

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Statement of Common Ground

Natural England

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# 1 Introduction

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## 1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared with Natural England to show where agreement has been reached with East Anglia THREE Limited (EATL) during the pre and post Development Consent Order (DCO) application consultation and in the course of the DCO Examination
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to Natural England on the East Anglia THREE DCO application (the **Application**). Topic specific matters agreed, not agreed and actions to resolve between Natural England and East Anglia THREE are included.
3. The position with respect to each topic of interest is presented in a tabular form.
4. Throughout this document points of agreement and disagreement between EATL and Natural England are clearly indicated. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
5. A Glossary is attached at Appendix 1.

## 1.2 The Development

6. The Application is for development consent to construct and operate up to 172 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the **Project**).
7. The DCO, if made, would be known as the East Anglia THREE Offshore Wind Farm Order. It will comprise the following elements:
  - Up to 172 offshore wind turbines and associated foundations, with an installed capacity of up to 1,200 MW;
  - Up to two meteorological masts and foundations;
  - Up to twelve buoys;
  - Up to six offshore electrical stations;
  - Up to one offshore platform housing accommodation facilities;
  - Subsea inter-array cables between the wind turbines and offshore electrical stations;
  - Up to four subsea export cables to transmit electricity from the offshore electrical stations to shore;
  - Up to four interconnector cables between the East Anglia ONE and East Anglia THREE Projects;
  - Scour protection around foundations and on inter-array and export cables as required;

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- Landfall at Bawdsey with onshore transition bays to join the offshore and onshore cables;
  - Up to four onshore underground circuits (each containing up to three cables) pulled through existing ducting to be laid by East Anglia ONE or directly laid, running for approximately 37km from landfall to the connection point at Bramford, Suffolk, with jointing pits, to transmit electricity to up to two new onshore substations;
  - Up to two onshore substations at Bramford, Suffolk, to connect the offshore windfarm to the National Grid;
  - The permanent and / or temporary compulsory acquisition (if required) of land and / or rights for the proposed Project;
  - Overriding of easements and other rights over or affecting land for the proposed Project;
  - The application and / or disapplication of legislation relevant to the proposed Project including inter alia legislation relating to compulsory purchase; and
  - Such ancillary, incidental and consequential provisions, permits or consents as are necessary and / or convenient.
8. The Application was submitted to the Planning Inspectorate on 18<sup>th</sup> November 2015 and accepted for examination on 15<sup>th</sup> December 2015.

### 1.3 Consultation with Natural England

9. This section briefly summarises the consultation that EATL has had with Natural England, for further information on the consultation process and the outcome of consultations please see the Consultation Report (document 5.2 of the East Anglia THREE DCO Application).

#### 1.3.1 Pre-Application

10. EATL engaged with Natural England on the Project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
11. During formal (Section 42) consultation, Natural England provided comments on the Preliminary Environmental Information Report (**PEIR**) by way of a letter dated 8<sup>th</sup> July 2014 and on a separate consultation (also conducted under Section 42) regarding changes in project design by email on the 23<sup>rd</sup> of July 2015 (the **Consultation Responses**).
12. Further to the statutory Section 42 consultation, several meetings were held with Natural England through the Evidence Plan process. Further detail on the Evidence Plan can be found in the relevant Appendices of the Environmental Statement chapter for each of the topics within this SoCG (namely Appendix 7.1 (document 6.3.7 (1)), Appendix 10.1 (document 6.3.10 (1)), Appendix 11.1 (document 6.3.11 (1)), Appendix 12.1 (document 6.3.12 (1)), Appendix 13.1 (document 6.3.13 (1)), and Appendix 23.3 (document 6.3.23 (3)),

### 1.3.2 Post-Application

13. Natural England made a relevant representation to the Planning Inspectorate on 23<sup>rd</sup> March 2016 (the **Relevant Representation**). Following a meeting on 24<sup>th</sup> March and 8<sup>th</sup> June 2016 and subsequent communication with Natural England (attached at Appendix 2), agreement was reached on certain matters previously raised by Natural England

14. In the Rule 17 request for further information of the 28<sup>th</sup> October 2016, the Examining Authority requested that this SoCG be updated to reflect the submission of additional information with regard to the Southern North Sea possible Special Area of Conservation and further discussions on offshore ornithology. Amendments have been made in Tables 4 and 5, below.

**Deleted:** <#>A summary of the comments contained in the Relevant Representation with the EATL's response is set out in the table below. ¶

## 2 Agreement Log

15. Within the sections and table below the different topics for areas of agreement between Natural England and EATL are set out. []

### 2.1 Marine Geology, Oceanography and Physical Processes

16. The Project has the potential to impact upon Marine geology, oceanography and physical processes. Chapter 7 of the East Anglia THREE Environmental Statement (ES), Application document 6.1.7, provides an assessment of the significance of these impacts. Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter.

17. Marine geology, oceanography and physical processes were discussed at an Evidence Plan meeting hosted by EATL on the 13<sup>th</sup> September 2013. Representatives of Natural England and the MMO were both present. A method statement detailing EATL's proposed approach to the assessment was produced prior to the meeting. This was subsequently revised based on discussions had during the meeting and was then circulated and agreed by all parties involved.

18. A second meeting was held to discuss the PEIR on 3<sup>rd</sup> July 2014. Natural England, the MMO and Cefas (as statutory advisor to the MMO) were present. The discussion formed the basis of the Section 42 PEIR consultation response provide by Natural England which were in turn was used to update the impacts assessment for the ES (as recorded in *Table 7.1*, document reference 6.1.7 of the East Anglia THREE DCO Application, of Chapter 7 of the ES).

Table 1. SoCG – Marine Geology, Oceanography and Physical Processes

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	Sufficient survey data (extent/duration) has been collected to undertake the assessment	Agreed through the Evidence Plan	It is agreed by both parties that sufficient survey data have been collected to undertake the assessment.
<b>Assessment Methodology</b>	The list of potential physical process effects assessed, as proposed in the Evidence Plan method statement provided October 2013 is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the list of potential impacts assessed in Chapter 7 of the ES is appropriate to the project.
	<p>The impact assessment methodologies used (as proposed in the Evidence Plan method statement provided October 2013) for the EIA provide an appropriate approach to assessing potential impacts of the project. This includes:</p> <ol style="list-style-type: none"> <li>1. An assessment based on expert judgement using knowledge of sites and available contextual information (in particular Zone and East Anglia ONE studies and modelling); therefore no new modelling (e.g. sediment plumes or deposition) was undertaken.</li> <li>2. The definitions used of sensitivity and magnitude in the impact assessment are appropriate.</li> <li>3. The approach to screening in plans and projects for consideration the cumulative impact assessment, and the resulting lists of plans and projects for each receptor.</li> </ol>	Agreed through the Evidence Plan	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.
	The worst case scenario presented in the ES, is appropriate for the project.	Agreed	It is agreed by both parties that the worst case scenario presented in the ES is appropriate for this project.

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Assessment conclusions</b>	The ES adequately characterises the baseline environment in terms of Marine Geology, Oceanography and Physical Processes (The baseline which was presented in the PEIR is unchanged in the ES).	Agreed	It is agreed by both parties that the ES adequately characterises the baseline environment.
	The assessment of effects for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Marine Geology, Oceanography and Physical Process are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the impacts presented for construction, operation and decommissioning are appropriate and are likely to be non-significant in EIA terms.
	The changes to physical processes in relation to impacts of the proposed project on the eroding and sensitive East Anglia coastline have been considered and are non-significant in EIA terms.	Agreed	It is agreed by both parties that changes to physical processes in relation to impacts of the proposed project on the eroding and sensitive East Anglia coastline have been considered and are non-significant in EIA terms.
	The assessment of cumulative effects is appropriate and, assuming the inclusion of the embedded mitigation described, cumulative impacts on Marine Geology, Oceanography and Physical Process are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the cumulative impacts presented are appropriate and are likely to be non-significant in EIA terms.
<b>Habitats Regulations Assessment</b>			
<b>Assessment</b>	The assessment of effects upon designated sites is appropriate and there are no effects which require consideration in HRA.	Agreed	It is agreed by both parties that the assessment of effects upon designated sites is appropriate and that there are no effects which require consideration in HRA.
<b>Mitigation</b>			
	Given the impacts of the project, the conditions provided within the draft DML (and supporting	Agreed	It is agreed by both parties that the conditions provided within the draft

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	certified documents) for the management and monitoring of sediment dynamics, waste and debris are considered appropriate and adequate.		DML (and supporting certified documents) for the management and monitoring of sediment dynamics, waste and debris are considered appropriate and adequate.

## 2.2 Benthic Ecology

19. The Project has the potential to impact upon benthic ecology. Chapter 10 of the ES (Application document 6.1.10) provides an assessment of the significance of these impacts. Table 2 below provides areas of common ground that have been reached regarding the findings reported within that chapter.
20. Benthic Ecology was discussed at an Evidence Plan meeting on the 10<sup>th</sup> September 2013. A method statement for the assessment was produced which was revised based on that discussion, circulated and agreed. Natural England and Cefas were present at the 10<sup>th</sup> September meeting.
21. A second meeting was held to discuss the PEIR on 3<sup>rd</sup> July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES (as recorded in *Table 10.1* of the Chapter 10 of the ES).

Table 2. SoCG – Benthic Ecology

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	Sufficient survey data (extent/duration) has been collected to undertake the assessment.	Agreed through the Evidence Plan	It is agreed by both parties that sufficient survey data have been collected to undertake the assessment.
	The ES adequately characterises the baseline environment in terms of the Benthic Ecology	Agreed	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of the Benthic Ecology.
<b>Assessment Methodology</b>	The list of potential impacts to be assessed, as proposed in the Evidence Plan method statement is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the list of potential impacts assessed in Chapter 7 of the ES are appropriate to the project.
	The impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on the Benthic Environment.  This includes:  Assessments which utilise the Marine Geology, Oceanography and Physical Process assessment which is based on expert judgement  The definitions of sensitivity and magnitude used in the impact assessment.	Agreed through the Evidence Plan	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.
	The approach to cumulative impact assessment for each receptor is appropriate and, assuming the inclusion of the embedded mitigation described, cumulative impacts on the Benthic Environment are likely to be non-significant in EIA terms	Agreed through the Evidence Plan	It is agreed by both parties that the cumulative impact assessment methodologies used in the EIA are appropriate.
	Detailed assessment of biogenic reef ( <i>Sabellaria</i> or <i>Mytilus</i> ) is a matter for pre-construction survey and	Agreed through the Evidence Plan	It is agreed by both parties that detailed assessment of biogenic

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	final routeing.		reef ( <i>Sabellaria</i> or <i>Mytilus</i> ) is a matter for pre-construction survey and final routeing.
	The worst case scenario presented in the ES is appropriate for this project.	Agreed	It is agreed by both parties that the worst case scenario presented in the ES is appropriate for this project.
<b>Assessment conclusions</b>	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on the Benthic Environment are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on the Benthic Environment are likely to be non-significant in EIA terms.
	Assuming the inclusion of the embedded mitigation described in the ES, cumulative impacts on the Benthic Environment are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that assuming the inclusion of the embedded mitigation described in the ES, cumulative impacts on the Benthic Environment are likely to be non-significant in EIA terms.
<b>Habitats Regulations Assessment</b>			
	It is agreed that the draft assessment of effects upon designated sites is appropriate and there are no effects which require consideration in HRA.  All Special Areas of Conservation are screened out of the assessment with regard to Benthic Ecology.	Agreed.	It is agreed by both parties that the draft assessment of effects upon designated sites is appropriate and there are no effects which require consideration in HRA.  All Special Areas of Conservation are screened out of the assessment with regard to Benthic Ecology.
<b>Mitigation</b>			
	It is agreed that given the impacts of the project, the conditions provided within the draft DML (and	Agreed.	It is agreed by both parties that given the impacts of the project, the

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	supporting certified documents) for the management and monitoring of impacts on the Benthic Environment are considered appropriate and adequate.		conditions provided within the draft DML (and supporting certified documents) for the management and monitoring of impacts on the Benthic Environment are considered appropriate and adequate.

### 2.3 Fish and Shellfish Ecology

22. The Project has the potential to impact upon fish and shellfish ecology. Chapter 11 of the ES, Application document 6.1.11, provides an assessment of the significance of these impacts. Table 3 below provides areas of common ground that have been reached regarding the findings reported within that chapter.
23. Fish and shellfish ecology was discussed at an Evidence Plan meeting on the 10<sup>th</sup> September 2013. A method statement for assessment was produced which was revised based on the discussion, circulated and agreed. Natural England and Cefas were present.
24. A second meeting was held to discuss the PEIR on 3<sup>rd</sup> July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES (as recorded in *Table 11.1* of the Chapter 11 of the ES).

Table 3. SoCG – Fish and Shellfish Ecology

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	Sufficient survey data (extent/duration) has been collected to undertake the Assessment.	Agreed through the Evidence Plan	It is agreed by both parties that sufficient survey data have been collected to undertake the assessment.
	The ES adequately characterises the baseline environment in terms of Fish and Shellfish Ecology.	Agreed	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of Fish and Shellfish Ecology.
<b>Assessment methodology</b>	It is agreed that the list of potential impacts to be assessed, as proposed in the Evidence Plan method statement, is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties on list of potential impacts to be assessed.
	It is agreed that the impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on Fish and Shellfish Ecology.	Agreed through the Evidence Plan	It is agreed by both parties that the impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on Fish and Shellfish Ecology.
	The definitions used of sensitivity and magnitude in the impact assessment are appropriate.		
	The key species taken forward for assessment is appropriate.		
	The worst case scenario presented in the ES is appropriate for this project.	Agreed	It is agreed by both parties that the worst case scenario presented in the ES is appropriate for this project.
	The approach to screening in plans, projects and impacts for consideration in the cumulative impact assessment is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the approach to screening in plans, projects and impacts for consideration in the cumulative impact assessment is appropriate.
The approach to cumulative impact assessment for each receptor is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the approach to cumulative impact assessment for each receptor is	

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	Given the inclusion of the embedded mitigation described in the ES, cumulative impacts on Fish and Shellfish Ecology are likely to be non-significant in EIA terms.	Agreed	appropriate It is agreed by both parties that with the inclusion of the embedded mitigation described in the ES, cumulative impacts on Fish and Shellfish Ecology are likely to be non-significant in EIA terms.
<b>Assessment conclusions</b>	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Fish and Shellfish Ecology are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Fish and Shellfish Ecology are likely to be non-significant in EIA terms.
<b>Habitats Regulations Assessment</b>			
	There are no HRA considerations for Fish and Shellfish Ecology (distance from designated sites and diffuse distribution of Annex 1 species)  All Special Areas of Conservation are screened out of the assessment with regard to Fish and Shellfish Ecology	Agreed through the Evidence Plan	It is agreed by both parties that there is no HRA considerations for Fish and Shellfish Ecology due to the distance from designated sites and diffuse distribution of Annex 1 species.
<b>Management measures</b>			
	It is agreed that the given the impacts of the project, the conditions provided within the draft DML (and supporting certified documents) for the management and monitoring of impacts on Fish and Shellfish Ecology are considered appropriate and adequate.	Agreed	It is agreed by both parties that given the impacts of the project, the conditions provided within the draft DML (and supporting certified documents) for the management and monitoring of impacts on Fish and Shellfish Ecology are considered appropriate and adequate

## 2.4 Marine Mammals

25. The Project has the potential to impact upon Marine Mammals. Chapter 12 of the ES and the Report to Inform Habitats Regulations Assessment (document 5.4 of the DCO Application) provide an assessment of the significance of these impacts. Table 4 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.
26. Impacts on Marine Mammals were discussed at Evidence Plan meetings on 13<sup>th</sup> September and 15<sup>th</sup> November 2013 and the 2<sup>nd</sup> April 2014. A method statement for the assessment was produced which was revised based on the discussion at the first meeting, circulated and agreed by Natural England. These meetings allowed for the preparation of the PEIR.
27. A meeting was held to discuss the PEIR on 3<sup>rd</sup> July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES (as recorded in *Table 12.1* of the Chapter 12 of the ES).
28. A further meeting was held on 6<sup>th</sup> July 2015 to go over the previously agreed statements and to discuss the shadow Habitats Regulations Assessment report. A method statement was produced for this meeting specifically for the HRA. Further meetings were held on 24<sup>th</sup> March and 8<sup>th</sup> June 2016 post-submission of the application.
29. Following discussions undertaken during the Examination, the Examining Authority asked for the SoCG to be revised to reflect the conclusion of all outstanding marine mammal HRA issues.

Table 4. SoCG – Marine Mammals

Issue on which EATL seek agreement	EATLs Position	Natural England’s Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	The site specific survey methods, duration and data analysis are sufficient to characterise the existing environment.	Agreed through the Evidence Plan	It is agreed by both parties that the site specific survey data collection and analysis are sufficient to characterise the existing environment.
	The ES adequately characterises the baseline (which is unchanged from the PEIR) environment in terms of Marine Mammals.	Agreed through the Evidence Plan	It is agreed by both parties that the baseline environment for marine mammals has been adequately characterised.
	The use of harbour porpoise and unidentified individuals represents a precautionary approach to calculating harbour porpoise density across the Project area.	Agreed through the Evidence Plan	It is agreed by both parties that the use of harbour porpoise and unidentified individuals represents a precautionary approach to calculating harbour porpoise density across the Project area.
	Suitable correction factors have been used to account for marine mammals below the surface during aerial surveys.	Agreed through the Evidence Plan	It is agreed by both parties that suitable correction factors have been used to account for marine mammals below the surface during aerial surveys.
<b>Assessment methodology</b>	Harbour porpoise, grey seal and harbour seal are the only species of marine mammal to be considered in the impact assessment	Agreed through the Evidence Plan	It is agreed by both parties that harbour porpoise, grey seal and harbour seal are the only species of marine mammal to be considered in the impact assessment
	The reference populations as defined in the ES (which are unchanged from the PEIR) are appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the reference populations as defined in the ES are appropriate.
	The definitions used in the ES (which are unchanged from the PEIR) of sensitivity and magnitude in the impact assessment are appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the definitions for sensitivity and magnitude used in the impact assessment are appropriate.
	The potential impacts considered in the assessment are appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the potential impacts considered in the assessment are appropriate
	The approach to assessment of impacts from pile driving noise for marine mammals follows current best practice and is therefore	Agreed through the Evidence Plan	It is agreed by both parties that the approach to assessment of impacts from pile driving noise is appropriate for this assessment.

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	appropriate for this assessment.		
	Underwater noise impacts from pile driving are the only impact where a quantified assessment can be made.	Agreed through the Evidence Plan	It is agreed by both parties that underwater noise impacts from pile driving are the only impact where a quantified assessment can be made.
	The approach to screening in plans and projects for consideration in the cumulative impact assessment, and the resulting lists of plans and projects for each receptor is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the approach to screening in plans and projects for consideration in the cumulative impact assessment, and the resulting lists of plans and projects for each receptor is appropriate.
	The approach to cumulative impact assessment for each receptor is appropriate.	Agreed	It is agreed by both parties that the approach to cumulative impact assessment for each receptor is appropriate.
	<p>The worst case scenario presented in the ES is appropriate for this project.</p> <p>This includes the worst case scenarios for both temporal and spatial underwater noise effects</p>	Agreed	It is agreed by both parties that the worst case scenario presented in the ES is appropriate for this project.
<b>Assessment Conclusions</b>	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Marine Mammals are likely to be non-significant in EIA terms for the project.	Agreed	It is agreed by both parties that the assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Marine Mammals are likely to be non-significant in EIA terms for the project.
	The assessment of cumulative impacts for construction, operation and decommissioning presented is appropriate	Agreed	It is agreed by both parties that the assessment of cumulative impacts for construction, operation and decommissioning presented is appropriate
<b>Habitats Regulations Assessment</b>			
	There are no HRA considerations for species other than harbour porpoise, harbour seal and grey seal.	Agreed through the Evidence Plan	It is agreed by both parties that there are no HRA considerations for species other than harbour porpoise, harbour seal and grey seal.
	The list of sites screened in for assessment for each of the species harbour porpoise, harbour	Agreed through the Evidence Plan	It is agreed by both parties that the list of sites screened in for assessment for each of the

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	seal and grey seal is appropriate.		species harbour porpoise, harbour seal and grey seal is appropriate.
	The potential impacts considered in the draft assessment (which are unchanged for the DCO submission) are appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the potential impacts considered are appropriate.
	Based upon the full screening exercise there is no potential for likely significant effect LSE on any site designated for harbour seal	Agreed through the Evidence Plan	It is agreed by both parties that there is no potential for LSE on any site designated for harbour seal.
	Based upon the full screening exercise there is no potential for LSE on any site designated for grey seal	Agreed through the Evidence Plan	It is agreed by both parties that there is no potential for LSE on any site designated for grey seal.
	Based upon the full screening exercise there is no potential for LSE on any site currently designated for harbour porpoise	Agreed through the Evidence Plan	It is agreed by both parties that there is no potential for LSE on any site currently designated for harbour porpoise.
	No LSE could be concluded for all cSACs and SACs and therefore no Appropriate Assessment is required at the time of submission of the Application.	Agreed through the Evidence Plan	It is agreed by both parties that, at the time of submission, no LSE could be concluded for all cSAC and SAC and therefore no Appropriate Assessment is required.
	Due to the overlap with the Southern North Sea pSAC this site is screened in for further assessment (to allow robust assessment in a scenario where this site is taken forward).	Agreed through the Evidence Plan	It is agreed by both parties that the Southern North Sea pSAC should be screened in for further assessment.
	At the time of the submission of the Application there was insufficient information available to undertake a meaningful assessment of the pSAC.	Agreed through the Evidence Plan	It is agreed by both parties that at the time of the submission of the Application there was insufficient information available to undertake a meaningful assessment of the proposed pSACs.
	<u>EATL has undertaken an assessment (provided as the Information for the Habitats Regulations Assessment: Marine Mammal Assessment Southern North Sea pSAC) based upon the draft conservation objectives available for the pSAC and worked with Natural England to refine this assessment in line with their latest advice.</u>		It is agreed <u>by both parties that the Information for the Habitats Regulations Assessment: Marine Mammal Assessment Southern North Sea pSAC is adequate and robust and that the conclusions are valid.</u>  <u>It is agreed by both parties that condition 13(2) in the DMLs (schedules 10 to 13) secures</u>

Deleted: EATL will provide an assessment of the pSAC in order to inform the Examining Authority's Report on the Implications for European Sites (REIS).

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Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	<p><u>EATL conclude that there is unlikely to be potential for Adverse Effect on Integrity (AEOI) of the pSAC for the project alone, and that for the in-combination effects some scenarios may have potential for AEOI</u></p> <p><u>EATL have produced an In-principle Site Integrity Plan (SIP) which, together with new condition 13(2) in the DMLs for the generation and transmission assets (schedules 10 to 13 of the draft DCO), secures mitigation to prevent AEOI.</u></p>		<p><u>mitigation to avoid AEOI and that the SIP also provides a framework to secure the development and implementation of specific mitigation measures (if required) to avoid AEOI..</u></p>
<b>Management measures</b>			
	<p>The assessment predicts impacts are expected to be low for both species of seal and harbour porpoise and that additional mitigation (beyond embedded mitigation) is not necessary. No additional mitigation is necessary for shipping noise No additional mitigation is necessary for other noise induced impacts</p>	<p>Agreed through the Evidence Plan</p>	<p>It is agreed by both parties that no additional mitigation is necessary for shipping noise and no additional mitigation is necessary for other noise inducing impacts.</p>
	<p>An application for the European Protected Species (EPS) licence will be submitted after the DCO is made, prior to the onset of construction, once more detailed design work has been carried out and is available to inform the licence application, and in consultation with the relevant Statutory Nature Conservation Agencies.</p>	<p>Agreed through the Evidence Plan</p> <p>Natural England is not currently aware of any impediments to the granting of an EPS licence.</p>	<p>It is agreed by both parties that the appropriate time to submit an application for the EPS licence will be following the making of the East Anglia THREE Order.</p>
	<p>It is agreed that the draft MMMP will be developed post consent in consultation with the Natural England.</p>	<p>Natural England welcomes the commitment from the Applicant to produce a MMMP and looks forward to working with the Applicant to further develop the draft MMMP that was submitted with the application.</p>	<p>It is agreed by both parties that the draft MMMP will be developed post consent in consultation with Natural England to reflect the most update advice on appropriate mitigation measures.</p>

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## 2.5 Offshore Ornithology

30. The Project has the potential to impact upon Offshore Ornithology. Chapter 13 of the ES, Application document 6.1.13, provides an assessment of the significance of these impacts. Table 5 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.
31. This topic was discussed at Evidence Plan meetings on 30<sup>th</sup> September and 11<sup>th</sup> November 2013, 28<sup>th</sup> March and 2<sup>nd</sup> July 2014 and 3<sup>rd</sup> June and 6<sup>th</sup> July 2015 and at a Project Steering Group meeting on the 4<sup>th</sup> August 2015. Further meetings were held on 24<sup>th</sup> March and 8<sup>th</sup> June 2016.
32. Following discussions undertaken during the Examination, the Examining Authority asked for the SoCG to be revised to reflect the conclusion of all outstanding ornithological issues.

Table 5. SoCG – Offshore Ornithology

ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Data Collection and Description of Baseline Environment</b>				
1ai	The ES (which is unchanged from the PEIR) adequately characterises the baseline relevant to offshore ornithology.	24 months of offshore digital aerial survey data collected for the 'Site' and a 4km buffer. Used to characterise bird distributions and estimate populations. This is sufficient for the assessment.	Agreed through the Evidence Plan	It is agreed by both parties that the ES adequately characterises the baseline relevant to offshore ornithology.
1aii		No additional surveys have been conducted of the offshore cable route. It is sufficient to rely on the information provided for the EA ONE application (now consented) and NE's latest population data on Red-throated Diver in the Outer Thames Estuary SPA.	Agreed through the Evidence Plan	
1bi	The methods and techniques used to analyse offshore ornithological data are appropriate for characterising bird distributions and estimating populations.	Using design based methods to estimate population sizes for the Site and relevant buffers is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the methods and techniques used to analyse offshore ornithological data are appropriate for characterising bird distributions and estimating populations.
1bii		The method used to correct for non-detection of diving auks (the 'correction factor' or 'availability bias') following that recommended by JNCC (referred to as Method C, based on estimates that 24% of guillemot and 17% razorbill may be underwater when an aerial image is captured) is appropriate.	Agreed on receipt of final application	
1biii		The method used to determine flight heights is appropriate.	Agreed through the Evidence Plan	
1biv		The method used to proportion unidentified birds is appropriate.	Agreed through the Evidence Plan	

ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Impact Assessment Methodology</b>				
2a	The impact assessment methodology – specifically the definitions of sensitivity and magnitude and the use of the impact matrix approach - is adequate and appropriate.	The impact assessment method described in Section 13.4.3 of the ES is appropriate.	Agreed through the Evidence Plan	Agreed by both parties.
2b	The potential impacts assessed during construction, operation and decommissioning are appropriate.	The potential impacts set out in Section 13.6 of the ES are the appropriate ones to be assessed.	Agreed through the Evidence Plan	Agreed by both parties.
2c	Cumulative assessments will include sites operational and built, under construction, consented and submitted for application in tiers 1 to 4.	Approach provided in Section 13.4.5 of the ES is appropriate.	Agreed. NE would advise that future plans or projects should be included where information is available	Final list agreed by both parties.
2d	The use of Furness (2015) BDMPS seasons utilised for the assessment is appropriate.	The biological periods used in the EIA are appropriate.	Agreed through the Evidence Plan	Agreed by both parties.
2e	Collision risk modelling results will be presented for each species using Band Model Options for which species specific avoidance rates have been accepted by the SNCBs.	Band model Option 1 and 2 – all species, Band Model Option 3 – herring gull, lesser black-backed gull and great black-backed gull only, using SNCB guidance on avoidance rates used and presentation of ranges due to avoidance rate and flight height uncertainty.	Agreed through the Evidence Plan	Agreed by both parties.
2f	The offshore ornithology assessment is unaffected by potential phasing of construction (1 or 2).	Differences between Single and Two phased approaches to construction are trivial in terms of ornithology impacts.	Agreed through the Evidence Plan	Agreed by both parties.
2g	Seabirds present in very low numbers whilst on migration will be assessed using the approach used in the Marine Scotland assessment (WWT and MacArthur Green 2014).	This approach is considered the most appropriate for migratory seabirds.	Agreed through the Evidence Plan	Agreed by both parties.

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
2h	Terrestrial migrant collision risk to be assessed using Migropath methods.	The results presented in Appendix 13.1, which predict very small risks for all species are accurate and appropriate.	Agreed on receipt of final application	Agreed by both parties.
2i	Red-throated diver displacement method based on monitoring data at existing offshore windfarms.	Evidence based method used in preference to generic displacement matrix. Presented in ES	Assessment of displacement impacts should be considered using generic displacement matrix as there is no East Anglia zone specific evidence	Both methods shown in assessment
2j	Displacement methods (except for red-throated diver, see 2i) are based on standard displacement matrix. Assessments are presented for relevant biological seasons and against agreed BDMPS. Seasonal estimates to be summed using suitable method and assessed against biogeographic populations.	These methods are appropriate.	NE considers the assessment should be summed across the whole annual cycle and include breeding season impacts from other projects.	<p><u>NE is satisfied that using its preferred method (including summing seasonal displacement totals) for assessing guillemot, razorbill and puffin displacement, no significant impacts were found for both the project alone and cumulatively.</u></p> <p><u>Agreed by both parties</u></p>
<b>EIA</b>				
3a	The screening matrix adequately identifies those species at risk of disturbance and displacement during construction - red-throated diver (for offshore cable corridor only), guillemot, razorbill and puffin.	Information provided in Section 13.7.1.1 of the ES correctly identifies those species at risk of disturbance and displacement.	Agreed through the Evidence Plan	Agreed by both parties.
3b	During construction, displacement impacts due to the project alone on the species identified are not significant under the EIA regulations (i.e. minor adverse or lower).	Section 13.7.1.1 of the ES correctly identifies the significance of the impacts of displacement during construction.	Agreed following discussion on 8 <sup>th</sup> June 2016	Agreed by both parties.

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
3c	The screening matrix adequately identifies those species at risk of disturbance and displacement during operation – gannet, guillemot, razorbill and puffin. Recognising that there may be future requirements to monitor vessel requirements once port has been identified	Information provided in Section 13.7.2.1 of the ES adequately identifies those species at risk of disturbance and displacement during operation	Agreed on receipt of final application	Agreed by both parties.
3d	During operation, displacement impacts due to the project alone on the species identified are not significant under the EIA regulations (i.e. minor adverse or lower).	Information provided in Section 13.7.2.1 of the ES correctly identifies the significance of the impacts of displacement during operation.	NE disagree with method used for summing seasonal displacement impacts, however using either approach (that preferred by NE or that used by EATL) the project alone impacts are not significant in EIA terms.	Agreed by both parties.
3e	During construction and operation, indirect impacts on habitats and prey due to the project alone are not significant under the EIA regulations (i.e. minor adverse or lower).	Information provided in Section 13.7.1.2 and 13.7.2.2 of the ES correctly identifies that the indirect impacts on habitats and prey due to the project alone are not significant.	Agreed on receipt of final application	Agreed by both parties.
3f	Collision risk impacts have been assessed for fulmar, gannet, kittiwake, lesser black backed gull, herring gull and great black backed gull. When considering the project alone, collision risk impacts are not significant under the EIA regulations (i.e. minor adverse or lower).	Information provided in Section 13.7.2.3 of the ES correctly identifies that collision risk impacts are not significant under the EIA regulations.	Agreed on receipt of final application	Agreed by both parties.

ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
3g	The impact significance of the barrier effect due to the project alone for all species assessed is negligible.	Information provided in Section 13.7.2.4 of the ES correctly identifies that impact significance of the barrier effect due to the project alone for all species assessed is negligible.	Agreed on receipt of final application	Agreed by both parties.
3h	No impacts predicted for migrating great skua, Arctic skua, common tern and Arctic tern due to the project alone. No further consideration required for this project.	Information provided in Section 13.7.2.3 should state negligible impacts for these species.	NE agrees that predicted impacts are negligible.	Agreed by both parties..
3i	The impacts on migrating waders and wildfowl, and marsh harrier due to the project alone, are not significant under the EIA regulations (i.e. minor adverse or lower).	Information provided in Section 13.7.2.3 of the ES demonstrates that these impacts will be non-significant.	Agreed on receipt of final application	Agreed by both parties.
3j	No significant impacts are predicted for decommissioning due to the project alone.	Information provided in Section 13.7.3 of the ES demonstrates that no significant impacts should be expected during decommissioning due to the project alone.	Agreed on receipt of final application	Agreed by both parties.
<b>Cumulative Assessment</b>				
4a	The screening matrix adequately identifies potential cumulative impacts of the proposed project (disturbance and displacement: red-throated diver, gannet, guillemot, razorbill and puffin) and collision risk (gannet, kittiwake, herring gull, lesser black-backed gull and great black-backed gull).	Information provided in Sections 13.8.1 of the ES adequately identifies potential cumulative impacts of the proposed project.	Agreed on receipt of final application	Agreed by both parties.
4b	The list of windfarms included in the assessment is complete and the correct tiers have been assigned.	Information provided in Sections 13.8.1.1 of the ES is correct and adequate for the project.	Agreed on receipt of final application	Agreed by both parties.

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
4c	Cumulative displacement impacts are of minor significance at most.	Information provided in Sections 13.8.1.4 of the ES correctly assesses the significance of cumulative displacement impacts.	Not agreed for guillemot, razorbill and puffin. EATL need to provide revised matrices that include all the relevant information (see Written Representations)	<p><u>Revised matrices provided by EATL.</u>  <u>NE is satisfied that using its preferred method (including summing seasonal displacement totals) for assessing guillemot, razorbill and puffin displacement, no significant impacts were found for both the project alone and cumulatively.</u></p> <p><u>Agreed by both parties</u></p>
4d	Cumulative collision impacts for gannet are of minor significance at most.	Information provided in Sections 13.8.1.5 of the ES correctly assesses the significance of cumulative collision impacts.	NE's position is whilst the impacts may not be significant an up to date PVA modelling is required.	<p><u>NE advises 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 agrees that due to the revised East Anglia THREE design (i.e. increase in draught height) and the reduction of the contribution to the cumulative total from East Anglia ONE (due to the adoption of the smaller HVAC wind farm), the total cumulative impact is now smaller than the consented position as of the Hornsea 2 consent.</u></p> <p><u>Given the above NE has no further concerns.</u></p>

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
4e	Cumulative collision impacts for kittiwake are of minor significance at most	Information provided in Sections 13.8.1.5 of the ES correctly assesses the significance of cumulative collision impacts.	NE consider there to be a significant cumulative impact. However, while the contribution of East Anglia THREE to the total is not <i>de minimis</i> , it is so small as to not materially alter the significance of the overall cumulative mortality figure.	<p><u>The updated cumulative totals including East Anglia THREE are not materially different from the most recently consented totals for Hornsea Project 2, therefore NE has no further concerns</u></p> <p>Agreed by both parties</p>
4f	Cumulative collision impacts for great black-backed gull are of minor significance at most	Information provided in Sections 13.8.1.5 of the ES correctly assesses the significance of cumulative collision impacts.	NE considers that there is potentially a significant cumulative impact, and further (PVA) modelling is required to assess	<p><u>NE welcomes the Applicant providing PVA modelling to address outstanding matter on greater black-backed gulls</u></p> <p><u>The updated cumulative totals including East Anglia THREE are not materially different from the most recently consented totals for Hornsea Project 2, therefore NE has no further concerns</u></p> <p>Agreed by both parties</p>
4g	Cumulative collision impacts for herring gull are of minor significance at most	Information provided in Sections 13.8.1.5 of the ES correctly assesses the significance of cumulative collision impacts.	Agreed on receipt of final application	Agreed by both parties.
4h	Cumulative collision impacts for lesser black-backed gull are of minor significance at most	Information provided in Sections 13.8.1.5 of the ES correctly assesses the significance of cumulative collision impacts.	Agreed on receipt of final application	Agreed by both parties.
<b>HRA Screening</b>				
5a	The screening report includes all potentially relevant European sites.		Agreed through the Evidence Plan	Agreed by both parties.

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
5b	<p>SPA features identified in the updated screening report are the only ones for which HRA will be required:</p> <ul style="list-style-type: none"> <li>• Deben Estuary SPA (dark-bellied brent goose);</li> <li>• Outer Thames Estuary SPA (red-throated diver);</li> <li>• Alde-Ore Estuary SPA (lesser black-backed gull);</li> <li>• Flamborough and Filey Coast pSPA (gannet, kittiwake).</li> </ul>		Agreed through the Evidence Plan	Agreed by both parties.
<b>HRA Assessment.</b>				
6a	The project alone and in-combination has no adverse effects on the integrity of the Deben Estuary SPA.	The results presented in the HRA are appropriate for the Deben Estuary SPA.	Agreed on receipt of final application, on the basis that winter working restrictions will be secured through the DCO	Agreed by both parties.
6b	The project alone and in-combination has no adverse effects on the integrity of the Alde-Ore Estuary SPA and Ramsar.	The results presented in the HRA are appropriate for the Alde-Ore Estuary SPA and Ramsar.	Agreed on receipt of final application	Agreed by both parties
6c	The project alone and in combination has no adverse effects on the integrity of the Outer Thames Estuary SPA.	The results presented in the HRA are appropriate for the Outer Thames Estuary SPA.	Agreed on receipt of final application although NE notes that this is based on the adoption of best practice vessel operations to minimise disturbance to red-throated diver.	Agreed by both parties,
6d	For all species the project alone has no adverse effects on the integrity of the Flamborough Head and Filey Coast pSPA.	The results presented in the HRA are appropriate for the Flamborough Head and Filey Coast pSPA.	Agreed following discussions on 8 <sup>th</sup> June 2016	Agreed by both parties

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
6e	The project in combination has no adverse effects on the integrity of the Flamborough Head and Filey Coast pSPA with respect to gannet	The results presented in the HRA are appropriate for the Flamborough Head and Filey Coast pSPA.	Adverse Effect On Integrity (AEI) for gannet due to in-combination collision mortality uncertain as SOSS PVA model is out of date and ideally an up to date PVA for gannet should be produced	<p><u>NE advises that there is no Adverse Effect on Integrity (AEI) 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 agrees that due to the revised East Anglia THREE design (i.e. increase in draught height) and the reduction of the contribution to the cumulative total from East Anglia ONE (due to the adoption of the smaller HVAC wind farm), the total cumulative impact is now smaller than the consented position as of the Hornsea 2 consent.</u></p> <p><u>Given the above NE has no further concerns.</u></p>
6f	The project in combination has no adverse effects on the integrity of the Flamborough Head and Filey Coast pSPA with respect to kittiwake	The results presented in the HRA are appropriate for the Flamborough Head and Filey Coast pSPA.	An adverse effect on kittiwake due to in-combination collision mortality cannot be ruled out. However, the EA3 contribution while not de minimis is so small as to not materially alter the significance or the likelihood of an adverse effect on the integrity of the SPA.	It is agreed by both parties that the EA3 contribution while not de minimis is so small as to not materially alter the significance or the likelihood of an adverse effect on the integrity of the SPA.

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ID	Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
<b>Management measures</b>				
7a	Given the impacts of the project in terms of offshore ornithology, the conditions provided within the deemed marine licence are considered appropriate and adequate.	The conditions provided within the draft deemed marine licence are considered appropriate and adequate.	Not agreed	Agreed
<u>7b</u>	<u>Turbine draught height</u>	<p><u>EATL has committed to increasing the draught height of 70% of the East Anglia THREE turbines to 24m from MHWS. This will be secured by a new parameter in the Requirements of the DCO as well as in the DMLs for the generation (schedules 10 and 11 of the DCO) as set out below:</u></p> <p><u><i>The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised scheme and the authorised scheme in licence 2 (generation) taken together must not exceed 52 turbines</i></u></p>	<p><u>Natural England welcomes the proposal to increase the draught height to 24m across 70% of the East Anglia THREE turbines. We accept the principle that raising the draught height will result in a reduction in collision risk.</u></p>	<p><u>It is agreed by both parties that the proposed parameter secures the increase in the draught height to 24m across 70% of the total number of East Anglia THREE turbines.</u></p>

## 2.6 Terrestrial Ecology

33. The Project has the potential to impact upon Terrestrial Ecology. Chapter 23 of the Provides an assessment of the significance of these impacts. Table 6 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.
34. This topic was discussed at an Evidence Plan meeting on the 5<sup>th</sup> December 2013. A method statement for the assessment was produced which was revised based on the discussion, circulated and agreed. Natural England and Suffolk County Council (SCC) were present.
35. No further topic specific meetings were held.

Table 6. SoCG – Terrestrial Ecology

Issue on which EATL seek agreement	EATLs Position	Natural England’s Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	Survey data collected by [East Anglia Offshore Wind (EAOW) for characterisation of the onshore ecology for East Anglia ONE are suitable for the East Anglia THREE assessment (see ETG background paper Appendix 2)	Agreed through the Evidence Plan	It is agreed by both parties that survey data collected by EAOW for characterisation of the onshore ecology are suitable for the assessment
	Further information to supplement data particularly for the new access locations was obtained in 2014. These data are suitable for the East Anglia THREE assessment	Agreed	It is agreed by both parties that further information to supplement data particularly for the new access locations was obtained in 2014. It is agreed by both parties that these data are suitable for the East Anglia THREE assessment
	Data were further updated with the use of Biological Records data	Agreed	
	It is agreed that the ES adequately characterises the baseline environment in terms of Terrestrial Ecology.	Agreed	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of Terrestrial Ecology.
<b>Assessment methodology</b>	The methodology for the EIA is appropriate	Agreed	It is agreed by both parties that the methodology for the EIA is appropriate
	The Terminology used in the EIA is appropriate	Agreed	It is agreed by both parties that the terminology used in the EIA is appropriate
	List of potential impacts considered in the EIA is appropriate	Agreed	It is agreed by both parties that the list of potential impacts considered in the EIA is appropriate
	It is appropriate that the impact assessment considers embedded mitigation as the starting point and East Anglia ONE mitigation is the basis East Anglia THREE	Agreed	It is agreed by both parties that it is appropriate that the impact assessment considers embedded mitigation as the starting point and East Anglia ONE mitigation is the basis for East Anglia THREE
	The worst case scenario presented in the	Agreed	It is agreed by both parties that the worst

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	ES is appropriate for this project.		case scenario presented in the ES is appropriate for this project.
	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Terrestrial Ecology are likely to be non-significant in EIA terms for the project.	Agreed	It is agreed by both parties that the assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Terrestrial Ecology are likely to be non-significant in EIA terms for the project.
	The assessment of cumulative impacts for construction, operation and decommissioning presented is appropriate.	Agreed	It is agreed by both parties that the assessment of cumulative impacts for construction, operation and decommissioning presented is appropriate.
<b>Habitats Regulations Assessment</b>			
	There are no HRA considerations for Terrestrial Ecology.  All Special Areas of Conservation are screened out of the assessment with regard to on Terrestrial Ecology.	Agreed	It is agreed by both parties that there are no HRA considerations for Terrestrial Ecology.
<b>Management measures</b>			
	All mitigation measures required are outlined within the Outline Construction Code of Practice and the Outline Landscape and Ecological Management Strategy.	Agreed	It is agreed by both parties that all mitigation measures required are outlined within the Outline Construction Code of Practice and the Outline Landscape and Ecological Management Strategy

## 2.7 Onshore Ornithology

36. The Project has the potential to impact upon Onshore Ornithology. Chapter 24 of the ES, Application document 6.1.24, provides an assessment of the significance of these impacts. Table 7 below provides areas of common ground that have been reached regarding the findings reported within that chapter.
37. This topic was discussed at Evidence Plan meetings on 30<sup>th</sup> September and 11<sup>th</sup> November 2013, 28<sup>th</sup> March and 2<sup>nd</sup> July 2014 and 3<sup>rd</sup> June and 6<sup>th</sup> July 2015, and at a Project Steering Group meeting on the 4<sup>th</sup> August 2015.

Table 6. SoCG – Onshore Ornithology

Issue on which EATL seek agreement	EATLs Position	Natural England’s Position	Final Position
<b>Environmental Impact Assessment</b>			
<b>Existing Environment</b>	Survey data collected by EAOW for characterisation of the onshore ecology for East Anglia ONE are suitable for the East Anglia THREE assessment.	Agreed through the Evidence Plan	It is agreed by both parties that the site specific survey data collection and analysis are sufficient to characterise the existing environment.
	Further information to supplement data particularly for the new access locations was obtained in 2014. These data are suitable for the East Anglia THREE assessment.	Agreed	It is agreed by both parties that the site specific survey data collection and analysis are sufficient to characterise the existing environment.
	The ES adequately characterises the baseline environment in terms of Onshore Ornithology (terrestrial and intertidal).	Agreed	It is agreed by both parties that the assessment provided in the ES is sufficient to characterise the existing environment.
<b>Assessment methodology</b>	The list of potential impacts assessed, in the chapter is appropriate.	Agreed through the Evidence Plan	It is agreed by both parties that the list of impacts assessed is appropriate.
	<p>The impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the proposed project.</p> <p>This includes:</p> <p>The definitions used of sensitivity and magnitude in the impact assessment are appropriate.</p> <p>The approach to screening in plans and projects for consideration in the cumulative impact assessment, and the resulting lists of plans and projects for each receptor.</p>	Agreed	It is agreed by both parties that the impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the proposed project.

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	The worst case scenario presented in the assessment is appropriate for this project.	Agreed	It is agreed by both parties that the worst case scenario presented in the assessment is appropriate for this project.
	The assessment of effects for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Onshore Ornithology are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the assessment of effects for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Onshore Ornithology are likely to be non-significant in EIA terms.
	The assessment of cumulative effects is appropriate and, assuming the inclusion of the embedded mitigation described, cumulative impacts on Onshore Ornithology are likely to be non-significant in EIA terms.	Agreed	It is agreed by both parties that the assessment of cumulative effects is appropriate and, assuming the inclusion of the embedded mitigation described, cumulative impacts on Onshore Ornithology are likely to be non-significant in EIA terms.
<b>Habitats Regulations Assessment</b>			
	The screening method for identifying potential impacts on interest features of European designated sites is adequate and appropriate.	Agreed	It is agreed by both parties that the screening method for identifying potential impacts on interest features of European designated sites is adequate and appropriate.
	The assessment of effects presented in the Report to Inform the Habitats Regulations Assessment on the interest features of designated sites identified through the screening process is appropriate.	Agreed	It is agreed by both parties that the assessment of effects presented in the Report to Inform the Habitats Regulations Assessment on the interest features of designated sites identified through the screening process is appropriate.
	The conclusion of the HRA is correct: there	Agreed	It is agreed by both parties that the

Issue on which EATL seek agreement	EATLs Position	Natural England’s Position	Final Position
	will be no adverse effects on the integrity of European designated sites due to the project alone and in-combination with other plans and projects.		conclusion of the HRA is correct: there will be no adverse effects on the integrity of European designated sites due to the project alone and in-combination with other plans and projects.
<b>Management Measures</b>			
	<p>Adequate mitigation can be secured for Schedule 1 breeding birds and waterbirds (including brent goose) of the Deben Estuary SSSI, Ramsar and SPA through the implementation of the proposals in the Outline Landscape and Ecological Management Strategy (OLEMS). This will be secured via the DCO.</p> <p>Requirement 21 of the draft DCO will be amended to include a signpost to this particular element of the OLEMS</p>	Restriction agreed through the Evidence Plan	It is agreed by both parties that the OLEMS provide adequate mitigation for Schedule 1 breeding birds and waterbirds of the Deben Estuary. The draft DCO will be amended to secure this restriction.
	<p>With regard to brent geese the following restriction is proposed:</p> <p>During periods of construction works, from the 1<sup>st</sup> November to 28/29<sup>th</sup> February the only activities to be undertaken at the east side of the Deben Estuary (i.e. between Ferry Road and the Deben Estuary) would be:</p> <ul style="list-style-type: none"> <li>• Walk-over site investigation or survey works; or</li> <li>• Any inspections required to assess the integrity, safety and security of [EATL] assets; or</li> <li>• Any response required for the purposes of</li> </ul>	Agreed through the Evidence Plan	It is agreed by both parties that the proposed mitigation measures for limiting impacts to wintering birds are suitable for the project.

Issue on which EATL seek agreement	EATLs Position	Natural England's Position	Final Position
	<p>ensuring the health, safety and security of employees, contractors and the general public, unless otherwise agreed with Natural England.</p> <p>Access by vehicle would be from either Access B or Access C (but not from both simultaneously to ensure that any disturbance is localised).</p> <p>For the same period, during times of severe weather (prolonged cold conditions), access will only be taken for the purposes of health, safety and security unless otherwise agreed with Natural England. The definition of 'severe weather' will be the same as that used to implement the Statutory Suspension of Wildfowl Shooting in Severe Winter Weather measure under the Wildlife and Countryside Act. The severe weather condition will come into force at 00h01 following the day when the relevant Secretary of State signs the necessary Statutory Instrument to bring the requirement into force. The suspension will end after a maximum period of 14 days unless otherwise extended by the Secretary of State through the signing of a further Statutory Instrument. After the end of the shooting season and up until the end of February, the same weather criteria shall apply, albeit without a signed order from the Secretary of State: EATL shall be responsible for monitoring local temperatures for this purpose.</p>		

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Signing box: The undersigned agreed to the provisions within this SoCG – Natural England

Signed	
Printed Name	K. Louise Burton
Position	Marine Senior Adviser and Team Leader
On behalf of	Natural England
Date	6 <sup>th</sup> December 2016

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Signing box: The undersigned agreed to the provisions within this SoCG – EATL

Signed	
Printed Name	Keith Morrison
Position	East Anglia THREE Senior Project Manager
On behalf of	East Anglia THREE Limited (EATL)
Date	6 <sup>th</sup> December 2016

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# Appendix 1 Glossary

[No change in Appendix](#)

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## Appendix 2 Relevant Representation and EATL Response

No change in Appendix

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# Appendix 3 March 2016 Meeting Minutes

[No change in Appendix](#)

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## Appendix 4 June 2016 Meeting Minutes and Auk Displacement Note

No change in Appendix

**ScottishPower Renewables**  
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