

Date: 15 December 2020
Our ref: Case: 10571 Consultation: 335584
Your ref: EN010077



National Infrastructure Planning
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BY EMAIL ONLY

Dear Sir/Madam

East Anglia ONE North (EA1N) Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

NE Deadline 3 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadline 2. We would like to highlight to the Examining Authority, that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. As such, the documents Natural England is submitting at Deadline 3 are as set out in the following thematic appendices:

- EN010077 335584 EA1N Appendix A10 – NE Comments to Cumulative Auk displacement Seabird assemblage of FFC SPA and Gannet PVA [REP2-006] Deadline 3
- EN010077 335584 EA1N Appendix A11 – Natural England's Offshore Ornithology Update
- EN010077 335584 EA1N NE Appendix B2 NE Comments to ISAA (HRA) Addendum Marine Mammals [REP1-038] Deadline 3
- EN010077 335584 EA1N Appendix D2 NE Comments to Sizewell C Cumulative Impact Assessment (Landscape and Visual) Clarification Note [REP2-010] Deadline 3
- EN010077 335584 EA1N Appendix I1c Natural England Risks and Issues Log Deadline 3

The Risks and Issues Log, Appendix I1c, reflect any changes in status since Deadline 2.

Further to the documents submitted Natural England also wishes to highlight to the Examining Authority the following:

1. Applicant's Comments to NE Comments on the Applicant's Comments on Relevant Representations [REP2-004]

Natural England would like to make the Examining Authority aware that we will not be providing any further specific response to the NE Relevant Representations following the latest comments submitted by the Applicant at Deadline 2 [REP2-004]. Natural England consider that any further engagement during examination on the outstanding issues within our representations will be best undertaken through our responses to ongoing and future issue specific documents/plans submitted by the Applicant.

However, Natural England would like the Examining Authority to note the following general points:

- Natural England's review of the Applicant's comments in Section 1.4 Terrestrial Ecology [REP2-004] indicate a general need for the Ecological Management Plan [EMP] to be submitted by the Applicant into examination. Natural England would welcome this submission.
- Natural England would also like to note that comments to Section 1.6 SLVIA submitted by the Applicant at Deadline 2 [REP2-004] were used to inform our response to the 'Effects with Regard to SCHAONB and Accordance with NPS Policy' [REP2-008] document submitted by the Applicant at Deadline 2.

2. Offshore Windfarm Visibility and Visual Impact Threshold Distances (2013) Journal Article [REP2-004]

Following our Deadline 1 comments [REP1-156] to the '*Offshore Windfarm Visibility and Visual Impact Threshold Distances*' (2012) journal article, Natural England acknowledge that this was provided by the Applicant in error. We intend to submit comments at Deadline 5 to the (2013) article submitted in response by the Applicant at Deadline 2 [REP2-004].

3. East Anglia TWO Disposal Site Locations [REP2-004]

As outlined in Section 1.9 of the Applicant's Deadline 2 Response [REP2-004], Natural England welcomes the Applicant's intention for consideration of disposal site locations and potential impacts to be submitted at Deadline 3. However, Natural England notes that the Applicant will not want sediment disposal to impact on any cable installation area. Therefore there will be a gap between installation area and the disposal area where, there is the potential for pockets of different sediments than those for disposal or sensitive habitats to be present. We therefore advise that the Applicant expands any pre-construction *Sabellaria spinulosa* reef survey to include potential disposal locations. Natural England understands that it is the Applicant's intention that this consideration will apply to both projects and therefore this advice is also applicable to East Anglia ONE North.

4. Habitat Regulations Assessment Appendix 2 – Information to Support AA Report – Screening Matrices [REP-017]

In our response at Deadline 2 [REP2-057] to the ‘Habitat Regulations Assessment Appendix 2 – Information to Support AA Report – Screening Matrices’ [REP1-017], Natural England reserved the right to make further comments relating to marine SACs once a full assessment of the ‘Information to Support Appropriate Assessment – Addendum for Marine Mammals’ [REP1-038] was completed (for details see Deadline 3 submission, Appendix B2). Natural England would like to make the Examining Authority aware we have no further comments to make in relation to the marine SACs detailed within the ISAA – Screening Matrices Report [REP1-017].

5. Applicant’s Project Update Note [REP2-007]

Natural England welcomes the information contained within the ‘Project Update Note’ [REP2-007] submitted by the Applicant at Deadline 2. The simultaneous installation of the cable infrastructure for both the East Anglia ONE North and East Anglia TWO projects when the first of the two proceeds will significantly lessen the impacts both from an ecological and landscape perspective.

6. Applicant’s Intended Deadline 3 Submission

Natural England is aware that the Applicant intends to submit at Deadline 3 a detailed Red Throated Diver Assessment and information outlining their intention to reduce the footprint of the East Anglia ONE North Array, to accommodate a 2km buffer from the Outer Thames Estuary SPA and a 2m change to the turbine draught height of the turbine. We would like to highlight to the Examining Authority that in our Appendix A11 Ornithological update we detail concerns we have raised with draft versions of these documents. We will provide full comments on these documents at **Deadline 4**, but please be aware that it is likely that further iterations of the documents will need to be submitted into examination.

7. Issue Specific Hearings (ISH)

i. Actions from ISH 1

Following the ISHs held on December 1st and December 2nd, Natural England acknowledge the request from the Examining Authority to review the hearing recording, respond to the submissions made and address specific questions raised specifically for them at in writing at Deadline 3.

As previously set out by Natural England to PINS in relation to similar requests made of Natural England for Thanet Extension - Natural England believes we can be most helpful and efficient in responding by focusing on the written summary of the oral representations of the hearing provided at Deadline 3 and will respond for Deadline 4.

Because this is a written process the written summary of oral submission provided by the Applicant at Deadline 3 is more likely to be a complete and comprehensive summary of the Applicant’s position, with less risk of ambiguities, which may require later corrections. Plus we would be doubling our efforts listening to the hearing and then also reviewing the written summary of the Oral Representation.

To aid the Examining Authority we have provided at Deadline 3 Appendix A11 an Offshore Ornithological update on HRA matters and summary of Natural England’s position following a

workshop on 7th December 2020 with the Applicant and RSPB.

ii. Rule 8(3) Letter – 8th December 2020

Natural England notes that dates have now been set for further Issue Specific Hearings in January and February 2021.

As set out in our Deadline 2 covering letter in order to consider attending the ISHs scheduled in January and February 2021, Natural England firstly request a detailed agenda or list of questions specifically for Natural England is made available well in advance of the ISHs. The decision on if we will attend, and notification of the Natural England representatives to attend, will be based on the response to this request and progress made on addressing outstanding concerns.

We also believe that from attendance at previous OWF NSIP ISHs that insufficient time has been given to discuss the major concerns relating to Natural England's remit. For example, where only 2 hours (2/3 of the agenda) has been set aside for Offshore matters. This includes Ornithology, Marine Mammals, and Benthic it is unlikely that we will get into the meat of the issues (i.e. updates only); with both Ornithology and Marine Mammals potentially using the full time allocated by themselves.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

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