



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

EAST ANGLIA THREE

The construction and operation of East Anglia Three Wind Farm, a 1,200 MW with up to 172 turbines wind farm located approximately 69km off the coast at Lowestoft covering an area of approximately 305km².

Planning Inspectorate Reference: EN010056

NATURAL ENGLAND
WRITTEN SUBMISSION FOR DEADLINE 4

Dated 15TH September 2016

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1. WRITTEN SUBMISSION OF THE ORAL ANSWERS PROVIDED TO QUESTIONS AT THE ISSUE SPECIFIC HEARING ON ENVIRONMENTAL MATTERS WEDNESDAY 7TH SEPTEMBER 2016.

1.1 This is the written summary of the oral case that was put by Natural England (“NE”) at the issue specific hearing on environmental matters for the proposed East Anglia THREE (EA3) Offshore Wind Farm on 7 September 2016.

Offshore ornithology

EIA methodology for assessing impacts on guillemot, razorbill and puffins

- 1.2 **Q. What is NE’s current position on the benefits of Potential Biological Removal (PBR) vs. Population Viability Analysis (PVA)? Noting that for previous projects NE has accepted PBR when there was insufficient information to undertake PVA.**
- 1.3 NE’s current position is set out in its relevant representations and written representations. That position is that NE no longer accepts outputs from PBR for any species. This position has evolved since the Hornsea Project (HPOW) 1 and 2 examinations, where NE considered some PBR outputs as best available evidence at that time on the basis that the HPOW 1 and HPOW 2 applicants refused to provide PVA outputs for EIA scale assessments. In the case of EA3, NE welcomes the Applicant providing PVA modelling to address kittiwake and greater black-backed gull questions. NE’s position to no longer accept PBR outputs is further supported by the conclusions of Cook & Robinson (2015), which are endorsed by the Statutory Nature Conservation Bodies (SNCBs).
- 1.4 **Q. Is NE’s approach generic for all species or specific to kittiwake and great black backed gulls?**
- 1.5 NE advises that it is a generic approach, in that should it be required PVA is requested as a means of assessing impacts through population modelling. In the case of Auks, NE and the Applicant are in agreement that no population modelling is required. The Applicant is of the view that PBR still has some limited value for screening, whilst NE disagrees and believes that 1% baseline mortality is a good enough coarse screen. NE has come to the conclusion 1% baseline mortality is only exceeded in excess of 70% displacement, which NE believes to be appropriately precautionary, so in this instance modelling isn’t necessary.

- 1.6 **Q. In regards to guillemot, razorbill and puffin NE could not advise with certainty that there would be no significant impact on these species from cumulative displacement during operation. Since this position was presented the Applicant has provided matrices in the Statement of Common Ground (SoGC) showing that cumulative Auk displacement is not significant and the additional matrices showing that there is no need for further modelling. The revised matrices included 70% displacement and 1% mortality. Is NE is still content with the latest matrices?**
- 1.7 NE advised that it also produced auk matrices and reached the same conclusion as the Applicant. Therefore no further information is required.
- 1.8 **Q. Could NE explain the basis for the use of 70% displacement & 1% mortality?**
- 1.9 NE advised that these numbers are based upon the fact that there is limited evidence as to level of impacts from displacement. The SNCB approach generally is to request that potential impacts are presented as matrices with ranges of 0-100% for mortality and displacement, within which the true impact lies. Whilst NE does not necessarily suggest using 1% mortality and 70% displacement, the Applicants assumption is that at this level there is unlikely to be any significant impact and NE does not disagree. NE is in agreement with the Applicant that there is no likely significant displacement effect from the EA3 project.
- 1.10 For clarity, NE confirmed that using its preferred method (including summing seasonal displacement totals) for assessing guillemot, razorbill and puffin displacement, non-significant impacts were found for both the project alone and cumulatively.

EIA methodology for assessing impacts on kittiwake

- 1.11 **Q. Could NE provide clarity on the debate between density independent and dependant outputs, both of which are considered by the Applicant? The ExA summarised their understanding that the Applicant considers density dependant outputs to be more realistic and agrees with NE in the SoCG that density independent outputs give a worst case scenario for impacts. In the Deadline 2 written representation NE and the Applicant still needed to agree the strength and form of the density dependence. Could NE provide an update on the situation?**
- 1.12 NE advises that it does not agree with the Applicant that density dependent outputs are the most realistic for EA3. For the HPOW2 project, NE

took the view that there was no evidence as to the form or strength of the density dependence operating on the kittiwake population and therefore advised the use of density independent outputs. In the case of EA3 there is even less evidence for density dependence operating on the Biologically Defined Minimum Population Scale (BDMPS) pseudo population in the North Sea so NE advocates the presentation of both density independent and dependent outputs as a range, which is what the Applicant has done. NE's reasoning is partly based on Cook & Robinson (2015) which states that density dependence should only be incorporated where there is evidence of it acting upon the population. For this project NE's view is that due to the lack of evidence on the strength and form of density dependence in this case, we advocate the use of independent outputs.

1.13 Q. RSPB raised an issue with the use of a BDMPS population for kittiwake stating it was novel. What is NE's view on the RSPB concern that the approach is novel?

1.14 NE shares the RSPB view that the approach is novel. NE welcomes that in response to NE's request the Applicant has produced a PVA to assess EIA impacts. However, because it is a relatively novel approach, NE is not clear as to the appropriate population scale and asked the Applicant this question. In response, the Applicant has provided further information supporting use of the North Sea BDMPS population scale, as the best available at this time, and NE accepts that what they have presented is a valid option. Other possible options could be to look at a wider biogeographic scale, but that would mean having to take into account other potential impacts on that population from further afield with further uncertainty. However, as the Applicant has stated, a wider biogeographical scale is perhaps an even less precautionary approach because impacts from offshore windfarms are diluted within a larger population. Whilst, NE accepts the Applicant's submission in the case of this examination, NE does not want to set a precedent for future projects by stating a definitive position on what is an appropriate reference population for modelling impacts on an EIA scale.

EIA methodology for assessing impacts on great black-backed gull

1.15 Q. PVA was undertaken for great black-backed gull and the cumulative prediction is a population reduction of 21% after 25 years with a density independent scenario. There are a number of amendments to this, including density dependence and the Applicant notes that the cumulative collision total itself is very likely to be an

overestimate. The end result is that the Applicant suggests a 25 year reduction of 4-5% by density dependent modelling. The reduction from 21% to 4-5% in 25 years is a large one Is NE comfortable with the approach taken by the Applicant and is the reduction acceptable?

1.16 NE advises that in terms of the approach, we welcome the presentation of density dependent and independent models. NE accepts that for the project alone there is no significant effect on greater black-backed gulls, but it is difficult to rule out a significant effect in-combination with other projects. However, the impact of EA3 is relatively small compared to the cumulative total including all of the other projects. Therefore, whilst it is not possible to rule out significant in-combination impacts, the contribution EA3 makes is small enough to not make a material difference to the in-combination total. NE agrees with the Applicant that there is no requirement to undertake further modelling, recognising that two thirds of great black-backed gulls in the North Sea originate from outside of UK breeding populations.

EIA methodology for assessing cumulative impacts on gannet

1.17 **Q. Can NE comment on the benefits of altering the draught height?**

1.18 NE advises that best practice is to do whatever is possible to reduce the cumulative total impact, but NE has not got so far as to link draught height to an effect on gannet from EA3. NE has nothing further to add to the Applicants representation on gannet impacts.

1.19 **Q. Regarding EIA impacts on gannet, are there any impacts alone or in-combination?**

1.20 NE advises 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 to gannet 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.

Marine mammals

Noise reduction levels Deemed Marine Licences and Marine Mammal Mitigation Plan (MMMP) for marine mammals

- 1.21 **Q. There is some debate around the purpose of the MMMP. NE had previously advised that the purpose of the MMMP is to avoid damage as opposed to address disturbance. During the HP2 examination the Secretary of State amended Condition 8 of the DML to include significant disturbance to marine mammals in the MMMP. The ExA asked why the MMMP is not addressing disturbance?**
- 1.22 NE advises that the purpose of the MMMP is to mitigate injury and that disturbance is best dealt with in a separate document.

Need for a European Protected Species (EPS) licence

- 1.23 **Q. In the Deadline 2 representation NE advised that the draft MMMP was in line with best practice and a piling ban was not necessary. The representation went on to state that an EPS could be required to cover any mortality incidents, could NE elaborate?**
- 1.24 NE advises that an EPS licence is not mitigation and that NE could have been clearer in the wording of their representation. NE's position is that the Applicant should seek an EPS licence from the MMO and that this is a point of agreement with the Applicant.

Habitats Regulation Assessment

In-combination collision mortality to gannets and kittiwake of the Flamborough and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA

- 1.25 **Q. In the SoCG, NE's position is that gannet in-combination mortality is uncertain as the PVA model is out of date and ideally an up to date PVA should be produced. Is this still the case?**
- 1.26 NE advises that for the reasons provided in the Applicant's representations, NE does not believe there is a likely significant effect alone, so there is no requirement for further modelling. As discussed previously, NE has confidence in a conclusion of no AEoI for the project alone. For in-combination impacts on gannet and kittiwake, while it is not possible to rule out adverse effects on integrity due to the in-combination predicted total

mortalities, NE does not believe the EA3 project will materially add to the in-combination numbers.

1.27 **Q. Is there a remaining scientific doubt as to whether the project could have a material effect on the in-combination total and therefore a LSE in-combination? Would it help if NE caveated the in-combination impact with 'but it is not EA3 contingent'?**

1.28 NE advises while there is uncertainty and we haven't ruled out the in-combination effect, we are confident that further modelling would not change any conclusions. NE are confident that the project alone does not have an impact, but equally the contribution to the in-combination total which EA3 makes is so small that it won't make a material difference. NE further advises that the uncertainty around in-combination impacts is driven by other projects potentially exceeding the threshold. NE is not saying there is no issue, just the figures for EA3 are not sufficiently high to give initial concern and the potential impacts must be considered in the wider context of other projects in-combination.

1.29 For additional clarity NE advises that whilst the precautionary principle is a key component of the Habitats Regulations, there is also a risk in that it can become over precautionary. Five years ago this became an issue when the directive and regulations were seen as a block to economic growth. The Habitat Regulations review was commissioned to ensure that this was not an issue. The review fundamentally concluded that the directive, regulations and methods for implementation were appropriate, but in some respects the precautionary principle was over precautionary. As a result the recommendation was for the additional principle of proportionality. The advice around the avoidance of any scientific doubt in this case is precautionary, but by recognising that the possible impact of EA3 is so small (immaterial) that the impact of EA3 in-combination should be considered proportionally.

1.30 **Q. In response to the EXA's first written questions, NE replied with four outstanding points that they had with the Applicant; 1.Seasonal displacement, 2. Cumulative Auk displacement, 3. Cumulative collision risk 4. In-combination impacts on gannet and kittiwake. Are these still an issue?**

1.31 NE notes that for points one to three all have been agreed with the Applicant. For audit purposes, NE continues to have a difference of opinion with the Applicant on the methodology of combining seasonal displacement impacts to give an annual prediction (NE's preferred approach is to simply sum seasonal displacement and mortality predictions), but agrees that in this instance the output is the same, so has no issue with the conclusion.

Similarly, regarding the Collision Risk Model Options 1 and 2, NE would not always advise using site specific data as there may be circumstances where Option 2 is more appropriate. However, NE has considered both in this case and does not disagree with the Applicant's conclusions. In terms of in-combination collision totals NE agrees with the totals, but is unable to specify the in-combination effect (as explained above).

Impacts on harbour porpoise in the Southern North Sea pSAC (SNS pSAC)

1.32 **Q. The ExA appreciated that the Harbour Porpoise (HP) pSAC is a progressing situation and that in-combination assessments cannot be undertaken as management advice is pending from NE. The ExA asked for an update on the HRA for the SNS pSAC.**

1.33 NE confirms that there are currently no agreed management measures available to inform any HRA for the Southern North Sea HP pSAC. However, NE has received an interim HRA report from the Applicant and intends to review and submit a response for Deadline 4 (see Appendix 2). Since the consultation closed in May, NE has continued to work with the JNCC to produce management measures and a consultation report. Once the consultation report is complete it will go to the Minister for sign off, unfortunately NE cannot currently provide a date for when this will happen.

1.34 **Q. The ExA asked NE if they are content with HRA issues for the SNS pSAC?**

1.35 NE supports the Applicant following the HPOW2 'condition 8' approach with some amendments. Namely a freestanding In Principle Site Integrity Plan (IPSIP) which will be a certified document referred to in the DML which will list such mitigation measures as necessary to ensure no AEoI. NE sees the IPSIP as a positive approach and will provide comments on this document (following the MMOs initial comments) for Deadline 4 (see Appendix 1).

Benthic Ecology and other offshore ecology matters

Minimum cable burial depths

1.36 **Q. Are NE's comments on minimal cable burial development depth unresolved?**

1.37 NE advises that this issue is now resolved. NE's position is that as a matter of principle, all developers should aim for a minimum of 1m burial depth. This position takes into account all issues including reduction in the requirement for cable protection and potential Electromagnetic Fields (EMF) from cables. Noting that EMF is a tricky issue that remains unresolved and not scientifically proven, but we do know that currently the best way to reduce EMF impacts is to increase burial depth. NE's generic position is that deeper cable burial is better. NE does understand that this is not always feasible depending on cable installation methods, substrate, developer, cable type, risk from fishers etc. However, given the location of the export cable, NE is content with what the Applicant is proposing for EA3.

Orford Inshore rMCZ assessment

1.38 **Q. Cable laying and protection is part of the concerns over the Orford Inshore rMCZ. Information provided includes an assessment which shows no impact. In the response to the SEA there are concerns about the predicted 2mm of sediment deposits and possible effects on sand eel, lemon and dover sole spawning. The cable corridor is 2km wide where it runs parallel along the boundary of rMCZ so unless installed on the southern boundary the distance will be greater than 300m. If there are concerns about sediment deposition within a few 100m of cable installation operations is it possible to reduce the 2km wide cable corridor to ensure cables will not be within 300 m of the rMCZ?**

1.39 NE notes that the rMCZ is proposed for mixed sediment not fisheries, so any sediment that goes into the rMCZ is not necessarily an issue. NE advises that whilst the rMCZ boundary was drawn around a specific area of mixed sediment, it is present in the wider area. The proposed cable installation methods (discussed in chapter 7 of the ES) are such that the impact is likely to be limited to a discrete area. Any sediment plumes that may occur as a result of foundation installation or disposal of dredge material, for

example, would be short lived and NE does not have concerns for designated sites in this particular area or more generally where there is mixed sediment.

2. Appendix 1 - Natural England's Comments on the EA3 Deadline 4 submission Site Integrity Plan

Date: 14th September 2016

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Dear Gillian,

East Anglia THREE: Southern North Sea pSAC Site Integrity Plan Version 5

Thank you for providing the Southern North Sea pSAC Site Integrity Plan to Natural England on 8th September 2016. We have now reviewed the document and provide the following comments. This letter will also be submitted by Natural England as an appendix to our Oral Representation for submission at Deadline 4 of the East Anglia THREE Examination on 15th September 2016.

Summary

Natural England welcomes the Southern North Sea pSAC Site Integrity Plan as a stand-alone document to set out the approach to delivering any management or mitigation measures that are required to avoid significant disturbance of harbour porpoise and allow the conclusion of no adverse effect on site integrity to be made in relation to the Southern North Sea pSAC from the East Anglia THREE project.

Natural England would welcome further consideration and clarity being provided with respect to the timings and submission of work in relation to the delivering of some of the documents described in the Plan as outlined further below. It is imperative that adequate time is allowed prior to construction for consideration and implementation of the most appropriate mitigation and/or management measures.

Specific Comments

The final part of section 1.2 is confusing and may benefit from re-wording. It is not clear if the intention is to suggest that EPS licensing is the only way to deal with the issue of disturbance. Natural England advises that an EPS licence is not a form of mitigation to reduce acoustic disturbance. It may help to add in the wording '*...to reduce acoustic disturbance*' after the word 'requirements' in the final sentence and to make the intended role of EPS Licensing clearer.

Paragraph 48 states a noise prognosis report shall be prepared and submitted to the MMO prior to the start of construction. Given the complexities that may be involved in this and the implications for mitigation at East Anglia THREE; how long before construction will the noise prognosis be undertaken and can timings be secured in the Site Integrity Plan to ensure that enough time is allowed for it to be properly considered? This

would also apply to the assessment of the ability of any mitigation measure alone or in-combination with other measures discussed in paragraphs 53-54. Natural England also queries whether, given the potential complexities involved, four months prior to construction is early enough for the MMMP to be submitted as stated in paragraph 31 and secured under Condition 13(f) of the DML. Natural England welcomes the inclusion of Table 1 in Version 5 of the Plan, but the milestone for 'Submission and Review of draft Plan' is missing and as this includes all the implementation plans, method statements and monitoring requirements, we feel it is key to have this included.

Natural England welcomes the clear outlining of which mitigation measures may be feasible for East Anglia THREE. However, we feel further detail should be included for each of these in future iterations of the Plan.

Section 5.4.5 states that seasonal restrictions on pile driving are not included in the Plan as a potential mitigation or management measure by EATL, but there is no real justification for this provided and Natural England believes a seasonal/appropriate temporal restriction at East Anglia THREE could potentially be beneficial and may help to manage in-combination impacts on the pSAC. Therefore, we would advise that restrictions on pile driving be removed from section 5.4.5 and considered alongside measures 1-3.

We look forward to discussing and developing the Plan further with EATL.

Yours sincerely

Claire Ludgate

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3. Appendix 2 - Natural England's comments on EA3 Updated Southern North Sea pSAC HRA report

Date: 15th September 2016

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Dear Gillian,

East Anglia THREE Information for the Habitats Regulations Assessment: Updated Marine Mammal Assessment Southern North Sea pSAC

Thanks you for providing the updated HRA to Natural England on 1st September 2016. We have now reviewed the document and provide the following comments. This letter will also be submitted by Natural England as an appendix to our Oral Representation for submission at Deadline 4 of the East Anglia THREE Examination on 15th September 2016.

Summary

In July 2016 Natural England was consulted on a version of the East Anglia THREE Southern North Sea pSAC HRA without an in-combination assessment. Subsequently a proposed approach to be taken for the in-combination assessment was provided in early August 2016. Since that time and following work at other projects, Natural England now believes a more thorough assessment can be made relative to the pSAC in addition to considering how impacts within the site effect the North Sea Management Unit (MU).

We appreciate this will not be a full and complete HRA as the Conservation Objectives for the site as still in draft format and management measures are yet to be agreed. However, we believe there is further work that can be undertaken at this time and we will continue to work with EATL to progress this as far as possible.

Assessment of impacts on the Southern North Sea pSAC

Natural England welcomes the assessment against the North Sea MU reference population as previously advised. This is in line with JNCC and Natural England (2016) draft Conservation Objectives and Advice on Activities, which states that it is how the impacts within the site translate into effects on the North Sea MU population that are of greatest concern. However, based on ongoing progression of the Hornsea Zone HRAs we advise that further consideration is given to how the impacts described may directly impact the pSAC. For example, the percentage of the pSAC area should be calculated and included alongside the percentage of the MU area affected by underwater noise during construction in tables 5.2.1 and 5.2.2. These figures should be included for all the assessed impacts. Natural England considers it is not possible to conclude there is no potential for LSE, as per paragraph 89, if an assessment of impacts on the pSAC is not undertaken.

In-combination assessment

Natural England queries what the basis for the second assumption in the indicative scenario is? Why couldn't two projects in the same zone, with overlapping consent windows, be piling at the same time? Whilst we accept it is unlikely that all four Dogger Bank projects would be piling at the same time, Natural England believes it is possible that more than one project per zone may be piling at the same time or two piling events may happen at the same time for one project. Therefore, we consider that it is not appropriate that Hornsea 1 and Dogger Bank Creyke Beck A and Teeside A and B should be excluded from the indicative scenario.

Natural England advises that the projects included in the in-combination assessment listed in table 5.5.2 and A2 should include the Inch Cape, Neart a Gaoithe and Firth of Forth projects. The ultimate fate of these projects is still undecided so they should be included to ensure the worst case scenario is captured. The status of Triton Knoll also requires updating as the Electrical System was granted consent at the beginning of September 2016.

The assessments under both the worst-case and indicative scenarios should be carried out in the context of the pSAC as far as is possible at this time. This should include an assessment of the percentage of the pSAC habitat that could be affected and include all noisy activities that may potentially impact the pSAC, such as those listed in paragraph 130, including seismic surveys. Natural England would also advise the addition of Unexploded Ordnance clearance to that list.

Natural England will continue to work with EATL to further the Southern North Sea pSAC HRA and provide any additional information we are able to, as and when it becomes available.

Yours sincerely

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4. Appendix 3 - Natural England's comments on EA1 updated CRM model

Date: 15th September 2016

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Dear Gillian,

East Anglia THREE: Comments on East Anglia ONE CRM Revised for Final Wind Farm Design Document

Natural England received the above titled document on 5th September 2016 from East Anglia THREE project team, and it was referred to at the Issues Specific Hearing on 7th September 2016.

Natural England notes that the revised Collision Risk Model (CRM) figures for East Anglia ONE are based on the final design, which has a reduced number of turbines to that consented. If there is a legal means of ensuring that the reduction in turbines is legally binding then we agree that the contribution of East Anglia THREE to the cumulative total is largely offset by the reduction in collision risk from East Anglia ONE.

We note that the cumulative CRM total figures presented in this document differs from those figures presented in the cumulative assessments in the East Anglia THREE Environmental Statement (ES), and they also differ from those in the cumulative figures accepted by Natural England at the end of the Hornsea Offshore Windfarm (Zone 4) - Project TWO (Hornsea 2) hearings (see Table 1).

Table 1: Comparison of the cumulative CRM figures presented in Table 7 of the Applicant’s ‘East Anglia ONE CRM Revised for Final Wind Farm Design’ document with those in the East Anglia THREE ES and from the Hornsea 2 examination

Species	EA3 (ES)	EA3 estimate of totals up to Hornsea 2 with consented EA1 figures	EA3 (updated included revised EA1 totals)	Cumulative totals accepted by NE at end of Hornsea 2 hearing (excluding EA3)
Gannet	3071	2942	2881	2976
Kittiwake	4003	3507	3482	3412
Great black-backed gull	1049	840	860	664

Table 1 (above) highlights that the cumulative figures presented in this document for all projects up to and including Hornsea 2 (with the original East Anglia ONE CRM figures included) are all lower than those that the Applicant presented in the East Anglia THREE Environmental Statement. For kittiwake, another figure is presented as part of the East Anglia THREE examination in the document titled “Volume 5 Erratum: correction to kittiwake in-combination collision mortality”, submitted on 7th July 2016. This document gives a total cumulative figure for up to and including East Anglia THREE (with consented East Anglia ONE figures) as 3,753.

It is not possible to identify why the figures differ as a full cumulative table with a breakdown of each individual project’s contribution is not presented in this document, or in the Memorandum of Understanding (MoU) between Natural England and the Dong Energy produced at the end of the Hornsea 2 hearings. Therefore is not clear exactly why the cumulative totals are different.

However, whilst there is still uncertainty around what the actual cumulative totals are, we do accept the main point being made that the change in design and the revised CRM for East Anglia ONE results in a reduced collision risk for that project and therefore reduces the cumulative total.

As with the cumulative CRM totals, the in-combination total used for the HRA assessment for kittiwake and gannet from the Flamborough and Filey Coast pSPA differs from the figures presented in the East Anglia ONE revised CRM document, and also with the totals accepted by Natural England at Hornsea 2 (see Table 2). However, we accept that the in-combination mortality for gannet and kittiwake from Flamborough and Filey Coast pSPA, including East Anglia THREE’s contribution along with a reduced contribution from East Anglia ONE, is essentially unchanged from the consented position.

Table 2: Comparison of the in-combination CRM figures for Flamborough and Filey Coast pSPA presented in Table 8 of the Applicant’s ‘East Anglia ONE CRM Revised for Final Wind Farm Design’ document with those in the East Anglia THREE ES and from the Hornsea 2 examination

Species	EA3 (ES)	EA3 (including revised EA1 totals)	In-combination totals accepted by NE at Hornsea 2 (excluding EA 3)
Gannet	205	174	179
Kittiwake	328	322	314

In conclusion, assuming that the reduction in the East Anglia ONE design is legally binding and represents a revised consented maximum, then Natural England’s position in respect of kittiwake and gannet as at the end of Hornsea 2 hearing is un-changed. Specifically, that there is no adverse effect on integrity on gannet from the Flamborough and Filey Coast pSPA either alone or in-combination with other projects.

For kittiwake from the Flamborough and Filey Coast pSPA there is no adverse effect on integrity from the project alone. In-combination with other plans and projects Natural England considers that the level of in-combination mortality under consideration here is such that an adverse effect on integrity of the Flamborough Head and Bempton Coast SPA and the Flamborough and Filey Coast pSPA cannot be ruled out. However, our view is that the effect of the additional predicted mortality from the Project alone, while not de minimis, is so small as to not materially alter the significance of the overall in-combination mortality figure or the likelihood of an adverse effect on the integrity of the SPA or pSPA arising from such an in-combination level of mortality

For EIA assessment, we consider that in respect of gannet, kittiwake and great black-backed gull a significant effect from the project alone can be ruled out. However, a significant effect on the North Sea Population of gannet, kittiwake and great black-backed gull cannot be excluded based on the predicted number of annual cumulative collisions. However, our view is that the effect of the additional predicted mortality from the Project alone, while not de minimis, is so small as to not materially alter the significance of the overall cumulative mortality figure or the likelihood of a significant effect on the North Sea populations for these species arising from such an in-combination level of mortality.

Yours sincerely

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