



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

East Anglia ONE North Offshore Wind Farm

**Appendix K1b to the Natural England Deadline 2 Submission**

**Natural England's comments on responses by the Applicant to the Examining Authority's first round of written questions [REP1-105, REP1-107 and REP1-115].**

For:

The construction and operation of East Anglia ONE North Offshore Windfarm, a 800MW windfarm which could consist of up to 67 turbines, generators and associated infrastructure, located 36km from Lowestoft and 42km from Southwold.

Planning Inspectorate Reference: EN010077

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17th November 2020



This document is applicable to both the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again for the other project.

## **1. Introduction**

### **Summary**

Following submission of Natural England's and other consultees responses to the Examining Authority's first written questions regarding the construction and operation of East Anglia ONE North (EA1N) and East Anglia Two (EA2) Offshore Wind Farm, Natural England has reviewed the Applicant responses to questions in the following documents:

- ExA.WQ-1.D1.V1 02 EA1NEA2 Applicants' Responses to WQ1 Volume 2 1.0 Overarching general and cross-topic questions [REP1-105]
- ExA.WQ-1.D1.V1 04 EA1NEA2 Applicants' Responses to WQ1 Volume 4 1.2 Biodiversity Ecology and Natural Environment [REP1-107]
- ExA.WQ-1.D1.V1 12 EA1NEA2 Applicants' Responses to WQ1 Volume 12 1.10 Landscape and Visual Impact [REP1-115]

Relevant responses from the Applicant are provided below in Table 1, together with Natural England's position on these comments.



## 2. Detailed Comments

Table 1 Natural England's comments on responses by the Applicant to the Examining Authority's first round of written questions [REP1-105, REP1-107 and REP1-115]

ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
<b>1.0 Overarching, general and cross-topic questions</b>						
1.0.4	The Applicant, ESC, SCC, Historic England, Natural England, AONB Board, Parish Councils, SASES, SEAS, SEAS, SoS	1	2	<p><b>Design Mitigation: Adverse effects - AONB</b></p> <p>Is sufficient weight given to the statutory purpose and need for protection of the landscape, character and special qualities of the Suffolk Coast and Heaths AONB both within and from outside its boundary, in accordance with paragraphs 5.9.9 and 5.9.12 of EN-1?</p> <p>a) Provide reasons for your answer.</p> <p>b) If not, what further measures are required?</p>	<p>It is the Applicants' view that sufficient weight has been given to the statutory purpose and need for protection of the landscape, character and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).</p> <p>The <i>Development Consent and Planning Statement</i> (APP-579), <i>Chapter 4 Site Selection and Assessment of Alternatives</i> (APP-052) and <i>Chapter 28 Offshore Seascape, Landscape and Visual Amenity</i> (SLVIA) (APP-076) details the consideration of the AONB in the siting of the proposed onshore infrastructure and how the Projects may affect the landscape, character and special qualities of the AONB.</p> <p>A key design decision was the site selection for the onshore substation and National Grid substation outside of the AONB. This process is described in, <i>section 4.9 of Chapter 4</i> (APP-052).</p>	<p>We note that NE's position is referenced in the Applicant's response. For full context of NE's position please see REP1-157 – Appendix E1b</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>One of the key site selection principles was to minimise significant impacts on the 'special qualities' of the AONB. The AONB Special Qualities appraisal (detailed in <b>Appendix 4.3</b> (APP-444) concluded that if the substation(s) were to be sited in the final selected locations, there is likely to be no significant effects on the special qualities of the AONB from onshore infrastructure.</p> <p>With the exception of small marker posts at intervals along field boundaries to indicate the presence of the onshore cables, there will be no above ground infrastructure within the AONB. It is considered that the Projects' effects on the AONB would be restricted to construction of the onshore cables only.</p> <p><b>Section 29.6 of Chapter 29 LVIA</b> (APP-077) provides a specific assessment on Suffolk Coast and Heaths AONB. Potential impacts include:</p> <ul style="list-style-type: none"><li>• Effects on landscape character;</li><li>• Effects on landscape elements;</li><li>• Effects on special qualities; and</li><li>• Visual effects.</li></ul> <p><b>Chapter 28 Offshore Seascape, Landscape and Visual Amenity</b></p>	



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>(SLVIA) (APP-078) of the East Anglia ONE North Application identifies no significant effects on some specific aspects of special qualities as a result of the East Anglia North windfarm site, as experienced along part of the AONB coast. This conclusion is accepted by Natural England in their relevant representation (RR-059). No further consideration of East Anglia ONE North is therefore provided here.</p> <p><i>Chapter 28 SLVIA</i> (APP-076) for East Anglia TWO identifies significant effects on some specific aspects of special qualities as a result of the East Anglia TWO windfarm site, as experienced along part of the AONB coast, however the conclusion in paragraph 340 of (APP-076) states:</p> <p><i>'It is not the overall character or physical features of the coastal edges of the AONB that will be changed, but instead it is specific aesthetic/perceptual aspects of its character relating to panoramic views offshore at the coast that will experience change. The construction and operation of the offshore infrastructure will have a relatively low change to the strong overall character of the AONB and will not result in harm to the special qualities of the AONB in overall terms, with the varied and distinctive landscapes of the AONB</i></p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p><i>continuing to define its overall and fundamental character'.</i></p> <p>Regarding the statutory purpose of the AONB, the Applicants' intend to submit a full consideration of potential effects at Deadline 2 (<i>'Effects with Regard to the Statutory Purposes of the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty and Accordance with NPS Policy'</i>). In essence, the statutory duty, as defined in the Countryside and Rights of Way Act 2000 is for relevant authorities to <u>have regard</u> to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85). This duty to have regard to the purposes of the AONB also applies to development <u>outside</u> designated areas that might affect them, as defined in NPS EN-1 (Para 5.9.12 – 5.9.13):</p> <p><i>'The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to <u>avoid compromising the purposes of designation</u> and such projects should be <u>designed sensitively</u> given the various siting, operational, and other relevant constraints'.</i></p>	



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>The Applicants consider that it has clearly had regard to the purpose of conserving the natural beauty of the AONB. In particular, both the onshore infrastructure of the Projects and offshore infrastructure of East Anglia TWO have been 'designed sensitively' in respect of the purpose of conserving the natural beauty the AONB. Design iteration has taken place which has reduced the effect on the AONB, whilst maintaining the generation capacity and commercial viability of the project.</p> <p>The area of the East Anglia TWO windfarm site, and its lateral spread were reduced following stakeholder feedback. The north-south extent of the East Anglia TWO windfarm site was reduced (by 9.68km on the western boundary and 8.03km on the east) in order to mitigate potential seascape effects, without a reduction in wind turbine numbers or generation capacity. This refinement is shown in <b>Figure 4.3: Refinement of the East Anglia TWO Windfarm Site Boundary</b> of the ES (APP-082).</p> <p>As a consequence, the magnitude of change on seascape, landscape and visual receptors and on the setting and key coastal viewpoints within the AONB was reduced. <b>Chapter 28 SLVIA</b> (APP-076), confirms that, while a reduction in</p>	



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>the defined magnitude of impact (i.e. low / medium / high) has not occurred from all viewpoints, this refinement has resulted in a reduction in the landscape and visual effect of the offshore elements of the East Anglia TWO project, including a reduction in effects on the AONB.</p> <p>This mitigation applied to the East Anglia TWO windfarm site is recognised by Natural England, particularly in respect of the reduced lateral spread of turbines on the skyline and its reduced cumulative effect with East Anglia ONE North (which as highlighted is accepted by Natural England to have no project-alone significant effects on the AONB).</p> <p>The Applicants also note that the reduced maximum turbine height parameter (from 300m to 282m blade tip) provides further mitigation of the apparent height/vertical scale of turbines visible in views from the AONB.</p> <p>The Applicants consider that the Projects have achieved the aim stated in NPS EN-1 to design sensitively given the relevant constraints onshore and offshore and that the East Anglia TWO windfarm site does not compromise the purposes of the AONB designation.</p>	





ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
<b>1.2 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA)) Over-arching HRA</b>					
<b>Over-arching HRA</b>					
1.2.2	The Applicant	1	<p><b>HRA Screening Matrices: EA1N</b> There are a number of sites listed in the HRA Screening Report [APP-044] which are not present in the Screening Matrices [APP-045].</p> <p>a) Please can the Applicant provide its rationale for excluding the following sites from the Screening Matrices:</p> <ul style="list-style-type: none"> <li>- Minsmere to Walberswick Heaths and Marshes SAC</li> <li>- Plymouth Sound and Estuaries SAC</li> <li>- Severn Estuary SAC</li> <li>- River Avon SAC</li> <li>- Havet Omkring Nordre Ronner (SAC or SPA - not stated)</li> <li>- Knudergrund SAC</li> <li>- Lønstrup Rødgrund SAC</li> <li>- Sandbanker ud for Thorsminde SAC</li> <li>- Sandbanker ud for Thyboron SAC</li> </ul>	<p>(a) &amp; (b) These sites were excluded from the screening matrices in error and are now provided in an updated <b>East Anglia ONE North Habitat Regulations Assessment - Appendix 2 - Information to Support AA Report - Screening Matrices</b> (document reference 5.3.2 EA1N) submitted at Deadline 1 with revised number references.</p>	<p>We have reviewed the updated screening matrices and provide comment in our response to this document at Deadline 2 Appendix F6.</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<ul style="list-style-type: none"> <li>- Thyboron Stenvolde SCI</li> <li>- Littoral Cauchois SAC</li> <li>- Panache De La Gironde Et Plateau Rocheux De Cordouan (Système Pertuis Gironde) SAC</li> <li>- Pertuis Charentais SAC</li> <li>- Mühlenberger Loch / Neßsandsci</li> <li>- SchleswigHolsteinisches Elbastuar und angrenzende Flächen SAC</li> <li>- Untereibe SCI</li> </ul> <p>b) If additional matrices are required, please revise the numbering references of the matrices accordingly.</p>		
1.2.3	The Applicant	2	<p><b>HRA Screening Matrices: EA2</b> There are a number of sites listed in the HRA Screening Report [APP-044] which are not present in the Screening Matrices [APP-045].</p> <p>a) Please can the Applicant provide its rationale for excluding the following sites from the Screening Matrices:</p> <ul style="list-style-type: none"> <li>- Havet Omking Norde</li> </ul>	<p>(a) &amp; (b) These sites were excluded from the screening matrices in error and are now provided in an updated <b>East Anglia TWO Habitat Regulations Assessment - Appendix 2 - Information to Support AA Report - Screening Matrices</b> (document reference 5.3.2 EA2) submitted at Deadline 1 with revised number references.</p> <p>“Saxa Water SPA and Ramsar” was a typographic error within the HRA Screening Report (APP-044) and should be ‘Hamford Water SPA and Ramsar site’. A screening matrix for this site was</p>	Please see the answer to 1.2.2 above.



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>Ronner SAC</p> <ul style="list-style-type: none"> <li>- Knundegrund SAC</li> <li>- Littoral Cauchois SAC</li> <li>- Lonstrup Rodgrund SAC</li> <li>- Muhlenberger Loch/Nessand SCI</li> <li>- Panache De La Gironde Et Plateau Rocheux De Cordouan (Systeme Pertuis Gironde) SAC</li> <li>- Pertuis Charentais SAC</li> <li>- Plymouth Sound and Estuaries SAC</li> <li>- River Avon SAC</li> <li>- Saxa Water SPA</li> <li>- Saxa Water Ramsar</li> <li>- Sandbanker ud for Thyboron SAC</li> <li>- Sandbanker ud for Thorsminde SAC</li> <li>- Schleswig-Holsteinisches Elbastuar und angrenzende Flachen SAC</li> <li>- Severn Estuary SAC</li> <li>- Thyboron Stenvolde SCI</li> <li>- Untereibe SCI</li> </ul> <p>b) If additional matrices are required, please revise the numbering references of the matrices accordingly.</p>	<p>excluded in error and has now been included in an updated <b>East Anglia TWO Habitat Regulations Assessment - Appendix 2 - Information to Support AA Report - Screening Matrices</b> (document reference 5.3.2 EA2) submitted at Deadline 1. Minsmere to Walberswick SAC was also excluded in error and so a screening matrix for this site has also been included in an updated <b>East Anglia TWO Habitat Regulations Assessment - Appendix 2 - Information to Support AA Report - Screening Matrices</b> (document reference 5.3.2 EA2) submitted at Deadline 1.</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
1.2.9	The Applicant and Natural England	1	2	<p><b>HRA: Draft Review of Consents for Major Infrastructure Projects and Special Protection Areas</b></p> <p>In August 2020, the Department for Business, Energy and Industrial Strategy (BEIS) published a Draft Review of Consents for Major Infrastructure Projects and Special Protection Areas.</p> <ul style="list-style-type: none"> <li>• Could the Applicant and Natural England please comment on the relevance of that draft review to the HRA for the EA1N and EA2 projects?</li> </ul>	<p>The Draft Review of Consents for Major Infrastructure Projects and Special Protection Areas report<sup>1</sup> documents the screening stage of the HRA (being undertaken by the SoS) and therefore identifies and assesses the potential for LSEs on SPAs which became European sites or European Offshore Marine sites following the issue of a relevant consent, but prior to the completion of a project for those projects in territorial waters and onshore. The assessment considers the potential for both project alone and in-combination effects with other plans or projects. Those relevant SPA sites and related consents for which an LSE has been identified will be subject to an appropriate assessment (AA) as part of second stage of the HRA. The SoS is currently considering the feedback from consultation on the report. No timeline is presented for conclusion of this process.</p> <p>From the Applicants' understanding of the conclusions of this report, the most relevant part of this review is in relation to the Outer Thames Estuary SPA. In this review the only projects considered in relation to the SPA are East Anglia ONE</p>	<p>Natural England notes the Applicant is in agreement with the proposed approach suggested by BEIS for the SPA RoC i.e. that the Outer Thames SPA is excluded. And therefore existing projects are part of the baseline. However, the consultation was only on the proposed approach for the RoC, for which NE has provided further input Deadline 1 Appendix A5 [REP01-167]. We therefore wait the outcome of the consultation and confirmation from BEIS on the actual approach they will take. Until that time Natural England's advice provided at Deadline 1 Red Throated Diver Advice Appendix A4 [REP01-</p>

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/912429/spa-roc-for-energy-developments-in-england-and-wales-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912429/spa-roc-for-energy-developments-in-england-and-wales-draft-for-consultation.pdf)



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p>and East Anglia THREE (section 4.15). The Outer Thames Estuary SPA is not taken forward for further assessment (i.e. LSE alone or in-combination has been screened out). No wind farm projects which are relevant to the Outer Thames Estuary SPA or its features are included for further consideration in the Review of Consents. The Applicants therefore consider that these conclusions support the view that existing projects within the Outer Thames Estuary SPA should be considered part of the baseline and that the approach set out in <b>Habitat Regulations Assessment – Information to Support Appropriate Assessment Report</b> (APP-043) was correct in not undertaking a quantitative assessment including London Array, Kentish Flats etc.</p>	<p>172] remains unchanged.</p>
<b>Offshore Ornithology</b>						
1.2.11	The Applicant	1	2	<p><b>Red-Throated Diver: Project Environmental Management Plan (PEMP)</b>          Responding to Natural England's [RR-059], the Applicant states (Table 35 of [AS-036]) that the PEMP should be produced post-consent, once details of the project are confirmed. Accordingly, no draft of the document, which is secured by</p>	<p>a) Regarding the reference within the <b>Offshore Schedule of Mitigation</b> (APP-574) to risk of physical injury from vessels, this was an error. Birds would be disturbed by vessel noise and vessel presence. It is highly unlikely that a vessel would collide with individual birds which is reflected in the fact that this issue has not been raised by stakeholders.</p>	<p>Natural England advises that an outline PEMP is provided during the consenting phase to ensure that as a minimum the standard best practice mitigation is being adopted to remove AEOI.</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>DML conditions, has been submitted.</p> <p>a) Can the Applicant explain why the DML conditions relating to the PEMP refer only to the purpose of minimising disturbance to red-throated divers, whereas the Schedule of Mitigation [APP-574] in relation to operation effects (Mitigation Reference 6.4) states a wider purpose of reducing risk of physical injury or disturbance to offshore ornithology?</p> <p>b) Given the strong rationale for as much certainty as possible in respect of measures to minimise disturbance to red-throated divers, does the Applicant consider that it would be possible for a document akin to a 'Draft PEMP' to be produced at this stage, to be a certified document within the DCO and with which the eventual PEMP must accord in respect of red-throated diver mitigation?</p>	<p>For clarity, the mitigation measures described within the best practice protocol for red-throated diver will mitigate potential impacts on any seabird species in the vicinity of Project vessels or Project vessel transit routes however, because the PEMP will specifically address management of potential impacts on red-throated diver which is known to be particularly sensitive to disturbance from vessels, the focus within the PEMP is on that species.</p> <p>b) The Applicants do not consider it necessary to produce a draft PEMP prior to consent. The Applicants consider that the requirement for approval of the final PEMP by the MMO in consultation with Natural England provides the necessary assurance that potential impacts on red-throated diver will be managed accordingly and that management will be based on the most up to date scientific information at the time together with the relevant Project information such as the</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					Operations and Management port and vessel transit routes.	
1.2.15	The Applicant	1	2	<p><b>Flamborough and Filey Coast SPA: Project Alone Effects on Gannet</b></p> <p>In response to a request from the RSPB, the Applicant has agreed (Table 61 of [AS-036] and [AS-054]) to provide an updated project-alone assessment on gannet presented as a Population Viability Analysis output in the form the Counterfactual of Population Size.</p> <p>a) Could the Applicant please indicate at which deadline this updated assessment will be submitted into the Examination, noting that this should be made available as early in the Examination as possible.</p> <p>b) When submitting this material, please could the Applicant set out the extent to which it has been seen and/or agreed by RSPB and Natural England.</p>	<p>The Applicants will provide gannet Population Viability Analysis (PVA) outputs, both the counterfactual of population size and the counterfactual of population growth rate at Deadline 2. If time permits, these will be provided to Natural England and the RSPB for review prior to submission, although it should be noted that since these updates will use the Natural England PVA tool and will include a summary of the input settings, both organisations will be able to review and confirm the approach taken and there is therefore a reduced requirement for agreement prior to submission at Deadline 2.</p>	<p>NE will be responding on the draft document once it has been submitted at Deadline 2</p>
1.2.17	The Applicant	1	2	<p><b>Flamborough and Filey Coast SPA: Effects on</b></p>	<p>The assessment of potential effects on the seabird assemblage of the</p>	<p>Please see the answer above for 1.2.15.</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p><b>Breeding Seabird Assemblage Alone and In-Combination</b></p> <p>a) Please could the Applicant indicate when its assessment of effects on the seabird assemblage feature of the Flamborough and Filey Coast SPA (as referred to in Table 61 of [AS-036]) will be submitted to the Examination, noting that this should be made available as soon as possible?</p> <p>b) In doing so, please could the Applicant set out the extent to which the material has been seen and/or agreed by RSPB and Natural England.</p>	<p>Flamborough and Filey Coast SPA will be submitted at Deadline 2. If time permits, these will be provided to Natural England and the RSPB for review prior to submission.</p>	
1.2.18	Natural England and The Applicant	1	2	<p><b>Cumulative and In-Combination Assessments for Offshore Ornithology</b></p> <p>The Applicant has responded to Natural England's advice about cumulative and in-combination assessments at Sections 3 and 4 of Table 35 of [AS- 036], albeit that its responses on many aspects of this topic were deferred until after the decision deadline for the</p>	<p>a. The Applicants have responded in full to these aspects of Natural England's and RSPB's Relevant Representations (RR-059 and RR-067) within the <b>Offshore Ornithology Cumulative and In-Combination Collision Risk Assessment Update</b> (document reference ExA.AS-7.D1.V1) submitted at Deadline 1, and will also do so in the Deadline 3 submission (Spatial modelling of red-</p>	<p>Please see our Deadline 2 Appendix A9 document.</p> <p>Natural England does not consider that the Applicants have responded in full. We have yet to see a robust and complete cumulative and in-combination</p>





ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>Norfolk Vanguard and Hornsea Three projects.</p> <p>a) In providing its updated information to inform appropriate assessment at Deadlines 1 and 3 (as confirmed in [AS-061]), please could the Applicant respond in full to those aspects of Natural England's advice [RR-059] and RSPB's representation [RR-067] to which it has not yet responded.</p> <p>b) Where the Applicant has provided a substantive response to Natural England's points in [AS-036], please could Natural England comment on its satisfaction with those responses.</p>	<p>throated divers (RTD) in the Outer Thames Estuary SPA).</p>	<p>assessment for red throated diver. We have requested sight of the red throated diver modelling document the Applicant's intend to submit at Deadline 3, but at the time of writing this have not been provided.</p> <p>Once submitted we will provide a response no sooner than D5 due to wider specialist input being required</p>
1.2.19	Natural England	1	2	<p><b>Cumulative and In-Combination Assessment for Offshore Ornithology: Applicant's Precaution Note</b></p> <p>The Applicant submitted an Offshore Ornithology Precaution Note as</p>	<p>Notwithstanding the Applicants' position that they disagree with Natural England on a number of matters regarding the interpretation of precaution, the Applicants do not intend to comment further on precaution within offshore ornithology assessments. The Applicants' position remains as set out within <i>Applicant's Comments on Relevant Representations - Appendix 4: Offshore</i></p>	<p>Natural England's response to the Applicant's Offshore Ornithology Precaution note is set out in our submission at Deadline 1 Appendix A3 [REP1-169].</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>Appendix 4 to its Rule 9 submissions [AS-041].</p> <ul style="list-style-type: none"> <li>Please could Natural England provide its comments on the content of this note as it relates to the proposed development?</li> </ul>	<p><i>Ornithology Precaution Note</i> (AS-041). The Applicants and Natural England have agreed to adopt the cumulative and in-combination numbers from the recent Norfolk Boreas examination as a 'common currency' going forward.</p>	
1.2.23	Natural England and The Applicant	1	2	<p><b>Post-Construction Monitoring for Offshore Ornithology</b>  The ExA notes both the concerns of Natural England at section 5 of [RR- 059] with respect to post-construction monitoring provisions and comments from the RSPB about the need for a more detailed post- construction monitoring plan at this stage.</p> <p>a) Please could the Applicant respond to the comments of Natural England on this matter. What scope is there to include the areas suggested by Natural England for post-construction monitoring within the existing provisions of the dDCO/DMLs</p>	<p>The Applicants will update the <b>Offshore In-Principle Monitoring Plan</b> (IPMP) (APP-590) to include a requirement for RTD monitoring. The revised IPMP will be re-submitted to the Examination at Deadline 3. If time allows, consultation with Natural England will be undertaken in the lead-up to Deadline 3 (15 December 2020) to understand Natural England's desired approach to monitoring of RTD.</p> <p>The Applicants intend to update Conditions 20 and 22 of the generation DML and Conditions 16 and 18 of the transmission DMLs to make provision for pre-construction and post-construction ornithological monitoring which will be included in the updated <i>Draft DCO</i> (APP-</p>	<p>NE welcomes the proposed update and will comment on the both the IPMP and DCO once this has been re-submitted by the Applicant after Deadline 3</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>and/or Offshore In-Principle Monitoring Plan?</p> <p>b) Could Natural England please respond to the Applicant's clarification that the strategic monitoring to which it refers in section 1.6.7.2 of [APP-590] would not be secured within this DCO?</p> <p>c) On the basis of this clarification, is Natural England satisfied that sufficient post-construction monitoring provisions for offshore ornithology are secured within the dDCO, DMLs and Offshore In-Principle Monitoring Plan? If not, what changes would it advise?</p>	<p>023) submitted into the Examination at Deadline 3.</p>	
<b>Marine Mammals</b>						
1.2.26	Marine Management Organisation (MMO) and the Applicant	1	2	<p><b>Inclusion of UXO Clearance Activities within DMLs</b></p> <p>The ExA notes the MMO's [RR-052] position that UXO (Unexploded Ordnance) clearance activities should not be included within the DMLs and rather should be determined via separate marine licence applications after the DCO consenting process and prior to construction. In Table 29 of [AS-</p>	<p>c) As far as the Applicants are aware, no DMLs to date include UXO clearance. With respect to the Projects, UXO clearance has however been assessed in the ES (using a worst case scenario formulated by considering experience from East Anglia ONE) in order to justify the inclusion of such activities within the DMLs. The UXO clearance</p>	<p>Natural England has some outstanding concerns with the conditions please see response at Deadline 1 Appendix G1b [REP1-155]</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>036] the Applicant has set out the reasons why it has taken the approach it has taken and seeks to demonstrate how the DMLs adequately control UXO clearance activities. The submitted early draft SoCG [AS-051] states that discussion between the Applicant and the MMO on this matter is ongoing.</p> <p>a) Could the MMO please respond with reasons to the position set out by the Applicant, specifically that:</p> <ul style="list-style-type: none"> <li>- UXO clearance activities are adequately assessed in the submitted ES;</li> <li>- the draft DML conditions provide adequately for post-consent approval by the MMO of mitigation for UXO clearance activities via the method statement for UXO clearance, the Marine Mammal Mitigation Protocol and the Site Integrity Plan;</li> <li>- to request that a separate marine licence application (or applications) is made</li> </ul>	<p>activities are also appropriately controlled by the conditions of the DMLs (which are based on the conditions found within other UXO marine licences).</p> <p>d) An updated SoCG with the MMO has been submitted at Deadline 1 (document reference ExA.SoCG-6.D1.V2). As noted in paragraphs 14 to 18 of the SoCG, engagement on UXO clearance has been undertaken and issues have not yet been fully resolved. The Applicants understand that the MMO written representation submission into the examination at Deadline 1 will reflect the progress made on this matter.</p>	



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>would be contrary to one of the intended purposes of the DCO regime, to streamline multiple consenting processes;</p> <ul style="list-style-type: none"><li>- a European Protected Species licence for any UXO campaign is capable of being applied for separately from the marine licensing of such activity, in an analogous way to the approach for piling activity authorised by DMLs; and,</li><li>- in the event that UXO clearance activities are required beyond the scope of what has been assessed in the ES and applied for via the DMLs, then a separate marine licence can be applied for, rather than needing to vary the DMLs?</li></ul> <p>b) Please could the MMO provide a copy of the marine licence conditions for UXO clearance in its cited</p>		



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>example of the Hornsea 2 project?</p> <p>c) Can the Applicant please provide any examples of other consented offshore wind projects which include UXO clearance works within the licensed marine activities covered by their DMLs? Where examples exist, please provide the text of deemed marine licence conditions dealing with UXO clearance activities.</p> <p>d) Please could the Applicant and MMO ensure that the SoCG requested for Deadline 1 provides an update on this matter.</p>		
1.2.28	The Applicant, Natural England, Marine Management Organisation, The Wildlife Trusts	1	2	<p><b>Disturbance of Harbour Porpoise from UXO Detonation and Piling: 20% Threshold</b></p> <p>Following Natural England's [RR-059], the Applicant notes in [AS-036] that its Information to Support Appropriate Assessment Report [APP-043] does not reflect the updated Conservation Objectives for the Southern North Sea SAC insofar as they state that disturbance of harbour porpoise will not exceed '20% of the relevant area</p>	<p>a) The assessments have been revised in the <b>HRA Addendum</b> which has been submitted at Deadline 1 (document reference ExA.AS-19.D1.V1).</p> <p>b) The In-Principle Site Integrity Plan (IPSIP) will be updated and re-submitted at Deadline 3 to take account of the amended conservation objectives and the outcomes of the updated assessment within the <b>HRA</b></p>	<p>Please see Natural England's comments in the deadline 2 covering letter. We will respond to the HRA addendum at deadline 3.</p> <p>We will review and provide comments at D5 on the revised IPSIP</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p><i>of the site in any given day</i>'. The Applicant accepts that two events of either UXO clearance or piling (or a combination of both) in a single day would exceed the 20% limit for the winter area only, with no exceedance for the summer area.</p> <p>a) Please could the Applicant update the relevant sections of its Information to Support Appropriate Assessment Report [APP-043] (for example, by submission of an Addendum to that Report) to reflect the current Conservation Objectives for the Southern North Sea SAC. This should include the revised findings in respect of the effects on site integrity of more than one UXO clearance event, piling event or combination of both in any 24 hour period.</p> <p>b) Could the Applicant clarify whether, in light of the above updates, it still considers there is a sound basis for the In-Principle Site Integrity Plan provisions at section 6.1, including that potentially more</p>	<p><b>Addendum</b> submitted at Deadline 1 (document reference ExA.AS-19.D1.V1). The Projects' commitments have been updated as shown in the <b>HRA Addendum</b> which has been submitted at Deadline 1 (ExA.AS-19.D1.V1).</p> <p>d) This will be included in the SoCG with Natural England (document reference ExA.SoCG-13.D1.V1), the MMO (document reference ExA.SoCG-6.D1.V2) and The Wildlife Trust (TWT) (document reference ExA.SoCG-28.D1.V1).</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>than one UXO detonation, piling event or combination of both could occur in any 24 hour period?</p> <p>c) Do Natural England, the MMO, The Wildlife Trusts or any other relevant party wish to comment on the Applicant's reasoning in Table 36 of [APP-036] for not limiting UXO detonations and piling events to a total of one in any 24 hour period?</p> <p>d) Could all relevant parties please also ensure that the status of discussions on this issue is covered within the SoCGs requested for Deadline 1.</p>		
1.2.29	The Applicant	1	2	<p><b>Restrictions on Concurrent UXO Detonation and Piling: Points of Clarification</b></p> <p>Could the Applicant please clarify the following points of detail:</p> <p>a) Please could the Applicant review paragraph 1035 of [APP-043], which states that it has been assumed that UXO clearance could be undertaken in the offshore cable corridor concurrently with piling in the array area.</p>	<p>a) As outlined above, the Projects' commitments will be clarified in the updated IPSIP and the draft Marine Mammal Mitigation Protocol (MMMP) which are to be submitted at Deadline 3. The revised commitments are set out in the <b>HRA Addendum</b> which has been submitted at Deadline 1 (document reference ExA.AS-19.D1.V1). The relevant commitment in the context of this question is:</p>	<p>Please see answer to question 1.2.28 above.</p> <p>And Natural England will continue to work with the Applicant on potential DCO/dML condition wording</p>





ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>This appears to be inconsistent with the commitments at section 6.1 of the In-Principle Site Integrity Plan, which refers to the 'offshore development area', defined as the offshore order limits including both array area and export cable area, and the provisions of the draft Marine Mammal Mitigation Protocol (MMMP) [APP-591]. Could the Applicant please confirm what it is committing to in terms of restrictions (spatial and temporal) on concurrent underwater piling and UXO events within the offshore order limits?</p> <p>b) Paragraph 634 of [APP-044] states '<i>the Applicant, if required, would ensure UXO detonation and piling would not occur at the same time...</i>'. Could the Applicant clarify whether 'if required' refers to piling/UXO clearance or mitigation in this statement?</p>	<ul style="list-style-type: none"> <li>• During the winter period there would be no UXO detonation <b>without mitigation</b> in the offshore development area in the same 24 hour period as any piling <b>without mitigation</b> in the offshore development area.</li> </ul> <p>There is no requirement for a similar commitment in the summer period.</p> <ul style="list-style-type: none"> <li>• There would be no concurrent piling or UXO clearance in either season within the offshore development area for each Project. There would be no concurrent piling or UXO clearance between the Projects in either season.</li> </ul> <p>b) This commitment which applies to the winter period in the offshore development area only has been updated to reflect the revised interpretation of the guidance, as presented above. In this case, there could either be one detonation or one piling event in one 24 hour period, unless it can be demonstrated that effective mitigation can be provided for either activity (or both). This will be reflected in the updated Site</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					Integrity Plan (SIP) which will cover management of Project-alone as well as in-combination effects.	
1.2.31	The Applicant, Natural England, Marine Management Organisation, The Wildlife Trusts	1	2	<p><b>Concurrent Piling at East Anglia ONE North and East Anglia TWO</b></p> <p>The In-Principle Site Integrity Plan [APP-594] states at bullet four of section 6.1 that '<i>(t)here would be no concurrent piling or UXO detonation between the proposed East Anglia ONE North and East Anglia TWO projects if both projects are constructed at the same time</i>'. However, it does not appear to limit the overall number of piling or UXO detonation events that could potentially occur within any 24 hour period across the two projects.</p> <p>a) Do Natural England, the MMO, The Wildlife Trusts and the Applicant consider that it should? Please give reasons for your position.</p> <p>b) Could Natural England please explain why it considers in [RR-059] that a DML condition would be a more appropriate way to</p>	<p>a) The IPSIP sets out the process for managing potential effects and lists potential mitigation. The SIP mechanism allows for the review of currently available mitigation techniques as well as consideration of new techniques that may become available during the pre-construction phase. It will also enable changes to the science, changes in guidance and regulatory advice and any changes to the conservation objectives for the SAC to be taken into consideration prior to approval of the SIP and MMMP by the MMO. Additionally, the Applicants have committed to consulting with Natural England (and The Wildlife Trust) through the IPSIP and have proposed a consultation programme within the IPSIP (Table 2.1) that commences more than 12 months in advance of the first noisy activity (UXO clearance).</p>	<p>Natural England does not agree with the applicant and refers you to our Deadline 1 response Appendix B1b [REP01-166] and G1b [REP01-155].</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>secure the particular mitigation commitments relating to concurrent piling between the East Anglia ONE North and East Anglia TWO projects?</p> <p>c) Whilst noting the Applicant's response at Table 45 of [AS-036], could it please respond specifically to Natural England's suggestion that a 'Co-operation Plan / Agreement' is required to be secured via DML condition for both projects to manage and mitigate underwater noise from piling and UXO activities in the event that construction periods for the two projects overlap?</p>	<p>Therefore, there is no need to set out limits on UXO detonations in the IPSIP. Any such limits, if required, would be presented in the final SIP using up to date Project design information, science and guidance.</p> <p>b) It is the Applicants' view that the commitments secured in the conditions in the DMLs prevent breaches of the conservative objective noise thresholds both for Project alone and cumulative cases through the approval process of the SIP and the MMMP. The SIP provides a flexible management mechanism as described above.</p> <p>It is the Applicants' view that the commitments already made allow for robust control of this issue by the MMO and that no further conditions are necessary. The Applicants would therefore re-emphasise that the approval process of the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made.</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p>c) The Applicants do not consider it appropriate to include a condition within the DMLs to require a co-operation plan or agreement for the Projects to manage and mitigate underwater noise from piling and UXO activities as this will be managed through existing DML conditions. The timing of piling and UXO clearance activities will be notified to the MMO through the construction programme (Condition 17(1)(b) of the Generation DML and Condition 13(1)(b) of the Transmission DML) and through the programme of works contained within the method statement for UXO clearance (Condition 16(1)(a)(iii) of the Generation DML and Condition 12(1)(a)(iii) of the Transmission DML), respectively and will be managed through the approval process for the SIP (Conditions 16 and 17(2) of the Generation DML and Conditions 12 and 13(2) of the Transmission DML). In approving the plans for the second Project, the MMO will already have the necessary information about the first Project and will be able to approve the</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
		1	2		SIP for the second Project in light of this information.	
1.2.34	The Applicant	1	2	<p><b>Southern North Sea SAC: Thresholds for the Significance of Disturbance Effects</b>            Thresholds for the significance of disturbance effects in relation to Southern North Sea SAC conservation objectives for harbour porpoise are set out in Section 5.3 of [APP-043].</p> <ul style="list-style-type: none"> <li>Can the Applicant explain how the significance of disturbance effects for grey seal and harbour seal has been determined?</li> </ul>	<p>There are currently no guidance or thresholds to determine the potential significance of disturbance of grey or harbour seal. Significance was therefore based on the percentage of the relevant reference population or management unit for the area and SAC that could be temporarily disturbed. Following the approach in <b>Chapter 11 Marine Mammals</b> (APP-059), for example, an effect on less than 1% of the reference population is considered to have a negligible effect on the population.</p> <p>Note that the methodology for the assessment of seals was discussed and agreed through the Evidence Plan Process with Natural England, and follows the methodology used on many consented projects including Norfolk Vanguard.</p>	<p>The methodology for assessing impacts to seals was agreed during the Evidence Plan Process and Natural England is therefore in agreement with the Applicant's response.</p>
1.2.35	The Applicant	1	2	<p><b>Marine Mammals: Acoustic Deterrent Devices</b>            The Applicant's marine mammal assessment [APP-043] makes reference to the use of acoustic deterrent devices (ADDs) as part of the mitigation to be secured within the final MMMP, and the assessment considers the adverse</p>	<p>The assessments on the potential disturbance during proposed mitigation, such as ADD activation, was based on the duration that a device could be activated rather than a specific type of device.</p> <p>The type of ADDs to be deployed would be based on the latest technology and</p>	<p>NE will provide comments on the revised MMMP at Deadline 5</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>effects of this mitigation. The characteristics of the ADDs on which the assessment has been based appear not to be described in [APP-043] or in the draft MMMP. It is not clear, for example, what types of deterrents have been considered, which species / life history stage of a species these deterrents would target, where and how such deterrents would be implemented / fixed, any commitments to their ongoing upkeep, and the anticipated effectiveness of such deterrents (such as avoidance).</p> <ul style="list-style-type: none"> <li>• Please could the Applicant confirm where this information is provided? If it is not included within the application documents, please provide it.</li> </ul>	<p>information to ensure adequate and effective mitigation for the species required.</p> <p>Further information will be added to the draft MMMP on the effectiveness of ADDs and how they will be deployed. The updated draft MMMP will be submitted to the Examination at Deadline 3.</p>	
1.2.36	The Applicant, Marine Management Organisation, Natural England and	1	2	<p><b>Marine Mammals: In-Principle Site Integrity Plan - Certainty</b> Under the provisions of the dDCO, the future SIP(s) must accord with the principles set out in the In-Principle SIP (IPSIP), which is to be a certified</p>	<p>a) The IPSIP will not be updated post consent. The final SIP produced post consent will be based upon the certified IPSIP. An updated IPSIP will be submitted at Deadline 3 with</p>	<p>Natural England refers to our advice at deadline 1 Appendix B1b [REP01-166] and G1b [REP01-155].</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
	The Wildlife Trusts		<p>document under Art 36. The submitted IPSIP [APP-594] appears to indicate (for example at Table 2.1) that the document itself would continue to be revised and updated following the grant of DCO consent.</p> <p>a) If the IPSIP is necessary to ensure the avoidance of Adverse Effects on Integrity of the designated features of the Southern North Sea SAC, does the scope for review and change to the IPSIP post-DCO consent provide sufficient certainty that it can be relied upon for its intended purpose in the DCO consenting process?</p> <p>b) In [APP-036] the Applicant refers to a statement in Table 2.1 of [APP- 594] that <i>'(a)longside the in-principle SIP for UXO clearance an implementation plan and any monitoring requirements will also be drafted for any required measures'</i>. Could the Applicant please expand on this statement?</p> <p>- What would be the function of the</p>	<p>revised wording to clarify this point.</p> <p>b) The text quoted is a typographical error and should read: <i>'within the final SIP for UXO clearance an implementation plan and details of any monitoring requirements to assess the effectiveness of mitigation measures will be included.'</i>The implementation plan referred to will be part of the final SIP which will be submitted to and approved in writing by the MMO. The final SIP will also detail any monitoring required to assess the effectiveness of the mitigation.</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>implementation plan relative to the IPSIP/SIP?</p> <ul style="list-style-type: none"> <li>- Is it envisaged that this would be within the scope of the material to be submitted to and approved in writing by the MMO under the relevant DML conditions?</li> </ul>		
1.2.40	The Applicant	1	2	<p><b>Site Integrity Plans: Point of Clarification</b></p> <p>The dDCO [APP-023] appears to provide for the production of separate Site Integrity Plans for UXO Clearance and piling activities.</p> <ul style="list-style-type: none"> <li>• Can the Applicant clarify what is the maximum number of Site Integrity Plans in relation to the Southern North Sea SAC that may be produced for a single project?</li> </ul>	<p>The <i>draft DCO</i> (APP-023) provides for two SIPs, one for UXO clearance and one for piling. These are secured separately in the Generation and Transmission DMLs but in practice a single SIP, prepared to meet the requirements of both DMLs, would be produced for each activity</p>	<p>Natural England notes that there is nothing within the DML securing the production of a single SIP per each activity. While unlikely, it is possible that 4 SIPs per project could be produced, potentially with overlapping timeframes. It is also noted that either project could be sold or transferred to another undertaker to construct. Similarly individual DMLs could be sold or transferred. Thus increasing the risk of multiple overlapping SIPs. The inclusion of a co-operation condition</p>





ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
						would reduce the risk of overlapping SIPs.
1.2.43	The Applicant, Marine Management Organisation	1	2	<p><b>Marine Mammal Mitigation Protocol: Point of Clarification</b>            The draft DMLs [APP-023] require that a final Marine Mammal Mitigation Protocol (MMMP) is approved prior to construction in respect of UXO clearance and piling activities associated with both the generation and transmission assets for each project. The submitted draft MMMP [APP-591] appears to indicate that separate MMMPs may be produced, at least in relation to piling and UXO clearance.</p> <p>a) Can the Applicant clarify what is the maximum number of Marine Mammal Mitigation Protocols that may be produced for a single project under the provisions of the draft DMLs?</p> <p>b) in the event that there would be more than one final MMMP, is there a need for coordination of their provisions?</p>	<p>a) The <b>draft DCO</b> (APP-023) provides for two MMMPs, one for UXO clearance and one for piling. These are secured separately in the Generation and Transmission DMLs but in practice a single MMMP, prepared to meet the requirements of both DMLs, would be produced for each activity.</p> <p>b) The MMMPs for each activity will follow the same structure and only deviate from each other where the detail of the activity requires this. The rationale for separation of MMMPs is a practical one, UXO clearance will take place in advance of piling, therefore the MMMP for that activity is developed separately to allow discharge of the relevant condition at the appropriate time.</p>	<p>Natural England notes that there is nothing within the DML securing the production of a single MMMP per each activity. While unlikely, it is possible that 4 MMMPs per project could be produced, potentially with overlapping timeframes. It is also noted that either project could be sold or transferred to another undertaker to construct. Similarly individual DMLs could be sold or transferred. Thus increasing the risk of multiple and overlapping MMMPs. The inclusion of a co-operation condition would reduce the risk of overlapping MMMPs.</p>
1.2.44	The Applicant, Marine	1	2	<p><b>Construction Monitoring: Cessation of Piling Condition</b></p>	<p>a) The Applicants do not consider the proposed text to be necessary</p>	<p>Natural England supports the MMO</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
	Management Organisation		<p>The Applicant states in Table 29 of [AS-036] that it does not consider it necessary to add provisions recommended by the MMO to the DML construction monitoring conditions which would require piling to cease if noise levels are significantly higher than those assessed in the ES, with recommencement dependent upon an updated MMMP and MMO agreement to further monitoring requirements.</p> <ul style="list-style-type: none"> <li>a) Does the Applicant maintain this position in light of the inclusion of similar conditions for recently consented projects such as at condition 19(3) and 14(3) of the Norfolk Vanguard DMLs?</li> <li>b) If so, please can the Applicant explain why the circumstances of the projects before us justify a different approach to that taken in the Norfolk Vanguard case?</li> <li>c) Please could the MMO respond to the Applicant's statement that the necessary enforcement powers already exist under the Marine and Coastal</li> </ul>	<p>within the DMLs as the MMO has the necessary enforcement powers under the Marine and Coastal Access Act 2009. The Applicants therefore do not consider that such a condition would meet the legal test of necessity as it duplicates statutory powers.</p> <ul style="list-style-type: none"> <li>b) The circumstances under which the Applicants and Norfolk Vanguard operate are the same, however the Applicants do not consider a DML condition to be justified for the reasons given above.</li> </ul>	<p>position with regard to the need for this condition.</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				Access Act 2009?		
1.2.45	The Applicant, Marine Management Organisation	1	2	<p><b>Post-Construction Monitoring Commitments for Marine Mammals</b>            In Table 29 of [AS-029] the Applicant suggests amended wording to DML conditions relating to post-construction monitoring to remove reference to a three-year timescale. The Applicant also states that it will set out details of timescales for post-construction monitoring in the In-Principle Monitoring Plan [APP-590].</p> <p>a) Does the MMO consider that these changes adequately address its concerns?</p> <p>b) Does the Applicant intend to submit an updated version of the In-Principle Monitoring Plan to this Examination?</p>	<p>b) Yes, the Applicants intend to submit an updated In-Principle Monitoring Plan at Deadline 3.</p>	<p>NE will review the IPMP and provide comment at Deadline 5.</p>
<b>Benthic Ecology</b>						
1.2.48	Natural England	1	2	<p><b>HRA screening (EA2)</b>            Document 5.3.4 [APP-047] at page 44 states Natural England is content with the screening of sites with respect to marine mammals, but there is no equivalent statement with respect to other features of the marine environment, or the overall</p>	<p>During Phase 3 consultation, Natural England stated in a letter dated 8<sup>th</sup> October 2018 responding to a consultation request from the Applicants regarding the HRA Screening Reports that they were '<i>content there is no potential for direct or indirect effects which could result in an LSE to offshore</i></p>	<p>Please see our response to the ExA first of written questions Deadline 1 Appendix K1 [REP1-159].</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				screening exercise. The screening exercise is not raised in Natural England's RR [RR-059]. Is Natural England satisfied with the scope and conclusions of the Applicant's HRA screening as reported in [APP-044] and [APP-045] and does it agree that there are no issues arising in relation to benthic ecology?	<i>SACs with benthic habitat interest features'.</i>	
<b>Terrestrial Ecology</b>						
1.2.54	The Applicant	1	2	<b>Ecological Mitigation Plans (EMPs)</b> Does the Applicant intend on submitting draft (outline) EMPs into the Examination? If this is not the case could the Applicant please explain the rationale in submitting an outline LMP but not EMP?	The outline Ecological Management Plan (EMP) forms <b>Section 10</b> of the <b>Outline Landscape and Ecological Management Strategy (OLEMS)</b> (APP-584). Pursuant to Requirement 21(1) of the <b>draft DCO</b> (APP-023), the Applicants will prepare a final written Ecological Management Plan which accords with the <b>OLEMS</b> (APP-584) and must be approved by the relevant planning authority in consultation with the relevant statutory nature conservation body prior to the commencement of the onshore works.	Please see our comments at Deadline 2 Appendix C5.
1.2.55	Natural England/ESC/SCC/Suffolk Wildlife Trust	1	2	<b>EMP</b> As drafted, the DCO would allow individual EMPs to be brought forward for each stage of the transmission and grid connection work (onshore) under R11. Does the OLEMS provide a	No Response	Natural England considers that the OLEMS provides a robust framework for each of the separate EMPs to be produced.



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			robust framework within which each of these separate EMPs could be produced?		The OLEMS contains a sufficiently comprehensive overview of the management and mitigation measures that are planned to address effects to designated sites, habitats, landscapes, birds and protected species at the pre- construction, construction and post construction stages of the onshore transmission and grid connection work. This document can form the basis of the EMPs, which will contain more site specific information due to their formation at the detailed design stage. As detailed within the OLEMS, at the pre-construction phase, walkover surveys will be carried out to microsite construction areas so that important ecological receptors can be avoided, or their loss reduced, where possible. Therefore



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
						Natural England will expect to be included in any discussions concerning the results of the pre-construction surveys and monitoring programme during this time.
1.2.56	Natural England/ESC/ SCC/Suffolk Wildlife Trust	1	2	<p><b>Schedule of Mitigation, R21 and EMP</b></p> <p>The Schedule of Mitigation [APP-575] repeatedly refers to adherence to the EMP as the mitigation but no draft EMP is provided. R21 requires the EMP to accord with the OLEMs. Are you satisfied that the OLEMs provides sufficient detail/certainty of specific mitigation measures and is there sufficient information for preparing future LMP(s)/EMP(s)?</p>	An outline EMP is provided within <b>Section 10</b> of the <b>OLEMS</b> (APP-584). This document details the specific mitigation measures that have been identified based on the results of the surveys undertaken to date.	Please see our comments at Deadline 2 Appendix C5
1.2.59	The Applicant/Natural England/ESC/ SCC/Suffolk Wildlife Trust	1	2	<p><b>Pre-construction surveys</b></p> <p>A number of pre-construction ecological surveys are proposed prior to the production of the EMP(s).</p> <p>a) How are the pre-construction surveys secured?</p> <p>Should they be individually listed in R21?</p>	<p>The Applicants will submit an updated <b>OLEMS</b> (APP-584) into the Examination at Deadline 3, which will include a list of the pre-construction ecology surveys to be undertaken.</p> <p>The Applicants consider that specifying the pre-construction ecology surveys via the <b>OLEMS</b> (APP-584) is the appropriate mechanism for securing these as Requirement 21(2) ) of the <i>draft DCO</i></p>	Please see our response (Appendix K1) to ExA Questions at Deadline 1 [REP1-159].



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					(APP-023) requires an EMP (which accords with the <i>OLEMS</i> ) to be submitted and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body prior to onshore preparation works (including environmental surveys) being carried out.	
1.2.61	The Applicant/ESC/SCC/Suffolk Wildlife Trust	1	2	<p><b>Biodiversity Net Gain and enhancement</b></p> <p>SCC and ESC have raised concerns regarding the lack of commitment to biodiversity and net gain. Whilst noting that DEFRA has confirmed that Net Gain is not applicable to NSIPs in the UK Government's draft Environment Bill, paragraph 5.3.4 of NPS EN-1 states that the Applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p> <p>a) Please could the Applicant provide an explanation of how they consider the application has taken advantage of enhancing biodiversity?</p> <p>b) Please could Natural England/ESC/SCC/Suffolk Wildlife Trust give a</p>	<p>The Applicants have submitted an <b><i>Ecological Enhancement Clarification Note</i></b> (document reference ExA.AS-16.D1.V1 EA1N&amp;EA2) into Examination at Deadline 1.</p> <p>The Applicants consider that this document demonstrates how they have considered enhancing biodiversity within the Applications and addresses the concerns raised by SCC and ESC.</p> <p>The Applicants confirm that matters pertaining to biodiversity and ecological enhancement are captured within the SoCGs with SCC and ESC.</p>	Please see Natural England Deadline 2 response Appendix C4 for our comment on EEC.



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				<p>reasoned response on whether they consider the project accords with paragraph 5.3.4 of NPS EN-1.</p> <p>Please can you ensure that matters pertaining to biodiversity enhancement are included in the SoCGs</p>		
1.2.64	The Applicant	1	2	<p><b>Updated assessments</b></p> <p>The Applicant has stated that there were errors within the ES of the importance assigned to some nationally protected species [AS-036]. Can you please confirm when a review and reassessment will be submitted into the Examination?</p>	<p>The Applicants understand that this statement relates specifically to the level of importance assigned badgers, as per the Relevant Representation submitted by Natural England (RR-059) and subsequently raised by ESC and SCC within the SoCG (document reference ExA.SoCG-2.D1.V2). The Applicants have submitted an <b>Onshore Ecology Clarification Note</b> (document reference ExA.AS-12.D1.V1 EA1N&amp;EA2) into the Examination at Deadline 1, which provides an explanation and justification of the level of importance assigned to badgers. This information has been presented and agreed with ESC and SCC as part of the SoCG process.</p>	<p>Please see Natural England Deadline 2 response Appendix C5 .</p>
1.2.66	The Applicant	1	2	<p><b>Hundred River crossing</b></p> <p>Natural England in their RRs [RR-059] state that they would expect to see an assessment of alternative methods for</p>	<p>Whilst no report was prepared at the time, consideration was given to the available methods for crossing the Hundred River. There are a combination</p>	<p>Natural England is of the view that this response is insufficient to address our concerns and</p>





ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>the crossing of The Hundred River. Can the Applicant confirm whether such an assessment was undertaken and if so please can you submit this into the Examination?</p>	<p>of constraints and technical considerations at this location including:</p> <ul style="list-style-type: none"> <li>• The Hundred River itself;</li> <li>• The B1122 Aldeburgh Road;</li> <li>• Fitches Lane;</li> <li>• Residential properties;</li> <li>• The wooded area to the west of B1122 Aldeburgh Road)</li> <li>• The requirement to install six power cables (each spaced sufficiently apart to ensure thermal independence from each other), up to two fibre optic cables and up to two distributed temperature sensing cables for each Project within the crossing;</li> <li>• The unknown geological conditions in the area (and the need for a trenchless technique to be undertaken in appropriate ground strata to ensure the integrity of the crossing); and</li> <li>• Technical constraints in the depth that the onshore cables can be laid, noting that deeper cabling will require larger cables to compensate for thermal build-up in the cables;</li> </ul> <p>The Applicants considered that there was insufficient lateral space and insufficient confidence in trenchless techniques at</p>	<p>therefore we will give due consideration to the document once it is submitted.</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p>this location in order to include it as a viable means of crossing these obstacles.</p> <p>In all cases, trenchless crossing techniques would require specific plant and equipment deliveries and operation; additional work compounds and infrastructure; additional water supplies; additional waste generation and disposal; potentially caisson installation (depending on technique); and a considerably longer construction duration.</p> <p>Sufficient space and confidence exists to accommodate a wet or dry open trench crossing of the Hundred River and adjacent obstacles, allowing a clear plan for the works (including diversion/over pumping of the Hundred river and environmental mitigation measures) to be clearly set out within the Watercourse Crossing Method Statement (which requires approval from the relevant planning authority).</p> <p>Further information on the options considered will be presented within the <i>Outline Watercourse Crossing Method Statement</i> which will be submitted to Examination at Deadline 3.</p>	
1.2.67	The Applicant	1	2	<p><b>Hundred River crossing</b> The Hundred River feeds into the Sandlings SPA. Is there any risk that</p>	There is the potential for temporary indirect (disturbance, pollution) impacts on the qualifying features of the SPA	Natural England is of the view that this response is insufficient to address



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				works at the crossing could impact on the qualifying features of the SPA?	<p>during construction at the Hundred River crossing, as the Hundred River flows through the Sandlings SPA. However, this is anticipated to be temporary and considered not likely to give rise to significant effects on qualifying features of the SPA. Works at the Hundred River will adopt appropriate mitigation measures and industry good practice to reduce the environmental impact of the works.</p> <p>Further (outline) information on the construction and mitigation measures at the Hundred River will be presented within the <i>Outline Watercourse Crossing Method Statement</i> which will be submitted to Examination at Deadline 3.</p>	our concerns and therefore we will give due consideration to the document once it is submitted.
1.2.68	The Applicant	1	2	<p><b>Badgers and Reptiles</b></p> <p>Can the Applicant confirm whether they intend to submit an outline badger or reptile mitigation plan as per Natural England's request [RR-059]?</p>	<p>Final mitigation measures in relation to badger that will be implemented will be contained within the final approved EMP which will be prepared post-consent in accordance with Requirement 21 of the <b>draft DCO</b> (APP-023), and which must be approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.</p> <p>Mitigation measures for badger will accord with those proposed and set out within <b>Section 5.9</b> of the <b>OLEMS</b> (APP-584).</p>	Natural England is concerned that such an approach by the Applicant may hinder a draft licence application and provision of a Letter of No Impedement



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p>The Applicants do not consider it necessary to provide an outline mitigation plan for reptiles at this time. A residual impact of minor adverse significance upon this species has been concluded through the assessment presented in <b>Chapter 22</b> (APP-070). Appropriate mitigation measures are presented within <b>Section 5.12</b> of the <b>OLEMS</b> (APP-584) and these will be carried through and developed within the final EMP prepared post-consent in accordance with Requirement 21 of the <b>draft DCO</b> (APP-023), and which must be approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.</p> <p>The outcome of the assessment and proposed mitigation measures in respect to reptiles has been presented to the Environment Agency, Natural England, Suffolk Wildlife Trust, ESC and SCC during the SoCG process and agreement from all parties has been obtained.</p>	
1.2.69	The Applicant	1	2	<p><b>Natural England standing advice</b></p> <p>Can the Applicant confirm whether the proposed mitigation for protected species accords with Natural England's standing advice for each? Where it departs from such advice please provide a justification.</p>	<p>The Applicants can confirm that all ecological mitigation proposed accords with Natural England's standing advice for each respective species, and that no departures from the standing advice have been incorporated into the mitigation measures proposed.</p>	<p>See Natural England's Deadline 1 response Appendix C1b [REP1-165].</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
1.2.70	The Applicant/Natural England/ESC/SCC/Suffolk Wildlife Trust	1	2	<p><b>Bats</b></p> <p>ES Chapter 22 states as a worst case scenario it is assumed that the construction phase could result in approximately 11km of hedgerow being temporarily lost in the medium to long term (paragraph 196) which would represent an impact of at worst major adverse significance on bats. Please could you respond to the following points.</p> <p>a) Proposed mitigation includes reinstatement post construction which may take 5-7 years to establish. Appendix 6.4 of the ES – Cumulative Project Description [APP-453] does not include a programme of works for the onshore cable route. If the projects are constructed sequentially could the Applicant please confirm the maximum duration that they would anticipate that the hedgerows would be removed before reinstatement begins?</p>	<p>As part of embedded mitigation, hedgerow losses will be minimised where possible through removing only the minimal working width (e.g. 16.1m for important hedgerows). It is intended that hedgerow sections that have been removed at crossings will be reinstated in the first available planting season post-construction as part of the final approved Landscape Management Plan (secured by Requirement 14 of the <i>draft DCO</i> (APP-023)). This means that, for a single Project, it is anticipated that the time between removing and replacing the same section of hedgerow at a crossing would be 24 months. If the Projects are constructed sequentially, it is anticipated that each hedgerow would be affected for 48 months.</p>	<p>Natural England notes the longevity of the hedgerow gaps and advises that further mitigation is required where these gaps are close to bats roosts and known flying routes to foraging areas. This is due to interruption in existing linear flight lines and for some species sudden changes to familiar landscape which can lead to fragmentation of habitat and population interactions. Therefore mitigation in the form of temporary fencing/netting to artificially close the gap whilst not working and no lighting from dusk till dawn should be considered.</p>



ExA. Question Ref.	Question addressed to	1	2	ExA. Question	Applicants' Response	Natural England Response
1.2.73	The Applicant			<p><b>Woodland and hedgerows</b> Can the Applicant please respond to the following:</p> <p>a) Please can you provide a justification of why the three locations of woodland loss is unavoidable?</p> <p>b) Paragraph 190 of ES Chapter 22 [APP-070] states that at least an equivalent area of lost woodland will be replanted. Where would this be and when would it be planted? Could this replanting begin prior to the areas that would be lost? How is this secured?</p> <p>Mitigation included within Paragraph 193 of ES Chapter 22 states that planting above buried cables is provided for in the OLEMs. Could you draw the ExAs attention to this provision in the OLEMs?</p>	<p>a) The Applicants provide an explanation for why three areas of woodland loss are unavoidable for each of the areas in turn below:</p> <p><b>Onshore cable corridor crossing north of Fitches Lane in the vicinity of the TPO designated trees (approximately 0.9ha) (woodland west of Aldeburgh Road).</b> As per the principles set out within <b>Section 4.92, Chapter 4</b> (APP-052) the location of the onshore cable corridor is driven by the location of the onshore substations and the location of the landfall and principally aims to avoid residential titles (including whole gardens) where possible. The woodland loss north of Fitches Lane is a result of the onshore cable route crossing B1122 Aldeburgh Road in an area that avoids residential properties. The distribution of existing properties north and south of the B1122 Aldeburgh Road crossing location meant there was insufficient room to bring the cables across the road elsewhere. Given the combination of spatial constraints within this area</p>	<p>Natural Engand appreciates the clarification provided by the applicant on the loss of these three sections of woodland. We concur that the constraints within each location make it impossible to avoid all important habitats during cable route selection.</p> <p>However, if it is possible to reduce the width of the cable area within the cable corridor north of Fitches Lane to 16.1m, is it not possible to reduce the width at other locations where valuable woodland habitats will be lost?</p> <p>We note the constraints outlined in the OLEMS within plate 3.4 and understand that the final Landscape Management Plan will be prepared post-consent in accordance with</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>(including the Hundred River, the B1122 Aldeburgh Road; Fitches Lane; residential properties; and the wooded area to the west of Leiston Road) and the technical requirement to install six power cables, up to two fibre optic cables and up to two distributed temperature sensing cables for each Project within the crossing, the Applicants considered that there was insufficient lateral space to accommodate trenchless crossing techniques in this location. As such, loss of woodland at this location was unavoidable. However, the Applicants have committed to a reduced onshore cable route width of 16.1m for each Project at this location (reduced from 32m) (<b>Table 22.4, Chapter 22</b> (APP-070)).</p> <p><b>A1094/B1096 junction highway improvement (approximately 0.1ha).</b> Vegetation removal at this location is required to provide the level of visibility splay as required by drivers exiting a junction into oncoming traffic, as stated within the Design Manual for Roads and Bridges (CD 123: Geometric</p>	<p>Requirement 14 of the draft DCO.</p> <p>Natural England advises that the location selected to provide mitigation for the loss of woodland appears suitable.</p> <p>We strongly recommend that the mitigation site is established or at the very least the trees within this mitigation area are in early stages of growth by the time the cable construction phase begins. Consideration should also be given to planting different aged trees to provide the appropriate mitigation.</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>design of at-grade priority and signal controlled junctions).</p> <p><b>Onshore substation in proximity to Laurel Covert (approximately 0.1ha).</b> The Applicants note that this woodland loss is required as a result of the onshore substation footprints as presented within the Applications (190m x 190m).</p> <p>b) Woodland will be planted within the ecological mitigation area west of Aldeburgh Road comprising Work No. 24 – see response to ExA. Questions Ref. 1.2.58. The timing of planting this woodland will be included within the final Landscape Management Plan prepared post-consent in accordance with Requirement 14 of the <b>draft DCO</b> (APP-023). It could be possible to plant this woodland prior to the felling of woodland as part of early planting proposals being discussed between the Applicants and ESC and SCC within the SoCG process (document reference ExA.SoCG-2.D1.V2).</p> <p>The Applicants signpost the Examining Authority to paragraph</p>	





ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					102 and plate 3.4 of the OLEMS (APP-584) which highlights the constraints and possibilities of planting directly above and adjacent to onshore buried cables.	
1.2.80	The Applicant			<b>Marlesford Bridge</b> Considering the off-site highway works at Marlesford Junction includes a large land parcel, can the Applicant confirm whether ecological studies at this location have been undertaken, and if not, could the Applicant provide a reason for why these studies have not been undertaken?	No ecological assessment has been undertaken for the offsite highway works at Marlesford Bridge (Work No. 37), given the limited detail on the works required at this site, if indeed works are required at all. The scope and extent of works required at Marlesford Bridge will be defined post-consent during detailed design. Should a requirement for such works be identified, pre-construction ecological surveys would be undertaken for the species listed within the updated OLEMS (APP-584) and works at Marlesford Bridge would be subject to the ecological mitigation measures within the final approved EMP in accordance with Requirement 21 of the <i>draft DCO</i> (APP-023).	Natural England believes that a worst case scenario should be assessed as part of the consenting process to ensure that mitigation measures will reduce impacts to an acceptable level.
<b>Onshore Ornithology</b>						
1.2.83	The Applicant	1	2	<b>HRA methodology</b> In Chapter 2 (HRA Methodology) of the HRA Screening Report [APP-044], the approach to the Stage 1 screening process (2.1.1.1) and the selection of sites with the potential to be affected	On reviewing <b>Appendix 1 HRA Screening Report</b> (APP-044) the Applicants note that <b>Paragraph 40 - 42</b> of (APP-044) as submitted with the Applications can be disregarded as these have been inserted in error. <b>Paragraph</b>	Please see Natural England's Deadline 2 response Appendix F8.



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				<p>by the Proposed Development is presented by the Applicant as being a general methodology applicable to all interest groups included at screening. However, the sub-header at 2.1.2 (Onshore Ornithology Screening Summary) suggests that the approach outlined may in fact be specific to this feature group only. Please clarify what should be considered as the Applicant's general approach to the Stage 1 screening process.</p>	<p><b>39</b> and <b>Paragraph 43</b> of (APP-044) as submitted with the Applications should be read together, such that it reads:</p> <p>‘The initial identification of designated sites and Ramsar sites for inclusion in the Stage 1 HRA Screening is primarily based on the location of the site relative to the proposed [East Anglia TWO / East Anglia ONE North] project. The approach for each site interest feature is outlined in section 3 Terrestrial Ecology, Section 4 Onshore Ornithology, Section 5 Benthic Ecology, section 6 Fish Ecology, section 7 Marine Mammals and section 8 Offshore Ornithology.’</p>	
1.2.85	Natural England, Suffolk Wildlife Trust	1	2	<p><b>Sandlings SPA crossing</b> Please respond to the following:</p> <p>a) Whilst noting that open cut trenching is not your preferred option for the SPA crossing, please comment on the Applicant's explanation that open cut trenching would have less of an impact than HDD. Are you confident that there is sufficient certainty and security for the proposed mitigation relied upon by the Applicant in this scenario?</p>	<p>Whilst not requested to respond on this question the Applicants wish to add that, considering the balance of other receptor topics considered within the EIA, it considers an open-trench SPA crossing methodology to be the less environmentally impactful given the shorter construction duration and requirement for less plant. This has implications for the community such as reduced noise impacts, reduced HGV movements as well as less disturbance of ecological features.</p>	<p>Please note that the main focus of the Outline Sandling SPA crossing plan setting out how impacts to the designated site features will be avoided, reduced and mitigated. For which Natural England's first preference would be a trenchless option to achieve this. Detailed mitigation measures that can deliver and can be</p>



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				b) Do you consider the need for any further mitigation beyond that already set out by the Applicant?		demonstrated to be doing so through monitoring pre construction is required to support an open trench option. Please see Natural England Deadline 1 Appendix C2 [REP01-163] and Deadline 2 C2b responses
1.2.86	The Applicant	1	2	<b>Sandlings SPA crossing</b> Please respond to the following: a) Proposed mitigation for works at the SPA crossing and within 200m includes a seasonal restriction. How is the SPA crossing area defined? Should this be linked to a works no. or can the Applicant provide a plan showing the extent of the area that would be subject to the seasonal restriction?	Further information on the SPA crossing methodology is provided in the <b>Outline SPA Crossing Method Statement</b> submitted at Deadline 1 (document reference ExA.AS-3.D1.V1 EA1N&EA2). This <b>Outline SPA Crossing Method Statement</b> relates to works associated with the installation of cables through the Sandlings SPA to the extent that these fall: <ul style="list-style-type: none"> <li>• Within the SPA boundary (the SPA crossing), located within Work No. 12 as shown on the <b>Works Plans (Onshore)</b> (AS-003); and</li> <li>• Within 200m of the SPA crossing (the SPA crossing buffer) located within Work Nos. 11 and 13, as</li> </ul>	Please see Natural England Deadline 2 response Appendix C2b.



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					<p>shown on the <b>Works Plans (Onshore)</b> (AS-003).</p> <p><b>Figure 6</b> of the <b>Outline SPA Crossing Method Statement</b> (document reference ExA.AS-3.D1.V1 EA1N&amp;EA2) illustrates the area subject to a seasonal restriction under an open trench SPA crossing methodology scenario. <b>Figure 8</b> of the <b>Outline SPA Crossing Method Statement</b> illustrates the area subject to a seasonal restriction under a trenchless SPA crossing methodology scenario.</p>	
1.2.91	The Applicant/ESC / SCC	1	2	<p><b>Landfall</b></p> <p>a) In light of the sensitivity of the inter-tidal area is sufficient information currently provided to secure the embedded mitigation of HDD at landfall?</p>	<p>The Applicants have committed to locating the onshore HDD entry / exit pit outside of the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) (see <b>paragraph 69, Chapter 23</b> (APP-071)). Requirement 13 of the <b>draft DCO</b> (APP-023) requires the production and implementation of a landfall construction method statement, which must be approved by the relevant planning authority prior to the commencement of construction activities associated with Work No. 6 or Work No. 8. The Applicants have prepared an <b>Outline Landfall Construction Method Statement</b> which is submitted to the Examination at Deadline 1 (document reference ExA.AS-2.D1.V1 EA1N&amp;EA2). This outline document sets out the</p>	<p>Natural England notes that the requirement as drafted does not require a consultation with the relevant SNCB. Given the potential ecological sensitivities we consider that the condition should include a requirement to consult the SNCB to ensure the proposed method and mitigation are appropriate.</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					principles with which the final Landfall Construction Method Statement must accord. An updated version of the draft DCO will be submitted at Deadline 3 which include an amendment to Requirement 13 to require the final Landfall Construction Method Statement to be in accordance with the Outline Landfall Construction Method Statement.	
1.2.92	The Applicant	1	2	<b>Cable parameters</b> b) Please provide a plan showing the maximum working widths for the onshore cable route set out in R12(14)(a) in relation to the Leiston- Aldeburgh SSSI and Sandlings SPA from landfall to the SPA crossing area.	The Applicants have provided two figures ( <b>Appendix 6</b> of this document (document reference ExA.WQ-1.A6.D1.V1)) illustrating an indicative onshore cable route between the landfall and the Sandlings SPA under an open trench and trenchless SPA crossing methodology. These show the maximum extent of the working widths as per Requirement 12(14)(a) of the <b>draft DCO</b> (APP-023).	Please see Natural England Deadline 2 response Appendix C2b.
1.2.93	NE/ESC/SCC/ Suffolk Wildlife Trust	1	2	<b>Nightingale</b> The proposed mitigation for nightingale includes the creation of habitat somewhere where the onshore development area overlaps the SPA/SSSI. This is deferred to the EMP. Are you confident that such a suitable area can be found?	The Applicants wish to highlight that a nightingale mitigation area overlapping with the SPA/SSSI area has been identified and is presented within the <b>Outline SPA Crossing Method Statement</b> (document reference ExA.AS-3.D1.V1 EA1N&EA2). It should be noted that nightingale mitigation is only required under an open trench SPA crossing method (given there will be no impact upon nightingale associated with a trenchless crossing of the SPA).	Please see Deadline 2 response Appendix C2b.



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
<b>1.10 Landscape and Visual Impact</b>						
1.10.13	The Applicant, Natural England	1	2	<p>ES Chapter 29, paragraph 180 [APP-077] sets out that the susceptibility of the Ancient Claylands LCT is reduced as the landscape is influenced by the presence of the existing double row of high-voltage overhead transmission lines, with changes experienced in the context of existing electrical infrastructure and large-scale elements.</p> <p>However, there is a clear difference between a double row of high level largely see through transmission lines when compared to the proposed extent and density of ground level infrastructure.</p> <p>a) To what extent do you consider that the susceptibility of the Ancient Claylands LCT to change is reduced by the presence of the existing overhead transmission lines?</p> <p>b) Compare and contrast in landscape character terms the existing effects of the overhead transmission lines and the proposed substation development.</p> <p>To Natural England:</p> <p>Do you agree with the applicant's assessment of the susceptibility of</p>	<p>a) As stated in paragraph 180 of ES <b>Chapter 29</b> (APP-077), on balance the LCT is assessed as having a medium-high sensitivity to changes arising from the onshore infrastructure. The presence of the double row of high-voltage overhead transmission lines and associated pylons is described as a mitigating factor, because they (in particular the pylons) form notable visual elements in the local setting of the landscape between the village of Friston and Fristonmoor and due to their large vertical scale and form. They are considered to exert an important influence on the way that the landscape is experienced, such as from the PRoWs to the north of Friston which pass directly under the double row of high voltage overhead pylons and electrical lines (VP1 – <b>Figure 29.13a</b> (APP-404)); forming large scale elements crossing the view south from Fristonmoor to Friston (VP5 – <b>Figure 29.17a</b> (APP-408)) or in forming a backdrop to views of Friston village (VP9 – <b>Figure</b></p>	<p>As previously advised this refers to an area outside the AONB. NE does not provide bespoke landscape planning advice for elements of the scheme which do not affect the AONB. The Local Planning Authority may wish to comment based on their knowledge of the area.</p>



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			the Ancient Claylands LCT to changes arising from the proposed developments?	<p><b>29.21a</b> (AAP-412)). These components notably influence the present-day aesthetic and perceptual (scenic) qualities of the landscape and therefore influence its sensitivity to changes arising from the proposed onshore infrastructure.</p> <p>b) The existing effects of the double row of high voltage overhead pylons and electrical lines on landscape character arise from the vertical scale / form of the pylons and linearity of the route/electrical lines crossing the landscape. In the area north of Friston, the route of the pylons and electrical lines does not follow a straight line passing the landscape, but instead turns at the deviation towers near Peartree Farm. Its deviated route increases its encompassing / surrounding influence on the local landscape character of the onshore substations location because the pylons are situated both to the west, north and north-east of the substation area.</p> <p>The existing pylons are of much larger vertical scale than the proposed substations (up to</p>	



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
				<p>59.2m above ground level), and in terms of vertical scale have a greater visual prominence, with a wider zone of visibility; although their high level and wide spacing means that they tend to be perceived as being above the human scale and traversing the landscape, rather than 'within it', when compared to the proposed footprint and density of lower height, ground level substation infrastructure.</p> <p>The influence of the high voltage overhead pylons and electrical lines on landscape character is noted as a form of visual intrusion in the Suffolk Coastal Landscape Character Assessment (LCA) (2018). Although not specifically referring to the area north of Friston, but more generally describing their influence on the Estate Sandlands and Estate Claylands LCTs, it notes the "double row of giant pylons", as being "detracting features passing north of Aldringham" and as having a "substantial negative impact in the more open areas", and that they "distort the sense of scale within the landscape". It</p>	





ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
					<p>also notes “views of 20<sup>th</sup> century development are less attractive, especially when oversailed by the pylons”; and as being “dominant where they sail overhead” but that “away from their corridor they are often not seen owing to effect so many parcels of woodland”.</p> <p>The visual containing influence of woodland around the onshore substations is noted in the ES <b>Chapter 29</b> (APP-077), which together with the relatively lower height of the substation infrastructure proposed, results in a relatively contained geographic extent of effects (within approximately 1.0km) but with effects on the character of this local landscape being of high magnitude and significant, primarily due to the introduction of large-scale buildings and complex electrical infrastructure, increasing the influence of development components in the landscape, as described in ES <b>Appendix 29.3</b> (APP-567) <b>section 29.3.1</b>.</p>	
1.10.22	The Applicant, Natural England	1	2	Natural England [RR-059, Appendix D] raise issues in respect of highlighting the need for considering and potentially committing to	The Applicants are currently investigating the possibility of installing ducts for both projects in parallel should the Projects be	This is Natural England’s main issue with regard to the two schemes. We welcome



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>simultaneous construction of the onshore cabling for both projects should they both be approved, as a form of mitigation to limit construction phase landscape and visual impacts to the short term.</p> <p>They note that in their view the importance of the AONB (a nationally designated landscape with the highest level of planning policy protection) justifies the most effective mitigation being applied i.e. both onshore cabling stages to be completed together and the landscape fully restored as soon as possible.</p> <p>The ExA note the responses of the Applicant to this point of view in their response to the RR [AS-036] that the projects are being developed by two separate companies, are two separate projects and will have two separate Development Consent Order consents.</p> <p>a) Can any assurances be provided of the likelihood (or not) of financing being secured for both projects in parallel and works being carried out concurrently?</p> <p>To Natural England:</p>	<p>built sequentially. An update will be provided at Deadline 2.</p>	<p>the news that the Applicant is investigating the possibility of installing both projects in parallel and look forward to the promised update at Deadline 2.</p>



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				If the projects are not able to be carried out together, provide further views and comments on the effects of the proposals on the AoNB		
1.10.23	The Applicant, Natural England	1	2	<p>Natural England [RR-059, Appendix D] note that there is a limited amount of detail as to how construction activities would proceed along the cable route in and close to the Suffolk Coast and Heaths AONB and how soon after commencement all signs of construction activity would be removed from the AONB.</p> <p>The ExA note the responses of the applicants to this point of view in their responses to the RRs [AS-036] and notes that there is no commitment to an anticipated timetable and / or schedule for how construction activities would progress along the cable route within the immediate setting of the AONB and specific durations of Construction Consolidation Sites (CCSs) and construction activity and that this will be considered as part of detailed design once a contractor is appointed.</p> <p>Provide further information on the above, including:</p>	<p>a) Flexibility to accommodate open trench laying or ducting of the onshore cables is required. The proposed methodology will be determined following detailed design and a construction programme will be established at that time. Supply chain engagement, procurement and contractor availability will also influence the final construction sequence and programme.</p> <p>b) An assessment of how such onshore cable route construction activities (including Construction Consolidation Sites), would impact on the character and special qualities of the AONB (Area A between Thorpeness, Sizewell and Leiston) is provided in <b>Appendix 29.3</b> (APP-567) page 40-44.</p> <p>c) It is anticipated that reinstatement works will take place within 12 months of completion of the relevant stage of the onshore works (see section 6.9.7 (APP-</p>	e) Natural England still queries if further information could be forthcoming.



ExA. Question Ref.	Question addressed to		ExA. Question	Applicants' Response	Natural England Response
			<p>a) Further justification as to why an anticipated timetable / schedule for how construction activities would progress along the cable route within and in the immediate setting of the AONB, including details of the undergrounding works within and in the immediate setting of the AONB, covering both the topsoil stripping/trenching (and HDD if relevant) and backfilling/ reinstatement of the cable route cannot be provided (if still the case)</p> <p>b) An assessment of how such construction activities and their removal, including construction consolidation sites, would impact on the character and setting of the AONB, particularly given the unknowns at the present time.</p> <p>c) The timetable for and details of the reinstatement of trees, hedgerows and other landscape features lost during the construction phase and confirmation whether such information could be secured as part of the DCO.</p> <p>d) Any suggested proposals to mitigate the effects of the inability to provide an anticipated timetable/schedule and how they might be secured</p>	<p>054) of the ES). Details of proposed reinstatement of trees, hedgerows and other landscape features are provided within the <b>OLEMS</b> (APP-584) and will be secured through the approval and implementation of the LMP in accordance with Requirements 14 and 15 of the <b>draft DCO</b> (APP-023).</p> <p>c) See c).</p>	



ExA. Question Ref.	Question addressed to			ExA. Question	Applicants' Response	Natural England Response
				For Natural England e) Provide your comments on the responses of the applicant		