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# **East Anglia ONE North Offshore Windfarm**

## **Applicants' Comments on Natural England's Deadline 8 Risk and Issues Log**

Applicant: East Anglia ONE North Limited  
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**Applicable to East Anglia ONE North**



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## Glossary of Acronyms

AEol	Adverse Effect on Integrity
AONB	Area of Outstanding Natural Beauty
APP	Application Document
AS	Additional Submission
BAP	Biodiversity Action Plan
BTO	British trust for Ornithology
CoCP	Code of Construction Practice
CR	Collision Risk
CRM	Collision Risk Modelling
DAS	Discretionary Advice Service
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
ES	Environmental Statement
FFC	Flamborough & Filey Coast
GBBG	Great Black-Backed Gull
GCN	Great Crested Newt
HDD	Horizontal Directional Drilling
HRA	Habitats Regulation Assessment
IPMP	In-Principle Monitoring Plan
LBBG	Lesser Black-Backed Gull
LCT	Landscape Character Type
LoNI	Letter of No Impediment
LSE	Likely Significant Effect
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NE	Natural England
NSIP	Nationally Significant Infrastructure Project
OLEMS	Outline Landscape and Ecological Management Strategy
OOMP	Offshore Operations and Maintenance Plan
OTE	Outer Thames Estuary
OWF	Offshore Windfarm
PEIR	Preliminary Environmental Information Report
PVA	Population Viability Analysis
RAG	Red, Amber, Green
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
RTD	Red-Throated Diver
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SLVIA	Seascape, Landscape and Visual Impact Assessment
SNS	Southern North Sea
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protected Area
SRMP	<i>Sabellaria</i> Reef Management Plan
SZC	Sizewell C
UK	United Kingdom
UXO	Unexploded Ordnance
WR	Written representation



## Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.



Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Safety zones	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transition bay	Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



## 1 Introduction

1. This document presents the Applicants' comments on Natural England's (NE) Deadline 8 submission of their Appendix I1F Risk and Issues Log (REP8-168). For the readers ease, the Applicants have taken the text from the latest "Consultation, actions, progress" column in NE's risk and issues log in each case rather than the full table.



## 2 Applicants' Comments on NE Appendix I1F [REP8-168] – NE's D8 Risk and Issues Log

Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
<b>Offshore Ornithology (Appendix A)</b>				
1	Red-throated diver displacement impacts on Outer Thames Estuary SPA	The Applicant responded to our Deadline 6 submission [REP6- 113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		The Applicants submitted <b>Comments on Natural England's Deadline 6 Submissions: Responses to RTD statistical analysis</b> (REP8-043) and updated version of <b>Displacement of red-throated divers in the Outer Thames Estuary SPA</b> (REP8-034) at Deadline 8. In addition, the Applicants have provided a response to NE's Deadline 8 Appendix A20 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).
2	Collision Risk Modelling (CRM) parameters	Please see NE Deadline 8 Appendix A19 for an update on EIA CR.		The Applicants have provided a response to NE's Deadline 8 Appendix A19 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).  Also, the Applicants provided an updated cumulative and in-combination collision risk document at Deadline 8 (REP8-035).
3	Cumulative and in-combination assessments (displacement and CRM);	The Applicant responded to our Deadline 6 submission [REP6- 113] at Deadline 7 [REP7-053]. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A19 and Appendix A20.		Please see response to row 1 and row 2 above.



# Applicants' Comments on NE's D8 Risk and Issues Log

15<sup>th</sup> April 2021



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
4	Scale of predicted cumulative and in-combination collision impacts and requirement for mitigation.	Please see NE Deadline 8 Appendix A19.		See row 2
5	Post-construction monitoring	Monitoring of RTD is now included in IPMP. Please see our Deadline 7 response F9 [REP7-074].		No further comments
<b>Marine Mammals (Appendix B)</b>				
6	Need for regulatory mechanism to manage multiple Site Integrity Plans (SIPs) across offshore wind farm projects.			No further comments
7	Frequency of piling and UXO activities	Issue Resolved. See Natural England Response in Appendix B3b. Additional text in Version 3 of the MMMP at Deadline 7 [REP7-029,REP7-030] the Applicant has added a Condition 27 and 23 of the DMLs.		No further comments
<b>Terrestrial Ecology (Appendix C)</b>				
8	Potential for supporting habitat loss within the Sandling SPA	Issue Ongoing see Appendix C9 at Deadline 8.		The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
9	Clarification of redline boundary for cable corridor	Following review of the OLEMS Version 3 [REP6-007, REP6-008], Natural England continue to note that further information will be provided in the final EMP and may have further comment following review of this document and the pre-construction survey findings.		<p>An updated version of the <b>OLEMS</b> was submitted at Deadline 8 (REP8-020). The Applicants will prepare the final EMP post-consent and, as secured via Requirement 21 of the draft DCO, which will be submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.</p> <p>Recognising that NE welcomes the in-principle mitigation within the OLEMS (REP8-019) and that further information as requested will be included within the EMP prepared post-consent (which NE will be consulted upon in accordance with Requirement 21 of the draft DCO), the Applicants consider this matter closed and ask whether NE might update the RAG status of this matter to green?</p>
10	Potential for disturbance to designated breeding features of Sandlings SPA	Within version 3 of the OLEMS [REP6-037, REP6-037] seasonal restriction is cited as included within the DCO. SNCB including Natural England is also named within the OLEMS document. However, Natural England are not named within the CoCP and should be added as per DCO/DML issue 6.		<p>As detailed with section 1.2.1 of the Outline Code of Construction Practice (OCoCP) submitted at Deadline 8 (REP8-017), where management plans are applicable to works within the Sandlings Special Protection Area (SPA) or the Leiston – Aldeburgh Site of Special Scientific Interest (SSSI) the Applicant will consult with the relevant statutory nature conservation body (Natural England) during preparation of the plan.</p> <p>Subsequent to further discussions with NE, the Applicants have agreed to update Section 1.2.1 of the OCoCP (REP8-017) to specifically list those plans which the Applicants will consult the relevant statutory nature conservation body during their preparation, and over what geographic area</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
				(i.e. Work Nos.) this consultation relates to (to include areas within the Sandlings SPA and Leiston-Aldeburgh SSSI and areas which could affect the Sandlings SPA and Leiston-Aldeburgh SSSI).
11	Request for SNCB consultation on management plans	Within version 3 of the OLEMS [REP6-037, REP6-037] seasonal restriction is cited as included within the DCO. SNCB including Natural England is also named within the OLEMS document. However, Natural England are not named within the CoCP and should be added as per DCO/DML issue 6.		Please see response at row 10 above.
<b>Landscape and Visual Impact Assessment (LVIA) – Terrestrial aspects of the project (Appendix D)</b>				
12	Need for more information on construction phase activities and subsequent impacts to landscape and Suffolk Coast and Heaths AONB.	NE welcomes the information within the Project Update Note [REP2-007] submitted by the Applicant at D2 that simultaneous installation of the cable infrastructure for both the EA1N and EA2 projects when the first of the two proceeds will significantly lessen and landscape or ecological impact.		No further comments
<b>Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project (Appendix E)</b>				



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
13	Night-time effects of navigational lighting have not been assessed for rural locations	REP1-157 (Point 3.4.1.) and outcome of Jul workshop - Resolved - NE welcomes the Applicant's commitment to reduce the intensity of the aviation lighting to 200cd whenever atmospheric conditions permit.		No further comments
14	Significant cumulative effects with the EA2 OWF project.	REP1-157 (point 3.11.1) - Cumulative Effects with EA2 Ongoing: The values presented by NE updated to view height of 6.5m.		<p>The Applicant notes and agrees that there will still be residual cumulative effects from the presence of the wind turbines and offshore platforms located within the East Anglia TWO windfarm site in conjunction with the wind turbines and offshore platforms located within the East Anglia ONE North windfarm site, although it is understood to be agreed with NE that that the cumulative effect will be reduced through the creation of a clear gap in the seascape between the two windfarms and the avoiding of a 'curtaining' effect.</p> <p>The Applicant notes NE's assessment that the Project will not meaningfully contribute to the significant cumulative effects with East Anglia TWO and agrees with NE that the contribution of the Project to these cumulative effects is relatively small. The Applicant notes agreement elsewhere in NE's response that the Project windfarm site results in no significant landscape and visual effects.</p> <p>Therefore, the Applicants query why this is an ongoing issue for East Anglia ONE North.</p>
<b>Development Consent Order, Deemed Marine Licences and related certified documentation (Appendix G)</b>				



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
15	Definitions of commence, and offshore preparation are not appropriate as they may allow significantly damaging works to be undertaken prior to approval of monitoring, mitigation or construction plans.	Definitions of commence and offshore preparations works agreed.		No further comments
16	Natural England have requested a range of conditions to control the noise impacts from EA1N and EA2. Most notably conditions are required to ensure no concurrent piling or concurrent UXO high order detonations in any one day.	Issue resolved - See Appendix G5 response to DCO Version 5 [REP7-006, REP7-007]. Natural England are expecting a few minor wording changes to be included in an updated DCO at Deadline 8 and expect this issue to be resolved.		Agreed text for these conditions was included in the Draft DCO submitted at Deadline 8
17	Cable protection should not be permitted to be deployed over any area over the full lifetime of the project.	Natural England have agreed to updated DML conditions on a without prejudice basis. The issue regarding deployment of cable protection in new areas for 5 years after construction remains outstanding.		The Applicants welcome that the NE have agreed to the condition wording on a without prejudice basis.
18	Unexploded ordnance (UXO) is not appropriately described within the Development Consent Order (DCO)/Deemed Marine Licences (DML)s	NE accepts the updated wording for the UXO conditions and the timing requirements.		No further comment



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
<b>1. Red-throated diver displacement impacts on Outer Thames Estuary SPA (OTE SPA) Document used:</b>				
<b>5.3 EA2 Information to Support the Appropriate Assessment Report</b>				
1	Part of the EA1N offshore windfarm (OWF) is immediately adjacent to the OTE SPA and is likely to result in displacement of RTD and result in an adverse effect on integrity (AEOI) from the project. The boundary of the development should be amended so no part of the array is within 10 km of the SPA.	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please note the Applicants submitted <b>Comments on Natural England's Deadline 6 Submissions: Responses to RTD statistical analysis</b> (REP8-043) and updated version of <b>Displacement of red-throated divers in the Outer Thames Estuary SPA</b> (REP8-034) at Deadline 8. In addition, the Applicants have provided a response to NE's Deadline 8 Appendix A20 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1). In addition, refer to the Applicants legal position in Appendix 1 of <b>Applicants' Responses to Hearings Action Points</b> (REP8-093) and <b>Written Summary of Oral Case Issue Specific Hearing 14</b> (REP8-099).
2	Natural England recommends that the Applicant reviews the targets and supporting notes for the attributes identified in our relevant representation [REP-059]. The targets set out the desired state of the attribute and the supporting notes provide detailed evidence of displacement impacts on RTD.	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please see response to row 1 of this item.
3	The level of vessel traffic associated with site maintenance	Natural England have no comment on the update RTD protocol submitted at		In their Offshore Ornithology SOCG (REP8-110) NE stated that the RTD best practice protocol was agreed



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	has been quantified. However, the impacts of increased traffic on RTD have not been considered, these need to be discussed and mitigated.	Deadline 7 [REP7-045, REP7-046]. We understand the Applicant will submit an updated document at Deadline 8 which we will respond to at Deadline 9.		subject to review of the latest version submitted at Deadline 8.
4	Natural England agrees that there is likely to be no adverse effect alone as a result of RTD displacement due to cable laying (cable laying operations are of a temporary nature). We are unable to rule out AEOI in-combination from displacement therefore a seasonal restriction in cable laying activity should put be in place.	Natural England have no comment on the update RTD protocol submitted at Deadline 7 [REP7-045, REP7-046]. We understand the Applicant will submit an updated document at Deadline 8 which we will respond to at Deadline 9. Please see SoCG.		The Applicants' response at deadline 1 and deadline 2 (captured in REP2-004) made the point that whilst the duration of the export cable installation programme is relatively short, it does comprise a number of independent activities including any requirements for sand wave levelling, pre-lay grapnel run and placement of mattresses / cable protection over existing cables at crossing locations. Delays to any of these activities, for example, due to inclement weather, could result in cable installation not being completed within the summer period and works having to be stood down until the following summer. This would present a significant risk to completing the construction programme on time and meeting Contract for Difference (CfD) contractual milestones for delivery of first power. As a result of this risk, the Applicant cannot implement the mitigation suggested by Natural England for this short-duration and temporary potential impact. Furthermore, it should be noted that through the Best Practice Protocol for Minimising Disturbance to Red Throated Diver (deadline 8 REP8-037ref), the Applicants have committed to re-routeing other construction vessel traffic between the



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				construction port and the windfarm site to avoid as much of the SPA as is possible through the core winter months of 1st November to 1st March inclusive.
5	Natural England does not agree with the Applicant's estimate that up to 33 individuals will be displaced within the SPA. The extent of displacement effects is known to extend to beyond 10km, and therefore assuming that displacement effects only go out to 4km means the impacts are potentially underestimated.	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please see response to row 1 of this item.
6	The focus on predicted mortality and the effect this would have on the abundance of RTD within the SPA is not the only issue for assessing impacts on the SPA. The change in distribution of divers due to the close proximity of the array to the OTE SPA also needs to be considered. Also, the mortality rates are a relatively crude method of capturing a range of potentially deleterious effects that could arise from displacement, including reduced fitness for migration and	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please see response to row 1 of this item.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	reduced productivity during the breeding season.			
7	There is a requirement to maintain the extent and distribution of supporting habitats for the designated species. Natural England does not agree with the statement that "this requirement is not strictly at risk". Although the turbines themselves are not proposed to be constructed within the SPA, the supporting habitat will be directly affected. An AEOI cannot be ruled out beyond reasonable scientific doubt for the project alone.	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please see response to row 1 of this item.
8	There are in-combination effects from operational windfarms within the SPA. Low densities within existing operational windfarms reported in Irwin and others (2019) provides evidence of the impact of operational windfarms on the distribution of RTD within the SPA.	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		Please see response to row 1 of this item.
<b>Collision Risk Modelling (CRM) parameters. Document used 6.1.12 EA2 Environmental Statement Chapter 12 Offshore Ornithology</b>				



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
9	Natural England recommends that the Applicant takes a more narrative approach to the assessment, and considers the Option 1 outputs for the species identified in our relevant representation in the context of the relevant Option 2 95% CIs, as part of a more range-based approach to consideration of CRM impacts. This should consider the mean/central predicted collision figures and those based on the range of predicted figures resulting from the Applicant's consideration of the uncertainty/variability in the input parameters.	Please see NE Deadline 8 Appendix A19 for an update on EIA CR.		The Applicants have provided a response to NE's Deadline 8 Appendix A19 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).
10	It is of concern that the predicted mortalities using CRM Option 1, based on site specific estimates of PCH are significantly higher than the outputs using Option 2, which is based on generic boat based estimates of flight height.	Please see NE Deadline 8 Appendix A19 for an update on EIA CR.		Please see response in row 9 of this item.
11	Natural England welcomes the use of our recommended Avoidance rates and nocturnal activity factors,	Please see NE Deadline 8 Appendix A19 for an update on EIA CR and nocturnal activity rates.		Please see response in row 9 of this item.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	and accept that there is an argument to present the Applicant's preferred options alongside. However, given the significant difference in predicted mortality when Option 1 is used, we suggest that this demonstrates that overall assessments of collision risk may not be precautionary enough.			
<b>Cumulative and In-combination Assessments</b>				
12	The cumulative operational displacement assessment totals for RTD are based on an incomplete data set. Table 12.37 excludes a number of projects. These missing projects will reduce the confidence in the assessments and result in a significant under-estimation of the cumulative/in-combination assessments.	The Applicant responded to our Deadline 6 submission [REP6- 113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A19 and Appendix A20.		With regards to NE's relevant representation point about 'missing projects', the Applicants consider that all relevant projects have been included in the RTD assessment and this has been agreed with NE as per row NE-0024 of the NE (offshore ornithology) SoCG which is ' <i>The plans and projects considered within the CIA are appropriate</i> ' which is <b>Agreed</b> . Also, see the Applicants response to Point 1 and 19 of REP2-004. The Applicants therefore question why this issue is assigned a red status.
13	The disproportionate contribution that EA1N makes is clear in Table A12.3.9. EA1N alone contributes 9.5% of the cumulative total, whereas all other Tier 4 projects combined (i.e. excluding EA1N)	The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note,		The Applicants submitted <b>Comments on Natural England's Deadline 6 Submissions: Responses to RTD statistical analysis</b> (REP8-043) and updated version of <b>Displacement of red-throated divers in the Outer Thames Estuary SPA</b> (REP8-034) at Deadline 8. In addition, the Applicants have provided a response to



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	<p>contribute 5.6% of the relative contribution to potential displacement.</p> <p>The approach considering the relative contribution does not adequately consider the overall level of cumulative displacement. This is due to displacement from a number of projects not being included.</p>	<p>please see NE Deadline 8 Appendix A19 and Appendix A20.</p>		<p>NE's Deadline 8 Appendix A19 and A20 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1)</p> <p>Also, the Applicants provided an updated cumulative and in-combination collision risk document at Deadline 8 (REP8-035).</p>
14	<p>The assessment includes several sources of precaution, but it includes assumptions that may not reflect the full extent of diver displacement.</p> <p>Natural England welcomes that assumptions around 100% displacement out to 4km are used, but we know this may underestimate the degree of displacement if the extent of displacement is &gt;10km.</p>	<p>The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.</p>		<p>Please see response in row 13 of this item.</p>
15	<p>Due to the Applicant's worst case scenario assessment of minor adverse, and considering that some projects are not included in the assessment, Natural England is</p>	<p>The Applicant responded to our Deadline 6 submission [REP6-113] at Deadline 7 [REP7-053]. Please note our advice remains unchanged. Natural England have submitted a</p>		<p>Please see response in row 13 of this item.</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	unable to rule out a significant adverse effect for cumulative operational displacement on RTD at the EIA scale.	RTD Displacement Clarification Note, please see NE Deadline 8 Appendix A20.		
16	The cumulative auk (razorbill and guillemot) operational displacement assessment totals are based on an incomplete data set. Wind farm projects are missing from the assessments.	Matter closed. Missing projects have been added		No further comments
17	AEOL can be ruled out for the razorbill and guillemot features of the Flamborough and Filey Coast SPA (FFC SPA) for impacts in-combination with other plans and projects when Hornsea 3 was included in the in-combination total.	Hornsea 3 has updated collision prediction figures for FFC SPA kittiwake with no update provided for cumulative/in-combination collision/displacement assessments (gannet, LBBG, herring gull, GBBG, guillemot and razorbill). Uncertainty remains as to the appropriate figures to include for Hornsea 3 in cumulative (and in-combination) collision and displacement assessments. Please see NE D8 Appendix A19 for detailed comments.		Please see response in row 13 of this item.
18	The cumulative annual gannet collision risk prediction of 2,607 (Table 12.42) differs from the totals agreed at the end of the Norfolk	Please see NE Deadline 8 Appendix A19 for an update on gannet collision risk and Norfolk Vanguard.		The Applicants have provided a response to NE's Deadline 8 Appendix A19 at Deadline 9 <b>Applicants'</b>

# Applicants' Comments on NE's D8 Risk and Issues Log

15<sup>th</sup> April 2021



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	Vanguard examination, which was 2,735. We seek clarification on why these two totals differ.			<p><b>Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p> <p>The Applicants consider that notwithstanding the additional comments provided by NE in their A19 appendix, the adoption by the Applicants of the commonly agreed cumulative totals from Boreas deadline 8 position means this matter is resolved. The Applicants provided an updated cumulative and in-combination collision risk document at Deadline 8 (REP8-035).</p>
19	Natural England acknowledges that a higher avoidance rate of 99.5% for gannet has been recommended by Bowgen & Cook (2018) and that this would significantly reduce the cumulative total. Natural England and the other SNCBs are currently considering our response to the recommendations in Bowgen & Cook (2018). Our current advised avoidance rates are those set out in SNCBs (2014).	Matter closed after meeting on 20.06.20. The Applicant included higher avoidance rates as recommended.		No further comments.
20	Natural England acknowledges that assuming 25% nocturnal activity with gannet is precautionary, and that is why we have moved to a position of presenting a range of nocturnal activity between 0% and	Issue resolved		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	25%. We note that the nocturnal activity factor from the review of nocturnal activity in gannets (Furness and others 2018) has not been used in the assessment.			
21	The kittiwake cumulative collision risk assessment in Table 12.43 differs to the totals agreed by Natural England at the end of the Vanguard hearing. This agreed total was 4,114. There will also be a need to include the figures from Hornsea 4's PEIR. Before these figures are added there is already a 2.5% increase above baseline mortality.	Please see NE Deadline 8 Appendix A19 for an update on kittiwake cumulative collision risk and Norfolk Vanguard.		Please see response to row 18 of this item.
22	Whilst Natural England notes that some projects have built out to less than their consented capacity, we do not accept that it is appropriate to revisit the cumulative collision risk whilst consents for unused capacity remain in place and in the absence of re-run collision risk assessments using the built turbine parameters.	Whilst we disagree with the Applicant about the use of headroom. They have provided figures without 'headroom' from EA1 and EA3 which we advise the SoS to use.		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
23	Taking into account some elements of potential precaution will lead to a reduction in mortality estimates. There are elements of the assessment which could result in an underestimate of collision risk. There is also the critical issue of variability in all of the input data, not least in bird density.	No update		No further comments.
24	There are elements of the cumulative assessment that result in a higher mortality total, but we have concerns about use of Option 2 and the fact that much higher predicted collisions are predicted when using Option 1. However, we agree that the cumulative impact on lesser black-backed gull at the EIA scale is minor adverse (not significant).	Use of the relevant band model is now Agreed. Please see D8 Appendix K7.		No further comments.
25	An increase of 6% above baseline mortality for great black-backed gull based on the largest Biologically Defined Minimum Population Scale (BDMPS) is significant.	Please see NE Deadline 8 Appendix A19.		Please see response to row 18 of this item.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
26	Natural England notes that it is suggested that using a nocturnal activity factor of 3 (50%) in collision risk modelling is likely to be an overestimate of nocturnal activity. We advise that a range between 25% and 50% are presented with the assessment.	Please see NE Deadline 8 Appendix A19		Please see response to row 18 of this item.
27	The Population Viability Analysis (PVA) model outputs predicted populations being up to 7.7% smaller using the density dependent model, and up to 21.5% smaller than the un-impacted scenario using density independent outputs based on an annual mortality of 900.	Please see NE Deadline 8 Appendix A19		Please see response to row 18 of this item.
28	Natural England disagrees with the summary that concludes no greater than minor adverse significance for all species. At the end of Norfolk Vanguard we advised significant adverse effect at EIA for cumulative collision for gannet, kittiwake and great black-backed gull. Since then more birds have been added to these totals from Boreas, EA1N,	Please see NE Deadline 8 Appendix A19		Please see response to row 18 of this item.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	EA2 and also Hornsea 4, and as a result our position remains unchanged.			
<b>Scale of predicted cumulative and in-combination impacts and requirement for mitigation</b>				
29	<p>For EIA we have been unable to rule out a significant adverse effect for cumulative operational impacts on:</p> <ul style="list-style-type: none"> <li>kittiwake, gannet and great black-backed gull;</li> <li>guillemot, razorbill and red-throated diver</li> </ul> <p>For HRA we have been unable to rule out adverse effect on integrity on:</p> <ul style="list-style-type: none"> <li>kittiwake from FFC SPA;</li> <li>guillemot and razorbill at FFC SPA;</li> <li>lesser black-backed gull from Alde-Ore Estuary SPA due to in-combination collision impacts;</li> <li>red-throated diver from Outer Thames Estuary</li> </ul>	Please see NE Deadline 8 Appendix A19		Please see response to row 18 of this item.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	SPA due to in-combination displacement effects.			
<b>Post consent monitoring</b>				
30	There is a reference made to supporting "joint industry Projects or alternative site based monitoring of existing seabird activity inside the area(s) within the Order Limits in which it is proposed to carry out construction works with its potential wider benefits." It is not clear what is being proposed or what the mechanism is to ensure that appropriate monitoring is undertaken. We recommend that the most significant area or areas of ornithological uncertainty is identified, and an in-principle monitoring plan is agreed.	The Applicant submitted an updated IPMP at Deadline 6 [REP6-015, REP6-016]. Please see Appendix F9 for detailed comments.		The Applicants provided an update to the IPMP at Deadline 8 REP8-028). Given the commitments to collision risk detection monitoring and RTD displacement monitoring made at Deadline 6 (REP6-016), the Applicants query why this matter is still assigned a red status.
31	NE welcomes the statement in the IPMP that the Applicant will engage with stakeholders and that the methodology would be developed through the OMP. We agree with the Applicant that the aims of monitoring should be to reduce uncertainty for future impact	Monitoring of RTD is now included in IPMP. Please see our Deadline 7 response F9 [REP7-074].		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	assessment and address knowledge gaps. However, we disagree with the Applicant's assertion that displacement effects on RTD would not create impacts of more than minor adverse significance during any biological season during construction and operation phases. Validating the extent of RTD displacement will be the main priority for any post-consent monitoring. We also disagrees that the risk to birds from cumulative collisions with wind turbines across all windfarms considered is assessed as no greater than minor adverse significance for all species.			
32	In our Relevant and Written Representations, Natural England raised the issue of the potential in-combination impacts from EA1N and EA2 on lesser black-backed gull LBBG from the Alde-Ore Estuary SPA from collision.	Please see NE Deadline 8 Appendix A19		Please see response to row 18 of this item.
<b>Document Used: 6.1.11 EA1N Environmental Statement Chapter 11 Marine Mammals</b>				



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
1	The phrases 'same day' and '24 hour period' are used interchangeably throughout the marine mammal chapter and associated documentation when they are not the same thing. If this follows through to the assessment stage Natural England considers a clarification note may be required as to the intended wording and any consequences for either the EIA or HRA.	The Applicant has explained this issue in AS-036. This issue has been resolved.		No further comments.
<b>Document Used: 5.3 EA1N Information to Support Appropriate Assessment Report</b>				
2	Natural England welcomes the commitments from the Applicant listed here and considers they should be specifically conditioned on the face of the deemed marine licence (DML), particularly to ensure there is no concurrent piling between EA1N and EA2.	Issue Resolved. See Natural England Response in Appendix B3b. Additional text in Version 3 of the MMMP at Deadline 7 [REP7-029,REP7-030] has added Condition 27 and 23 of the DMLs to prevent concurrent piling.		No further comments. However, please note that the numbering of these conditions was revised to 28 and 24 in the <b><i>draft DCO</i></b> (REP8-003) submitted at Deadline 8.
3	The Applicant has stated that disturbance of harbour porpoise will not exceed 20% of the seasonal component of the site at any one time, however, the 20% threshold	Issue Resolved. See Natural England Response in Appendix B3b. Additional text in Version 3 of the MMMP at Deadline 7 [REP7-029,REP7-030] has added Condition 27 and 23 of the		No further comments. However, please note that the numbering of these conditions was revised to 28 and 24 in the <b><i>draft DCO</i></b> (REP8-003) submitted at Deadline 8.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	is for disturbance of harbour porpoise in any given day. Detonation of 2 unexploded ordnance (UXO) in a 24 hour period could exceed the 20% threshold and disturb harbour porpoise from up to 32% of the winter area of the site. NE disagrees with the conclusion drawn that there is no significant disturbance or potential adverse effect on the SNS SAC if more than 1 UXO is detonated on any given day. Natural England considers that UXO High order detonations and impact piling events should be limited to 1 across both projects on any given day and this should be secured in the DMLs through condition.	DMLs to restrict to one noisy event within a 24 hour period during the SNS SAC winter period.		
4	One piling event disturbs harbour porpoise from 16% of the winter component of the Southern North Sea and 2 piling events on any given day will result in up to 32% of the SAC winter area being disturbed, therefore exceeding the	Issue Resolved. See Natural England Response in Appendix B3b. Additional text in Version 3 of the MMMP at Deadline 7 [REP7-029, REP7-030] has added Condition 27 and 23 of the DMLs to restrict to one noisy event within a 24 hour period during the SNS SAC winter period.		No further comments. However, please note that the numbering of these conditions was revised to 28 and 24 in the <b>draft DCO</b> (REP8-003) submitted at Deadline 8.

# Applicants' Comments on NE's D8 Risk and Issues Log

15<sup>th</sup> April 2021

Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	20% threshold. Natural England's views are the same as above			
5	As per previous comments, if 1 UXO detonation and 1 piling event were to occur on the same given day as described in paragraph 626, the area of the winter component of the SNS SAC that harbour porpoise would be disturbed from would exceed the 20% threshold.	Issue Resolved. See Natural England Response in Appendix B3b. Additional text in Version 3 of the MMMP at Deadline 7 [REP7-029, REP7-030] the Applicant has added a Condition 27 and 23 of the DMLs to restrict to one noisy event within a 24 hour period during the SNS SAC winter period.		No further comments. However, please note that the numbering of these conditions was revised to 28 and 24 in the <b>draft DCO</b> (REP8-003) submitted at Deadline 8.
<b>Document Used: 8.17 EA1N In-principle Southern North Sea SAC Site Integrity Plan</b>				
6	Natural England welcomes the commitments from the Applicant listed here and considers they should be specifically conditioned on the face of the DML, particularly to ensure there is no concurrent piling between EA1N and EA2.	Issue Resolved - See NE Appendix B3b response to MMMP and SIP [REP7-029, REP7-032] the Applicants have included a Condition 23 and 27 of the DML which prevents concurrent piling within a project. Also the co-ordination and SIP conditions to prevent concurrent UXO and piling between projects.		No further comments. However, please note that the numbering of these conditions was revised to 28 and 24 in the <b>draft DCO</b> (REP8-003) submitted at Deadline 8.
7	A mechanism needs to be developed by the regulators to ensure continuing adherence to the statutory nature conservation bodies (SNCB) thresholds over			No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	time. Should potential exceedance of the thresholds occur, a process for dealing with this issue needs to be in place – the affected developers will need to work together with the regulator and SNCBs to prevent adverse effect on the Southern North Sea (SNS SAC). Until the mechanism is developed, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts described below and therefore the risk of Adverse Effect on Integrity (AEOI) on the SNS SAC cannot be fully ruled out.			
8	NEW ISSUE AT DEADLINE 3: At Deadline 1 the applicant submitted a Marine Mammal Addendum. NE has noted within this is an intention to use the Site Integrity Plan to mitigate project Alone effects. Natural England does not agree with this approach, the use of a SIP and the need to reassess post consent is limited to In-Combination effects due to the	An updated SIP was received at Deadline 7 [REP7-031 and REP7-032] this document is not a project alone. Subject to removal of reference to cluster detonation this matter is resolved.		An updated <b><i>In Principle South North Sea Site Integrity Plan</i></b> was submitted at Deadline 8 (REP8-032) which removes reference to clustering and therefore this matter is resolved.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	inability to control in-combination elements. However, project alone impacts can and should be fully assessed and the appropriate mitigation secured within the DML. For further detail see NE Deadline 3 REP3-118.			
9	The MMMP is a mitigation plan and not a monitoring plan. Natural England have concerns as to why the MMMP is used as a monitoring plan in the IPMP? This does not fit in with the IPMP framework.	The Applicant submitted an updated IPMP at Deadline 6 [REP6-015, REP6-016] and amended text to state the reference to the MMMP is as a mitigation plan.		No further comments.
<b>Document used: 5.3 EA1N Information to Support the Appropriate Assessment Report</b>				
1	If an open cut trench method is selected habitat restoration should be implemented to compensate and improve supporting habitat lost. Any scrub removed should be reinstated by planting hawthorn and blackthorn. Areas of acid grassland should be created as heathland by ensuring that soil removed is appropriately stored, reinstated and capped with sandy topsoil. Locally sourced heather seed should be sown across the	Issue ongoing, NE understands from the onshore SoCG that the Applicant intend to submit an updated Ecological Enhancement Clarification note at Deadline 8 to reflect the design updates during examination. Natural England continues to recommend exploring opportunities for improvement and restoration of habitats with a view to net gain where ever possible.		An <b>Ecological Enhancement Clarification Note Addendum</b> (REP8-041) was submitted at Deadline 8. The document outlines the opportunities for ecological enhancement to be provided by the Projects throughout the onshore development area by way of various measures proposed within the Environmental Statement (ES) and the <b>Outline Landscape and Ecological Management Strategy</b> (OLEMS) (document reference 8.7). This addendum to REP1-035 reflects a number of updates to these measures during the Examinations and provides up to date information on the Projects' potential



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	<p>restoration area to recreate pioneer heath. The Applicant should provide information on the areas to be restored and methodology including timescales and species.</p> <p>The applicant should consider opportunities for net gain in improving and extending relevant and supporting habitats. We recommend consultation with the landowner and RSPB is sought regarding restoration works and net gain opportunity.</p>			<p>to deliver ecological enhancement; it should be read in conjunction with REP1-035.</p> <p>The Outline SPA Crossing Method Statement (REP6-036) addresses the hawthorn, blackthorn and acid grassland points raised by NE.</p> <p>With specific regard to the SPA crossing, the Outline SPA Crossing Method Statement (REP6-036) commits to a ten-year habitat management plan for Work No. 12A (the horse paddock area being 5 years). This is considered by the Applicants to be a suitable period for the mitigation area to become established and to provide ecological enhancement for the temporary loss of habitat during construction within Work No. 12.</p>
2	<p>Natural England reiterate the preference for HDD under the Sandlings SPA to avoid supporting habitat loss, which will take some time to return to its previous condition. Should HDD be used, sufficient detail on methodology and safeguards to prevent a drilling mud outbreak should be produced. Should a bentonite outbreak occur the HDD document should specify that Natural England will be contacted within 24hours and prior to the commencement of any</p>	<p>NE default position remains unchanged. However, if HDD were to take place, the Bentonite outbreak methodology is acceptable and NE acknowledge if this was to occur, they will be contacted within 24h as detailed by the Applicant in [REP6-037, REP6-037].</p>		<p>The Applicants note NE's submission at Deadline 8 (<b>Appendix C9 to the Natural England Deadline 8 Submission Natural England's Update and Comments to Terrestrial Ecology Documents Submitted at Deadline 6 and Deadline 7</b> (REP8-162)), in which NE "would advise that an Adverse Effect on Integrity (AEoI) of the Sandlings SPA is unlikely to occur from an open cut trench option; but as proposed there remains residual concerns. The Applicants have addressed these residual concerns at ID3a to ID3d within <b>Section 4</b> of the <b>Applicants Comments on Natural England's Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	clean-up operations, as the clean-up may on occasion be more damaging than the outbreak. We advise that an outline bentonite frackout document should be provided during examination for each of the HDD locations.			
<b>Document used: 5.4 EA1N Consents and Licences Required under other Legislation</b>				
3	Natural England advises that should altered/new proposals be planned within a Site of Scientific Interest (SSSI), which are not currently considered as part of the DCO and Application then an assent may be required under the Wildlife and Countryside Act 1981 (as amended) from Natural England.	This has been noted by the Applicant [AS-036].		No further comments.
<b>Document used: 6.1.22 EA1N Environmental Statement Chapter 22 Onshore Ecology</b>				
4	Consideration should be given to Leiston to Aldeburgh SSSI and coastal vegetated shingle in the case of a bentonite or drilling mud outbreak. Information should be provided on engineering design, depth and break out contingencies.	Natural England has provided advice under our discretionary advice service (DAS) to applicant on the Outline Landfall Construction Method Statement. Further comments on this		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	This should be provided in the form of outline plan and secured in the DCO/DML	issue can be found in NE Deadline 1 Appendix C2.  NE are satisfied with the detail provided regarding bentonite breakout.		
5	We advise that all nationally protected species, are considered of at least moderate importance.	The Applicant discovered an error and have informed Natural England that a review of impacts on misclassified species is being produced within a clarification note which will be submitted as early as possible during the examination.		An Onshore Ecology Clarification Note was submitted at Deadline 3 (REP3-060). No further comments.
6	Within the Leiston to Aldeburgh SSSI the variety of water bodies and terrestrial habitats provides suitable breeding and hunting areas for many species of dragonfly and damselfly, including the nationally scarce hairy dragonfly Brachytron pratense. We advise consideration of this species, as previously requested in Natural England's advice letter dated the 26th March 2019.	Issue Ongoing. See Natural England's Deadline 8 response Appendix C9.		The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1)
7	The impact on coastal habitat from bentonite and drilling mud break outs should be considered.	Natural England has provided advice under our discretionary advice service		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
		(DAS) to applicant on the Outline Landfall Construction Method Statement. Further comments on this issue can be found in REP1-163. NE are satisfied with the detail provided regarding bentonite breakout.		
8	<p>The Hundred River feeds into Sandlings SPA and we expect to see an assessment of alternatives to include HDD under this water course and impacts outlined.</p> <p>We welcome the commitment to reinstate and improve habitats.</p>	Ongoing disagreement. Please see Appendix C9 at Deadline 8.		<p>The Outline Watercourse Crossing Method Statement (REP8-084) presents further details on why the Applicants' consider a trenchless technique crossing the Hundred River to be unfeasible.</p> <p>The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1)</p>
9	Any works that directly impact upon badgers should be subject to mitigation, compensation and/or a protected species license from Natural England to avoid an offence under the Wildlife and Countryside Act 1981 (as amended). We refer to the Planning Inspectorates advice note 11 which advises early engagement with Natural England. We advise that an outline plan is provided.	The draft wildlife application for LONI for badger was completed by NE and returned to the Applicant on 24th March 2021. We have outstanding issues with the draft applications that we will continue to work with the Applicants on		The Applicants held a meeting with NE on 30 <sup>th</sup> March 2021 to discuss the comments received on the draft mitigation licence applications for badger and GCN. The Applicants have since provided a response to NE's comments outlining the approach to addressing their comments. The Applicants and NE will continue to engage to progress the application for a Letter of No Impediment (LoNI).



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
10	Mitigation should include micro-siting of cable route to avoid badger setts, and mitigation and compensation as outlined within Natural England standing advice. This should all be included in an outline plan during examination.	In Version 3 of the OLEMS [REP6-007, REP6-008], Natural England is concerned the wording has been amended to state that rather than avoiding known badger setts through micro-siting, the cable corridor these will actually be destroyed. This wording is of major concern to Natural England.		Where possible the Applicants will seek to avoid known active badger setts. However, detailed design information is currently not known and therefore the worst-case scenario is that the known active badger sett [REDACTED] along the onshore cable corridor will require removal.  The Applicants have prepared and submitted a draft badger licence application to Natural England (which includes this requirement) for which discussions remain ongoing to obtain a Letter of No Impediment (LONI) for badgers which is currently under consideration by NE.
11	We welcome the mitigation prescribed for bats in principal, but advise that potential impacts to bat habitat should be clearly mapped with roosting, foraging and commuting areas shown in relation to the redline boundary. As consistent with Natural England's previous advice letter the 26th March 2019.  The Applicant should also consider any in combination impacts with proposed development at Sizewell C and any other foreseeable plans or projects. This should be provided as an outline plan as part of the examination.	Following review of the OLEMS Version 3 [REP6-007, REP6-008], Natural England continue to note that further information will be provided in the final EMP and may have further comment following review of this document and the pre-construction survey findings.		Noted. The Applicants will prepare the final EMP post-consent, as secured via Requirement 21 of the draft DCO, which will be submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.  Recognising that NE welcomes the in-principle mitigation prescribed for bats within the OLEMS (REP8-019) and that further information as requested will be included within the EMP prepared post-consent (which NE will be consulted upon in accordance with Requirement 21 of the draft DCO), the Applicants consider this matter closed and ask whether NE might update the RAG status of this matter to green?



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
12	Any works that directly impact upon great crested newts should be subject to mitigation, compensation and/or a protected species license from Natural England to avoid an offence under the Wildlife and Countryside Act 1981 (as amended). We refer to the Planning Inspectorates advice note 11 which advises early engagement with Natural England. Natural England advises that the Applicant approaches us for a Letter of No Impediment (LONI) as early as possible.	The draft wildlife application for LONI for GCN was completed by NE and returned to the Applicant on 18th March 2021. We have outstanding issues with the draft applications that we will continue to work with the Applicants on.		Please see response to Row 9 of this item.
13	The Environmental Statement confirms suitable habitat within the vicinity of works and highlights the possibility of killing or injuring reptiles as a risk during construction. Natural England advises that reptile surveys are completed prior to construction to quantify potential impacts and to finalise mitigation works. Reptile mitigation should ensure that there is no net loss of local reptile conservation status, by providing	Following review of the OLEMS Version 3 [REP6-007, REP6-008], Natural England continue to note that further information will be provided in the final EMP and may have further comment following review of this document and the pre-construction survey findings		Noted. The Applicants will prepare the final EMP post-consent, as secured via Requirement 21 of the draft DCO, which will be submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.  Recognising that NE welcomes the in-principle mitigation prescribed for reptiles within the OLEMS (REP8-019) and that further information as requested will be included within the EMP prepared post-consent (which NE will be consulted upon in accordance with Requirement 21 of the draft DCO), the Applicants consider this matter closed



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	sufficient quality, quantity and connectivity of habitat to accommodate the reptile population in the long term, either on site or at an alternative site nearby. We advise that an outline plan is provided as part of the examination.			and ask whether NE might update the RAG status of this matter to green?
<b>Documents used: 6.1.23 EA1N Environmental Statement Chapter 23 Onshore Ornithology</b>				
14	The open cut trench method of cable installation will result in the temporary loss of supporting habitat, including the breeding sites of turtle dove which are features of interest for Leiston to Aldeburgh SSSI. We understand that any habitat removed during the period of works will be reinstated, however there is a risk that the required mitigation will not be sufficiently established to provide suitable nesting habitat for the following breeding season. Natural England advises that the 3ha of compensatory turtle dove feeding habitat to be provided should be in place in advance of works.	Please see Natural England's response to OLEMS version 3 in Appendix C9 at Deadline 8.		<p>The Applicants note NE's submission at Deadline 8 (<b>Appendix C9 to the Natural England Deadline 8 Submission Natural England's Update and Comments to Terrestrial Ecology Documents Submitted at Deadline 6 and Deadline 7</b> (REP8-162)), in which NE "would advise that an Adverse Effect on Integrity (AEoI) of the Sandlings SPA is unlikely to occur from an open cut trench option; but as proposed there remains residual concerns. The Applicants have addressed these residual concerns in at ID3a to ID3d within <b>Section 4</b> of the <b>Applicants Comments on Natural England's Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p> <p>The Applicants have provided a full response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1)</p>





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	We understand that an HDD technique will avoid the loss of designated habitat and on this basis Natural England expresses a preference for an HDD method.			
15	<p>The open cut trench method of cable installation will result in the temporary loss of designated and supporting habitat, including the breeding sites of nightingale which is cited as a feature of interest for Leiston to Aldeburgh SSSI. To mitigate impacts, the Applicant proposes the provision of nesting sites for nightingale will be delivered through habitat management within and on the outskirts of the designated sites and in line with BTO habitat management guidelines. This mitigation method will need to be secured in the DCO and clearly set out in an outline habitat</p> <p>management/mitigation plan as there is the potential for the works themselves to be damaging to the designated sites. We advise that</p>	Please see Natural England's response to OLEMS version 3 [REP6-037, REP6-037] in Appendix C9 at Deadline 8.		<p>The Outline SPA Crossing Method Statement (REP6-036) addresses the hawthorn and blackthorn points raised by NE.</p> <p>The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b><i>Applicants' Comments on NE Deadline 8 Submissions</i></b> (document reference ExA.AS-4.D9.V1)</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	any scrub removal is restored with hawthorn and blackthorn.			
16	We welcome the inclusion of barn owl mitigation and the commitment to consult with the Suffolk Community Barn Owl Project. We advise that any compensatory habitat is provided in appropriate timescales. NE should be consulted on any mitigation in a designated site. This will need to be secured in the DCO and included in an outline management plan.	Following review of the OLEMS Version 3 [REP6-007, REP6-008], Natural England continue to note that further information will be provided in the final EMP and may have further comment following review of this document and the pre-construction survey findings.		<p>Noted. The Applicants will prepare the final EMP post-consent, as secured via Requirement 21 of the draft DCO, which will be submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.</p> <p>Recognising that NE welcomes the in-principle mitigation prescribed for barn owl within the OLEMS (REP8-019) and that further information as requested will be included within the EMP prepared post-consent (which NE will be consulted upon in accordance with Requirement 21 of the draft DCO), the Applicants consider this matter closed and ask whether NE might update the RAG status of this matter to green?</p>
17	We agree with the necessity of pre-construction surveys prior to any works taking place. If active nests are found, it should be noted that all wild birds, their nests and eggs are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended), and therefore works in the vicinity of the nest may have to be delayed until any chicks have fledged. Or site preparation works need to be agreed upfront	Issue Ongoing. Please see Natural England's response in Appendix C9 at Deadline 8.		<p>The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p> <p>Regarding NE's comment in relation to approval of the onshore preparation works, the Applicants note Requirement 26 of the draft DCO (document reference 3.1) which requires the preparation and submission of onshore preparation works management plans to the relevant planning authority for approval prior to commencement of the specified onshore preparation works. An outline of the details to be addressed within the</p>



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	<p>with relevant authorities in consultation with Natural England to be locations temporarily unsuitable for nesting.</p> <p>If exclusion or buffer zones are proposed, the size of the exclusion zone should be well researched to reflect the disturbance tolerance level of the species identified and be of a sufficient distance to prevent disturbance (noise, visual and vibration) to nesting birds.</p>			onshore preparation works management plans has been provided within the Outline Onshore Preparation Works Management Plan set out in Appendix 1 of the <b>Outline CoCP</b> (REP8-017).
<b>Documents used: 6.7 EA1N Onshore Schedule of Mitigation</b>				
18	<p>Monitoring:</p> <p>Natural England notes that detail on monitoring plans is currently lacking and advises that a commitment to post-construction monitoring is made, in particular in the following cases:</p> <ul style="list-style-type: none"> <li>1 year post-completion of turf stripped and grassland areas which have been removed to assess that natural colonisation or reseeded has been successful, and whether</li> </ul>	<p>Please see Natural England's response in Appendix C9 at Deadline 8. Natural England welcome the additional detail on monitoring. We continue to note that further information will be provided in the final EMP and may have further comment following review of this document.</p>		<p>The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	<p>additional mitigation works may be required</p> <ul style="list-style-type: none"> <li>• Following re-instatement of habitats (see Ref 5.12 in Onshore Schedule of Mitigation), in particular if open cut trenching is used.</li> <li>• 7 years monitoring of hedgerows or until the hedgerows have recovered.</li> </ul>			
19	<p>Natural England welcomes the preparation of a project specific Pollution Prevention and Response Plan and advises that we are consulted within 24 hours should there be a pollution incident within or in proximity to a designated site. We also advise that SNCBs, including Natural England are listed as consultees. This should be agreed in outline as part of the examination.</p>	<p>The Applicant has noted [AS-036] that they will consult NE within 24 hours of an incident being detected. This matter is closed.</p>		<p>No further comments.</p>
20	<p>Natural England welcomes the preparation of a project specific Noise and Vibration Management Plan. We also advise that SNCBs, including Natural England are listed</p>	<p>The Applicant has noted [AS-036] that they will consult NE during preparation of the Noise and Vibration</p>		<p>No further comments.</p>



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	as consultees. This should be agreed in outline as part of the examination.	Management Plan. This matter is closed.		
21	Natural England supports the seasonal restriction of construction works (outside of the breeding bird season; 1st February to 31st August for woodlark and 1st of April to 31st August for nightjar) within the boundary, or 200m outside of the Sandlings SPA to prevent damage or disturbance to designated features of interest. This should be included as a condition in the DCO and COCP. Natural England request consultation on the COCP and suggest that the relevant conservation bodies are included within the document to ensure contact details are accessible if and when required.	Within version 3 of the OLEMS [REP6-037, REP6-037] seasonal restriction is cited as included within the DCO. SNCB including Natural England is also named within the OLEMS document. However, Natural England are not named within the CoCP and should be added as per DCO/DML issue 6.		<p>As detailed with section 1.2.1 of the <b>Outline Code of Construction Practice</b> (OCoCP) submitted at Deadline 8 (REP8-017), where management plans are applicable to works within the Sandlings Special Protection Area (SPA) or the Leiston – Aldeburgh Site of Special Scientific Interest (SSSI) the Applicant will consult with the relevant statutory nature conservation body (Natural England) during preparation of the plan.</p> <p>Subsequent to further discussions with NE, the Applicants will update Section 1.2.1 of the <b>OCoCP</b> (REP8-017) to specifically list those plans which the Applicants will consult the relevant statutory nature conservation body during their preparation, and over what geographic area (i.e. Work Nos.) this consultation relates to (to include areas within the Sandlings SPA and Leiston-Aldeburgh SSSI and areas which could affect the Sandlings SPA and Leiston-Aldeburgh SSSI).</p>
22	Note this point is repeated in error from point 17 above and therefore obsolete			
Documents used: 8.7 EA1N Outline Landscape and Ecological Management Strategy				
23	Natural England welcomes the mitigation prescribed for woodland,	Natural England welcomes the inclusion of hedgerow mitigation on the		No further comments.



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	<p>scrub and trees and encourage the Applicant to incorporate net gain into their strategy. We support the commitment to an aftercare period for all newly planted hedgerow, shelterbelts and woodlands.</p> <p>A Hedgerow Mitigation Plan should be developed in consultation with Natural England prior to the removal of hedgerows. This mitigation plan should be included within Ecological Management Plan, Landscape Management Plan or OLEMS as appropriate.</p>	OLEMS document at Deadline 3 [REP3-030 and REP3-031]. Natural England acknowledges there is no formal requirement for net gain with NSIP applications but encourage the Applicant to seek opportunities for enhancement and ecological connectivity. Please see Appendix C7		
24	Natural England requests that Statutory Nature Conservation Bodies (SNCBs) including Natural England are consulted on the Ecological Management Plan.	Resolved. Natural England notes that within the OLEMS version 3, Paragraph 426 states that SNCB's will be consulted on the final EMP. Although Natural England is not specifically named as a consultee.		No further comments.
25	Added after SoCG meeting with Applicant 19/02/2020: Applicant confirmed that HDD will not be used as a method of cable laying to cross the Hundred River. Natural England raised concerns about potential impacts to Sandlings SPA	See Natural England response to the Watercourse Crossing Method Statement at Deadline 6 [REP6-041, REP6-042]. Whilst concerns remain about the impacts to habitats at the crossing itself, NE welcome the assessment of potential impacts		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	if an open trenching method is used. Reasons that HDD is not possible should be clearly provided in examination and if open trenching is used, the impacts of the trenching also need to be fully assessed, particularly in relation to water quality effects on the Sandlings SPA and protected species. Any mitigation and restorations required should be submitted. Outline plans should be provided to support consent and we request consultation on all documents associated with cables crossing the Hundred River well in advance of pre-construction surveys and works. This should be included as a condition in the DCO.	downstream and the conclusion that there is unlikely to be an AEoI of the Sandlings SPA and significant adverse effect on the notified features of the SSSI from the proposed crossing if carried out in strict accordance with the proposals.		
26	NEW ISSUE AT DEADLINE 5. After the submission of the EA1N/EA2 applications the area of woodland on the west side bank adjacent to the proposed Hundred River crossing location has been identified, as priority deciduous woodland, but MAGIC.gov.uk doesn't differentiate between the	Ongoing Concerns. Please see Appendix C9 at Deadline 8 for Natural England's response to the Watercourse Crossing Method Statement 6 [REP6-041, REP6-042].		The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1))



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	different types of priority deciduous woodland. If this is wet woodland it is a priority habitat under the UK biodiversity Action Plan (UK BAP) which are considered the habitats that are most threatened and requiring conservation. Therefore, Natural England would advise that mitigation measures are required to avoid impacts to this woodland.			
<b>Document Used: 6.1.29 EA1N Environmental Statement Chapter 29 Landscape and Visual Impact Assessment</b>				
1	Vital mitigation measure is for the onshore cabling to be installed for both simultaneously and not sequentially. The Applicant discusses some ducting possibly being installed to accommodate both schemes when one is being constructed. The AONB 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.	Resolved. NE welcomes the information within the Project Update Note [REP2-007] submitted by the Applicant at D2 that simultaneous installation of the cable infrastructure for both the EA1N and EA2 projects when the first of the two proceeds will significantly lessen and landscape or ecological impact.		No further comments.
2	NE would like to see an anticipated timetable / schedule for how construction activities would	n/a		The Applicants refer back to Plate 6.32 within Chapter 6 of the ES (APP-054) and the Onshore Cable Route Works Programme Clarification Note (REP3-056) which





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	progress along the cable route within and in the immediate setting of the AONB, what construction consolidation sites and associated or other construction infrastructure and equipment would be present and how long after commencement all signs of active construction activity would be removed from the AONB. This information would complement the stated expectation that the landfall construction site and infrastructure for each scheme being present for twenty months.			provides an illustration of the indicative onshore cable route construction sequence and timing. This can be viewed in conjunction with Figure 6.2 of the ES (APP-097) to provide more context on the phasing of the works.
3	NE welcomes the assessment of cumulative impacts of the EA1N and EA2 OWFs with the construction and operational phases of Sizewell C. In addition to the outlined mitigation to reinstate the landscape character and special qualities of the AONB post-construction, Natural England advises that all parties consider landscape enhancement/net gain opportunities within the AONB. We advise that there is an agreement put in place on how this could be	Following Vanguard decision recommended consideration of an updated assessment for Sizewell, specifically the new jetty. See Deadline 6 cover letter.		The Applicants submitted a <b>Landscape and Visual: Sizewell C Cumulative Impact Assessment</b> at Deadline 8 (REP8-075) to addresses comments from Natural England in its Deadline 6 submissions (REP6-112) relating to the Norfolk Vanguard Judgement and cumulative effects of the Projects within SZC.



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	achieved with the AONB partnership in consultation with Natural England and others.			
<b>Comments on Visibility</b>				
1	(Point 3.1.1) Natural England notes that the text used in Offshore Visibility Appendix (PIER Appendix 28.7, ES Appendix 28.8) are essentially the same. We reiterate the relevant parts of our s42 consultation response. We also add further comments in response to new text in the ES SLVIA and as a result of the evidence gathered by NE in the summer of 2019 as provided for within our Relevant Representation. An understanding of the likely number of turbines within the array which would contribute most to the predicted significant landscape and visual effects would be helpful in determining this application.	No update		No further comments.
2	(point 3.1.2) At the S42 consultation NE commented on the information and statements	Natural England has reviewed the (2013) article submitted in response by the Applicant at Deadline 2 [REP2-		No further comments.



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	<p>contained in paragraphs 8 and 12 of 28.8 (paragraphs 7 and 11 of PEIR document 28.7). We reviewed our comments and provided an update . A copy of quoted research document</p> <p>'Offshore Wind Turbine Visibility and Visual impact Threshold Distances (2012)', included as an appendix to the ES would be helpful.</p>	004]. Natural England acknowledge the useful information presented within this article, however we have no specific comment of relevance to the examination process.		
<b>Comments on night time effects</b>				
3	<p>(Point 3.2.1) Natural England's advice at s42 included comments on the night time effects produced by the navigation lighting associated with the EA1N turbines. From our review of the ES SLVIA documents we can find no evidence that our comments have been addressed. We request therefore that these effects are assessed and the results used to inform the significance of effect judgement for both landscape and visual receptors and the potential</p>	<p>Deadline 1 Appendix E1b NE Response (Point 3.4.1.) [REP1-171] and outcome of July workshop - Resolved - NE welcomes the Applicant's commitment to reduce the intensity of the aviation lighting to 200cd whenever atmospheric conditions permit.</p>		No further comments.



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	such effects might on the special qualities of the AONB.			
<b>Comments on the AONB Baseline</b>				
4	(Point 3.5.1) For the s42 consultation Natural England made comments on the anticipated trends in the AONB baseline conditions and these are repeated from the s42 consultation.	Ongoing Issue.		The Applicants have provided an updated assessment which takes into account the material changes made to the Sizewell C beach landing facility (REP8-075).
<b>Comments on Cumulative Effects</b>				
5	(Point 3.9.1) As a result of interactions with the EA2 OWF project Natural England agrees that the EA1N OWF project will not meaningfully contribute to the significant cumulative effects of these two OWF projects.	REP1-157 (Point 3.11.1) - Cumulative Effects with EA2 Ongoing: The values presented by NE updated to view height of 6.5m.		<p>The Applicant notes and agrees that there will still be residual cumulative effects from the presence of the wind turbines and offshore platforms located within the East Anglia TWO windfarm site in conjunction with the wind turbines and offshore platforms located within the East Anglia ONE North windfarm site, although it is understood to be agreed with NE that that the cumulative effect will be reduced through the creation of a clear gap in the seascape between the two windfarms and the avoiding of a 'curtaining' effect.</p> <p>The Applicant notes NE's assessment that the Project will not meaningfully contribute to the significant cumulative effects with East Anglia TWO and agrees with NE that the contribution of the Project to these cumulative effects is relatively small. The Applicant notes agreement</p>



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				elsewhere in NE's response that the Project windfarm site results in no significant landscape and visual effects.  Therefore, the Applicants query why this is an ongoing issue for East Anglia ONE North.
	Although the contribution the EA1N project makes to the cumulative effects at the LCTs listed, NE advises that opportunities should be sought to reduce this contribution as far as possible within the design envelope of the OWF project. In particular the use of lower turbines (250m) for the EA1N OWF project would assist in reducing the cumulative effects predicted in both the EA2 and EA1N ES SLVIA.	REP1-157 - NE welcome the prevision of the apparent height figures for the EA1N (both 300m and 250m turbines) and Galloper array. These values are similar to those we calculated and presented in our Relevant/Written Representation.		No further comments.
		REP1-157 - Resolved: Following confirmation that the maximum blade tip height for EA1N will be 282m at the July Workshop NE agrees with the Applicant that further mitigation of turbine height for EA1N is not required. NE requested testing of 282m height tip during examination.		No further comments.
Comments on Cumulative Effects				
23	(Point 3.11.1) The ES SLVIA for EA1N judges that there are no significant landscape and visible effects resulting from this scheme despite the use of turbine	Agree to disagree		No further comments.



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	technology identical to that used in EA2. The separation distance of the EA1N scheme from the coast of the AONB is greater than that of EA2 and the lateral spread smaller when viewed from the coastline. Natural England agrees with this conclusion although notes that opportunities exist to reduce these effects further through the use of shorter turbines.			
<b>Comments on Summary and Conclusions</b>				
6	(Point 3.10.1) Natural England agrees with the assessment of no significance effect for landscape and visual receptors within the AONB or its seascape setting. We also agree with the judgement that of no significant effects on the special qualities of the AONB and users of the Suffolk Coastal Path. Although we disagree with some of the reasoning set out in the Summary and Conclusions section of Chapter 28 we do not believe our advice on these is required.			No further comments.



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7	(Point 3.10.2) We agree that the contribution made by the EA1N OWF project to the cumulative effects of the EA2 OWF project is small. However, we note that opportunities do exist to reduce this contribution further through the use of shorter (250m) turbines. NE does not consider that the combined lateral spread of the two arrays is likely to result in significant adverse visual effects. The reduction in the lateral spread of the EA2 array has eliminated the possibility of a 'curtaining effect' where views of the horizon are obscured due to the apparent merging of the EA1N and EA2 arrays.	Resolved		No further comments.
<b>Document used: 6.1.4 EA1N Environmental Statement Chapter 04 Site Selection and Assessment of Alternative</b>				
1	Although the decision to cross the Sandlings SPA at the narrowest section is welcomed, it should be noted the decision to HDD or trench through this section has yet to be determined. There is still the potential for impacts and	The Applicant submitted an updated SPA Crossing Method Statement at Deadline 6 [REP6-036]. Please see our response at NE Deadline 8 Appendix C9.		The Applicants have provided a response to NE's Deadline 8 Appendix C9 at Deadline 9 in <b><i>Applicants' Comments on NE Deadline 8 Submissions</i></b> (document reference ExA.AS-4.D9.V1)



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	disturbance to occur to species using the SPA despite this narrowest route.			
2	Natural England queries if the removal of a section of woodland been fully considered within the ES. Signposting to this would be useful. Has the Applicant considered alternatives to not removing the woodland and will the woodland be replaced?	The Applicant signposted Natural England [AS-036] to the relevant sections and documents, we are satisfied this issue has been considered.		No further comments.
3	Although Natural England recognises the options of crossing the SPA, trenching or HDD, the Applicant needs to make it clear what the impacts will be if the EA2 and EA1N cable routes are put in sequentially rather than at the same time (see point 4 below). This applies to other scenarios such as Aldeburgh road woodland.	Resolved. NE welcomes the information within the Project Update Note [REP2-007] submitted by the Applicant at D2 that simultaneous installation of the cable infrastructure for both the EA1N and EA2 projects when the first of the two proceeds will significantly lessen and landscape or ecological impact.		No further comments.
<b>Document used: 6.1.6 EA1N Environmental Statement Chapter 06 Project Description</b>				
4	It is not clear whether the cable corridor area described is intended for both EA1N and EA2, i.e. will all cable installation for both projects	Ducting by the first project for the second project has been agreed and therefore this issue is now resolved.		No further comments.





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	<p>take place within the same 32m wide corridor or will there be 2x 32m cable corridors, one for EA1N and one for EA2?</p> <p>If the cable routes for both EA1N and EA2 are installed within the same 32m wide corridor, will this occur sequentially or at the same time?</p>			
<b>Document used: 6.1.7 EA1N Environmental Statement Chapter 07 Marine Geology, Oceanography and Physical Processes</b>				
5	<p>Natural England advises that evidence needs to be presented to support statements that the maximum volumes of sediment released from sea bed preparation is five times greater than is likely to be released by scour. This currently seems quite arbitrary to base the assessment of scour during the operational phase on. Does this only apply to near-surface sediments as indicated by table 7.3?</p>	<p>The Applicant submitted a document [AS-036] that states that the figure only applies to near-surface sediments - those which will be released by scour. Natural England is satisfied this issue has been addressed.</p>		No further comments.
6	<p>Much of the cable corridor sits within the Outer Thames Estuary SPA and there is the potential for</p>	<p>The Applicant submitted a document at Deadline 3 [REP3-059] outlining the effects on supporting habitats of Outer</p>		No further comments.



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	disturbance to the features during any proposed works. Likewise, these subtidal sandbanks are key feeding areas for designated features such as red-throated diver. Therefore, for works including disposal within the sandbank areas there will need to be an assessment of the impacts against the conservation objectives for the site.	Thames Estuary SPA. Impacts against the conservation objectives have been included and we agree with the Applicant that there is no AEoI.		
7	Assuming some of the cable protection will be laid within the SPA boundary, has the Applicant considered the loss of supporting SPA habitat for the designated features? This will need to be considered across several thematic areas including offshore ornithology, sediment transportation and benthic	The Applicant submitted a document at Deadline 3 [REP3-059] outlining the effects on supporting habitats of Outer Thames Estuary SPA. This document removes Natural England's consents regarding AEoI regarding cable protection and OTE SPA.		No further comments.
8	It is clear from the ES that both project sites exhibit large areas of sandwaves and mega ripples. This suggests to Natural England that a significant amount of sandwave clearance may be needed. If so,	The conclusions are agreed from the Effects on the Supporting SPA Habitats Document [REP3-059]. NB: Ongoing issue in relation to micro-siting of reefs.		No further comments.



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	then it is essential that the applicant sufficiently considers the impact of disturbance and prey availability upon the interest features of the Outer Thames Estuary SPA, plus the potential loss of Sabellaria spinulosa reef which should be avoided by micro-siting where possible.			
9	The ES indicates that a relatively large area of the export cable corridor is predominantly silt. Has this change in sediment been fed into the impact assessment to determine the impact of trenching cables within this area? A greater percentage of silt within the sediment will result in a more persistent suspended sediment concentration following	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed.		No further comments.
10	Is there any site specific evidence from the EA One construction of the actual sediment concentrations that were experienced during foundation installation?	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed		No further comments.



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11	Clarification on why there is such a wide difference in the potential height of drill arisings mounds would be welcome. In addition the persistence of any mound/s would also need to be considered. If this is hard substrata then it would need to be potentially added to the in-combination assessment of any cable/scour protection; especially in relation to potential impacts to the conservation objectives for the Outer Thames SPA.	No update		The Applicant highlights that any drill arisings would be associated with turbine or offshore platform foundations, these would be within the windfarm and therefore outside of the SPA. They would not contribute to any in-combination effects upon the SPA.
12	Although the overall sediment release volumes would be low and confined to near the sea bed; it is not clear if there has been an assessment of the impacts at varying depths? This may apply more to the export cable installation further inshore.	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed.		No further comments.
13	A relatively large area of the export cable corridor is predominantly silt. There seems to be no assessment of how this would affect the dispersion and settlement rate, particularly in nearshore shallow	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed.		No further comments.

**Applicants' Comments on NE's D8 Risk and Issues Log**  
15<sup>th</sup> April 2021



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	waters and any designated sites. Further information would be welcome.			
14	Natural England queries if there is an opportunity to microsite jack up vessels legs if habitats of conservation interest are found in the area during pre-construction surveys?	Please see REP2-056.		No further comments.
15	Although the worst case scour volume of 50,000 m3 is considerably less than the worst case volume of sediment released following sea bed preparation activities, this impact could be considered longer term as scour is likely to continue during the lifetime of the wind farm. It is not clear how this been considered and assessed by the applicant?	The Applicant's response to NE's RR/WR [AS-036] confirmed the figure was in error, we welcome the correction.		No further comments.
16	The ES Table 7.32 concludes that the magnitude of effect on sea bed morphology due to the presence of foundations is high in the near field. Further expansion within this section on what this means for the receptors concerning this chapter	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed		No further comments.



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	would be useful. We understand the effect will be raised in other chapters, but it is hard to understand what this magnitude means for this particular topic.			
17	The Applicant identifies this impact (changes to the sea bed morphology due to the presence of foundation structures) as not having the potential for cumulative impacts, as the foundation structures affects a discrete area of seabed. However, in-combination with other windfarms and their associated foundation footprints could these discrete areas be combined to create a large overall impact?	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed		No further comments.
18	Natural England queries what is this accepted threshold of 5 % and less for cumulative effect on baseline wave regime based upon? What are the predicted impacts of a greater than 2 % increase upon the sensitive receptors for marine geology, oceanography and physical processes?	The Applicant submitted a document [AS-036], NE is satisfied this matter is agreed.		No further comments.



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<b>Document used: 6.1.9 EA1N Environmental Statement Chapter 09 Benthic Ecology</b>				
19	Natural England wishes to highlight that the worst case scenario for benthic ecology should be related to the foundation type and not the blade tip height. We believe that this has been covered in the chapter so raises as a point to note to the examiner.			No further comments.
20	Natural England highlights that the Rochdale envelope remains all-encompassing including the use of Gravity Based foundations that have not been used in English waters to date. Therefore, we would question why these have continued to be included in the Environmental Statement (ES). Especially as it unrealistically skews some of the assessments.			No further comments.
21	Please be advised that there should be a commitment that is secured in one of the DCO/DML reference docs relating to the clearance of boulders should be	Section 5 of REP6- 039 clearly states that boulder relocation is restricted from areas of Sabellaria Spinulosa Reef this matter is resolved		No further comments.



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	away from habitat of conservation important.			
22	<p>Natural England supports the undertaking of sandwave levelling if as stated it reduces the need for cable protection. However, we do recognise that sandwave levelling activities (including sediment disposal), is likely to have a significant effect (LSE) on the interest features of the Outer Thames Estuary SPA and will need to be considered against the conservation objectives for the site in an Appropriate Assessment.</p>	The Applicant submitted a document at Deadline 3 [REP3-059] outlining the effects on supporting habitats of Outer Thames Estuary SPA. This document removes Natural England's consents regarding AEOI regarding sandwave levelling and OTE SPA.		No further comments.
23	We welcome the commitment to avoid sensitive receptors when undertaking sandwave levelling works, but where possible sand should be disposed in similar particle sized areas.	Ongoing with disposal locations to be agreed post consent.		The Applicants have agreed with the MMO for disposal locations to be licensed post consent once additional contaminant sampling has been undertaken. Therefore, the Applicants consider this matter to be closed and query why it is assigned as amber.
24	It would be helpful if the Applicant could provide context from East Anglia ONE in relation to the amount and location of cable	The Applicant submitted a document at Deadline 3 [REP3-059] outlining the effects on supporting habitats of Outer Thames Estuary SPA. Natural England		No further comments.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	protection placed along the export cable.	is content that the most relevant data has been used to inform the Applicant's position.		
25	Natural England notes that the placement of new cable protection over the life time of the project is not included in the assessment. Is this because a separate marine licence will be applied for at the time?	Natural England consider the new wording regarding cable protection appropriate. However, we maintain our position that any cable and scour protection deployed in areas where no cable or scour protection was deployed during construction should require a new Marine Licence. See Natural England response in Appendix G5.		<p>The Applicants have provided a response to NE's Deadline 8 Appendix G5 at Deadline 9 <b>Applicants' Comments on NE Deadline 8 Submissions</b> (document reference ExA.AS-4.D9.V1).</p> <p>The Applicants welcome that the NE have agreed to the condition wording in respect of operational cable and scour protection on a without prejudice basis.</p>
26	Please be advised that the assessment of cable protection is not consistent with Natural England recent draft advice position paper as provided for Boreas examination. Ideally drill arisings should be deposited in areas of scour protection against to turbines and/or similar habitats.	No further update		<p>See Row 25 with regard to cable protection</p> <p>The Applicants are unsure as to the reason for mentioning drill arisings in this point</p>
27	Please be advised that mitigation in the form of micro-siting is not normally secured as part of the In Principle Monitoring Plan. Further	Outstanding disagreement on the ability to successfully microsite.		The Applicants highlight that micro-siting of <i>Sabellaria</i> reef is secured through conditions of the DMLs which require the approval of a Sabellaria Reef Management Plan in accordance with an outline Sabellaria Reef Management Plan (REP6-039) and for details of environmental micro-siting requirements to be submitted prior to UXO



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	consideration should be given to how best to do this.			<p>clearance activities and also in the context of the design plan prior to commencement of construction. The Applicants are therefore not proposing to secure micro-siting through the IPMP.</p> <p>The Applicants consider that the Outline Sabellaria Reef Management Plan (REP6-039) provides sufficient control for the management of impacts on <i>Sabellaria</i> reef and that where there is potential for interactions to occur, a robust process to ensure that potential impacts are minimised as far as possible will be put in place.</p> <p>The Projects are not located within an area protected for benthic habitats.</p>
28	Natural England notes that no benthic ecology monitoring is proposed. However, this differs from what is outlined in the In-Principal Monitoring Plan (Page 10, Table 2 within Section 1.6.4). Natural England agrees with the IPMP and advises that potential impacts to <i>Sabellaria spinulosa</i> reef areas will be required.			The Applicants note the IPMP (REP8-028) secures monitoring of benthic communities, <i>Sabellaria</i> reef and the potential spread of marine non-native invasive species.
29	Please be advised that all reef is reef no matter the quality and is therefore protected as such.	NE welcomes that there is no distinction in the SRMP between reef quality. However, there remains uncertainty in relation to avoidance		See row 27.

# Applicants' Comments on NE's D8 Risk and Issues Log

15<sup>th</sup> April 2021



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
		and how the impacts will be reduced which is left to post consent.		
30	Natural England notes that impacts to mapped sandbanks will be avoided. However, there remains an impact to 1,000,000m <sup>3</sup> of sediment, which is not small. It would therefore be useful know footprint/spatial extent to the impacts. However, at this stage we can advise that there would be a LSE which would require further consideration as part of an Appropriate Assessment.	The Applicant submitted a document at Deadline 3 [REP3-059] outlining the effects on supporting habitats of Outer Thames Estuary SPA. The Applicant has stated that a worst case assumption for sand wave levelling footprint is estimated to be 800,000m <sup>2</sup> for the entire offshore cable corridor within the overlap with OTE SPA. NE considers that the relevant information has now been provided.		No further comments.
31	Natural England notes that cable protection is proposed at the HDD exit point. Please be advised that there will need to be join up in relation to potential impacts to coastal processes and sediment transport.	No update		The Applicants submitted an updated <b>Outline Landfall Construction Method Statement</b> at deadline 8 (REP8-054).
32	Natural England doesn't support the view that reef on artificial substrate is Annex I reef. Please see Appendix F3 for our advice on the Boreas offshore windfarm application. But it is recognised that			No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	as the works are not within a designated site there is no legislation under pinning this advice.			
<b>Document used: 6.1.10 EA1N Environmental Statement Chapter 10 Fish and Shellfish Ecology</b>				
33	<p>Although larval abundances between 2007- 2017 have been relatively low as described by Figures 10.15 to 10.17, there is little mention of the nursery grounds in relation to Herring. Figure 10.14 indicates that the cable corridor in particular is a high intensity nursery ground. Natural England would welcome further consideration of how impacts to nursey grounds may effect prey availability for the interest features of the marine protected areas.</p> <p>Natural England also advises that the impacts of climate change, particularly the redistribution of species as a result, is considered within the assessments against the variety of species considered.</p>	Natural England Defer to MMO on this matter		The Applicants note that Natural England have deferred to the MMO on this matter and consider that this issue of prey availability was covered in the Effects on Supporting Habitats of Outer Thames Estuary SPA report (REP3-059) which NE have stated they are content with.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
34	As raised in our Preliminary Environmental Information Report (PEIR) response, the reference used within this paragraph is very old, nearly 40 years. Is there any more recent evidence to show herring tolerance to elevated suspended sediment concentrations? Also what does Kiorboe et al. 1981 define as "short term" exposure?	Natural England notes that this matter remains outstanding. However, we defer matters on fish and shellfish to the MMO and consider this issue of minor significance.		The Applicants stated [AS-036] that an extensive literature review has been conducted. There is no more recent evidence, the Applicants have used the best available evidence.
35	Is there any further site specific information to determine the likelihood of being in direct contact with sand eel habitat and linking this to the noise modelling impacts to have a greater understanding of the risk given to sand eels?	Natural England has deferred to CEFAS on this matter		All matters regarding sandeel have been agreed with the MMO (see MMO SoCG REP8-132) and therefore the Applicants query why this has been assigned as amber.
36	Is there a reason why the applicant cannot commit to burying their cable to a minimum depth of 1.5m?	We continue to consider this to be of minor significance. See Offshore SoCG.		No further comments.
<b>Document Used: 3.1 EA1N Draft Development Consent Order</b>				
1	NE disagrees with definitions of "commence" and "offshore preparation works". The wording permits damaging works (e.g UXO	The Applicant submitted a Schedule of Changes to draft DCO at Deadline 6 [REP5-005]. Natural England welcomes the update to the definition		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	detonation). The wording is also open to the inclusion of more activities than specified and thus could lead to works such as boulder removal, sandwave levelling, pre lay grapnel runs and other potentially environmentally damaging works. These works could commence before the appropriate methodologies and documentation have been approved. As there would be no regulatory involvement it is not certain if pre construction surveys would be completed to sufficiently inform and agree micro siting requirements. Thus leading to an increased risk of impact to features of conservation value (e.g biogenic reef). The words 'but not limited to' should be removed, as should reference to UXO detonation works.	of offshore preparation works and notes the amendments.		
2	Natural England does not agree with the definition of "maintain". Specifically that works linked as ancillary works (listed in schedule 1 part 1) are part of maintenance.	No update - issue ongoing		The Applicants consider the definition of "maintain" to be entirely appropriate. See row 25 of the above item in relation to the Applicant's position regarding scour and cable protection.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	Works such as cable protection and scour protection deployment are construction activities which can have significant environmental impact. They should not be included within the definition of maintenance. Please see Natural England and the MMO positions on deployment of cable protection.			
3	Arbitration: Natural England does not consider that it is appropriate for post-consent sign-off of DML conditions to be subject to arbitration. Natural England suggests that this wording be amended to that which was used by the Secretary of State (SoS) while deciding on this issue in the Tilbury 2 application. Natural England also refers to the representations and submissions on arbitration submitted during the recent Hornsea 3, Vanguard and Thanet Extension applications.	Resolved: The updated Draft DCO and schedule of changes to the draft DCO [REP011, REP012 and REP013] submitted at Deadline 3 includes the amendment to the arbitration article to make it clear that decisions undertaken by the MMO or the SOS post consent will not be subject to arbitration. This addresses our concern with this article.		No further comments.
4	Many areas and volumes are given as m2 and m3, they should be m <sup>2</sup> or m <sup>3</sup> .	Resolved: The updated Draft DCO and schedule of changes to the draft DCO [REP011, REP012 and REP013]		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
		submitted at Deadline 3 includes amendments to m <sup>2</sup> or m		
5	No volumes or areas of cable protection are provided but are recorded within the DMLs. The ES project descriptions have separate areas of cable protection for the cable crossings. Clarification is needed to explain if volumes are recorded within the totals within the DMLs or if they are additional to the DML volumes. If additional, volumes should be recorded in the DCO/DML to ensure the maximums are stated and enforceable. No volumes or areas of disposal are provided. Maximum amount of disposal should be provided and split into hard substrate (drill arisings), boulder relocation and soft sediments (sandwave levelling and ground preparation). The total volumes are recorded within the DMLs and split according to activity. This application and project description includes detonation of UXO. If these works are to be licenced and	No update		The Applicants maintain the position presented in AS-036 at Deadline 1 that deposits are licensable marine activities and are therefore regulated by the DMLs. There is no need for these area or volumes to be specified in schedule 1 of the DCO.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	given the significant potential for impact the maximum number of detonations and the maximum size of detonation (UXO in kg) should be recorded. These factors should also be recorded in the DMLs to ensure no works outside of the scope of the ES details take place.			
6	The relevant statutory nature conservation body should be named as a consultee on the updated Code of Construction Practice (CoCP). This is to ensure the appropriate environmental considerations are provided within these documents.	The Relevant SNCB should be named as a consultee within the COCP - see comments in Appendix G5 and Appendix C9 at Deadline 8.		<p>As detailed with section 1.2.1 of the <b>Outline Code of Construction Practice</b> (OCoCP) submitted at Deadline 8 (REP8-018), where management plans are applicable to works within the Sandlings Special Protection Area (SPA) or the Leiston – Aldeburgh Site of Special Scientific Interest (SSSI) the Applicant will consult with the relevant statutory nature conservation body (Natural England) during preparation of the plan.</p> <p>Subsequent to further discussions with NE, the Applicants have agreed to update Section 1.2.1 of the <b>OCoCP</b> (REP8-018) to specifically list those plans which the Applicants' will consult the relevant statutory nature conservation body during their preparation, and over what geographic area (i.e. Work Nos.) this consultation relates to (to include areas within the Sandlings SPA and Leiston-Aldeburgh SSSI and areas which could affect the Sandlings SPA and Leiston-Aldeburgh SSSI).</p>
7	The relevant statutory nature conservation body should be	Resolved. The updated Draft DCO and Schedule of Changes to the draft		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	named as a consultee on the onshore decommissioning plan. This is to ensure appropriate ecological mitigation and considerations are made within the decommissioning works.	DCO [REP011, REP012 and REP013] submitted at Deadline 3 - includes reference to 'consultation with the relevant statutory nature conservation body'.		
8	This requirement makes it clear that onshore connection works built under one order can only be built on one order and not both. However, Natural England questions if this requirement adequately ensures that any ongoing monitoring or mitigation works for those areas are clearly secured. Natural England considers it logical that the party who constructed the works should hold responsibility for any required ongoing requirements.	The Applicant stated [AS-036] that under Article 5 the obligations would transfer to the new owner.		No further comments.
9	Definitions of "commence", "offshore preparation works" and "maintain" are not acceptable, see points 1 and 2.	No update on definition of 'maintain'. Issue Ongoing		Please see rows 1 and 2 of this item.
10	This condition requires a notification of completion of construction activities. Does this	Natural England welcomes the proposal to include a close out report condition which would prevent further		The condition was included in the updated <b>draft DCO</b> (REP8-003) submitted at Deadline 8 and the Applicants understand NE and the MMO are content with the



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	<p>condition adequately ensure that no further construction activities can be undertaken under this DML? Natural England considers that this is a notification only. To ensure clarity on the end of the construction period and the start of the operation period and to appropriately trigger the post-construction conditions, Natural England considers that a separate condition may be needed to require the Applicant to inform once all construction activities have completed and that no further construction works will be required under this licence.</p> <p>Recent projects have implied that as their DCO and DML has no requirement or condition ending construction they can complete construction activities throughout the lifetime of the project. Natural England does not consider this appropriate.</p>	turbines from being constructed. Once included in the updated DML this issue can be considered resolved.		wording. Therefore, this matter is considered to be closed.
11	The conditions to ensure removal of UXO can proceed without inclusion under commencement.	Issue resolved - See Appendix G5 response to DCO Version 5 [REP7-006, REP7-007]. Natural England are		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	<p>However, these works also require consideration of potential benthic impacts (biogenic reef). The requirement to preform pre-construction surveys to inform micro-siting of cables must be included to ensure appropriate mitigation. Current drafting has no timing requirements for submission. They need to be submitted a minimum of 6 months prior to the detonation. However, this work will lead to significant duplication of effort for post-construction document approval. NE advises inclusion of UXO within the definition of "commence" and the sign off of plans within the pre-construction conditions. Conditions should be added to DMLs ensure that:</p> <ul style="list-style-type: none"> <li>• 1 UXO is detonated across EA2 and EA1N within a 24 hour period.</li> <li>• No piling will occur concurrent to the UXO detonation or within 24 hours of a detonation.</li> <li>• 1 piling event can occur across EA2 and EA1N within any 24 hour period.</li> <li>• A Co-operation</li> </ul>	<p>expecting a few minor wording changes to be included in an updated DCO at Deadline 8 and expect this issue to be resolved.</p>		



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	Plan/Agreement will be required between EA1N and EA2 if construction periods overlap. These key mitigations in outline SIP pg 30 section 6.1 and should be appropriately secured through condition.			
12	The condition allows for changes to the cable protection if proposed following cable laying operations. However, there is no end date within the condition. Natural England's joint position with the MMO is that it is not appropriate for cable protection to be deployed throughout the operation and maintenance (O&M) phase of a project. This is due to the very large spatial and temporal scale of these licenced works, giving a Rochdale Envelope that is too undefined to appropriately assess. An end date should be included based on the proposals within the Natural England and MMO joint position statement. Any cable protection works after this end date should be licenced separately. It	The Applicant submitted a Schedule of Changes to draft DCO at Deadline 6 [REP5-005]. Natural England welcomes the condition securing the submission of the updated Sabellaria reef management plan six months prior to works		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	should also be noted that further surveys would be required to confirm the presence/absence of Sabellaria reef, such as is required prior to construction.			
13	Natural England considers that within these conditions the requirements to conduct ornithological monitoring (as outlined in the In Principle Monitoring Plan) should be secured.	The Applicant submitted a Schedule of Changes to draft DCO at Deadline 6 [REP5-005]. Natural England welcomes the condition securing ornithological monitoring.		No further comments.
14	All issues raised under Schedule 13 also apply to Schedule 14 where similar conditions exist.			No further comments.
15	Please see point 3 regarding Arbitration.			No further comments.
<b>Document Used: 8.12 EA1N Outline Offshore Operations and Maintenance Plans</b>				
16	The definition of green items states that these items may go ahead and that no additional Marine Licences are needed, but that notification may be required. This is not entirely accurate, some of the items listed as green require	Resolved. Applicant has added wording to the OOMP submitted at Deadline 3 [REP3-038 and REP3-039] to clarify green items will require approval from the MMO.		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	resubmission of plans and documentation and further approvals from the MMO. Natural England suggests that the text is amended to reflect that some green items will require approval and not just notification.			
17	Cable burial using surface protection: Natural England assumes this refers to deployment of cable protection, although the table is not clear on this point. This is listed as green indicating that a further marine licence is not required. Natural England does not agree and considers this should be amber. Please see point 2 and the MMO and Natural England position statements on cable protection. This issue is replicated in the transmission section of the plan and both sections should be amended.	Natural England have agreed to updated DML conditions on a without prejudice basis. The issue regarding deployment of cable protection in new areas for 5 years after construction remains outstanding.		<p>The Applicants welcome that NE have agreed to the condition wording on a without prejudice basis and consider that the outline OOMP should reflect the draft DCO.</p> <p>The Applicants would be grateful if NE could consider agreeing to the outline OOMP on a 'without prejudice' basis as they have done for the condition wording.</p>
18	Scour protection is listed within the table as green. Therefore, it may be deployed with no additional licence required. This should be	Natural England have agreed to updated DML conditions on a without prejudice basis. The issue regarding deployment of scour protection in new		Please see response to row 17 above.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	changed to amber. Scour protection may be deployed up until the maximum assessed in the ES. Any additional protection above the amount assessed in the ES would need additional licences. Natural England advises that maximum amount allowed should be based on the maximum amount assessed in the ES for the individual foundation type. Not the total assessed volume of scour for the entire project and the document should be amended to reflect this. This issue is replicated in the transmission section of the plan and both sections should be amended.	areas for 5 years after construction remains outstanding.		
19	NE does not consider it appropriate to grant a licence to detonate UXO over the lifetime of the project. This is especially relevant to projects located within the SNS SAC where detonation could have significant impacts and should be assessed based on updated information to show consideration of such things as in-combination impacts. If it is	Resolved. Applicant has added wording to the OOMP submitted at Deadline 3 [REP3-038 and REP3-039] to clarify that no UXO clearance events will take place during operation and maintenance period.		No further comments.





Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	decided that it is appropriate to include UXO detonation for the lifetime of the project, then Natural England notes that UXO detonations are listed as green. We would advise that this should be listed as amber as the ES has assessed only a total of 80 detonations up to a maximum size of 700kg and therefore if more than 80 UXO's are found, or a UXO of size greater than 700kg, a new Marine Licence would be required. Additionally, consent will be required for disturbance of European Protected Species (EPS) for all instances and, therefore, it may be more appropriate to list this as red. However, in all instances the need for the EPS consent should be appropriately reflected in this document to ensure appropriate consent is sought within a reasonable time frame.			
<b>Document Used: 8.13 EA1N Offshore In Principle Monitoring Plan</b>				
20	The proposed benthic monitoring only considers construction	Proposals for O&M activities in areas of priority habitats are not included in		The Applicants consider that any operational (and construction) phase activities proposed to be undertaken



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
	activities. The requirement for monitoring for O&M activities, which directly impact the seabed, should be included. This monitoring will be required in the form of geophysical and ground truthing (drop down video) surveys for any areas which have no monitoring and no construction activity within 2 years prior to the proposed O&M works. The post-construction structural/engineering surveys suggested in Table 1 could be used to inform any monitoring should they be in the appropriate location and within an appropriate timeframe.	the IPMP or the OOMP. But benthic monitoring for pre and post installation is now agreed.		in the vicinity of priority habitats (e.g. <i>Sabelallria</i> reef) won't be undertaken until approval has been sought from the MMO who the Applicants understand will consult with NE during the approval process.  The Applicants welcome that NE agree the proposals for benthic monitoring.
21	Natural England notes that we would like to engage with the Applicant on the potential monitoring requirements for marine mammals and the potential for contribution to strategic monitoring. Following this discussion there may be a need to update this section to better reflect the monitoring that will be required.	The Applicant submitted an updated IPMP at Deadline 6 [REP6-015, REP6-016]. Natural England welcome the commitment to work strategically and collaboratively with other OWF sites. Please see Appendix F9 for detailed comments.		No further comments.



Point	NE's Relevant Representation	Consultation, actions, progress	D8 RAG Status	Applicants' Comments at Deadline 9
22	Natural England refers to our points 47 and 48 in Annex A Offshore Ornithology.	No further update		No further comments.
23	New Issue at Deadline 8. Schedule 13, Part 2, Condition 26. Natural England notes the updated wording and the inclusion of the SIP requirement as a separate condition. While we support most of the wording, we would request clarification on if the wording would allow for multiple SIPs to be submitted and approved.	New Issue at Deadline 8. See this inclusion in Natural England Response in Appendix G5 at Deadline 8.		<p>The Applicants have provided a response to NE's Deadline 8 Appendix G5 at Deadline 9 in <b>Applicants Comments on NE Deadline 8 submissions</b> (document reference ExA.AS-4.D9.V1)</p> <p>The Applicants consider that the previous wording of the condition allowed for the production of more than one SIP if that is required however in order to address comments raised by the MMO and NE immediately prior to Deadline 8, the Applicants updated the DMLs to provide separate SIP conditions for piling and UXO clearance activities. This change is reflected in the draft DCO submitted at Deadline 8.</p>