



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 305km<sup>2</sup>.

Planning Inspectorate Reference: EN010056

---

**NATURAL ENGLAND'S RESPONSE TO THE RULE 17 LETTER  
FOR DEADLINE 7**

Dated 8<sup>TH</sup> December 2016

## **Contents**

1.	NATURAL ENGLAND'S RESPONSE TO THE RULE 17 LETTER OF THE 17 NOVEMBER 2016	<b>3</b>
2.	NATURAL ENGLAND'S COMMENTS ON THE UPDATED HRA REPORT FOR THE HARBOUR PORPOISE pSAC, SUBMITTED AT DEADLINE 6 AND THE SITE INTEGRITY PLAN (SIP)	<b>5</b>
3.	STATEMENT OF COMMON GROUND	<b>5</b>
4.	REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (REIS)	<b>6</b>

**Outer Thames Estuary Special Protection Area (SPA) and its red-throated diver qualifying feature)**

The ExA notes that a conclusion of no adverse effects on the integrity of the Outer Thames Estuary Special Protection Area (SPA) (and its red-throated diver qualifying feature) is stated in the Statement of Common Ground (SoCG) between the Applicant and Natural England (NE) [REP2-053] to be “*agreed by both parties*”. However, it is also noted that NE’s previous position (recorded in both the SoCG and its Relevant Representation [RR-003]) indicated that this conclusion is based on best practice vessel operations.

1. Could NE and the Applicant comment on what these best practice vessel operations entail and how these have been secured.
2. Could NE and the Applicant also comment on whether any amendments are required to the Development Consent Order (DCO) or Deemed Marine Licences (DMLs) to ensure that these measures can be relied upon for a conclusion of no adverse effects on the integrity of the Outer Thames Estuary SPA and its red-throated diver qualifying feature.
3. The MMO may also wish to comment on the securing of such measures in the DCO/DMLs as referred to in question 2 above.

**Following publication of the Rule 17 letter by PINS on the 17th of November 2016, Natural England has worked with the Applicant on an agreement for vessel best practice in designated sites where red-throated diver are a feature (Outer Thames Estuary SPA and Greater Wash pSPA).**

1. The Applicant will submit an outline of mitigation measures to avoid impacts on red throated diver at Deadline 7. Natural England supports these measures.
2. Natural England support the Applicant’s suggested amendments to the DML, specifically to DML schedule condition: 13(1)(c)(v) vessels and vessels transit corridors, which minimises disturbance to red throated diver; and 13(1)(d)(vi) procedures to be adopted within vessels transit corridors to minimise disturbance to red throated diver.
3. The Applicant has been in discussions with the MMO to develop the proposed amendments to the DML.
4. The Report of the Habitats and Wild Birds Directives Implementation Review can be downloaded from the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69513/pb13724-habitats-review-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf)

<b>RULE 17 Letter Question</b>	<b>Natural England's Submission</b>
<p>4. NE has referred, in its post-hearing submission [REP4-029], following the first Environmental Matters Issue Specific Hearing (ISH) on Wednesday 7 September 2016 to Defra's April 2012 Habitats Regulations review (the Report of the Habitats and Wild Birds Directives Implementation Review). Could NE please submit a copy of this report as an Examination document by Deadline 7.</p>	<p>A copy of the report is also attached to the email containing this submission.</p>
<p><b>ExA Consultation Draft DCO</b></p>	
<p>The following questions on the consultation Draft DCO are relevant to Natural England:</p> <ol style="list-style-type: none"> <li>1. DCO Requirement 2 (detailed offshore design parameters) question to the Applicant, the MMO and Natural England (NE).</li> <li>2. Generation Assets DMLs (Schedules 10 and 11) Parts 2, Conditions 1 (design parameters) question to the Applicant, the MMO and NE.</li> </ol>	<p>Both questions pertain to draught height design parameters, Natural England's position is as follows:</p> <p>Natural England Agree with the ExA that DCO Requirement 2 would be clearer if the number of turbines permitted to be developed at the 22m draught height were specified rather than a percentage limit.</p> <p>Natural England has consulted with the MMO on this issue. The MMO and the Applicant have reached a proposed condition wording on turbine draught height for submission at Deadline 7 and we support the proposed condition.</p>

## **Natural England's Comments on the updated HRA Report for the Harbour Porpoise pSAC, Submitted at Deadline 6 and the Site Integrity Plan (SIP)**

### HRA Report for the Harbour Porpoise pSAC

Natural England has reviewed the latest version of the HRA Report as submitted by the Applicant at Deadline 6. Natural England has no further comments to make on this version of the HRA report and is satisfied that our previous comments have been addressed in this version. Our only small point is that the figure in paragraph 162 should be 5.5% rather than the 5.8% shown (the Applicant are aware of this error and will make amendments in the final version of the HRA report).

### Site Integrity Plan (SIP)

Following Deadline 6 Natural England has provided comments to the Applicant on the SIP. Our only suggested changes to the SIP were adding the potential for seasonal restrictions as an amendment to the piling schedule in paragraph 47. We have informed the Applicant of these suggested changes and they have agreed to make these changes and re-submit the SIP at Deadline 7.

### **Statement of Common Ground (SoCG)**

Natural England is in agreement with the Applicant on the latest version of the SoCG. We signed the document to this effect on the 5<sup>th</sup> of December 2016 and the Applicant will submit the updated SoCG at Deadline 7.

## **Report on the Implications for European Sites (REIS)**

Natural England has reviewed the REIS published by PINS on the 17<sup>th</sup> of November 2016. We consider that the REIS has accurately captured our submissions on the Examination of East Anglia Three and do not have any further submissions to make at this time.