pSPA (extension) and possible Greater Wash SPA

- 3.15 The Applicant recorded in its HRA report [APP-101] that NE had made it aware of work to identify a potential extension to the Outer Thames Estuary SPA to include common tern (*Sterna hirundo*) and little tern (*Sternula albifrons*), and also for the designation of a new Greater Wash SPA to include little tern, common tern, Sandwich tern (*Sterna sandvicensis*), common scoter (*Melanitta nigra*), red-throated diver and little gull (*Hydrocoloeus minutus*). The Applicant therefore considered these potential sites and qualifying features in its HRA report [APP-101] and screening matrices (for the Outer Thames Estuary pSPA features see Site 137 in REP2-088; for the Greater Wash pSPA see Site 078 in REP2-089). The HRA screening concluded that neither of these European sites and their qualifying features would be subject to likely significant effects as a result of the proposed development.
- 3.16 During the pre-examination stage, a public consultation was released by NE, JNCC and Defra in respect of the Outer Thames Estuary pSPA, to extend the boundary and include breeding little tern and common tern as qualifying features. The ExA queried with NE as part of its first written questions [PD-012] whether NE agreed with the Applicant's conclusions in the HRA report [APP-101] with regard to the Outer Thames Estuary pSPA (i.e. that there is no risk of likely significant effects for the proposed additional breeding features (terns) of the Outer Thames Estuary pSPA and that these can be excluded) and whether the HRA report [APP-101] sufficiently considered the pSPA. NE confirmed in response [REP2-018] that "*NE does not consider the Outer Thames Estuary pSPA consultation will materially affect this project unless the operational port requires vessels to transit the pSPA to reach the array/export cables and in that instance best practice for vessel movement can be adopted to remove any LSE [likely significant effect] to rafting red throated divers (see point 6c in the SoCG between NE and the Applicant). Therefore, the Applicant's HRA report for the Outer Thames Estuary remains fit-for-purpose.*"
- 3.17 The ExA also queried in its first written questions [PD-012] whether NE agreed with the Applicant's conclusion of no likely significant effect in respect of the possible Greater Wash SPA and whether it could provide any update with regard to a possible consultation on this site. NE

confirmed in response [REP2-018] that it agreed with the Applicant's screening out of the Greater Wash SPA in the HRA report [APP-101]. It also confirmed that it had submitted formal advice on this possible European site to Defra and was awaiting confirmation of the next steps [REP2-018].

- 3.18 During the Examination, on 18 October 2016, NE issued a public consultation on the proposal to create a new Greater Wash SPA for internationally important populations of overwintering red-throated diver, common scoter, and little gull, and to include and protect coastal feeding waters used by breeding populations of common tern, Sandwich tern, and little tern. The consultation closes on 17 January 2017. These six qualifying features within a possible Greater Wash SPA were considered by the Applicant in its HRA report [APP-101] and presented in the Applicant's screening matrices (Site 078 [REP2-089]). The ExA issued a Rule 17 question on this matter to NE on 28 October 2016 [PD-019]. This queried with NE whether, in light of the recent consultation, the HRA report [APP-101] sufficiently considers the Greater Wash pSPA and its proposed qualifying features, and asked for comment on whether this alters the Applicant's conclusion on this pSPA.
- 3.19 NE confirmed [REP6-004] in response to the Rule 17 letter that "*Natural England can confirm that we do not believe there to be any likely significant effects on the Greater Wash pSPA as a result of the EA3 project.*"
- 3.20 The RSPB also responded at Deadline 6 [REP6-002] that it "*does not consider that the project will give rise to likely significant effects on the Greater Wash pSPA as there is no overlap between the project area and the wintering and foraging areas for the proposed feature species.*"

Southern North Sea pSAC

- 3.21 The Revision B SNS pSAC HRA report [REP6-021] (Section 2 and Table 5.1.1) identified the following potential sources of impact on the harbour porpoise qualifying features:
- Potential disturbance and displacement as a result of increased noise levels generated during construction;
 - Changes in prey availability during construction, operation and decommissioning; and
 - Increased collision risk with vessels during construction, operation and decommissioning.
- 3.22 The screening matrix provided by the Applicant at Deadline 6 [REP6-022] broadly grouped these into: physical damage/loss; disturbance; and in-combination effects.

- 3.23 Section 2 of the Revision B SNS pSAC HRA report [REP6-021] expanded on potential impacts screened out of further assessment, which are also summarised in Table 5.1.1. These included potential for any lethal effects and auditory injury associated with underwater noise, on the basis that proposed mitigation measures associated with pile driving will ensure this is not a risk for marine mammals. The Revision B SNS pSAC HRA report [REP6-021] stated that this was agreed through the Evidence Plan process. The Revision B SNS pSAC HRA report [REP6-021] stated "*the establishment of exclusion zones and softstart, through the MMMP, would reduce the risk to any marine mammals within a few metres of the pile during installation.*" Re-suspension of sediment during installation and accidental release of contaminants were also screened out of the assessment.
- 3.24 Section 2 of the Revision B SNS pSAC HRA report [REP6-021] described that a European Protected Species (EPS) licence would be sought from the MMO. The MMO confirmed at Deadline 2 [REP2-083] that "*based on available information and current evidence provided, a European Protected Species licence is required and the Marine Management Organisation (MMO) would see no reason not to issue an EPS licence under regulation 53 of the Conservation of Habitats and Species Regulations 2010 on submission of an application.*"
- 3.25 Section 2 also described that other sources of underwater noise are not predicted to cause lethal effects or auditory injury and that explosives will not be used during decommissioning.
- 3.26 The Applicant's further assessment of the potential effects screened in to the HRA is provided in Section 5 of the Revision B SNS pSAC HRA report [REP6-021]. Although the Applicant refers to 'likely significant effects' and 'no likely significant effects' in the further assessment conclusions, this further assessment is deemed to be more detailed than Stage 1 screening for potential likely significant effects and also assesses effects against conservation objectives; therefore, the conclusions of the Applicant's further assessment have been summarised in Section 4 of the RIES (adverse effects on integrity) and also explored in more detail at Annex 3.

Summary of the HRA Screening outcome during the Examination

- 3.27 During the Examination, the European sites and qualifying features carried forward to a further ornithological assessment (Section 3 of the HRA report [APP-101]) and consideration of adverse effects on site integrity were those identified in Table 3.1 above, together with the Flamborough Head and Bempton Cliffs SPA kittiwake qualifying feature. The harbour porpoise feature of the SNS pSAC was also carried forward to further assessment [REP6-021]. All other European sites considered by the

Applicant in its HRA report were screened out with regards to likely significant effects.

- 3.28 The conclusion of potential likely significant effects on the European sites and qualifying features listed in Table 3.1, together with the Flamborough Head and Bempton Cliffs SPA and SNS pSAC, **were not disputed** by any IPs during the Examination. However, IPs did raise a number of concerns with regard to the Applicant's Revision SNS pSAC HRA report submitted at Deadline 4 [REP4-011]. These are explored further in Section 4 below and at Annex 3 to this report.
- 3.29 The Applicant's conclusion of no likely significant effects on all other European sites considered by the Applicant in its HRA report [APP-101], as presented in its screening matrices [REP2-089, replacing APP-102], was also **not disputed** by any IPs during the Examination (see Annex 2 to the RIES).
- 3.30 NE confirmed in its SoCG with the Applicant [REP2-053] that there are "*no HRA considerations*" for the offshore habitats, benthic ecology, fish, and onshore ecology (excluding birds) categories considered in the HRA report [APP-101]. In respect of marine mammals considered for HRA, NE and the Applicant agreed in the SoCG [REP2-053] that there is no potential for likely significant effects on any European site designated for harbour seal (*Phoca vitulina*) and grey seal (*Halichoerus grypus*), and on any current European site designated for harbour porpoise (this statement excludes the SNS pSAC). It was also agreed that, at the point of submission, no likely significant effects could be concluded for all cSACs and SACs currently designated for marine mammals, and therefore no appropriate assessment is required [REP2-053].
- 3.31 NE confirmed in its RR [RR-003] and WR [REP2-017] that the only European sites for which it had concerns were the Flamborough and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA in respect of the kittiwake qualifying feature, and also the harbour porpoise SNS pSAC.
- 3.32 The RSPB confirmed in its RR [RR-035] that it had outstanding concerns with regard to the kittiwake and gannet qualifying features of the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA.
- 3.33 A number of IPs raised concerns during the Examination with regards to the SNS pSAC, including TWT [RR-022, REP2-007, REP2-057, REP5-007 and REP6-003] and WDC [RR-002, REP2-008, REP2-056, and REP5-004]. Comments from the SNCBs and IPs have yet to be received in respect of the Applicant's Revision B SNS pSAC HRA report [REP6-021]. Comments were however received from IPs on the Applicant's Revision A SNS pSAC HRA report submitted at Deadline 4 [REP4-016], including TWT who stated at Deadline 5 [REP5-007] that they had concerns with regard to the

Applicant's likely significant effect alone test which was based on the MU reference population only. They also did not agree with the Applicant's conclusion of no likely significant effects in relation to draft conservation objectives 1 and 2. WDC [REP5-004] stated at Deadline 5 that it echoed TWT's concerns and fully supported and agreed with TWT's response in respect of the SNS pSAC HRA report (noting this was in relation to the Revision A report [REP4-011]). The MMO stated at Deadline 4 [REP4-008] that it required further clarity in respect of the Applicant's in-combination assessment for the SNS pSAC.

- 3.34 The European sites carried forward to consideration of adverse effects on site integrity are summarised in Section 4 of this report. Matters relating to these sites are also explained in more detail at Annex 3.

4. ADVERSE EFFECTS ON INTEGRITY

Summary of European sites considered for adverse effects on integrity

- 4.1 The potential for likely adverse effects on site integrity was considered for the following European sites and their qualifying features during the Examination. This includes the six ornithological European sites and their qualifying features considered by the Applicant in its HRA report [APP-101], together with the Flamborough Head and Bempton Cliffs SPA, and the SNS pSAC.

Table 4.1: European sites considered for adverse effects on site integrity

European site	Features for which Applicant concluded likely significant effects
Flamborough and Filey Coast pSPA	Kittiwake and gannet (in-combination collision risk)
Flamborough Head and Bempton Cliffs SPA	Kittiwake (in-combination collision risk)
Southern North Sea pSAC	Harbour porpoise (in-combination disturbance)
Alde-Ore Estuary SPA	Lesser black-backed gull (in-combination collision risk)
Alde-Ore Estuary Ramsar	Lesser black-backed gull (in-combination collision risk)
Deben Estuary SPA	Dark-bellied brent goose (construction disturbance, alone and in-combination)
Deben Estuary Ramsar	Dark-bellied brent goose (construction disturbance, alone and in-combination)
Outer Thames Estuary SPA	Red-throated diver (construction disturbance, alone and in-combination)

- 4.2 The Applicant concluded that the proposed development **would not** adversely affect the integrity of the European sites and qualifying features listed in Table 4.1 above. Each European site and any areas of dispute in respect of these, as discussed during the Examination, are explained in detail separately at Annex 3 to this report. A summary table documenting the position at the time of issue of the RIES of the Applicant, SNCBs and IPs (Table 4.3) is included at the end of this section.

- 4.3 Revised integrity matrices have also been produced for the SNS pSAC, Flamborough and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA, and presented at Annex 4 to this report. These matrices have been produced as these European sites have been key matters discussed during the Examination. Also, the conclusions in respect of these sites have either been disputed during the Examination, or remain uncertain.

Conservation Objectives

- 4.4 The Applicant included references to the conservation objectives for the SPAs taken forward to the further ornithological assessment in Section 3 of the HRA report [APP-101] (i.e. Alde-Ore Estuary SPA, Deben Estuary SPA, Flamborough and Filey Coast pSPA/Flamborough and Bempton Cliffs SPA, and Outer Thames Estuary SPA). For clarity, the ExA also requested the conservation objectives for these SPAs from NE [PD-012]. NE provided the conservation objectives for the Flamborough Head and Bempton Cliffs SPA and Flamborough and Filey Coast pSPA in Section 5.3 of its WR [REP2-017], as it stated in the answers to the ExA's first written questions [REP2-018] that these are the potentially impacted European sites. NE also provided links to the conservation objectives for the Deben Estuary SPA, Alde-Ore Estuary SPA, and Outer Thames Estuary SPA in its response to the ExA's first written questions [REP2-018], stating that NE considered that these sites will be "*unaffected by the project*".
- 4.5 The draft conservation objectives available for the SNS pSAC were provided by the Applicant in its interim SNS pSAC HRA report [REP3-012], and included in the subsequent Revision A and Revision B versions [REP4-016 and REP6-021, respectively]. The draft objectives were also provided by NE in its WR [REP2-017]. At the point of issue of this RIES, these draft conservation objectives remain the most current for the SNS pSAC.

The Integrity Test

- 4.6 The Applicant concluded during the Examination that the proposed development will not adversely affect the integrity of the European sites and features listed in Table 4.3 below.
- 4.7 The Applicant's conclusion of no adverse effect on site integrity for the Alde-Ore Estuary SPA and Ramsar, Deben Estuary and Ramsar, and Outer Thames Estuary SPA was not disputed by any IPs during the course of the Examination for the features listed in Table 4.3 below.

Flamborough Head and Bempton Cliffs SPA/Flamborough and Filey Coast pSPA

- 4.8 In respect of Flamborough Head and Bempton Cliffs SPA/Flamborough and Filey Coast pSPA, the Applicant also concluded no adverse effects on the

integrity of these sites. This conclusion was not initially agreed by NE and RSPB; however, their positions altered during the course of the Examination as a result of additional information supplied and amendments made to turbine parameters for the proposed development. The position at Deadline 5 was that NE and RSPB are in agreement with the Applicant's conclusion of no adverse effect on the integrity of the pSPA/SPA, subject to the securing of agreed changes to the design of the proposed development (i.e. a proposed change to the draught height of 70% of the turbines, secured through the DCO and DMLs) and changes to the East Anglia ONE offshore wind farm number of wind turbines since the original consent (at that point the Applicant considered up to 102 turbines).

- 4.9 The ExA issued a Rule 17 letter on 28 October 2016 [PD-019] stating that as the proposal to reduce the number of turbines to be constructed under the East Anglia ONE offshore wind farm DCO to 102 has not been legally secured, the ExA must consider the present application on the basis that up to 150 turbines can be constructed as consented in the East Anglia ONE DCO. The ExA requested the views of NE and RSPB on the basis of 150 turbines being used for assessment purposes and whether there are any implications for EIA or HRA conclusions, including the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA in particular.
- 4.10 The Applicant provided a further revised CRM (revised CRM (150 turbines)) [REP6-044] at Deadline 6 presenting the 150 turbine scenario in response to concerns raised regarding the legal certainty that can be applied to the East Anglia ONE offshore wind farm. This followed a statement by East Anglia ONE Ltd that it will construct no more than 102 turbines as part of its scheme [REP5-025]. Table 3 of the revised CRM (150 turbines) [REP6-044] presented a comparison of the in-combination collision risk for the Flamborough and Filey Coast pSPA populations of gannet and kittiwake for consented projects (up to and including Hornsea Project 2) with the consented mortality for East Anglia ONE, the updated mortality for East Anglia ONE (based on 150 turbines) and the updated in-combination total up to and including the revised East Anglia THREE estimates (i.e. with the increased draught height). The revised CRM (150 turbines) [REP6-044] concluded that for the Flamborough and Filey Coast pSPA the in-combination totals represent an increase of 3.3 and 1.2 birds for gannet and kittiwake (respectively) and stated that this *"demonstrate[s] that even with the 150 turbine case the East Anglia THREE contribution to the cumulative and in-combination totals remains non-material."*
- 4.11 A summary table of the Applicant's predicted total annual in-combination mortality figures for kittiwake and gannet of the pSPA/SPA for the

different scenarios, as taken from the revised CRMs [REP5-026 and REP6-021], is included at Table 4.2 below. The scenarios include: in-combination totals with East Anglia ONE as consented in 2014; in-combination totals with East Anglia ONE 102 turbines; in-combination totals with East Anglia ONE 150 turbines; in-combination totals with East Anglia THREE (with increased draught height) and the 102 East Anglia ONE scenario; and in-combination totals with East Anglia THREE (with increased draught height) and the 150 East Anglia ONE scenario.

Table 4.2. Summary of annual total in-combination mortality for the breeding gannet and kittiwake features of the Flamborough and Filey Coast pSPA/ Flamborough Head and Bempton Cliffs SPA by scenario, as taken from the Applicant’s CRM (150 turbines) [REP6-044].

Species	In-combination consented total up to Hornsea Project 2			In-combination consented total up to and including revised East Anglia THREE estimates (with 102 EA1)	In combination total up to and including revised East Anglia THREE estimates (with 150 EA1)
	With original consented East Anglia ONE estimates	With 102 turbine East Anglia ONE estimates	With 150 turbine East Anglia ONE estimates		
Gannet	173	165.2*	168.2	173	176.3
Kittiwake	322	311.6**	315.4	320	323.2

*reported as 165 in REP5-026. **reported as 312 in REP5-026

4.12 The Applicant concluded that with the amended East Anglia THREE proposal and the 102 turbine scenario for East Anglia ONE, the updated in-combination gannet mortality is unchanged from the previously consented total (i.e. that for all offshore wind farms up to and including Hornsea Project Two), while that for kittiwake is slightly reduced (by 2) from the previously consented total. With the amended East Anglia THREE proposal and the 150 turbine scenario for East Anglia ONE, the in-combination totals represent an increase of 3.3 and 1.2 birds for gannet and kittiwake respectively. The Applicant [REP6-044] concluded that these results demonstrate that even with the 150 turbine case, the East Anglia THREE contribution to the cumulative and in-combination totals remains non-material.

4.13 NE confirmed at Deadline 6 [REP6-004] that a scenario where 150 turbines is constructed does not change its previous advice. NE stated that “it was previously agreed with the Applicant that there is no Adverse Effect on Integrity (AEoI) and no significant effect (EIA) for the project alone. However, it is not possible to rule out significant effects when

considered cumulatively, but NE considers that the EA3 contribution to the cumulative total is so small that it will not materially alter the overall cumulative mortality figure and any assessment of significance in EIA terms." The SoCG between the Applicant and NE provided at Deadline 2 [REP2-053] stated that mortality associated with in-combination collision risk to the kittiwake and gannet qualifying features of the Flamborough Head and Bempton Cliffs SPA/ Flamborough and Filey Coast pSPA as a result of the proposed development was not *de minimis*. However, it was so small as to not materially alter the significance or the likelihood of an adverse effect on the integrity of the SPA/pSPA.

- 4.14 The RSPB stated at Deadline 6 [REP6-002] that *"whilst the proposal to build 102 turbines would make a lower contribution to cumulative/in-combination collision risk, given the additional changes to turbine height for EA3, we accept that the 150 turbine scenario does not result in a significantly higher contribution. We understand that the 102 turbine scenario cannot be legally secured at this time, but acknowledge that the Applicant has clearly stated their intention to build to this lower level. However, should the worst case scenario of 150 turbines be realised, we do not consider that this would materially change the conclusions regarding potential impacts from collisions. As stated in our previous response at Deadline V [REP5-005], the changes to the specifications for both windfarms have reduced our concerns regarding cumulative/in-combination collision risk at this stage."* The RSPB also confirmed that *"in light of the reduction from the original 240 turbines for EA1 and the changes to the turbine heights for EA3, we do not consider that there are implications for EIA or HRA conclusions."* And that it does *"not consider that the difference in potential collision risk between the two scenarios would affect conclusions [on the Flamborough and Filey Coast pSPA/ Flamborough Head and Bempton Cliffs SPA]."*
- 4.15 The Applicant included in its latest dDCO [REP6-024 and REP6-025 (tracked changed)] amendments to the wording of Requirement 2 of the dDCO, and Condition 1 of Schedules 10 and 11 (i.e. the Generation Assets DMLs), to incorporate the amendment to the draught height of at least 70% of the turbines by 2m (i.e. to 24m above mean high water springs (MHWS)).

Southern North Sea pSAC

- 4.16 In respect of the SNS pSAC and the harbour porpoise qualifying feature, the Applicant concluded in its integrity matrix for the SNS pSAC [REP6-022]) that there would be no adverse effects on the integrity of the pSAC, alone or in combination with other projects or plans. This conclusion relies upon the securing of mitigation measures, detailed in the dMMP

and dSIP, and secured through the dDCO (Generation Assets DMLs – Condition 13).

- 4.17 Although the integrity matrices [REP6-022] provided at Deadline 6 identified no adverse effects on integrity, the Revision B SNS pSAC HRA report [REP6-021] assessment provided at Section 5, and summarised in Section 7, concluded that there “*should be no potential for an LSE [likely significant effect] from the East Anglia THREE project alone*”. In respect of potential in-combination effects, the Applicant assessed the proposed development according to two scenarios: ‘worst case’; and ‘indicative’. The latter was then further broken down into ‘Approach A’ and ‘Approach B’. Approach A assumes one piling operation per project and one project piling per year per development zone; Approach B assumes multiple piling within projects and zones.
- 4.18 The Revision B SNS pSAC HRA report [REP6-021] concluded that there was potential for in-combination effects together with UK offshore wind farms in the ‘pSAC summer area’¹⁰ according to all three approaches (assuming pile-driving at locations with maximum overlap with the pSAC), resulting in significant disturbance to harbour porpoise, which may prevent the species being a viable component of the site and potentially result in likely significant effects in relation to the pSAC first and second draft conservation objectives.
- 4.19 In respect of the ‘pSAC winter area’¹¹, according to the Approach A and Approach B assessments, it was concluded that there was unlikely to be a significant effect based on pile-driving alone, given the small number of projects which overlapped with it spatially, and the temporal overlap of construction; however, there was potential for likely significant effects in relation to unexploded ordnance.
- 4.20 In respect of the pSAC winter area, according to the worst case assessment, it was concluded that there was potential for in-combination effects of UK offshore wind farm construction in the winter area (assuming pile driving at locations with maximum overlap with the pSAC) resulting in significant disturbance to harbour porpoise, which may prevent the species being a viable component of the site, and result in potential for likely significant effects in relation to the pSAC first and second draft conservation objectives.
- 4.21 The Applicant considered that in the absence of final conservation objectives or management measures for the pSAC, the in-combination assessment cannot define and quantify any required additional mitigation measures. However, it concluded that on the basis that the SIP would contain the Applicant’s approach to delivering project mitigation or

¹⁰ Extent shown on Figure 1 of the SNS pSAC HRA report [REP6-021]

management measures (in addition to the mitigation measures contained in the MMMP), it would allow the conclusion of no adverse effect on the pSAC beyond reasonable scientific doubt.

- 4.22 Table A1 in Appendix A to the Revision B SNS pSAC HRA report [REP6-021] summarises NE's written consultation comments on draft versions of the Revision B report (and draft and final versions of the Revision A report), together with the Applicant's response. In response to NE's comments, the Applicant amended the Revision B version draft text to reflect that there was potential for likely significant effects on the pSAC winter area according to the worst case scenario.
- 4.23 The current position of the SNCBs and IPs at the point of issue of the RIES is as follows:
- NE is satisfied that the Applicant's draft wording of Condition 13 in the Generation Assets DMLs adequately secures the SIP, and that the approach taken by the Applicant in respect of the dSIP will be sufficient to avoid an adverse effect on the integrity of the SNS pSAC;
 - MMO is content with the proposed wording of Condition 13 of the Generation Assets DMLs in respect of securing the requirement for approval of the SIP by the MMO. It is generally content with the approach taken in the dSIP but required further clarity in respect of the pSAC in-combination assessment;
 - TWT do not agree that there would be no likely significant effects from the project alone in relation to the pSAC draft conservation objectives 1 and 2 (as concluded in the Applicant's Deadline 4 SNS pSAC HRA report [REP4-011] reviewed by TWT), and consider that likely significant effects cannot be ruled out in relation to the in-combination effects from piling activity, on harbour porpoise prey species, and in respect of collision risk;
 - At Deadline 5, WDC concurred with TWT's comments on the potential effects of the project, alone and in combination, on the SNS pSAC.
- 4.24 The Revision B SNS pSAC HRA report was provided by the Applicant at Deadline 6 (Revision B) [REP6-021], immediately prior to the publication of this RIES. Further to the ExA's Rule 17 letter issued on 28 October [PD-019], comments from IPs on the Revision B report are anticipated to be submitted for Deadline 7, after the RIES has been issued.
- 4.25 NE did not provide comment at Deadline 6 in relation to the pSAC or the Revision B SNS pSAC HRA report [REP6-021]. WDC also did not provide any comments at Deadline 6.
- 4.26 The MMO did not provide specific comments about the pSAC or the Revision B SNS pSAC HRA report [REP6-021] in its written summary of its oral submission at the Environmental Matters ISH on 26 October 2016

[REP6-009] other than to state that apart from its comments submitted at Deadline 5 [REP5-008] in response to ExA second written question HRA13 [PD-018], it had no concerns about the drafting of the SIP. In relation to sign-off of the final SIP, it stated that that was a decision for the SoSBEIS but that it was able to fulfil that function. It reiterated its Deadline 5 comments that if the SoSBEIS wished to retain control over certain aspects of the discharge of the SIP (or any other DML conditions), such as consultation, that should be reflected within the DCO.

- 4.27 TWT, in their Deadline 6 response [REP6-003], restated their acceptance that it was reasonable to determine mitigation details nearer the construction stage, when more is known about the project specification, cumulative impacts and viability of mitigation measures. However, they considered that uncertainties remained in several areas, including in respect of the in-combination effects of the construction of wind farms on the pSAC, and reiterated their request that they are included as a named consultee in the DCO in relation to both the SIP and the MMMP.

Table 4.3: Summary of conclusions in relation to adverse effects on site integrity at the point of issue of the RIES, together with degree of agreement with SNCBs and IPs

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
<u>Flamborough Head and Bempton Cliffs SPA</u>			
Kittiwake	No	Yes NE [REP2-053, REP5-010 and REP6-004] RSPB [REP2-024, REP5-005 and REP6-002]	<p>NE [REP2-053] agreed that the contribution of East Anglia THREE whilst not <i>de minimis</i> was so small as to not materially alter the significance or the likelihood of an adverse effect on the integrity of the SPA.</p> <p>The RSPB in its WR [REP2-024] confirmed that it supported NE's position in its RR [RR-003] that levels of in-combination collision mortality to kittiwakes of the pSPA/SPA are such that adverse effects on integrity cannot be ruled out. The RSPB [REP2-024] also, however, acknowledged NE's point that the proposed development's contribution is sufficiently small as to not materially alter the significance of the in-combination mortality figure or the likelihood of adverse effects on integrity arising.</p> <p>At Deadline 5, NE [REP5-010] stated it welcomed the proposal to increase the draught height to 24m across 70% of the wind farm site and accepted the principle that raising the draught height would result in a reduction in collision risk.</p> <p>RSPB agreed [REP5-005] that its concerns regarding cumulative and in-combination impacts on kittiwake had been reduced as a result of a commitment from the</p>

¹¹ From Applicant's integrity matrices [APP-105, REP5-029 and REP6-022]

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			<p>Applicant to raise the draught height of the turbines by 2m over 70% of the proposed development. The RSPB stated that this, along with the reduction in turbine numbers for the East Anglia ONE project, reduced the contribution of the project and the East Anglia zone to in-combination and cumulative collision risk to kittiwake such that it did not feel it necessary to make further representations on these issues (subject to inclusion of a suitable DCO condition to secure the increase in turbine height for East Anglia THREE and legal certainty regarding the turbine reduction for East Anglia ONE).</p> <p>At Deadline 6, NE [REP6-004] confirmed that while it welcomed the statement of intent to reduce the number of East Anglia ONE turbines (and reduced cumulative impacts), NE's initial advice for the East Anglia THREE proposed development is unchanged, based upon 150 EA1 turbines on cumulative impacts. NE reiterated its advice provided at Deadline 4 that <i>"it was previously agreed with the Applicant that there is no Adverse Effect on Integrity (AEoI)..."</i></p> <p>RSPB also confirmed at Deadline 6 [REP6-002] that should the worst case scenario of 150 turbines be realised, it does not consider that this would materially change the conclusions regarding potential impacts from collisions, and that as stated in its previous response [REP5-005], the changes to the specifications for both windfarms have reduced its concerns regarding cumulative/in-combination</p>

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			collision risk at this stage.
Flamborough and Filey Coast pSPA			
Kittiwake	No	Yes NE [REP2-053, REP5-010], and REP6-004] RSPB [REP2-024, REP5-005 and REP6-002]	<p>NE [REP2-053] agreed that the contribution of East Anglia THREE while not <i>de minimis</i> was so small as to not materially alter the significance or the likelihood of an adverse effect on the integrity of the pSPA.</p> <p>The RSPB in its WR [REP2-024] confirmed that it supported NE's position in its RR [RR-003] that levels of in-combination collision mortality to kittiwakes of the pSPA/SPA are such that adverse effects on integrity cannot be ruled out. The RSPB [REP2-024] also, however, acknowledged NE's point that the proposed development's contribution is sufficiently small as to not materially alter the significance of the in-combination mortality figure or the likelihood of adverse effects on integrity arising.</p> <p>At Deadline 5, NE [REP5-010] stated it welcomed the proposal to increase the draught height to 24m across 70% of the wind farm site and accepted the principle that raising the draft height would result in a reduction in collision risk.</p> <p>RSPB agreed [REP5-005] that its concerns regarding cumulative and in-combination impacts on kittiwake have been reduced as a result of a commitment from the Applicant to raise the height of the turbine hubs by 2m over 70% of the proposed development. The RSPB stated that this, along with the reduction in turbine numbers for</p>

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			<p>the East Anglia ONE project, reduced the contribution of the project and the East Anglia zone to in-combination and cumulative collision risk to kittiwake such that it did not feel it necessary to make further representations on these issues (subject to inclusion of a suitable DCO condition to secure the increase in turbine height for East Anglia THREE and legal certainty regarding the turbine reduction for East Anglia ONE).</p> <p>At Deadline 6, NE [REP6-004] confirmed that while it welcomed the statement of intent to reduce the number of East Anglia ONE turbines (and reduced cumulative impacts), NE's initial advice for the East Anglia THREE proposed development is unchanged, based upon 150 EA1 turbines on cumulative impacts. NE reiterated its advice provided at Deadline 4 that "<i>it was previously agreed with the Applicant that there is no Adverse Effect on Integrity (AEoI)...</i>"</p> <p>RSPB also confirmed at Deadline 6 [REP6-002] that should the worst case scenario of 150 turbines be realised, it does not consider that this would materially change the conclusions regarding potential impacts from collisions, and that as stated in its previous response [REP5-005], the changes to the specifications for both wind farms have reduced its concerns regarding cumulative/in-combination collision risk at this stage.</p>
Gannet	No	Yes NE [REP2-053 and	NE [REP2-053] agreed that the contribution of East Anglia THREE while not <i>de minimis</i> was so small as to not

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
		<p>REP6-004] RSPB [REP5-005 and REP6-002]</p>	<p>materially alter the significance or the likelihood of an adverse effect on the integrity of the pSPA.</p> <p>At Deadline 5, NE [REP5-010] stated it welcomed the proposal to increase the draught height to 24m across 70% of the wind farm site and accepted the principle that raising the draught height would result in a reduction in collision risk.</p> <p>RSPB agreed [REP5-005] that its concerns regarding cumulative and in-combination impacts on gannet have been reduced as a result of a commitment from the Applicant to raise the draught height of the turbine by 2m over 70% of the proposed development. The RSPB stated that this, along with the reduction in turbine numbers for the East Anglia ONE project, reduced the contribution of the project and the East Anglia zone to in-combination and cumulative collision risk to gannet such that it did not feel it necessary to make further representations on these issues (subject to inclusion of a suitable DCO condition to secure the increase in turbine height for East Anglia THREE and legal certainty regarding the turbine reduction for East Anglia ONE).</p> <p>At Deadline 6, NE [REP6-004] confirmed that while it welcomed the statement of intent to reduce the number of East Anglia ONE turbines (and reduced cumulative impacts), NE's initial advice for the East Anglia THREE proposed development on cumulative impacts is unchanged, based upon 150 EA1 turbines. NE reiterated</p>

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			<p>its advice provided at Deadline 4 that "<i>it was previously agreed with the Applicant that there is no Adverse Effect on Integrity (AEoI)...</i>"</p> <p>RSPB also confirmed at Deadline 6 [REP6-002] that should the worst case scenario of 150 turbines be realised, it does not consider that this would materially change the conclusions regarding potential impacts from collisions, and that as stated in its previous response [REP5-005], the changes to the specifications for both wind farms have reduced its concerns regarding cumulative/in-combination collision risk at this stage.</p>
<u>Southern North Sea pSAC</u>			
Harbour porpoise	No	<p>Yes: NE [REP5-009]</p> <p>No/uncertain: MMO [REP6-009] TWT [REP6-003] WDC [REP5-004]</p>	<p>NE [REP5-009] stated that it was satisfied that the Applicant's draft wording of Condition 13 in the Generation Assets DMLs adequately secures the SIP, and that the approach taken by the Applicant in respect of the dSIP would be sufficient to avoid an adverse effect on the integrity of the SNS pSAC.</p> <p>The MMO [REP6-009] stated that it had no concerns about the drafting of the SIP, but referred back to its Deadline 5 response [REP5-008], in which it commented that it was generally content with the approach taken in the dSIP but required further clarity in respect of the pSAC in-combination assessment; and that it was content with the proposed wording of Condition 13 of the Generation Assets DMLs in respect of securing the requirement for approval</p>

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			<p>of the SIP by the MMO.</p> <p>TWT [REP6-003] restated their acceptance that it was reasonable to determine mitigation details nearer the construction stage, but considered that uncertainties remained in several areas, including in respect of the in-combination effects of the construction of wind farms on the pSAC.</p> <p>WDC [REP5-004] stated that it concurred with TWT's comments on the potential effects of the project, alone and in combination, on the pSAC.</p>
Alde-Ore Estuary SPA			
Herring gull	No	Yes NE [RR-003 and REP2-053] RSPB [REP2-049]	<p>NE confirmed in its RR [RR-003] that it agreed that it is reasonable to conclude that there would be no adverse effects on Alde Ore Estuary SPA from collisions at the proposed development alone. Similarly, NE also agreed that the proposed development's contribution to the in-combination total is so small as to not materially alter the overall in-combination effects.</p> <p>NE agreed in its SoCG with the Applicant [REP2-053] that the project alone and in-combination has no adverse effects on the integrity of the Alde-Ore Estuary SPA and Ramsar.</p> <p>The RSPB in its SoCG with the Applicant [REP2-049] stated that it agreed that the project alone and in combination has no adverse effects on the integrity of the Alde-Ore Estuary SPA and Ramsar.</p>

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
<u>Alde-Ore Estuary Ramsar</u>			
Herring gull	No	Yes NE [REP2-053] RSPB [REP2-049]	NE agreed in its SoCG with the Applicant [REP2-053] that the project alone and in combination has no adverse effects on the integrity of the Alde-Ore Estuary SPA and Ramsar. The RSPB in its SoCG with the Applicant [REP2-049] stated that it agreed that the project alone and in combination has no adverse effects in respect of the on the integrity of the Alde-Ore Estuary SPA and Ramsar.
<u>Deben Estuary SPA</u>			
Dark-bellied brent geese	No	Yes NE [RR-003 and AS-043] RSPB [REP2-049]	NE confirmed in its RR [RR-003] that it agreed with the Applicant's conclusion that with mitigation measures in place to avoid winter working there would be no adverse effect on the integrity of the Deben Estuary SPA in respect of the dark-bellied brent geese qualifying feature. NE [AS-043] confirmed it was content with the wording of the draft DCO and Outline Landscape and Ecological Management Strategy (OLEMS) (at that point, REP4-003 and APP-286, respectively) with regards to securing and delivering the necessary mitigation. The wording of Requirement 21(1) and (2) in Version 4 of the dDCO (in respect of the OLEMS) submitted at Deadline 6 [REP6-024] remains unchanged from the wording in Version 3 of the dDCO [REP4-003]. The wording in the updated OLEMS [REP6-046] provided at Deadline 6 remains unchanged from the wording of the previous OLEMS [APP-286].

Features	Potential Adverse Effect on Integrity? ¹¹	Agreed with SCNB and other relevant parties?	Comments
			The RSPB in its SoCG with the Applicant [REP2-049] stated that it agreed that the project alone and in combination has no adverse effects on the integrity of the Deben Estuary SPA.
<u>Deben Estuary Ramsar</u>			
Dark-bellied brent geese	No	Yes NE [RR-003] RSPB [REP2-049]	NE confirmed in its RR [RR-003] that it agreed with the Applicant's conclusion that with mitigation measures in place to avoid winter working there would be no adverse effect on the integrity of the Deben Estuary SPA. NE did not specifically refer to the Deben Estuary Ramsar in its representation, which is designated for the same species. It is assumed NE's conclusions in relation to the SPA also apply to the Ramsar. The RSPB in its SoCG with the Applicant [REP2-049] stated that it agreed that the project alone and in-combination has no adverse effects on the integrity of the Deben Estuary SPA. As per NE above, the RSPB did not specifically refer to the Deben Estuary Ramsar, which is designated for the same species. It is assumed RSPB's conclusions in relation to the SPA also apply to the Ramsar.
<u>Outer Thames Estuary SPA</u>			
Red-throated diver	No	Yes NE [REP2-053] RSPB [REP2-049]	NE confirmed in its SoCG [REP2-053] with the Applicant that it agreed that the project alone and in combination has no adverse effects on the integrity of the Outer Thames Estuary SPA. This is the final position between NE

Features	Potential Adverse Effect on Integrity?¹¹	Agreed with SCNB and other relevant parties?	Comments
			<p>and the Applicant; however, NE's previous position [RR-003 and REP2-053] was that this conclusion was based on the adoption of best practice vessel operations to minimise disturbance to red-throated diver.</p> <p>The RSPB in its SoCG with the Applicant [REP2-049] stated that it agreed that the project alone and in combination has no adverse effects on the integrity of the Outer Thames Estuary SPA.</p>