



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia ONE North Offshore Wind Farm

**Appendix K9 to the Natural England Deadline 11 Submission**

Natural England's Response to ExA Questions (ExQ3)

For:

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

Planning Inspectorate Reference: EN010077

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7<sup>th</sup> June 2021



ExQs 3	Question to:	Question:	
3.0	<b>Overarching, general and cross-topic questions</b>		
3.0.1	East Suffolk Council, Suffolk County Council, Suffolk Coasts and Heaths AONB, New Anglia LEP, MMO.	<p><b>1</b></p> <p><b>2</b></p> <p><b>Plans and strategies</b>  Please submit copies of the following documents to the examinations. You are only requested to submit those documents for which you are the owner/author. Full documents in PDF format are requested.</p> <p>a) Suffolk County Council  a. Local Transport Plan 2011 – 2031;  b. Suffolk Green Access Strategy (Rights of Way Improvement Plan);  c. Suffolk Minerals and Waste Local Plan 2020.</p> <p>b) East Suffolk Council  a. East Suffolk Strategic Plan 2020 - 2024;  b. East Suffolk Economic Growth Plan 2018-2023;  c. Suffolk Coastal Local Plan 2020;  d. If any policies in the Waveney Local Plan 2019 are considered to be important and relevant then please submit it also;  e. The made Leiston Neighbourhood Plan (2017);  f. A description of progress on and latest drafts (if available) of the Aldringham cum Thorpe, Saxmundham, and Kelsale cum Carlton Neighbourhood Plans and any other Neighbourhood Plan(s)</p>	N/A



ExQs 3	Question to:			Question:	
				<p>considered likely to have important and relevant content.</p> <ul style="list-style-type: none"> <li>c) Suffolk Coast and Heaths AONB               <ul style="list-style-type: none"> <li>a. Suffolk Coast and Heaths AONB – Natural Beauty and Special Qualities Indicators document;</li> <li>b. Suffolk Coast and Heaths AONB Management Plan 2018-2023;</li> </ul> </li> <li>d) New Anglia LEP               <ul style="list-style-type: none"> <li>a. Economic Strategy for Norfolk and Suffolk 2017;</li> <li>b. New Anglia Local Industrial Strategy;</li> </ul> </li> <li>e) MMO               <ul style="list-style-type: none"> <li>a. Suffolk Shoreline Management Plan 7, 2012;</li> <li>b. East Inshore and East Offshore Marine Plans.</li> </ul> </li> </ul>	
3.0.2	The Applicants, East Suffolk Council	1	2	<p><b>Section 111 Agreement</b></p> <p>The ExAs note that East Suffolk Council states in its response to ExQ2.0.5 [REP6-079] that the s111 Agreements will secure funding in order to provide compensatory measures to help address the residual adverse impacts identified within the ESs, but that the Council itself <i>“notes that the Applicants will not be asking the Examining Authority to attach weight to this compensation in its decision-making”</i>, even though the Council themselves have moved to a predominantly neutral position on the overall balance of adverse impacts against</p>	N/A



ExQs 3	Question to:		Question:	
			<p>benefits, partly by taking <i>“into account the compensation secured in the agreements”</i>.</p> <p>Compensation sums that are not secured in the dDCO or accompanying certified documents or in another appropriate and enforceable instrument cannot be accorded weight and may not be able to be taken into account by the ExAs when considering their recommendations.</p> <p><u>To the Applicants:</u></p> <p>a) Do you agree with the Council’s statement that <i>“the Applicants will not be asking the Examining Authority to attach weight to this compensation [the S111 Agreements] in its decision-making”</i>?</p> <p><u>To the Council:</u></p> <p>b) Why has the Council moved to this position when the s111 Agreements do not seek to secure mitigation in relation to specific impacts?</p> <p>c) In circumstances where s111 Agreements do not secure benefits that should (in the Council’s view) be weighed in the Planning Balance, is the Council content with a position in which no weight can be ascribed to any mitigation measure provided by or to any broader community benefit emerging from these agreements?</p>	
	<b>Aviation</b>			



ExQs 3	Question to:			Question:	
3.1.					
3.1.1.	The Applicants, NATS	1	2	<p><b>Civil Aviation</b></p> <p>The Applicants' Topic Position Statements [REP9-009] state that NATS agreement to the wording of Requirement 35 of the dDCO is reliant on a commercial side agreement to be agreed. The document states that the aim was to complete this agreement and an associated SoCG by Deadline 11.</p> <p>a) Provide a further update on the position relation to the Commercial Side Agreement and associated SoCG. Should this not be completed by D11 can the Applicants and NATS confirm that a side agreement will be completed and evidence of completion submitted into the Examination before it closes, and if this is not going to happen then what is the proposed solution?</p>	N/A
3.2.	<b>Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>				
Offshore ornithology					
3.2.1.	Natural England and the Applicants	1	2	<p><b>Red-throated diver (RTD) displacement</b></p> <p>With regard to RTD displacement, on page 36 of [REP10-017], the Applicants state that "... <i>the in-combination assessment is already over-precautionary...</i>".</p>	b) Natural England's view is due to the change in survey platform of the visual aerial survey methods used to inform the original designation of OTE SPA and the more recent digital aerial surveys it is difficult to specifically quantify how substantial a factor the change in survey



ExQs 3	Question to:		Question:	
			<p>a) <u>To the Applicants:</u> Drawing together the evidence from your previous submissions, please provide a summary of your reasoning to justify this statement.</p> <p>The Applicants' argument in relation to the potential displacement effects on RTD is predicated upon its contention that the SPA population is at worst, not declining and at best, may be increasing.</p> <p>b) How confident are you that this statement is robust, given improvements in survey techniques?</p> <p>c) Should future surveys using digital surveying techniques indicate that the SPA population was declining then how would this be accounted for in the mitigation and the compensation measures that you are proposing?</p> <p>d) Does <u>Natural England</u> have any comments on (b) and (c)?</p>	<p>platform was in apparent increase. However, there is clear evidence that digital aerial surveys have a significantly greater level of detection than earlier methodologies, hence them now being industry standard.</p> <p>In REP4-089, REP6-113, REP8-160 we have emphasised the importance of considering all the relevant conservation objectives, including the extent of supporting habitat and distribution. It is clear from recent surveys within the Outer Thames Estuary SPA using digital aerial surveying techniques that the presence of OWFs does affect the distribution of RTDs, (see Figure 8 from Irwin in REP8-160) which shows the largest density of divers is equidistant from the three windfarms – London Array, Kentish Flats and Gunfleet Sands.</p> <p>c) If future surveys indicated a decline in the SPA abundance of RTD and evidence that this was due to the presence of OWFs then it would be difficult to see how the mitigation measure of moving EA1N 2km from the SPA boundary would mitigate, given the extent of displacement is likely to be either 8km as Applicant's modelling suggests, or 11.5km as the London Array monitoring work suggests. It is NE's view that the compensatory measures proposed by the Applicant of managing shipping will not compensate for displacement caused the presence of OWFs. Natural England re-iterates that mitigation and/or compensatory measures are <i>already</i> required</p>



ExQs 3	Question to:	Question:		
				to address the impacts arising from the proximity of EA1N to the SPA, irrespective of what future monitoring shows. The mitigation and compensatory measures proposed by the Applicant for RTD do not adequately address the likely impacts of the proposal on the ability of parts of the SPA to support its qualifying feature.
3.2.2.	The Applicants		<b>2 RTD displacement: East Anglia TWO in-combination effects</b> Notwithstanding your comments on page 36 of [REP10-017], for the sake of completeness please could the Applicants please provide the modelling outputs with the worst-case (i.e. Natural England's mortality assumptions) East Anglia TWO contribution towards RTD displacement included in the in-combination assessment.	N/A
3.2.3.	Natural England	1	<b>2 Legal submissions: RTD displacement – ‘effective habitat loss’</b> In [REP10-017], the Applicants contend that recorded densities of red-throated diver (RTD) vary within the Outer Thames Estuary (OTE) SPA and that to treat all parts of the SPA as being of equal importance for the species is not appropriate. They state that, <i>“the areas of the SPA within the potential zone of influence of the windfarms have consistently recorded lower densities of birds and this is a material factor in considering the magnitude of potential impact”</i> .	Natural England accepts that densities of RTD do vary within the OTE SPA. However, those areas within the boundary of the OTE SPA constitute the ‘most favourable territories’ for this species in the non-breeding season, these having been identified for inclusion in the SPA through the classification process. This used ‘maximum curvature analysis’ to determine those areas of sea with greater importance for divers within a surveyed area, excluding those of lesser importance. This is a transparent and repeatable process used to classify a number of marine SPAs for non-breeding waterbirds.



ExQs 3	Question to:			Question:	
				<p>Does Natural England accept this line of reasoning? If not, please explain your reasons.</p>	<p>Therefore, we do not accept the implication that because some parts of the SPA have lower densities, impacts on these areas should not be considered as potentially resulting in AEol. The proposal will affect parts of the SPA classified as 'most suitable territories' for the conservation of red-throated diver and impair their ability to support that feature of the site. At least 0.5% of the entire SPA (using the Applicants' model outputs) or 1.4% of the SPA (using displacement percentages from the London Array monitoring) will be impacted. This level of effective habitat loss means that an AEol from EA1N alone cannot be ruled out beyond reasonable scientific doubt.</p>
3.2.4.	Natural England	1	2	<p><b>Legal submissions: RTD displacement – 'effective habitat loss'</b></p> <p>In REP9-064, Natural England accepts that exclusion effects can be seen as a continuum of severity and states that <i>"the Bagmoor Wind case appears to have been a severe case"</i>. The Applicants [REP10-017] submit that in the Bagmoor Wind case, there was a concluded ecological consequence (i.e. that the territory was likely to be abandoned resulting in a potential increase in disturbance), whereas for EA1N and EA2, the displacement of RTD would have effects that are too small to detect.</p> <p>a) How does Natural England respond to this position?</p> <p>b) In light of what we understand to be the magnitude of displacement effects on</p>	<p>Natural England highlights that the relevant test under the Habitats Regulations is whether an AEOI can be ruled out beyond reasonable scientific doubt, either from a project alone, or in combination with other projects. In response to the specific questions posed:</p> <p>a) It is clear from a growing body of evidence that RTD are displaced by OWFs and there is no evidence to date that any habituation occurs. Therefore, the consequences of this ongoing displacement effect are that for a proportion of RTD, some of that habitat subject to displacement effects will be no longer available to them.</p> <p>c)The severity of displacement effects from an OWF will depend on its proximity to the SPA. There will be a continuum of effect from an</p>





ExQs 3	Question to:			Question:	
				<p>RTD of the OTE SPA in the case of the EA1N and EA2 projects, where does Natural England consider that the projects sit on the continuum of severity of ecological consequence in terms of potential exclusion effects?</p>	<p>OWF within the SPA, where impacts will be at their most severe, to an OWF beyond 10km, where effects would be difficult to detect. In general, the closer a project is to the SPA boundary, the greater the predicted impact of displacement on the effective area of supporting habitat and distribution of the interest feature will be. This is clear from the two projects under examination. EA1N at 2km from the SPA is predicted to affect between 0.5% and 1.4% of the SPA, a substantial area given the size of the SPA – thereby triggering an AEoI alone. Whereas with EA2 at 8.5km, the area of habitat affected would be between 0 and 0.075% of the SPA – hence our advice being that EA2 will not have an AEoI alone, though it will make a contribution to the in-combination AEoI.</p>
3.2.5.	Royal Society for the Protection of Birds (RSPB)	1	2	<p><b>Cumulative and in-combination collision risk: Hornsea Project Three contribution</b>            In [REP8-171], the RSPB states that it does not agree with the Applicants that the in-combination annual kittiwake collisions apportioned to the FFC SPA should exclude the estimated collisions at Hornsea Project Three because the adverse effect arising from Hornsea Project Three will not be avoided and because it considers the effectiveness of the Hornsea Project Three compensatory measures to be “<i>highly uncertain</i>”. Conversely, Natural England [REP8-166, answer to R17QB.12] agrees with the Applicants’ approach, stating that the</p>	N/A



ExQs 3	Question to:			Question:	
				<p>SoS decision is clear that the impacts from Hornsea Project Three will be fully compensated for.</p> <p>a) Does the RSPB maintain the view expressed in [REP8-171]? If so, please could you elaborate on the reasons for your position?</p> <p>b) Specifically, whilst noting your position that the collision risk impacts from Hornsea Project Three will not be avoided, if the H3 collision risk impact on kittiwake is fully compensated for, please explain why you consider it to be appropriate to include that impact in the in-combination and cumulative assessments?</p>	
3.2.6.	The Applicants and Natural England	1	2	<p><b>Cumulative and in-combination collision risk: Flamborough and Filey Coast SPA</b></p> <p>Paragraph 5 of the letter dated 28 April 2021 from Gareth Leigh of BEIS to Norfolk Boreas Limited (NBL)<sup>1</sup> requests that NBL in collaboration with Natural England provides updated in-combination assessments for collision and/or displacement effects at Flamborough and Filey Coast SPA, with and without Hornsea Project Four Offshore Wind Farm, using Natural England's advised assessment parameters and the latest project parameters</p>	<p>Please be advised that the Norfolk Boreas deadline has been extended to the 25<sup>th</sup> June 2021. Natural England is continuing to work with Ørsted to agree the final figures that will inform the answer to this question. However, we are currently not in a position to answer this question without agreed final HP3 figures, once available we will provide ExA with a response.</p>

<sup>1</sup> Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002810-NORB-Secretary-of-State-letter.pdf>



ExQs 3	Question to:		Question:	
			<p>and baseline ornithology survey data for Hornsea Project Three Offshore Wind Farm. That information is requested by 28 May 2021.</p> <p>Since the in-combination totals used for EA1N and EA2 are derived from figures agreed at D8 of the Norfolk Vanguard examination, what do the Applicants and Natural England consider to be the implications (if any) of those updated in-combination assessments for the EA1N and EA2 examinations?</p>	
3.2.7.	The Applicants	1	<p><b>HRA Derogation Case: Alternatives Assessment</b></p> <p>The ExA is not satisfied that the indicative array area layout plans submitted as Figure 1 in [REP6-044] and [REP8-088] provide an adequate response to ExQ2.2.5 [PD-030] and questioning at ISH14. This has particular importance for the consideration of EA1N effects, where Natural England has argued that increasing the buffer between the array area and the OTE SPA boundary should be considered as a suitable project-level alternative solution. In the absence of an agreed position with Natural England and other IPs, the ExA seeks the presentation of the following material to inform its consideration of the project's HRA derogation case.</p>	Natural England will review the response provided by the Applicant.



ExQs 3	Question to:		Question:	
			<p>a) Please update [REP8-088] to include an indicative layout plan that shows the minimum inter-turbine spacing requirements specified within the offshore parameters of the dDCO (1200m x 800m) and which shows the siting of structures in the eastern part of the array area. On that plan, please indicate the distance between the closest of the WTGs and the boundary of the OTE SPA.</p> <p>b) If you wish to retain the plan currently presented in [REP8-088] (in addition to, and not instead of, the plan requested under part (a) of this question), then please justify the spacing distances presented and explain why you consider that a spacing arrangement more akin to the minimum spacing requirements could not realistically, in practice, be provided.</p> <p>c) Please also update the layout plan to ensure the key shows which is the purple solid line and which is the purple dashed line for the respective EA3 export cables. Please supplement the supporting text to explain why it is necessary to allow for both a preliminary and alternate export cable for EA3 and clarify why four structures are depicted within one of the cable exclusion zones.</p> <p>d) In section A.1.2.2 of [REP8-088] you refer to the Ulysses 2 cable and the EA3 export cables crossing the EA1N site and indicate that an exclusion zone of 500m on either side of each cable is required.</p>	



ExQs 3	Question to:			Question:	
				<p>However, in Figure 1 of the same document you indicate a cable exclusion zone of 750m. Please explain why these two greyed out zones in Figure 1 are 750m rather than 1,000m wide, or alternatively, amend the plan at Figure 1 to reserve cable exclusion zones that are 1,000m in width.</p>	
3.2.8.	The Applicants, Natural England, RSPB	1	2	<p><b>Without prejudice compensation measures [REP8-089]: level of detail in relation to implementation</b></p> <p>Natural England expresses a view [REP9-065] that greater detail about the design and implementation of compensatory measures is needed to provide the SoS with the necessary confidence that those measures can be secured. This is a position echoed strongly by the RSPB [REP10-054, REP9-071]. The Applicants maintain the position [REP10-017, REP10-018, REP9-016] that compensation measures are appropriately secured and provide adequate levels of compensation, whilst providing necessary flexibility to allow for refinements in detail in the post-consent period.</p> <p>The ExAs note that publicly available correspondence<sup>2</sup> from the Secretary of State in relation to the decision stage for the</p>	<p>Natural England provides the following list of general topics that fully-formed compensation proposals should provide prior to determination, noting that this is not an exclusive list:</p> <ul style="list-style-type: none"> <li>a) What, where, when: clear and detailed statements regarding the location and design of the proposal.</li> <li>b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations</li> <li>c) Demonstrate that on ground construction deliverability is secured and not just the requirement to deliver in the DCO i.e. landowner agreement is in place</li> <li>d) Policy/legislative mechanism for delivering the compensation (where needed)</li> <li>e) Clear aims and objectives of the compensation</li> </ul>

<sup>2</sup> Letter dated 28 April 2021 from Gareth Leigh of the Department for Business, Energy and Industrial Strategy to Borfolk Boreas Ltd and others, available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002810-NORB-Secretary-of-State-letter.pdf>



ExQs 3	Question to:			Question:	
				<p>Norfolk Boreas application requests additional environmental information with regard to possible HRA compensatory measures. This includes, for example, “confirmation of the selected site(s) for compensation strategies and details of how the site(s) will be acquired/leased”, as well as ‘an implementation timetable for when the compensation measures will be delivered and achieve their objectives in relation to the first operation of the wind farm’.</p> <p>a) In light of these requests, do the Applicants maintain their position that sufficient detail about the delivery of its without prejudice compensation measures has been submitted into this examination to enable the Secretary of State to discharge its duties as Competent Authority without the need for further consultation in the decision stage?</p> <p>b) Does Natural England or RSPB have any observations to make on this question? If you consider that additional detail on the implementation of compensation measures is necessary, please set out the main areas in which you consider detail to currently be lacking.</p>	<p>f) Mechanism for further commitments if the original compensation objectives are not met – i.e. adaptive management</p> <p>g) Clear governance proposals for the post-consent phase – we do not consider simply proposing a steering group is sufficient</p> <p>h) Ensure development of compensatory measures is open and transparent as a matter of public interest, including how information on the compensation would be publicly available</p> <p>i) Timescales for implementation esp. where compensation is part of a strategic project, including how timescales relate to the ecological impacts from the development</p> <p>j) Commitments to monitoring specified success criteria,</p> <p>k) Proposals for ongoing ‘sign off’ procedure for implementing compensation measures throughout the lifetime of the project.</p>
3.2.9.	Natural England	1	2	<p><b>Without prejudice compensation measures [REP8-089]: kittiwake feature of the Flamborough and Filey Coast (FFC) SPA</b></p> <p>Specifically, in relation to the proposed compensation measure for the kittiwake</p>	<p>Please see our response to 3.2.8. In particular, Natural England requests that the Applicant demonstrates how the proposed artificial nest sites can be delivered in the context of the proposed redevelopment of Lowestoft port, in</p>



ExQs 3	Question to:			Question:	
				<p>feature of the FFC SPA, Natural England states that [REP9-065], “<i>greater detail regarding the design and implementation of the artificial nest sites are needed</i>”.</p> <p>Please can Natural England elaborate on this by being more specific about what further information the Applicants could provide that might assuage your concerns. Please explain why this information is required prior to decision as opposed to as a possible submission of detail for approval post consent.</p>	<p>doing so showing that suitable location/s for an artificial nest site are available and achievable.</p>
3.2.10.	The Applicants	1	2	<p><b>Without prejudice compensation measures [REP8-089]: information about selected locations</b></p> <p>Natural England [REP10-053] advises that article 3(a) of Schedule 18 Parts 1-4 and 6 of the draft DCO [AS-110] should be amended to require that the information to be submitted includes justification for the selected location in terms of its ecological appropriateness.</p> <p>Please could the Applicants respond to this advice?</p>	<p>Natural England will review the response.</p>
3.2.11.	Natural England, the Applicants	1	2	<p><b>Without prejudice compensation measures [REP8-089]: timing of implementation</b></p> <p>Natural England has repeatedly expressed a view [REP9-069, REP8-163] that compensatory measures must be fully functioning and effectively compensating prior</p>	<p>Natural England notes that the lack of detail regarding the location and/or design of compensatory measures makes it difficult to accept some of the Applicant’s assertions regarding the likelihood and timeliness of successful compensation. This means in turn that it is difficult to answer the ExA’s questions</p>



ExQs 3	Question to:		Question:	
			<p>to construction/operation. The Applicants accept [REP9-016, REP10-017] that for some species subject to collision risk, there would be a time lag between the compensation measures being put in place and those measures resulting in additional birds within an SPA population, but have maintained that the resulting 'mortality debt' would be extremely small and could be recouped within one or two years of the measures becoming operational. The Applicants make the case that an approach akin to that within the made DCO for Hornsea Project Three, in which a lead-in period of four full breeding seasons is specified, would not be proportionate or justified in this case due to the much smaller numbers of birds that would need to be compensated for.</p> <p>a) <u>To Natural England</u> - do you accept the Applicants' reasoning on pages 49-50 of [REP10-017] that for displacement effects, in all cases the compensation measures would have immediate effect (i.e. removing predation mortality or preventing displacement effect at source) and therefore that any 'time lag' concerns should be confined to potential collision effects? If not, please explain your reasons.</p> <p>b) <u>To Natural England</u> - do you accept the Applicants' reasoning on pages 49-50 of [REP10-017] that any 'mortality debt' associated with collision effects would be</p>	<p>definitively. In response to the questions directed at Natural England:</p> <p>a) <u>Guillemot/razorbill</u> – this measure presumably compensates for displacement-related mortality with additional birds reaching adulthood at a colony where rats are reducing productivity. The increase in productivity resulting from the eradication will depend on a number of factors, so it is unclear at this stage how quickly impacts will be addressed, given that the island where rat eradication will occur has not yet been identified, let alone whether the extent to which rats are a limiting factor to guillemot/razorbill productivity on that island.</p> <p><u>Red-throated diver</u> – it is not clear what '<i>preventing the displacement effect at source</i>' would mean in the context of compensatory measures – this sounds more like impact reduction/mitigation rather than compensation. We remain concerned at the lack of adequate compensatory measures for RTD at OTE SPA.</p> <p>b) Implementation of compensatory measures prior to the impacts arising is a well-established principle in UK Habitats Regulations decisions, being in place to ensure that impacts on the affected site are addressed in advance. If the Applicant wishes to depart from this principle, it is for them to clearly demonstrate that the implementation of compensatory measures will be designed and timed in a way that</p>





ExQs 3	Question to:	Question:		
			<p>tolerable in this case? If not, please explain your reasons.</p> <p>c) <u>To Natural England</u> – do you accept the Applicants’ reasoning on page 68-69 of [REP9-016] that the smaller number of predicted mortalities arising from this project, relative to the predicted mortalities from Hornsea Project Three, justifies the absence of any requirement in Schedule 18 to wait for compensation to become effective before the wind farm may begin operation? If not, please explain your reasons.</p> <p>d) <u>To the Applicants</u> – if an approach was to be taken within Schedule 18 that required all of the proposed compensation measures to be effectively compensating prior to the potential adverse effects arising (in the manner seen, for example, in the Hornsea Project Three DCO), what (if any) would be the implications for the delivery programme, cost and financial viability of the project as a whole?</p>	<p>satisfactorily offsets the impacts i.e. that any ‘mortality debt’ resulting from a lag between impacts arising and compensation delivering would not be detrimental to the conservation of the impacted colony.</p> <p>c) See b) above – if it can be demonstrated that the ‘mortality debt’ would not be detrimental to the conservation of the impacted colony, it could be the case that Schedule 18 could be drafted in a way that secures the timely implementation of the measures whilst not necessarily requiring the compensation to become effective before operation. Given the lack of specific information regarding design and location of the measures, we are not convinced that this option is currently available to the Applicant.</p>
3.2.12.	The Applicants, RSPB and Natural England	1	<p><b>2 Without prejudice compensation measures [REP8-089]: duration of compensation measures</b></p> <p>The RSPB has highlighted [REP10-054] provisions in Schedule 14, Part 1, article 7 of the made Hornsea Project Three DCO, which require that artificial nest structures for kittiwake must be maintained beyond the lifetime of the authorised development if they are colonised, with routine and adaptive</p>	<p>Natural England offers the following comments:</p> <p>c) We agree that this principle has wider applicability as regards artificial nest sites, but stress that each compensatory proposal would need to be considered with respect to its specific requirements and measures.</p> <p>d) Judgements regarding ongoing management would need to be made in the period prior to decommissioning, as these will inevitably be measure-specific. It would</p>



ExQs 3	Question to:		Question:	
			<p>management measures continuing whilst the structures are in place. Schedule 18, Part 1, article 7 of the dDCO for this project does not include comparable provisions.</p> <p>a) Whilst noting the Applicants' comments on pages 10 and 11 of [REP9-020], including that the EC Guidance does not explicitly require compensation measures to be provided in perpetuity, please could the Applicants set out the justification for taking a different approach in this case to that deemed to be necessary in the recently made DCO for Hornsea Project Three?</p> <p>b) Please could the Applicants set out the justification for departing from Defra advice<sup>3</sup> to Competent Authorities that they "<i>should make sure the compensatory measures...will remain in place all the time they're needed, which in most cases will be indefinitely</i>"?</p> <p>c) <u>To the Applicants, RSPB and Natural England</u> - The RSPB has raised this matter in relation to kittiwake, however arguably the principle has wider applicability, not least in this case to artificial nesting sites for gannet. Should an approach be taken in Schedule 18 Part 1 which requires the compensatory measures to remain in place beyond the decommissioning of the wind farm where</p>	<p>be appropriate for compensatory proposals to develop potential options for the post-decommissioning phase. We note that in some instances, repowering will be proposed at the end of the project's lifetime, in which case the compensatory proposals would need to be reviewed.</p> <p>As regards their status, Defra are the Government department with lead responsibility for MPA policy and designation. We do note that under planning policy, compensatory sites are given similar protection to classified SPAs.</p>

<sup>3</sup> Defra/NE Guidance (24 Feb 2021) 'HRAs: protecting a European site'



ExQs 3	Question to:		Question:	
			<p>those measures have been colonised, which of the other Parts of Schedule 18 (i.e. which other compensation measures), if any, might require similar amendment?</p> <p>d) Further to the question in part (c), what does Natural England consider would happen to these sites in terms of their management and status if they were to be maintained after the wind farm has been decommissioned?</p> <p>e) Could the Applicants please explain any implications of the above approach for the Offshore Ornithology Compensation Measures Funding Statement [REP8-081]?</p>	
3.2.13.	The Applicants	1	<p><b>2</b> <b>Offshore Ornithology Compensation Measures Funding Statement [REP8-081]</b> A separate Offshore Ornithology Compensation Measures Funding Statement [REP8-081] has been submitted for each project.</p> <p>a) Please could the Applicants confirm that the cost estimates for each project would remain as quoted, even if only one of the projects was to be constructed?</p> <p>b) Would the proposed compensation measures still be deliverable if only one of the projects was to be constructed?</p>	N/A



ExQs 3	Question to:	Question:		
3.2.14.	The Applicants	1	<p><b>2 Without prejudice compensation measures [REP8-089]: quantification of effect</b></p> <p>The appendices for [REP8-089] (noting these are unique to each project) follow a standard format, dealing with each species in turn. Under the heading of ‘quantification of effect’, appendices 1-5 attempt to quantify the effect of the project, alone and then in-combination, upon the feature of the European site. For appendix 6 (red-throated diver) however, there is no clear quantification of the potential effect, either of the project alone or in-combination.</p> <p>a) Please could the Applicants explain the reasons for this?</p> <p>b) If it is possible to include this information within appendix 6, then please could the Applicants do so in the updated document.</p>	<p>For red-throated diver, Natural England highlights that the clear quantification of the potential effect should be in terms the impacts on the conservation objectives for OTE SPA – see REP4-089, REP6-113, REP8-160 where we have emphasised the importance of considering all the relevant conservation objectives, including the extent of supporting habitat and distribution.</p>
3.2.15.	Natural England, RSPB	1	<p><b>2 Without prejudice compensation measures [REP8-089]: quantification of effects</b></p> <p>In a number of appendices to [REP8-089], the Applicants advance the argument that, <i>“(t)he Project’s impacts are small compared with those for most other windfarms, and would also be more than offset by the difference between the total collisions based on consented windfarm designs compared with as-built designs”</i>.</p>	<p>Please see our advice at [REP5-087] on headroom. Subsequently, in response to a non-material change consultation regarding East Anglia 1, Natural England has sought legal advice on this matter. Please see Appendix A22 at Deadline 11.</p>



ExQs 3	Question to:	Question:		
3.2.16.	Natural England, RSPB	1	<p data-bbox="786 234 1346 296">How do Natural England and the RSPB respond to this statement?</p> <p data-bbox="786 304 1379 943"><b>2 Compensatory measures for the guillemot and razorbill features of the FFC SPA</b> In response to Natural England's advice [REP9-065] that because the FFC SPA is classified for the <i>albionis</i> sub-species of guillemot, compensation should be ideally directed towards this sub-species, the Applicants make the case [REP10-017, page 14] that the <i>albionis</i> and <i>aalge</i> sub-species are probably not biologically valid classifications or genuinely separate populations, and therefore that compensation at colonies within the range of <i>aalge</i> would still improve the conservation status of colonies in the <i>albionis</i> area. Do Natural England and RSPB accept the evidence and logic progressed by the Applicants in this regard? If not, please explain and evidence your position.</p>	<p data-bbox="1413 304 2018 603">Natural England advise that from 1 January 2018 the British Ornithological Union (BOU) adopted the International Ornithological Congress (IOC) World Bird List, including for the purposes of maintaining the British List. We note that both <i>aalge</i> and <i>albionis</i> are listed as subspecies of guillemot by IOC, and therefore these sub-species should be treated as biologically valid classifications.</p> <p data-bbox="1413 643 2018 975">It should be noted that Natural England's previous advice stated that compensation should <u>ideally</u> be directed towards the <i>albionis</i> sub-species. This is in accordance with the general principle that if compensatory measures cannot be directed at the SPA colony itself, then measures should be implemented to be as close as possible to the impacted colony, in order to minimise the potential damage to the Natura 2000 network.</p>
3.2.17.	The Applicants	1	<p data-bbox="786 1016 1379 1286"><b>2 Without prejudice compensation measures [REP8-089]: relevant Guidance</b> It is noted that the updated HRA Derogation Case [REP8-089] takes into account the Defra/NE (2021) Guidance 'HRAs: protecting a European site'. However, the updated HRA compensation measures document [REP8-089] appears not to do so.</p> <p data-bbox="786 1318 1379 1382">Whilst acknowledging that the 2021 Guidance broadly follows the practice established by</p>	N/A



ExQs 3	Question to:			Question:	
				predecessor guidance, for completeness please update the compensation measures document to have regard to it, as requested in ISH14 action point 2 [EV-126a].	
3.2.18.	The Applicants	1	2	<p><b>Without prejudice compensation measures [REP8-089]: updates</b>            Some parts of [REP8-089] appear to have been overtaken by subsequent events or agreements. For example, section 10.3.1 of the East Anglia TWO document indicates that Natural England is not able to advise that an AEoI on RTD of the OTE SPA for the project alone can be ruled out, whereas in [REP8-110] and [REP8-166] Natural England appear to accept that it can be.</p> <p>Please could the Applicants review the content of [REP8-089] for both projects and ensure that the documents present the latest available information and status of agreement.</p>	Natural England will review the response.
3.2.19.	The Applicants	1	2	<p><b>Compensatory measures: prey availability measures</b>            In [REP10-051], Natural England sets out the reasons why it contends that <i>“to deliver the most ecologically robust outcome, prey availability measures are the most appropriate compensatory mechanism to attempt to progress”</i>.</p> <p>How do the Applicants respond to this advice?</p>	Natural England will review the response.



ExQs 3	Question to:			Question:	
3.2.20.	Natural England	1	2	<p><b>Compensatory measures: prey availability measures</b>            In [REP10-051], Natural England states that “developing a strategic approach to increasing prey availability will be more judicious”.</p> <p>a) Do you consider that there would be a realistic prospect of such a strategic approach being developed within the period necessary for the commencement of the EA1N and EA2 projects?</p> <p>b) How in practical terms do you envisage that an individual developer (or pair of developers) could drive this strategic approach forward with the range of government, conservation, renewables and fisheries stakeholders that would need to be involved?</p>	<p>Natural England advises that developing the mechanisms for delivery of strategic compensation lie with government departments such DEFRA rather Natural England. However, we are aware that strategic compensation options are being considered in a wider forum than these two projects, and noting the point raised in question 3.2.11 re ‘time lag’, there may be opportunities that arise at a later date which these projects could contribute to. Therefore, we advise that the door is ‘left open’ to allow the developers to use such an approach if it is available and advantageous to project/OWF <u>and</u> the environment.</p>
Marine mammals					
3.2.21.	Marine Management Organisation	1	2	<p><b>In-combination effects on the Southern North Sea (SNS) SAC</b>            Natural England’s position has remained throughout examination that it cannot exclude adverse effect on integrity of the SNS SAC in-combination until a mechanism is in place to manage multiple SIPs. This is a matter that Natural England acknowledges is a wider, regulatory issue rather than a project-specific one. Nonetheless, the ExAs will need to form recommendations on this matter for the</p>	<p>Natural England will review the response.</p>



ExQs 3	Question to:			Question:	
				<p>projects before us. In [REP9-060], the Marine Management Organisation (MMO) states that it <i>“acknowledges these comments and believes that the SNS SAC SIP is the appropriate document to manage the in-combination noise impacts, along with the SNS Regulators Working Group”</i>.</p> <p>a) Could the MMO please submit the terms of reference for the SNS Regulators Working Group and confirm whether the control of in-combination underwater noise impacts on features of the SAC is within the scope of the Group's responsibilities.</p> <p>b) Please could the MMO elaborate on how this management of in-combination noise impacts will work in a practical sense - is it limited to the management of the SNS activity tracker or are there other functions of the Working Group in coordinating the noisy activities of multiple projects?</p>	
3.2.22.	Natural England	1	2	<p><b>In-Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) SAC</b></p> <p>Natural England's response to outstanding ISH7 action point 9 [REP8-165] directs the reader to [REP8-161]. However, a direct response to action point 9 appears not be included in [REP8-161]. Please could Natural England respond to these points:</p>	<p>Natural England confirms that we are content with the IP SIP for project alone impacts. Therefore, the answer to all three questions is 'yes'.</p>





ExQs 3	Question to:			Question:	
				a) Do you agree that the IP SIP provides an appropriate framework to agree mitigation measures and that the scope of the measures within the IP SIP are appropriate? b) Are you satisfied that through the IP SIP, the Applicants will use the most appropriate measures for the Project based on best knowledge, evidence and proven available technology at the time of construction? c) Do you have confidence that the mitigation measures contained in the IP SIP are deliverable?	
3.2.23.	Natural England	1	2	<b>In-Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) SAC</b> The updated In-Principle SIP [REP8-031] is clear that the document will need to be reviewed once any final management measures for the Southern North Sea SAC are defined or further advice is provided.  On the basis of the best available information, could Natural England please indicate when any final management measures for the SNS SAC can be expected, and whether there is any potential for the management measures to be made available within the timescales of these examinations?	The timeframes have not been confirmed to Natural England, but it is highly unlikely to be during the remainder of this examination.
3.2.24.	Marine Management Organisation	1	2	<b>Marine mammals: underwater noise modelling update [REP8-040]</b>	Natural England will review the response.



ExQs 3	Question to:			Question:	
				<p>It is apparent from submissions that there are ongoing discussions between the Applicants and the MMO in relation to underwater noise modelling and specifically [REP8-040].</p> <p>Please could the MMO respond to [REP8-040] and set out any outstanding concerns in full by Deadline 11.</p>	
<b>Benthic ecology</b>					
3.2.25.	Natural England, Marine Management Organisation			<p><b>Benthic ecology: Security for reef buffer</b> Noting the Applicants response to ExQ2.2.15 [REP6-061], does NE and the MMO consider that the MMO has adequate control through the approval process as currently documented to ensure that significant impacts on <i>Sabellaria</i> reef are avoided?</p>	Natural England is content with the current controls within the dDMLs.
3.2.26.	Natural England, Marine Management Organisation			<p><b>Benthic ecology: Cable installation in mixed sediments</b> Noting the Applicants response to ExQ2.2.17 [REP6-061] and taking specific note that the additional measured used at Boreas related to cable installation with a SAC whereas that is not proposed here, does NE and the MMO consider that any additional measures or controls around cable installations in mixed sediments are required?</p>	Natural England advises that further controls are not required for these projects due to their location and level of impact.



ExQs 3	Question to:	Question:	
Fish ecology	The Applicants, Marine Management Organisation and any Interested Party concerned with fish ecology and fisheries	<p><b>Herring Spawning</b></p> <p>The MMO made comments at D9 [REP9-060] raising ongoing concerns about DMLs conditions 29 (Schs 13) and 25 (Schs 14) in relation to herring spawning. The Applicants' D10 Submission [D10-014] identified this as an ongoing unresolved matter. The MMO continues to seek a seasonal piling and UXO detonation restriction during the herring spawning period, (but subject to confirmation/variation in writing between the MMO and the undertaker(s)). The Applicants seek to maintain their position at D9 [REP9-021] that current drafting referring to a period of 'approximately 14 days' is precise and enforceable and so meets the five tests for a planning condition set out in the <a href="#">NPPF</a> at paragraph 55. The MMO maintains its view that they are not and has advanced alternative wording that the Applicants have not adopted.</p> <p>The ExAs remind both parties of the importance of, where possible, reaching an agreed position before the end of the Examinations and the undesirability of further consultation being required on this point during the decision-making period by the SoS, as occurred in <a href="#">the Thanet Extension Offshore Wind Farm decision-making process</a> on the same point – in correspondence from BEIS to the parties in that Examination dated</p>	N/A



ExQs 3	Question to:			Question:	
				<p>21 November 2019 at paragraph 10 – fish spawning). The ExAs refer the parties to the drafting consulted on by the SoS in that case to assist discussions.</p> <p>By D11 the parties are requested to have agreed drafting on this point or to put in final alternative drafts, followed by final comments from the MMO at D12 and a closing position from the Applicants at D13, enabling the matter to be adjudicated by the ExAs.</p> <p>The dDCO Commentaries also refer at page 18 (Fish Spawning Conditions (Schs 13 Conditions 29 and Schs 14 Conditions 25))</p>	
Terrestrial ecology					
3.2.28.	Natural England, ESC	1	2	<p><b>Ammonia emissions on Leiston-Aldeburgh SSSI and Sandlings SPA</b></p> <p>In the representation from SEAS [REP5-109] and at ISH 14 the issue of the impact of emissions, in particular ammonia, on Leiston-Aldeburgh SSSI and Sandlings SPA was raised by Mr Redmore. The Applicants responded to this in [REP6-032]. Having regard to these submissions, please comment on whether this matter has been properly assessed by the Applicants and what you consider the impacts on the habitats and species of the aforementioned SSSI and SPA would be as a result of vehicular and machinery emissions associated with the Proposed Developments.</p>	Natural England has not identified a significant impact pathway arising as a result of ammonia emissions from vehicles/machinery, and so have not sought further assessments of impacts from ammonia emissions on the SSSI and SPA.



ExQs 3	Question to:		Question:	
3.2.29.	The Applicants	1	2 <b>Badger setts and construction timetable</b> Should any main badger setts need to be removed, please confirm that there would be sufficient time within the overall construction timetable for the mitigation measures set out in the Badger Mitigation Statement [REP6-050] to be undertaken and to take proper effect before their closure.	N/A
3.2.30.	Natural England	1	2 <b>Removal of Badger Setts</b> The Applicants have confirmed in [REP9-016] that as detailed design information is not currently available then the worst-case scenario is that the known active badger sett along the cable corridor will require removal. Given that you have stated that without further information this would be of major concern, what further information would you be seeking from the Applicants on this matter and in your view is the matter resolvable during the Examinations?	Natural England is working with the Applicant through our Discretionary Advice Service, with the intention to resolve the matter before the end of Examination and provide a Letter of No Impediment.
3.2.31.	The Applicants	1	2 <b>Lowland mixed deciduous woodland mitigation</b> Natural England states in [REP10-052] that lowland mixed deciduous woodland is declining and that every effort should be made to avoid its loss. The OLEMS state that the planting of trees over the cable corridor will not be possible. Please provide further details on how impacts to this woodland and fragmentation thereof will be mitigated in terms of avoiding loss and providing enhancements to this habitat.	Natural England will review response.



ExQs 3	Question to:			Question:		
3.2.32.	The Applicants	1	1	2	<p><b>Hairy Dragonfly</b> In [REP10-052] Natural England recommends that a survey for hairy dragonfly can now take place at the end of May/beginning of June to better understand the potential presence of hairy dragonfly and potential use of the meadow adjacent to the Hundred River.</p> <p>a) Will any further surveys be undertaken and submitted into the Examinations? b) If so, please indicate at which deadline additional survey results will be available. c) If not, then please explain your reasoning, responding to comments from Natural England.</p>	Natural England will review response.
3.2.33.	The Applicants	1		2	<p><b>Noise and ecological issues at landfall</b> Please respond to Natural England's query in [REP7-074] regarding what would happen if there was a conflict between reducing noise and increasing ecological issues in the placement of the equipment at landfall. How is this accounted for in the dDCO?</p>	Natural England will review response.
3.2.34.	Natural England	1		2	<p><b>Nightingale mitigation</b> In your D5 [REP5-084] and D8 [REP8-162] submissions you stated that the nightingale mitigation measures within the SPA crossing Method Statement were fundamental to preventing an AEoI of the Sandlings SPA and should be secured by way of Requirement.</p>	Natural England confirms that nightingale is not an interest feature of the SPA. We advise that the mitigation measures are fundamental to preventing impacts on <u>the notified interest features of the SSSI</u> . We apologise for any confusion caused.



ExQs 3	Question to:			Question:	
				<p>Could you please justify this position given that nightingale is a named component of the SSSI but not a qualifying feature of the Sandlings SPA?</p> <p>The dDCO Commentaries also refer at page 15 (Missing Requirement – Ecosystem Services for Sandlings SPA)</p>	
3.3.	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>				
	The ExAs have no questions in this round.				
3.4.	<b>Construction</b>				
	The ExAs have no questions in this round.				
3.5.	<b>Draft Development Consent Orders (dDCOs)</b>				
	Please see separately published ExAs' Commentaries on the dDCOs. Note that technically specialist matters arising with a bearing on the dDCOs are raised under individual subject matters in this commentary.			Please see our response Appendix K10 at Deadline 11.	
3.6.	<b>Electricity Connections, Infrastructure and Other Users</b>				
	The ExAs have no questions in this round.				
3.7.	<b>Flood Risk, Water Quality and Resources</b>				
3.7.1.	The Applicants	1	2	<b>HDD and groundwater</b> Paragraph 15 of [REP6-021] notes that any drilling fluid losses using HDD would be	N/A



ExQs 3	Question to:			Question:	
				<p>confined to a very limited area around the drill and that the drilling fluid will fill in and stabilise fractures created during the drilling process so that there would not be an impact on the wider aquifer or the groundwater it contains.</p> <p>a) Please define what is considered a very limited area.</p> <p>b) Please explain in full how this and the filling in of fractures created during the drilling process will ensure that there will not be an impact on the wider aquifer or the groundwater it contains.</p>	
3.7.2.	The Applicants	1	2	<b>Water supply at Ness House well</b> Please provide more detailed information on the proposed water quality and levels monitoring regime at Ness House well and the temporary potable water supply that is proposed to be tied into the well for the duration of HDD activities.	N/A
3.7.3.	Suffolk County Council	1	2	<b>Need for Land Drainage Act 1991 Consents</b> What, if any, specific issues would require determination of individual consents under the Land Drainage Act 1991? Can those matters be addressed with an appropriate form of consent provided under the dDCOs (dDCOs Commentaries on Arts 16 refers)?	N/A





ExQs 3	Question to:	Question:		
3.8.	<b>Historic Environment</b>			
3.8.1.	The Applicants, Suffolk County Council	1	<b>2 Archaeology</b> The ExAs note the comments of Suffolk County Council at Deadline 10 [REP10-043] relating to the Applicant's Topic Position Statement [REP9-009].  <u>To the Applicants:</u>  a) Provide any response to the comments of SCC, should you wish to do so.  <u>To SCC:</u>  b) For clarification, will the pre-construction trial trenching and works being carried out by the Applicants resolve your concerns? Is the 'other outstanding assessment work' also being carried out?	N/A
3.8.2.	The Applicants	1	<b>2 High House Farm</b> Your Deadline 10 document [REP10-025] states that the current view of the Church from High House Farm would be obstructed by mitigation planting rather than by the proposed Project's electrical infrastructure.  While this statement may be technically correct, does it sufficiently describe and characterise the adverse effect on this heritage asset, taking into consideration that	N/A



ExQs 3	Question to:			Question:	
				the proposed planting will be established solely to screen the proposed projects and will take time to establish?	
3.8.3.	The Applicants	1	2	<p><b>Sealing End Compounds</b>  Your answer to ExQ2.8.7 [REP6-062] details the process of positioning of proposed cable sealing end compounds, noting that they are driven by the positioning of the pylons to which they are connected, and that their proximity and orientation are governed by construction, operation and maintenance safety and operational requirements. The answer also notes that where practicable the cable sealing end compounds will be aligned to the same orientation as adjacent field boundaries.</p> <p>Given the highly detailed extensive electrical safety requirements, is it likely that any such re-alignment of the cable sealing end compounds to field boundaries will be able to take place?</p>	N/A
3.8.4.	The Applicants, East Suffolk Council, Suffolk County Council, Historic England, and any	1	2	<p><b>Cumulative Impacts</b>  The ExAs note in the Clarification Note – Archaeology and Cultural Heritage [REP1-021] that the Applicants acknowledge that the public right of way trackway to the north of the Church of St Mary which follows the parish and Hundred boundary should be considered as a heritage asset in its own right. The trackway/public right of way links the Church of St Mary, a Grade II* listed</p>	N/A



ExQs 3	Question to:			Question:	
	other interested IPs.			building to Little Moor Farm, a Grade II listed building.  a) Given the link that the acknowledged (undesigned) heritage asset trackway provides between the Church and Little Moor Farm, does this increase the significance of the two designated heritage assets, either individually or cumulatively (or both)?  b) If yes, how would this significance be affected by the proposed projects?	
3.9.	<b>Land Use</b>				
The ExAs have no questions in this round.					
3.10.	<b>Landscape and Visual Impact</b>				
3.10.1.	The Applicants	1	2	<b>Planting Proposals</b> Your answer to ExQ2.10.4 [REP6-063] states that no decision will be made on the provenance of trees which will be subject of a post-consent procurement process, with most planting not required until around 2024.  Will local sourcing of required stock be weighted favourably in the procurement process? If so, could this be confirmed in the Outline Landscape and Ecological Management Strategy (OLEMS)?	N/A
3.10.2.	The Applicants	1	2	<b>OLEMS</b>	N/A



ExQs 3	Question to:	Question:		
			<p>Your answer to ExQ2.10.5 [REP6-063] relates to planting and High House Farm. The ExAs note that you are seeking to balance the proposals in trying to not enclose historic farms while mitigating visual effects on people living in the area. Your answer states that the proposed planting close to the south western boundary of High House Farm is adjacent to existing woodland within the curtilage of this property. An annotated aerial photograph is submitted as part of the answer to demonstrate this point.</p> <p>However, the ExAs noted on their site visits [EV-007d, and as referred to in ExQ2.8.2] that the garden of High House Farm provided clear views across a largely open landscape to the Church of St Mary. This effect was increased by the removal of various ash trees in recent times due to disease [referenced in EV-007d] which would likely change the aerial photograph were it to be taken now.</p> <p>Given this do you wish to add to your answer ExQ2.10.5?</p>	
3.10.3.	The Applicants	1	2 <b>Combined effect of pylons and proposals</b> Pylons are often referred to as 'marching across the landscape', which partly could be a consequence of their height and form but also due to the open frame of the pylons themselves and the space that remains beneath them. SASES [REP6-133] state that the proposals would have the effect of	N/A



ExQs 3	Question to:			Question:	
3.10.4.	The Applicants	1	2	<p>making the pylons more dominant than they currently appear, due to the change in the landscape around them that the proposals would cause with an open rural landscape being replaced by a more industrial one</p> <p>Respond to the above point.</p> <p><b>Landscaping – Future</b> Your answer to ExQ2.10.8 [REP6-063] states:</p> <p><i>“The Applicants are not designing the landscaping proposals to accommodate any future projects. Any potential future connections would need to work within the constraints of the Projects’ onshore infrastructure and landscaping and address this within their scheme design and consent application.”</i></p> <p>The OLEMS [REP10-005] states:</p> <p><i>“The planting and landscape scheme has also been designed in order to not sterilise land for potential future development associated with the National Grid substation.”</i></p> <p>Explain the apparent difference between these two statements.</p>	N/A



ExQs 3	Question to:			Question:	
3.11.	<b>Marine and Coastal Physical Processes</b>				
3.11.1.	EDF Energy Nuclear Generation Ltd, ESC, MMO	1	2	<p><b>Avoidance of the Coralline Crag</b>            Paragraph 15 of the Landfall Hydrogeological Risk Assessment [REP6-021] states that the HDD is expected to be within the Coralline Crag beneath the cliffs, and the strength of the Coralline Crag is expected to prevent any drilling fluid breakout at this point. In [REP8-052] the Applicants state that complete avoidance of the Coralline Crag has never been proposed. The Applicants go on to state any reference to avoiding direct physical disruption to the outcrop of Coralline Crag refers to the parts of the Crag that are visible at the surface; the HDD bores as proposed pass through the Coralline Crag, but beneath its visible surface before 'punching out'.</p> <p>a) Please could you confirm that in referring to the avoidance of direct physical disruption to the outcrop of Coralline Crag it was also your understanding that this meant only those parts visible at the surface and that the HDD bores would in fact pass through the Coralline Crag?</p> <p>b) If this was not your understanding does this cause any concern and what would be the implications?</p>	Natural England to review response.
3.11.2.	The Applicants, MMO	1	2	<p><b>HDD and the lead regulator</b>            In [REP7-074] NE states that for most other OWF projects, excluding EA1 and EA3, the MMO has been the lead regulator due to</p>	N/A



ExQs 3	Question to:			Question:	
				environmental issues normally occurring below Mean High Water.  a) How would this work in practice with the LPA leading on HDD activities? b) How will MMO be incorporated in the decision making for the marine elements of HDD?	
3.11.3.	The Applicants	1	2	<b>HDD feasibility</b> Please comment on NE's assertion in [REP7-074] that even short sections of HDD can fail (eg Lincs OWF 2010). It also notes that in recent years there have been issues with sinkholes (eg Hornsea 2 and Triton Knoll) and even though sediment conditions are different, lessons must be learnt to make sure it won't happen here. Should this be considered in the HDD verification note? If not, please justify why.	Natural England to review response.
3.11.4.	The Applicants	1	2	<b>Monitoring of coastal processes and remedial action</b> Both monitoring of coastal processes and remedial action are relevant to NE and MMO. How will consultation be undertaken?	Natural England to review response.
3.12.	<b>Marine Effects</b>				
The ExAs have no questions in this round.					
3.13.	<b>Nuisance and other Public Health Effects</b>				
The ExAs have no questions in this round.					



ExQs 3	Question to:	Question:	
3.14.	<b>Other Projects and Proposals</b>		
3.14.1.	National Grid Ventures	<p data-bbox="591 300 613 325"><b>1</b></p> <p data-bbox="741 300 763 325"><b>2</b></p> <p data-bbox="790 300 1319 363"><b>Extension of National Grid Substation Appraisal</b></p> <p data-bbox="790 368 1384 635">The ExAs note that, in addition to substation extension bays, the Nautilus and EuroLink interconnector projects would require a converter station “in proximity” to any substation and that this equates to some 5km radius (maximum) from the NGET substation for size and efficiency reasons [REP9-062]</p> <p data-bbox="790 675 1379 1042">a) Is it most efficient to provide a converter station as close as possible to the substation extension bays? b) A 5km radius equates to roughly 3.1 miles from the proposed Friston substations. Outline the process by which the proposed converter stations sites will be chosen. Would the presence of a permitted NGET substation at Friston weigh in favour of a site being chosen adjacent to the same site?</p> <p data-bbox="790 1082 1384 1345">Appendix 1 to [REP9-062] contains a Nautilus Project Update document (April 2021). This document contains details of “The vision for Multi-Purpose Interconnectors” which it is stated will help to reduce impacts on coastal communities with fewer individual connections and less construction works needed.</p>	N/A





ExQs 3	Question to:			Question:	
				<p>c) While reducing the number of individual connections could reduce overall impacts on coastal communities, could conversely this also lead to larger impacts on the area chosen for the single, presumably larger, connection?</p> <p>d) Is Friston being considered as a Multi-Purpose Interconnector?</p>	
3.14.2.	The Applicants	1	2	<p><b>Extension of National Grid Substation Appraisal [REP8-074]</b>  Your comments on those of East Suffolk Council relating to the above document [REP10-007] provide figures for additional storage capacity required for drainage purposes which may be required on the site for infiltration only, hybrid, and attenuation only schemes.</p> <p>Given the work you have carried out on the site, including detailed layout options, how much impact do you consider the approximate drainage areas outlined would have on the landscaping proposed for the East Anglia ONE North and East Anglia TWO substation sites?</p>	N/A
3.14.3.	The Applicants	1	2	<p><b>Extension of National Grid Substation Appraisal [REP8-074]</b>  The ExAs note the production of the above appraisal. The current layout plan for the projects has significant areas of land close to the proposals allocated for landscaping and drainage provision. Has any assessment</p>	N/A



ExQs 3	Question to:			Question:	
3.14.4.	The Applicants	1	2	been made of the potential 'knock on' effects that the possible extension of the National Grid substation would have on the proposed mitigation measures for the projects?	N/A
<p><b>Extension of National Grid Substation Appraisal – Photomontages</b></p> <p>a) The proposed viewpoint 2 [REP8-071] for the above appraisal (Friston, Church Road) indicates that the National Grid substation with extension bays, when combined with the two SPR substations would fill much of the viewpoint horizon, with the western extension bay remaining fairly visible after 15 years. Given this do you maintain that this level of change would not result in any cumulative impact on the significance of the Church of St Mary?</p> <p>b) Viewpoint 5 (Public Right of Way, near Moor Farm) [REP8-072] demonstrates that at year 15 the western half of the view would have a clear aspect of a substantial amount of electrical equipment. Given this and the proximity of this viewpoint to the southern boundary of High House Farm (and given recent reductions to woodland cover of this property) do you still consider that adverse impact for this heritage asset would remain of a low magnitude?</p>					



ExQs 3	Question to:		Question:	
3.14.5.	The Applicants, Suffolk County Council, East Suffolk Council and all other interested parties	1	2 <b>Future uncertainty</b> Bearing in mind any implications of the Norfolk Vanguard judgement, how would the parties propose the ExAs advise the Secretary of State in relation to the uncertainty about possible future development at Friston and in the wider area created by the precedent case, in the event that either one or both projects is approved, and by the clear evidence submitted to the examinations that (a) the potential to extend the proposed National Grid substation has been demonstrated and (b) the proposed Eurolink and Nautilus inter-connectors are exploring a landfall location between Thorpeness and Sizewell and the possibility of making a National Grid connection in the Leiston area, via onshore substations located within 5k of a National Grid substation?	No comment
3.14.6.	The Applicants	1	2 <b>National Grid Ventures submission [REP9-062]</b> The ExAs note the contents of the above National Grid Ventures (NGV) submission as well as your response to this [REP10-016]. The NGV submission provides information which could assist in an assessment of cumulative impacts and ExQ3.14.1 raises questions for NGV based on this submission and future potential proposals for the Friston sites.  Should you wish to do so, make any further representations on this matter.	N/A



ExQs 3		Question to:	Question:
3.15.	<b>Project Descriptions and Sites Selections</b>		
The ExAs have no questions in this round.			
3.16.	<b>Seascape, Landscape and Visual Amenity</b>		
3.16.1.	The Applicants and Natural England.	<b>2</b>	<p><b>Seascape</b> The ExA note the positions of the Applicant and Natural England concerning any effects of the project on matters of seascape as detailed by Natural England [REP10-053] and the Applicant [REP9-017]. The ExA note that the position appears stable – that is that both parties agree to disagree with no further comments.</p> <p>Respond to the above statement with any further comments, should you wish to do so.</p>
3.17.	<b>Socio-economic Effects</b>		
3.17.1.	Suffolk Coast DMO	<b>1</b>	<p><b>2 Suffolk Coast DMO ‘The Energy Coast’ Report 2019</b> The Applicants consider the stimuli used in the above report were used out of context and did not provide adequate information about the projects [REP7-034].</p> <p>Respond to the above, should you wish to do so.</p>
3.17.2.	The Applicants,	<b>1</b>	<b>2 Tourism Fund</b>



ExQs 3	Question to:			Question:	
	Suffolk County Council, East Suffolk Council, Suffolk Coast DMO and any other interested IPs			<p>The ExAs note that the Applicants have committed to providing £150,000 to be paid to the Suffolk Community Foundation to market the area during the construction period of the projects [REP9-041]. The ExAs note that the Applicants do not consider that the Projects will have significant impacts upon visitor perception during construction and direct impacts which could affect visitors already present in the area will be mitigated to not significant levels but that despite this they have committed to the Tourism Fund [REP9-009].</p> <p>Compensation sums that are not secured in the dDCO or accompanying certified documents or in another appropriate and enforceable instrument cannot be accorded weight and may not be able to be taken into account by the ExAs when considering their recommendations.</p> <p>Outline your views on the above statement and proposed fund, including consideration if relevant of how the Fund could assist the area. If the scenario arises that only one project were to be granted consent, would the Tourism Fund agreement remain the same?</p>	
3.17.3.	Suffolk Energy Action Solutions	1	2	<p><b>Traffic and effects on tourism</b> Your statement on Roads/Traffic and Tourism [REP8-236] is noted. This has been responded to by the Applicants at Deadline 9</p>	N/A



ExQs 3	Question to:			Question:	
				<p>[REP9-014]. In addition, the Applicants also respond to [REP5-113] in their answer to ExQ2.17.9 [REP6-064].</p> <p>Respond to the above responses by the Applicants, should you wish to do so.</p>	
3.17.4.	The Applicants and any Interested Parties	1	2	<p><b>Traffic and effects on tourism</b></p> <p>The Applicants response to ExQ2.17.9 states that no IPs have raised the impact of East Anglia ONE on the tourist economy of the Suffolk Coast of the AONB.</p> <p><u>To the Applicants:</u></p> <p>a) Provide further information on the anticipated and any quantified effects of East Anglia ONE on the local tourism industry, should you wish to do so. How do the scale of substations, cable route, and landfall location compare to that proposed in these projects in terms of traffic routes and tourist destinations/facilities?</p> <p><u>To any interested parties:</u></p> <p>b) Comment on the above, should you wish to do so.</p>	N/A
3.18.	<b>Transportation and Traffic</b>				
The ExAs have no questions in this round.					