



The Planning Act 2008

East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Wind Farms

**Planning Inspectorate Reference: EA1N – EN010077 &
EA2 – EN010078**

Deadline 6 - 24 February 2021

**ESC Comments in Response to the Applicants
Deadline 5 Submissions**

Review of Applicants Responses to ESC at Deadline 5 regarding Ecological Matters

1. Introduction

- 1.1. The Applicants provided a response to East Suffolk Council’s Deadline 4 (REP4-059) and Deadline 2 (REP2-029) comments at Deadline 5 (REP5-010). ESC has provided further comments in response to the submission made specifically in relation to onshore ecological matters in the table below.
- 1.2. At Deadline 6 ESC will be responding to the Examining Authority’s second round of written questions and also to the Examining Authority’s commentary on the draft Development Consent Orders (DCOs). ESC will also be providing further comments in relation to operational noise and submitting its written oral cases associated with Issue Specific Hearings 7, 8 and 9.
- 1.3. The comments contained within this document relate to both East Anglia One North (EA1N) and East Anglia Two (EA2) projects.

The table below details ESC’s comments regarding onshore ecology matters raised within the Applicants Deadline 5 REP5-010 Submission.

ID	ESC Original Comments (REP3-052)	Applicants Response at Deadline 5 (REP5-010)	ESC Comments in Response
<i>ESC Comments on Deadline 3 Onshore Ecology Clarification Note (REP3-060)</i>			
3	The Council seeks clarification in relation to the ownership and long-term management responsibility of the replacement woodland mitigation planting (Work no.24). It is unclear at present how this will be secured for the life of the project and who will maintain this planting beyond the initial maintenance period.	The Applicants note that, regardless of the ownership of the land, the obligations within of the DCO must be implemented. The Applicants have updated the draft DCO (an updated version has been submitted at Deadline 5, document reference 3.1) to make provision for a ten year replacement period in respect of Work No. 24. Furthermore, the draft DCO has been updated to require implementation of the approved landscape management plan, which must accord with the OLEMS (REP3-030) and the Applicants will update the OLEMS with commitments relating to the long-term maintenance of Work No. 24.	Whilst it is acknowledged that the DCO obligations must be implemented, nevertheless ESC considers it is important that the long-term ownership of the compensation woodland areas is understood so that it is clear who is responsible for them after the initial 10 year management period has finished. Habitat management work will be required after this initial period to ensure that the planting reaches its optimum potential and provides adequate compensation for the woodland to be lost. It should be clear who is responsible for this work.
<i>ESC Comments on Outline Watercourse Crossing Method Statement (REP3-048)</i>			
1	The Deadline 3 Onshore Ecology Clarification Note states that the working width in the woodland adjacent to the Hundred River crossing will be restricted to 27.1m where cable ducts for both	The Applicants have reviewed the working width required when crossing the Hundred River in order to carry out works safely	Whilst the Council understand that works at the crossing need to be undertaken safely and require different equipment to works

	<p>projects are installed together and we query whether a similar width could be achieved at the river crossing itself (as opposed to the 70m width stated in the document), even if it is not possible to maintain this narrowed width throughout the 40m river crossing buffer zone.</p>	<p>and implement the measures set out within the Outline Watercourse Crossing Method Statement (REP3-048). The working width required is 40m for one Project, or 80m where the onshore cable ducts for both Projects are installed in parallel. This allows space for the respective number of cable trenches and installation of dams to stem the flow of the river during the works undertaken at this site. Within the Outline Watercourse Crossing Method Statement (REP3-048) the Applicants have committed to no crossing of the Hundred River by vehicles during the construction, which has further enabled the maximum working width to be minimised. The Applicants are continuing to review the crossing construction method in order to reduce the potential for impact at this location.</p>	<p>along other parts of the cable route, nevertheless we still do not consider that the need to cross the Hundred River with an 80m working width (for two projects) has been adequately explained or justified. If both projects can be installed through sensitive areas at a combined width of 27.1m then, even allowing for the need for dams and pumping equipment etc., 80m appears excessively large. This is amplified when this 80m width is stated as extending 40m from either side of the riverbank, which will result in the loss of approximately twice as much of the woodland area between the Hundred River and the B1122 when compared to using the narrowed working width (27.1m) through the whole section.</p>
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<i>ESC Comments on the Draft Development Consent Orders (REP3-011)</i>			
1	<p>[In reference to Part 1 of the draft DCO (REP3-011)] The definition of ‘onshore preparation works’ provided in the draft DCOs is wide and the definition of ‘commence’ states that this excludes ‘onshore preparation works’. Some requirements must be discharged prior to commencement of a certain stage of works, the concern is that this excludes the onshore preparation works which could take place ahead of the need to discharge some requirements being triggered. Pre-planting of landscaping works – it is assumed that this relates to planting but further clarification on this matter is required as to whether this relates to the creation of bunds etc. It is unclear how ESC would ensure that details of the planting are agreed prior to the works taking place. Erection of temporary means of enclosure – how would ESC ensure that details of the fencing are submitted and approved prior to the works taking place</p>	<p>It is standard practice in orders for nationally significant infrastructure projects (NSIPs) to exclude preparatory activities from the definition of commence. This approach to the definition of commence is critical to ensure that pre-commencement activities can be carried out in a timely manner prior to commencement of the works and do not hold up the construction of the project.</p> <p>The Applicants are however considering ESC’s specific comments and will provide an update at Deadline 6.</p>	<p>Noted. We will provide further comment when the updated information is available.</p>
11	<p>[In reference to Part 3 Requirement 21 of the draft DCO (REP3-011)] The Council would like the words ‘pre-commencement’ added before “survey results” in 21(1).</p>	<p>The Applicants have included the words “pre-construction” before “survey results” in Requirement 21(1) in the draft DCO submitted at Deadline 5 in order to address ESC’s comment.</p>	<p>The same reference to pre-commencement surveys should be included in 21(2) as well.</p>

Applicant’s Comments on ESC’s Deadline 2 Submissions (REP5-010)			
<i>Ecological Enhancement Clarification Note (REP1-035)</i>			
9	Table 3 – This table states that 85.59km of new hedgerow planting will be provided at the substations. This figure appears excessive as the Outline Landscape Mitigation Plan (OLMP) General Arrangement drawing (ref. 29.11a) only appears to show approximately 5km of new hedgerow planting. Further clarification in relation to this matter is required.	The Applicants have identified that the existing hedgerow length at the onshore substation locations is 3.68km. The calculations in the Ecological Enhancement Clarification Note (REP1-035) assume that 3.68km will be removed as a result of construction of the Projects. The Applicants note that there is likely to be a calculation error in the length of newly planted hedgerow at the onshore substation location. This will be reviewed, and an update provided at Deadline 6.	Noted. We will provide further comment when the updated information is available.
11	Table 4 (Cable Route) – All of the measures identified as ecological enhancement as part of the onshore cable route in Table 4 are actually mitigation/compensation measures.	As above, the Applicants consider mitigation to be the like-for-like reinstatement of existing vegetation that is removed as a result of the onshore works. The measures identified within Table 4 of the Ecological Enhancement Clarification Note (REP1-035) are considered to go beyond mitigation and are therefore considered enhancement.	In the absence of detailed information on the existing condition of the specific sections of hedgerow to be removed and what the proposed replacement planting is, the Council do not consider that it is possible to be confident that this represents an enhancement in every case. It seems likely that the replacement planting will form mitigation in some locations (where the

			existing hedgerow is already in good condition) and enhancement in others (where the new planting is better than that which it replaces).
12	Whilst the clarification note does set out the habitat baseline, the habitat unit loss and the habitat unit creation proposed in the developments, ESC does not consider that it demonstrates that the projects will deliver overall ecological enhancement.	It should be noted that the detailed design of the Projects will not be determined until post-consent. However, the measures presented within the Ecological Enhancement Clarification Note (REP1-035) are considered to go beyond mitigation and are therefore at this time captured as enhancement.	Whilst it is acknowledged that detailed design of the projects will not be finalised until post-consent, it remains the opinion of the Council that the information so far presented does not currently demonstrate that the projects will deliver meaningful overall ecological enhancement.
13	The assessment presented relies on the use of part of the DEFRA Biodiversity Metric 2.0 to calculate the habitat unit totals, however then simply comparing the absolute values does not demonstrate that ecological enhancement is likely to be achieved as it ignores the differing values of each of the habitat types. Also, if based purely on a comparison of units lost vs units created, the projects result in a net loss of non-linear (i.e., non-hedgerow) habitat units. Excluding arable units (which are the predominant habitat type lost but which are of low ecological value), 81 habitat units will be lost but only 71 created. In addition, whilst we acknowledge that the presented number of	It should be noted that the detailed design of the Projects will not be determined until post-consent. Therefore, the information presented within the Ecological Enhancement Clarification Note (REP1-035) is based upon the design information available at the time of writing. A review of the ecological enhancement calculations presented within the Ecological Enhancement Clarification Note (REP1-035) will	As above, the Council remains concerned that the use of the Biodiversity Metric calculation in the current way does not demonstrate that the projects will deliver overall ecological enhancement.

	<p>hedgerow units gained through new planting appears considerable (a net gain of 497 new units plus 8 enhanced units), we query whether the figures presented are correct and seek clarification on these (please see our comment under Section 4, Table 3). In order to assist the understanding of the figures presented, it would be beneficial if the Applicants produced a map to illustrate the hedgerow units created.</p>	<p>be undertaken post-consent following completion of the detailed design.</p> <p>The calculations are based upon the information known at the time of writing. To clarify, the Applicants have identified that the existing hedgerow length at the onshore substation locations is 3.68km. The calculations in the Ecological Enhancement Clarification Note (REP1-035) assume that 3.68km will be removed as a result of construction of the Projects.</p> <p>The Applicants note that there is likely to be a calculation error in the length of newly planted hedgerow at the onshore substation location. This will be reviewed, and an update provided at Deadline 6.</p>	