



**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Natural England's Deadline 12 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited

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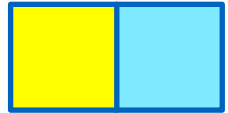
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Applicable to East Anglia ONE North and East Anglia TWO



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01	n/a	n/a	Final for Submission

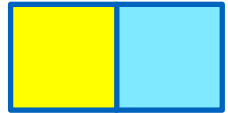


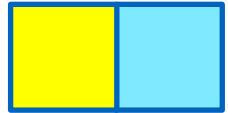
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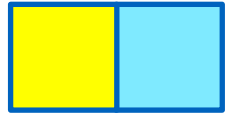


Glossary of Acronyms

AEoI	Adverse Effect on Integrity
AONB	Area of Outstanding Natural Beauty
APP	Application Document
AS	Additional Submission
BAP	Biodiversity Action Plan
BEIS	Business for Energy and Industrial Strategy
BPP	Best practice Protocol
BTO	British Trust for Ornithology
CIEEM	Chartered Institute of Ecology and Environmental Management
CoCP	Code of Construction Practice
CRM	Collision Risk Modelling
CSG	Compensation Steering Group
DAS	Discretionary Advice Service
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DEP	Dudgeon Extension Project
DML	Deemed Marine Licence
EAOL	East Anglia ONE Limited
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
ES	Environmental Statement
ExA	Examining Authority
FFC	Flamborough & Filey Coast
GBBG	Greater Black-Backed Gull
GCN	Great Crested Newt
HDD	Horizontal Directional Drilling
HRA	Habitats Regulation Assessment
IPMP	In-Principle Monitoring Plan
IROPI	Imperative Reasons of Overriding Public Interest
KCSG	Kittiwake Compensation Steering Group
KIMP	Kittiwake Implementation and Monitoring Plan
LAT	Lowest Astronomical Tide
LBBG	Lesser Black-Backed gull
LCT	Landscape Character Type
LCT	Landscape Character Type
LEEF	Lowest Eastern Energy Facility
LoNI	Letter of No Impediment
LVIA	Landscape and Visual Impact Assessment
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MW	Mega Watt
NMC	Non-Material Change
NPS	National Policy Statement
NVG	Norfolk Vanguard
OLEMS	Outline Landscape and Ecological Management Strategy
OOMP	Offshore Operations and Maintenance Plan
OTE	Outer Thames Estuary
OWF	Offshore Windfarm
PCH	Predicted Collision Height
PD	Procedural Decision
PEIR	Preliminary Environmental Information Report

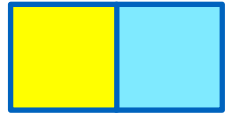


PINS	Planning Inspectorate
PVA	Population Viability Analysis
RAG	Red Amber Green
RIES	Report on Implications for European Sites
RR	Relevant Representation
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
RTD	Red-Throated Diver
SAC	Special Area of Conservation
SEP	Sheringham Shoal Extension Project
SLVIA	Seascape, Landscape and Visual Amenity
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SPA	Special Protected Area
SSSI	Site of Special Scientific Interest
UXO	Unexploded Ordnance
WR	Written Representation

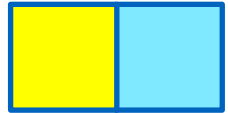


Glossary of Terminology

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 12 submissions as follows.
 - Natural England's Cover Letter Deadline 12 (REP12-088);
 - Appendix A15d – Natural England's Comments on Derogation Case [REP11-069] and Without Prejudice Compensation Measures [REP11-070] Deadline 12 (REP12-089);
 - Appendix A16c – Natural England's Comments on Cumulative and In-Combination Collision Risk and Displacement Update [REP11-027] Deadline 12 (REP12-090);
 - Appendix C11 – Natural England's Comments to the Hundred River Ecology Survey Report [REP11-063] Deadline 12 (REP12-091);
 - Appendix I1i – Natural England's Risk and Issues Log Deadline 12 (REP12-092);
 - Appendix K8b – Natural England's Comments on the Updated Report on the Implication for European Sites (RIES) [PD-051] Deadline 12 (REP12-093); and
 - Appendix K11 – Natural England's Response to Rule 17 Letter Deadline 12 (REP12-094).

2. This document is applicable to both the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications (the Applications), and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



2 Comments on Natural England's Deadline 11 Submissions

2.1 Natural England's Cover Letter Deadline 12 (REP12-088)

ID	NE Comment	Applicants' Comments
Natural England Deadline 12 Submissions		
1	<p>Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 11. Please find a summary of Natural England's position regarding these documents in Table 1 below. Natural England is also submitting further detailed responses, including comments to the Updated Report on the Implication for European Sites (RIES) issued on 16th June 2021 and a response to the Rule 17 letter issued on the 18th June 2021, within the following thematic appendices:</p> <ul style="list-style-type: none"> • EN010077 357078 EA1N Appendix A15d - NE Comments on Derogation Case [REP11-069] and Without Prejudice Compensation Measures [REP11-070] Deadline 12 • EN010077 357078 EA1N Appendix A16c – NE Comments on Cumulative and In- Combination Collision Risk and Displacement Update [REP11-027] Deadline 12 • EN010077 357078 EA1N Appendix C11 – Natural England's Comments to the Hundred River Ecology Survey Report [REP11-063] Deadline 12 • EN010077 357078 EA1N Appendix I1i – NE Risk and Issues Log Deadline 12 • EN010077 357078 EA1N Appendix K8b - NE Comments on the Updated Report on the Implication for European Sites (RIES) [PD-051] Deadline 12 • EN010077 357078 EA1N Appendix K11 - NE Response to Rule 17 Letter Deadline 12 	<p>Noted. The Applicants have responded to each of these documents within this submission.</p>



ID	NE Comment	Applicants' Comments										
Natural England's Comments on Updated Displacement of Red-Throated Diver in the Outer Thames Estuary SPA [REP11-025,026]												
2	<p>Natural England would like to re-iterate that our comments to previous versions of the Displacement of Red-Throated Diver in the Outer Thames Estuary (OTE) Special Protection Area (SPA) still stand [REP4-087, REP6-113, REP7-070, REP9-067]. We note that the only changes in version 5 [REP11-025,026] relate to the inclusion of EA2 project in the in-combination assessment, so comments are restricted to these updates.</p>	<p>Noted the Applicants have provided responses to NE submissions as follows:</p> <table border="1" data-bbox="1256 480 2056 786"> <thead> <tr> <th data-bbox="1256 480 1603 539">NE Submission</th> <th data-bbox="1603 480 2056 539">Applicants Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="1256 539 1603 598">REP4-087</td> <td data-bbox="1603 539 2056 598">REP5-015</td> </tr> <tr> <td data-bbox="1256 598 1603 657">REP6-113</td> <td data-bbox="1603 598 2056 657">REP7-053</td> </tr> <tr> <td data-bbox="1256 657 1603 716">REP7-070</td> <td data-bbox="1603 657 2056 716">REP8-043 and REP8-049</td> </tr> <tr> <td data-bbox="1256 716 1603 786">REP9-067</td> <td data-bbox="1603 716 2056 786">REP10-017</td> </tr> </tbody> </table>	NE Submission	Applicants Response	REP4-087	REP5-015	REP6-113	REP7-053	REP7-070	REP8-043 and REP8-049	REP9-067	REP10-017
NE Submission	Applicants Response											
REP4-087	REP5-015											
REP6-113	REP7-053											
REP7-070	REP8-043 and REP8-049											
REP9-067	REP10-017											
3	<p>Natural England notes the inclusion of East Anglia TWO in the in-combination assessment. If the effect displacement is up to 11.5km as reported from London Array, then there will be some displacement, therefore we welcome the amendment to include East Anglia TWO as part of the in-combination assessment.</p>	<p>The Applicants' note that when using NE's precautionary approach, the East Anglia TWO project would only add a minimal amount to the in-combination effect (an effective area over which displacement could occur equivalent to 0.075% of the area of the SPA).</p>										
4	<p>Natural England's position is that there is already an AEoI from red-throated diver in-combination [REP4-087] from existing windfarms within the OTE SPA. It is clear that a significant percentage of the SPA by area is already subjected to displacement, either using the Applicant's or Natural England's methodology. We therefore reiterate that we disagree with the Applicant's conclusions set out in Table 11. Natural England's conclusions are set out in Table 1 of REP9-067.</p>	<p>See the Applicants' response to REP9-067 in REP10-017. The Applicants maintain that there would not be an AEoI at the project alone or in-combination level.</p>										
Letters of No Impediment												
5	<p>Natural England understands from the Applicant's response [REP11-049] that the draft Letter of No Impediment (LONI) application for Greater-Crested Newt</p>	<p>The Applicants note that NE previously agreed the level and type of survey data required for the Applications during an Expert Topic</p>										



ID	NE Comment	Applicants' Comments
	will be submitted post application. Natural England will continue to engage with the Applicant outside of examination.	Group meeting on 20th February 2018. Through its Relevant Representation (RR-059), NE requested that a draft mitigation licence should be submitted to secure a LoNI. However, NE has now concluded that it cannot determine the draft mitigation licence application on this basis due to recent changes to NE's process for issuing LoNI. The Applicants will therefore progress licensing for great crested newt post-consent based on the results of preconstruction surveys. This revised approach has been discussed with NE.
6	Natural England also understands from the Applicant's response [REP11-049] that the draft LONI application for Badger will be submitted into examination. Please note, if this is the case, there will insufficient time to progress this application before Examination ends on July 6 th .	Following receipt of NE's comments on the Applicants' draft badger mitigation licence application, the Applicants have submitted an updated document to NE. NE has yet to issue the associated Letter of No Impediment (LoNI).
NE Comments on Cumulative and In-Combination Collision Risk and Displacement Update [REP11-027]		
7	The Applicant submitted a Cumulative and In-Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Since submission Natural England has engaged with the Applicant, through our Discretionary Advice Service (DAS) in relation to this matter and have agreed to provide comprehensive advice to inform the decision making process.	Noted
8	We have reviewed the evidence presented in the updated assessments in REP11-027. And with Appendix A16c we have amended the totals to the abundance figures for Hornsea Project 3 in the displacement assessments to those we consider appropriate for use and the collision predictions included for East Anglia 3 to the consented values. We have used these updated cumulative and in-combination figures to update our advice on these matters for considering all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, EA1N and EA2, for both excluding and including the Hornsea Project 4,	<p>The Applicants have taken on board NE advice provided through DAS and submitted the Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update (REP12-066) to update the Hornsea Project THREE estimates which are understood to be accepted by NE and to revert to the Boreas deadline 8 figures for East Anglia THREE.</p> <p>However, the Applicants have submitted a Deadline 13 Offshore Ornithology Cumulative and In Combination Collision Risk</p>

Applicants' Comments on NE's Deadline 12 Submissions

5th July 2021



ID	NE Comment	Applicants' Comments
	Dudgeon Extension (DEP) and Sheringham Extension (SEP) projects where the figures are from the Preliminary Environmental Impact Reports (PEIR) and hence subject to change. Please see Appendix A16c at Deadline 12.	<p>Update (document reference ExA.AS-12.D13.V1) to address minor comments from NE in their Deadline 12 submission (REP12-090) (see ID14 of section 2.2).</p> <p>The Applicants have responded to Appendix A16C at section 2.3.</p>



2.2 Appendix A15d – Natural England's Comments on Derogation Case [REP11-069] and Without Prejudice Compensation Measures [REP11-070] Deadline 12 (REP12-089)

ID	NE Comment	Applicants' Comments
Introduction		
9	<p>This document provides an update on Natural England's position and advice to the following documents submitted by the Applicant at Deadline 11 in relation to the Habitats Regulation Assessment (HRA) Derogation and Offshore Ornithology Without Prejudice Compensation Measures:</p> <ul style="list-style-type: none"> EA1N and EA2 Habitat Regulations Assessment Derogation Case D11 Update V7 [REP11-069] EA1N and EA2 Offshore Ornithology Without Prejudice Compensation Measures v3 (Tracked & Clean) [REP11-070 & REP11-071] 	Noted
HRA Assessment Derogation Case D11 Update [REP11-069]		
10	Natural England has reviewed the updated derogations case and can confirm that our advice provided in REP7-071 and REP9-063 remains unchanged.	Noted, see the Applicants response to REP7-071 and REP9-063 in REP8-049 and REP10-017 respectively.
11	In addition to our previous advice Natural England note that the layout presented at Figure 1 is based upon 67 turbines. However, there is no representation of a layout using fewer higher MW capacity or a reduced density and thus potential buffer increase. Natural England advises that a range of layout options should be presented so that the SoS can make an informed decision regarding the availability of alternative solutions that would reduce impacts on the OTE SPA.	The Applicants have set out the justification for the layout figure that is provided within the HRA Derogation Case within the answer to ExA Q ref 3.2.7 of (REP11-088) and have provided a layout figure in Appendix 1 of REP11-088 to the specification requested by the Examining Authority (ExA) in question 3.2.7.



ID	NE Comment	Applicants' Comments			
Offshore Ornithology Without Prejudice Compensation Measures (Tracked) [REP11-070]					
12	<p>Summary</p> <p>Natural England has reviewed the updated compensation measures and can confirm that our advice provided in REP7-071 and REP9-065 remains unchanged.</p>	<p>Noted, see the Applicants response to REP7-071 and REP9-065 in REP8-049 and REP10-017 respectively.</p>			
13	<p>To summarise the information provided does not provide sufficient detail in our view for the Secretary of State (SoS) to have confidence in these measures. Please see our response to ExA Q3 [REP11-123] and updated list below on what we believe a fully comprehensive compensation package should provide. NB: this is not an exclusive list:</p> <p>a) What, where, when: clear and detailed statements regarding the location and design of the proposal.</p> <p>b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations</p> <p>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</p> <p>d) Policy/legislative mechanism for delivering the compensation (where needed)</p> <p>e) Agreed DCO/DML conditions</p> <p>f) Clear aims and objectives of the compensation</p> <p>g) Mechanism for further commitments if the original compensation objectives are not met – i.e. adaptive management</p>	<p>See the Applicants response to REP11-123 in REP12-030. The Applicants consider that an adequate level of detail has been provided within the Offshore Ornithology Without Prejudice Compensation Measures document (REP12-060). The Applicants note that NE's list has already evolved since Deadline 11.</p> <p>The Applicants consider that NE's points are covered as follows:</p> <table border="1" data-bbox="1108 786 2049 1394"> <tr> <td data-bbox="1108 786 1518 954"> <p>a) What, where, when: clear and detailed statements regarding the location and design of the proposal.</p> </td> <td data-bbox="1518 786 2049 1394" rowspan="2"> <p>Section X.4.2 Measures taken forward of each measure provides the detail for how the measures will deliver the necessary compensation (including design information such as temporal and spatial scale) with proposed locations for the measure.</p> <p>The measures put forward all include discussion of the ecological evidence which supports the decision to put the measure forward.</p> <p>Paragraph 3 of each part of Schedule 18 in the draft DCO was updated at deadline 12 (document reference 3.1) to include a requirement for each implementation and monitoring plan to include details of why</p> </td> </tr> <tr> <td data-bbox="1108 954 1518 1394"> <p>b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations</p> </td> </tr> </table>	<p>a) What, where, when: clear and detailed statements regarding the location and design of the proposal.</p>	<p>Section X.4.2 Measures taken forward of each measure provides the detail for how the measures will deliver the necessary compensation (including design information such as temporal and spatial scale) with proposed locations for the measure.</p> <p>The measures put forward all include discussion of the ecological evidence which supports the decision to put the measure forward.</p> <p>Paragraph 3 of each part of Schedule 18 in the draft DCO was updated at deadline 12 (document reference 3.1) to include a requirement for each implementation and monitoring plan to include details of why</p>	<p>b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations</p>
<p>a) What, where, when: clear and detailed statements regarding the location and design of the proposal.</p>	<p>Section X.4.2 Measures taken forward of each measure provides the detail for how the measures will deliver the necessary compensation (including design information such as temporal and spatial scale) with proposed locations for the measure.</p> <p>The measures put forward all include discussion of the ecological evidence which supports the decision to put the measure forward.</p> <p>Paragraph 3 of each part of Schedule 18 in the draft DCO was updated at deadline 12 (document reference 3.1) to include a requirement for each implementation and monitoring plan to include details of why</p>				
<p>b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations</p>					



ID	NE Comment	Applicants' Comments	
	<p>h) Clear governance proposals for the post-consent phase – we do not consider simply proposing a steering group is sufficient</p> <p>i) 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>j) 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>k) Commitments to monitoring specified success criteria,</p> <p>l) Proposals for ongoing 'sign off' procedure for implementing compensation measures throughout the lifetime of the project. Including implementing feedback loops from monitoring</p> <p>m) Continued annual management of the compensation area and ensure other factors are not hindering the success of the compensation e.g. changes in habitat, increased disturbance as a result of subsequent plans/projects</p>		<p>the compensation measure location is appropriate ecologically and likely to support successful compensation.</p>
		<p>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</p>	<p>The Applicants maintain their position (as stated in REP9-016) that the compensation measures proposed are appropriately secured at a level that provides adequate levels of compensation to offset the potential effects of the Projects (whilst providing the necessary flexibility to allow for refinements in detail as the specifics of the measures are developed and agreed with stakeholders, Government, partners etc)</p>
		<p>d) Policy/legislative mechanism for delivering the compensation (where needed)</p>	<p>The Applicants assume this refers to the requirement to obtain regulatory approvals such as planning permission.</p> <p>The Applicants' position is that there is no AEoI on any of the sites under consideration and therefore none of the compensation measures are required. Whilst "without prejudice compensation measures" have been progressed (as requested), the Applicants do not consider it to be reasonable for regulatory approval to be obtained in respect of the proposed compensation measures before a decision</p>



ID	NE Comment	Applicants' Comments	
			is taken on whether such measures are deemed necessary.
		e) Agreed DCO/DML conditions	<p>The Applicants note that NE have made limited comments on the drafting of Schedule 18, a number of which the Applicants have already addressed through updates to the draft DCO.</p> <p>In drafting DCO schedule 18, the Applicants have ensured that the compensation measures proposed are appropriately secured at a level that provides adequate levels of compensation to offset the impacts of the Projects (noting that the extremely low numbers required to be offset for the Projects means that over-compensation is inevitable) whilst providing the necessary flexibility to allow for refinements in detail as the specifics of the measures are developed and agreed with stakeholders, Government, partners etc.</p>
		f) Clear aims and objectives of the compensation	<p>These are set out within each measure:</p> <p>Sections X.3 and x.4 of each measure within the Offshore Ornithology Without Prejudice Compensation Measures (REP11-071) defines the scope, aims and objectives.</p>



ID	NE Comment	Applicants' Comments	
		<p>g) Mechanism for further commitments if the original compensation objectives are not met – i.e. adaptive management</p>	<p>The Implementation and Monitoring Plan for each measure includes provisions for monitoring and adaptive management.</p>
		<p>h) Clear governance proposals for the post-consent phase – we do not consider simply proposing a steering group is sufficient</p>	<p>Governance is provided for by the compensation steering group (CSG). This is underpinned by the plan for the work of the CSG which would be developed by the group itself but approved by the Secretary of State. Note that paragraph 2 under each part of Schedule 18 of the draft DCO (document reference 3.1) requires that the authorised development may not be commenced until a plan for the work of the CSG has been submitted to and approved by the Secretary of State. Furthermore, the plan must include:</p> <ul style="list-style-type: none"> • Terms of Reference of the CSG; • Details of the membership of the CSG; • Details of the schedule of meetings, timetable for preparation of the implementation and monitoring plan and reporting and review periods; and • The dispute resolution mechanism



ID	NE Comment	Applicants' Comments	
		i) 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	The plan for the work of the compensation steering group could contain provision for public communication. If consultation was a requirement (i.e. if any further planning consent was required) then this would be part of that Statutory process.
		j) Timescales for implementation esp. where compensation is part of a strategic project, including how timescales relate to the ecological impacts from the development	Section X.4.2 Measures taken forward of each measure provides the detail for how the measures will deliver the necessary compensation (including design information such as temporal and spatial scale) with proposed locations for the measure. Paragraph 3 of each part of Schedule 18 in the draft DCO (document reference 3.1) requires that the implementation and monitoring plan, approved by the Secretary of State, includes an implementation timetable for delivery of the compensation measure.
		k) Commitments to monitoring specified success criteria	The Implementation and Monitoring Plan for each measure includes provisions for monitoring
		l) Proposals for ongoing 'sign off' procedure for implementing compensation measures throughout the lifetime of the	The Implementation and Monitoring Plan for each measure includes provisions for monitoring and adaptive management.



ID	NE Comment	Applicants' Comments	
		project. Including implementing feedback loops from monitoring	
		m) Continued annual management of the compensation area and ensure other factors are not hindering the success of the compensation e.g. changes in habitat, increased disturbance as a result of subsequent plans/projects	<p>The Implementation and Monitoring Plan for each measure includes provisions for monitoring and adaptive management.</p> <p>However, the Applicants note that if future projects affect the functioning of the compensation measure it is those projects that should avoid or mitigate such effects.</p>
Further Advice			
14	<p><u>1) Requirement for Compensation Measures</u></p> <p>Please see our latest advice on the Updated RIES Appendix K8b and in-combination figures Appendix A16c where we highlighted that:</p> <p>i) Gannet</p> <p>Natural England has now considered the implications of the Hornsea Project Three decision and in-combination collision totals when this project is included. Natural England can now advise that an adverse effect on integrity (AEol) of the gannet feature of the FFC SPA can be ruled out for in-combination collision impacts, in-combination displacement impacts and in-combination collision plus displacement impacts when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in- combination totals.</p>	<p>The Applicants welcome the NE revised position with regard to gannet, razorbill and guillemot and note that NE now advise that:</p> <ul style="list-style-type: none"> an adverse effect on integrity (AEol) of the gannet feature of the FFC SPA can be ruled out for in-combination collision impacts, in-combination displacement impacts and in-combination collision plus displacement impacts when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia ONE North and East Anglia TWO are included in the in-combination totals; and an AEol on guillemot, and razorbill from FFC SPA can be ruled out from displacement in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals. <p>The Applicants submitted a <i>Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update</i> (REP12-066). The update provides the summary rows which include all projects previously agreed at</p>	



ID	NE Comment	Applicants' Comments
	<p>However, due to the inevitable uncertainty associated with the figures for Hornsea 4, DEP and SEP being from the PEIRs and are hence subject to change, Natural England therefore is not in a position to advise that significant impact can be ruled out for gannet for cumulative collision impacts when the Hornsea 4, DEP and SEP projects are included in the cumulative totals.</p> <p>ii) Guillemot and Razorbill</p> <p>Natural England advises that an adverse effect on integrity (AEol) on guillemot, and razorbill from FFC SPA can be ruled out from displacement in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals.</p> <p>However, due to the inevitable uncertainty associated with the figures for Hornsea 4, DEP and SEP being from the PEIRs and are hence subject to change, Natural England therefore is not in a position to advise that significant impact can be ruled out for guillemot and razorbill for cumulative collision impacts when the Hornsea 4, DEP and SEP projects are included in the cumulative totals.</p>	<p>Deadline 8 of the Norfolk Boreas examination (which is the commonly agreed position), with the inclusion of Hornsea Project Three (using Natural England agreed figures). Norfolk Vanguard and the PEIR projects (Hornsea Project Four, Dudgeon Extension and Sheringham Extension (DEP and SEP)) are then included individually and altogether in a grand total for all windfarms.</p> <p>However, the Applicants have now submitted a Deadline 13 Offshore Ornithology Cumulative and In Combination Collision Risk Update (ExA.AS-12.D13.V1) to address minor comments from NE in their Deadline 12 submission (REP12-090). The updates are as follows:</p> <ul style="list-style-type: none"> • Correcting a slight discrepancy in the Hornsea Three displacement abundance estimate for gannet in the spring migration season which NE calculates as 524, whereas in REP11-027 and REP12-066, the Applicants presented this as 527 (See ID19 of section 2.3). This has now been changed to 524; and • Norfolk Vanguard was previously presented individually and then together in a grand total of all projects however this project has now been incorporated within the 'all projects above' total in line with NE's Appendix A16c - Comments on Cumulative and In-Combination Collision Risk [REP11-027] (REP12-090) which provides conclusions for all projects that are consented or for which an application has been submitted and further advice in relation to the inclusion of Hornsea Project 4 and the Sheringham and Dudgeon Extensions (DEP & SEP) (see ID17 of section 2.3). <p>NE's revised positions now accord with the Applicants' position on AEol in respect of gannet, razorbill and guillemot as at the time of the Applications. Whilst the Applicants accept that initial information is available for other projects in planning, and have included this information where possible (as stated above), the Applicants consider that it is clear from NE's advice that</p>



ID	NE Comment	Applicants' Comments
		'exceedance of a threshold' has not been reached for these species with the consented projects and submitted applications.
15	<p><u>2) Lesser Black-Backed Gull Strategic Project</u></p> <p>Natural England has been working with DEFRA, and local landowners to explore the feasibility of a strategic project at the Alde-Ore Estuary SPA for lesser black-backed gulls. Despite best efforts, the outcome isn't what DEFRA/we hoped for and the explorations have brought up a number of challenges that mean it won't be possible to develop a DEFRA lead strategic compensation project that aligns with the examination and consenting timescales for this and other OWF projects. Therefore, project specific compensation will now need to be developed and secured.</p>	<p>Following an update on progress from NE and Defra, the Applicants have resumed progress on developing the compensation proposal in collaboration with Norfolk Boreas Ltd and will continue to engage with Natural England and with other stakeholders, to ensure that should compensation measures be required, they can be implemented at the earliest opportunity. Should a strategic approach become unnecessary, for example, where Norfolk Boreas Ltd is not required to implement compensation, section 9.4.3 of the Offshore Ornithology Without Prejudice Compensation Measures (REP12-060) provides the means to secure adequate Project alone measures.</p>
16	<p><u>3) Compensation Locations</u></p> <p>Natural England notes that there is no acknowledgement within the updated document of the requirement to ensure that the onshore sites chosen for compensation are fit for purpose i.e. for locations with designated sites, that the location is already receiving the appropriate level of site management (the landowner is meeting their SSSI requirements which underpin the N2K sites); and that for other locations the site is not going to be subject to modifications which may affect the effectiveness of compensation both initially and over the life time of the project. If this cannot be demonstrated, then the Applicant will need to factor in meeting these requirements into their proposals, and the time that would be needed to demonstrate this included in the timescales for implementation of any compensation.</p>	<p>It will be necessary for any measure which is required to ensure that the location selected is appropriate. For example, the Offshore Ornithology Without Prejudice Compensation Measures (REP12-060) states the following for kittiwake (para 89, third bullet):</p> <ul style="list-style-type: none"> <p><i>The nest sites would be located on a structure similar in size and form to those already used by kittiwakes (e.g. in Lowestoft and Tyneside). Detailed design would begin following a decision from the SoS that this is required. Consultation will be required with the KCSG to agree the design parameters once the Applicant has developed initial proposals. If it is necessary to obtain planning consent for this structure the application would be submitted to the appropriate authority. The detailed design stage would include consideration of any potential wider effects, either beneficial or negative, on other habitats and species that might arise from the implementation of the proposed compensation measure, as required. The above will form the basis of the kittiwake implementation and monitoring plan (KIMP) which must be submitted to the SoS for approval (in consultation with the MMO, the local planning</i></p>



ID	NE Comment	Applicants' Comments
	<p>For example Natural England is in the process of advising on the Lowest Eastern Energy Facility (LEEF) planning and Marine Licence application, where we note that Phase One will take 12 months to implement and during this time there will be impacts to the existing breeding kittiwakes within the harbour. Therefore it is not clear how LEEF will mitigate the impacts from the port development and what the implications will be for delivering compensation measures at this location given the Applicant's concerns in relation to the required for a lead in time for any compensation.</p>	<p><i>authority for the land containing the artificial nest site, and Natural England). The KIMP will also address why the location is appropriate ecologically and likely to support successful compensation.</i></p> <p>Understanding whether the location is '<i>appropriate ecologically and likely to support successful compensation</i>' is critical to the success of the measure. Paragraph 3(a) in each part of Schedule 18 requires this information to be included within the implementation and monitoring plan and the Offshore Ornithology Without Prejudice Compensation Measures document (REP12-060) was updated at Deadline 12 to include provision for this and reference is made to it in each appendix. As part of this understanding the baseline condition and management of the location would be taken into account and factored into the detailed design of the measure. As previously stated, given the scale of the effects to be compensated by the Projects, the Applicants consider that although the risk of incurring a 'mortality debt' exists, the size of debt remains extremely small and would readily be recouped a short time after the measures become operational.</p> <p>Para 89, fourth bullet continues:</p> <ul style="list-style-type: none"> <i>The success of the compensation measures would be monitored through observation of numbers and breeding success. Results would be discussed with the KCSG. If a need to modify the approach is identified this will also be discussed and steps taken accordingly. Any amendments to or variations of the approved KIMP must be in accordance with the principles set out in the kittiwake compensation plan and may only be approved where it has been demonstrated to the satisfaction of the SoS that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the kittiwake compensation plan.</i>

Applicants' Comments on NE's Deadline 12 Submissions

5th July 2021



ID	NE Comment	Applicants' Comments
		The monitoring and provision for adaptive management is again critical to understanding the success of the measure and would future-proof the functioning of the measure.



2.3 Appendix A16c – Natural England's Comments on Cumulative and In-Combination Collision Risk and Displacement Update [REP11-027] Deadline 12 (REP12-090)

ID	NE Comment	Applicants' Comments												
Summary														
17	<p>1. Natural England welcome the updated offshore ornithological cumulative and in-combination assessments submitted by the Applicant at Deadline 11 [REP11-027] and in general we broadly agree with the figures presented.</p> <p>2. We note that the cumulative/in-combination displacement assessments of red throated diver (RTD) are not covered in REP11-027. Natural England has provided advice on RTD displacement (cumulative and in-combination) during the EA1N and EA2 examinations in REP4-087, REP6-113, REP7-070, REP8-159 and REP9-067. Our advice regarding RTD remains as set out in these documents.</p> <p>3. Natural England welcomes that the gannet and kittiwake figures included in Tables A0.1 and A0.2 of REP11-027 for East Anglia Two have been updated to be based on the full breeding season.</p> <p>4. We note that the Norfolk Vanguard project is to be redetermined. Therefore, we now advise that the project be treated in the same way as Norfolk Boreas, EA1N and EA2, i.e. that it is included in the cumulative totals with these projects and Hornsea 3 (now that updated figures are available for all species for this project). Hence totals are provided for all projects up to EA1N and EA2 (so including Vanguard, Boreas and Hornsea 3) but excluding Hornsea 4, Dudgeon Extension and Sheringham Extension (for reasons set out below), and then totals where all projects are included.</p>	<p>1. and 2. The Applicants have responded to NE's submissions on red-throated diver in the documents as follows:</p> <table border="1"> <thead> <tr> <th>NE Submission</th> <th>Applicants' response</th> </tr> </thead> <tbody> <tr> <td>REP4-087</td> <td>REP5-015</td> </tr> <tr> <td>REP6-113</td> <td>REP7-053</td> </tr> <tr> <td>REP7-070</td> <td>REP8-043 and REP8-049</td> </tr> <tr> <td>REP8-159</td> <td>REP9-016</td> </tr> <tr> <td>REP9-067</td> <td>REP10-017</td> </tr> </tbody> </table> <p>3. Noted</p> <p>4. The Applicants have submitted a Deadline 13 Offshore Ornithology Cumulative and In Combination Collision Risk Update (document reference ExA.AS-12.D13.V1) to address this comment.</p>	NE Submission	Applicants' response	REP4-087	REP5-015	REP6-113	REP7-053	REP7-070	REP8-043 and REP8-049	REP8-159	REP9-016	REP9-067	REP10-017
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REP4-087	REP5-015													
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REP7-070	REP8-043 and REP8-049													
REP8-159	REP9-016													
REP9-067	REP10-017													
Detailed Comments on Updated Assessments														
18	<p>2.1 Figures included for Hornsea 3</p> <p>5. We welcome that the Applicants have included updated figures for Hornsea 3 in the assessments in Tables A0.1-A0.8 of REP11-027, based on the document provided to the</p>	<p>The Applicants note that the figures presented in Deadline 12 Offshore Ornithology Cumulative and In Combination</p>												



ID	NE Comment	Applicants' Comments																		
	<p>Applicants' by Ørsted. Natural England has now completed our review of the updated data provided by Ørsted for Hornsea 3. We can confirm agreement with the central/mean EIA and HRA scale collision predictions using our advised input parameters for collision risk and of abundances for displacement, and advise they are suitable to include for the Hornsea 3 project in cumulative and in-combination assessments.</p> <p>6. The figures we consider appropriate to use for the Hornsea 3 project based on the information provided to use by Ørsted are presented in Table 1 below:</p> <p>Collision risk</p> <p>Table 1 Natural England calculated EIA and HRA scale collision predictions for Hornsea 3 based on data recently provided by Ørsted</p> <table border="1" data-bbox="277 726 1178 963"> <thead> <tr> <th></th> <th>Annual EIA scale collision prediction for Hornsea 3</th> <th>Flamborough and Filey Coast SPA (gannet and kittiwake) / Alde-Ore Estuary SPA (LBBG) annual collision prediction for Hornsea 3</th> </tr> </thead> <tbody> <tr> <td>Gannet</td> <td>19</td> <td>7</td> </tr> <tr> <td>Kittiwake</td> <td>123</td> <td>(74)*</td> </tr> <tr> <td>Lesser black-backed gull (LBBG)</td> <td>9</td> <td>0</td> </tr> <tr> <td>Herring gull</td> <td>5</td> <td>-</td> </tr> <tr> <td>Great black-backed gull (GBBG)</td> <td>36</td> <td>-</td> </tr> </tbody> </table> <p>* Noting the contribution from this project is set to 0 in the in-combination assessment as compensated for</p> <p>7. Natural England has checked the Hornsea 3 figures we consider appropriate to use (as shown above) against those the Applicants have included in the updated cumulative and in-combination collision assessments in Tables A0.1-A0.5 of REP11-027. The annual collision predictions the Applicants have included for Hornsea 3 for gannet, kittiwake, LBBG, herring gull and GBBG for EIA scale, for gannet and kittiwake at Flamborough and Filey Coast SPA, and LBBG at the Alde-Ore Estuary SPA are considered appropriate based on the information provided to us by Ørsted.</p>		Annual EIA scale collision prediction for Hornsea 3	Flamborough and Filey Coast SPA (gannet and kittiwake) / Alde-Ore Estuary SPA (LBBG) annual collision prediction for Hornsea 3	Gannet	19	7	Kittiwake	123	(74)*	Lesser black-backed gull (LBBG)	9	0	Herring gull	5	-	Great black-backed gull (GBBG)	36	-	<p>Collision Risk Update (REP12-060) match NE's figures in the adjacent table.</p>
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ID	NE Comment	Applicants' Comments																																																						
19	<p>Displacement</p> <p>Table 2 Natural England calculated EIA and HRA scale abundance figures for Hornsea 3 based on data recently provided by Ørsted</p> <table border="1" data-bbox="286 443 1211 592"> <thead> <tr> <th rowspan="2"></th> <th colspan="5">EIA scale abundance for Hornsea 3</th> <th colspan="5">FFC SPA abundance for Hornsea 3</th> </tr> <tr> <th>Pre breeding / spring</th> <th>Breeding</th> <th>Post breeding / autumn</th> <th>Non-breeding</th> <th>Total</th> <th>Pre breeding / spring</th> <th>Breeding</th> <th>Post breeding / autumn</th> <th>Non-breeding</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Gannet</td> <td>524</td> <td>1333</td> <td>984</td> <td>-</td> <td>2841</td> <td>32</td> <td>844</td> <td>47</td> <td>-</td> <td>924</td> </tr> <tr> <td>Guillemot</td> <td>-</td> <td>13374</td> <td>-</td> <td>17772</td> <td>31146</td> <td>-</td> <td>0</td> <td>-</td> <td>782</td> <td>782</td> </tr> <tr> <td>Razorbill</td> <td>2105</td> <td>630</td> <td>2021</td> <td>3649</td> <td>8405</td> <td>72</td> <td>0</td> <td>69</td> <td>99</td> <td>240</td> </tr> </tbody> </table> <p>8.</p> <p>Natural England has checked the Hornsea 3 figures we consider appropriate to use (as shown above in Table 2) against those the Applicants have included in the updated cumulative and in-combination displacement assessments in Tables A0.6-A0.8 of REP11-027. The seasonal and annual abundances the Applicants have included for Hornsea 3 for guillemot and razorbill for EIA scale in REP11-027 are the same as those Natural England consider appropriate based on the information provided to us by Ørsted. We note there is a slight discrepancy for gannet for the spring migration season – Natural England calculates the Hornsea 3 abundance to be 524, whereas the Applicants have calculated this as 527 in Table A0.8 of REP11-027. This means there is a slight difference in the annual EIA abundance total where Natural England makes it 2,841, whilst the Applicants have presented 2,844 in Table A0.8. This also slightly affects the Applicants' spring migration figure for the FFC SPA for gannet.</p>		EIA scale abundance for Hornsea 3					FFC SPA abundance for Hornsea 3					Pre breeding / spring	Breeding	Post breeding / autumn	Non-breeding	Total	Pre breeding / spring	Breeding	Post breeding / autumn	Non-breeding	Total	Gannet	524	1333	984	-	2841	32	844	47	-	924	Guillemot	-	13374	-	17772	31146	-	0	-	782	782	Razorbill	2105	630	2021	3649	8405	72	0	69	99	240	<p>The Applicants note that this slight discrepancy was within the Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update (REP12-066) and therefore the Applicants have now submitted a Deadline 13 Offshore Ornithology Cumulative and In Combination Collision Risk Update (document reference ExA.AS-12.D13.V1) to address this.</p>
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20	<p>9. However, whilst the updated Hornsea 3 abundance figures included for FFC SPA for the non-breeding season for guillemot and for the autumn, non-breeding and spring for razorbill are the same as those considered appropriate by Natural England, we note there are discrepancies between the breeding season figures included by the Applicants and those considered appropriate by Natural England (Natural England considers it appropriate for 0 birds to be apportioned in the breeding season to the FFC SPA for both guillemot and razorbill). This has an associated impact on the annual abundance figures.</p>	<p>This was updated in the Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update (REP12-066).</p>																																																						



ID	NE Comment	Applicants' Comments
21	<p>2.2 Hornsea 4 and Dudgeon and Sheringham Extension projects (DEP and SEP)</p> <p>10. As per our advice during the Norfolk Boreas examination, we note that the figures for Hornsea 4 come from the PEIR for that project. These figures and the methodologies to produce them are hence subject to ongoing discussions through the evidence plan process and therefore have an element of uncertainty associated with them and are subject to change. For example, the CRM figures presented in the Hornsea 4 PEIR were undertaken using the stochastic CRM, and therefore are potentially affected by the issues currently being investigated with this model.</p> <p>11. Whilst we welcome the inclusion by the Applicants of the PEIR figures for Dudgeon and Sheringham OWF extensions (DEP and SEP), we note that these figures are subject to ongoing discussions through the evidence plan process and hence also have an element of uncertainty associated with them and are subject to change.</p> <p>12. The inevitable uncertainty around the Hornsea 4, DEP and SEP figures means that Natural England is not in a position to advise that a significant adverse impact for cumulative impacts at EIA scale, or that an AEol for in-combination impacts at HRA, can be ruled out for any relevant species or feature of an SPA when the Hornsea 4, DEP and SEP projects are included in the totals.</p>	<p>Notwithstanding the potential addition of Hornsea Project 4 and the Sheringham and Dudgeon Extensions to the cumulative and in-combination totals, the Applicants maintain their conclusions of negligible to minor adverse significance (for the EIA) and no Adverse Effects on Integrity (for the HRA) within the assessments submitted (Chapter 12 Offshore Ornithology (APP-060) and the Information to Support Appropriate Assessment Report (APP-043)).</p> <p>This is based upon:</p> <ul style="list-style-type: none"> Population viability models covered a wide range of effect magnitudes which effectively allowed for the additional projects' effects. The negative effects on each of the species' population growth rates remained very small and were not predicted to result in population declines; and The many layers of precaution within the assessments (as highlighted in the Offshore Ornithology Precaution Note (AS-041)). <p>Therefore, the Applicants maintain the position that there would not be an AEol on any of the relevant SPAs.</p>
22	<p>2.3 East Anglia Three Non-Material Change (NMC)</p> <p>13. Natural England understands that the figures included in the cumulative/in-combination collision risk tables (Tables A0.1-A0.5) of REP11-027 for East Anglia Three have been updated with numbers from collision risk modelling undertaken as part of a non-material change (NMC) application that has been granted (BEIS 20211). We understand that this NMC is sought to:</p>	<p>The Applicants do not agree with this position as stated in Q R17QF.2 of the Applicants' Responses to Rule 17 Questions of 18 June 2021 (REP12-056). Notwithstanding this, in the Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update (REP12-066), the Applicants updated the tables to revert to the East Anglia THREE estimates from Norfolk Boreas Deadline 8 position.</p>



ID	NE Comment	Applicants' Comments
	<p>a) increase the maximum tip height of 247m to 262m (relative to Lowest Astronomic Tide (LAT));</p> <p>b) increase in the minimum air draft of all WTGs from 22m to 24m (relative to (Mean High Water Springs (MHWS));</p> <p>c) increase the maximum rotor diameter from 220m to 230m; and</p> <p>d) reduce the maximum, total number of WTGs from 172 to 121.</p> <p>14. The proposed amendments were considered by the Secretary of State (SoS) as a NMC, as the changes would not result in any further environmental impacts and will remain within the parameters consented by the 2017 Order (BEIS 2021).</p> <p>15. Natural England has recently provided advice to BEIS regarding East Anglia One Limited (EAOL) who are seeking to amend the Development Consent Order (DCO) to reduce the maximum number of turbines to reflect the 102 turbines installed for the project. In this advice, which has been submitted into the Examination for the ExA to consider [REP11-121], Natural England questions whether such a NMC (if granted) provides the legal certainty required to rely on the as-built parameters for the purposes of HRA, including the use of 'as built' values from e.g. collision modelling in an in-combination assessment.</p> <p>16. In the absence of the required legal certainty, we advise that the collision predictions included in the cumulative and in-combination assessments for the East Anglia 3 project are those for the consented project rather than for the NMC.</p>	
23	<p>17. Natural England recognises the desirability of establishing environmental 'headroom' in order to facilitate further offshore wind development and is keen to ensure this is achieved in a legally robust manner. In addition, please be advised that if this is eventually an accepted route for as built project values to come forward, the full assessment using Natural England's advised values and parameters must be made available and a best practice approach agreed across the industry.</p>	<p>The Applicants' consider that the NMC process is legally robust with regard to providing 'headroom'. See Q R17QF.2 of the Applicants' Responses to Rule 17 Questions of 18 June 2021 (REP12-056) for the Applicants' detailed position on this.</p>



ID	NE Comment	Applicants' Comments
3. Summary of Natural England Advice on Cumulative and In-Combination Assessments Covered in REP11-027		
24	<p>18. Natural England has reviewed the evidence presented in the updated assessments in REP11-027 and as set out in Section 2.1 and Section 2.3 above. We have also amended the totals to the abundance figures for Hornsea 3 in the displacement assessments to those we consider appropriate for use, and the collision predictions included for East Anglia 3 to the consented values. We have used these updated cumulative and in-combination figures to update our advice on these matters for considering all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, EA1N and EA2, for both excluding and including the Hornsea 4, Dudgeon extension (DEP) and Sheringham extension (SEP) projects where the figures are from the PEIRs and hence subject to change.</p>	<p>Noted see Applicants' responses above (ID17-23).</p>
25	<p>19. A summary of our advice is presented in Table 3 and detailed advice around how these conclusions were reached are set out in Annex 1 (for EIA) and Annex 2 (for HRA).</p> <p>20. The East Anglia One North and East Anglia Two projects make contributions to cumulative and in-combination effects on several seabirds at both the EIA scale and with respect to qualifying features of seabird colony SPAs through collision mortality, particularly with respect to North Sea populations of great black-backed gull, gannet and kittiwake, Flamborough and Filey Coast SPA kittiwake and gannet, and Alde-Ore Estuary SPA lesser black-backed gull (see Table 3).</p>	<p>Noted, the Applicants maintain the position that there would not be an AEoI on any of the relevant SPAs.</p> <p>The Applicants have not provided a response to Annex 1 and Annex 2. Rather, the Applicants have reviewed NE's Table 3 which summarises NE's positions and have added a comparison to NE's previously stated position and a commentary on the implications of this (see Table 1 and Table 2 below). The Applicants consider that it is useful to highlight where important changes in advice have been made which are not immediately clear from NE's summary.</p> <p>The implications of NE's final position are important for consideration of three species – gannet, guillemot and razorbill. In the case of these three species, NE's conclusions on AEoI now match those of the Applicants that for all projects with submitted applications (as of the time of writing) there is no AEoI in-combination. Therefore, it is the</p>



ID	NE Comment	Applicants' Comments
		<p>Applicants submission that there is no requirement for compensation measures for these species to be considered further.</p> <p>The Applicants note that if projects which have yet to submit applications (i.e. Hornsea Project Four (H4), Sheringham Shoal and Dudgeon Extension Projects (SEP and DEP)) are included then NE's position on these species moves to 'unable to rule out AEIOI'. With regard to these three species it is therefore clear from NE's advice that 'exceedance of a threshold' has not been reached with the consented projects and submitted applications.</p> <p>Notwithstanding the potential addition of Hornsea Project 4 and the Sheringham and Dudgeon Extensions to the cumulative and in-combination totals, the Applicants maintain their conclusions of negligible to minor adverse significance (for the EIA) and no Adverse Effects on Integrity (for the HRA) within the assessments submitted (Chapter 12 Offshore Ornithology (APP-060) and the Information to Support Appropriate Assessment Report (APP-043)).</p> <p>This is based upon:</p> <ul style="list-style-type: none"> • Population viability models covered a wide range of effect magnitudes which effectively allowed for the additional projects' effects. The negative effects on each of the species' population growth rates remained very small and were not predicted to result in population declines; and • The many layers of precaution within the assessments (as highlighted in the Offshore Ornithology Precaution Note (AS-041)).



ID	NE Comment	Applicants' Comments
26	<p>21. Natural England has previously provided regulators with our advice regarding our concerns about predicted level of cumulative/in-combination impacts on North Sea seabirds, e.g. EIA great black-backed gull at East Anglia 3, Norfolk Vanguard and Norfolk Boreas, Flamborough and Filey Coast (FFC) SPA kittiwakes at Hornsea 2, Hornsea 3 and Norfolk Vanguard. These concerns have intensified given the three further offshore wind farm NSIPs now submitted to PINS (Norfolk Boreas, East Anglia One North, East Anglia Two), with three further projects planned to submit in the next 12 months (Hornsea 4, Dudgeon extension and Sheringham extension), and additional Extensions projects and Round 4 to follow. Therefore, Natural England considers that without major project-level mitigation being applied to all relevant projects coming forward, there is a significant risk of large-scale impacts on seabird populations.</p>	No comments
<p>Annex 1: Environmental Impacts Assessment (EIA) Cumulative Impacts Detailed Comments/Conclusions</p>		<p>See ID 25 and Table 1 and Table 2 below.</p>



Table 1 Applicants review and commentary on NE Table 3 (EIA)

EIA species	EA1N and EA2 Cumulatively with Other Plans & Projects (NE REP12-090)	Previous position (from REP8-159)	Change (from REP8-159)	Change in conclusion (from REP8-159)
Gannet: collision	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4&NVG	DEP & SEP added	No change other than additional projects added
Gannet: displacement	No significant adverse impact excl. H4, DEP & SEP Unable to rule of significant adverse impact incl. H4, DEP & SEP	No significant adverse impact excl. H3, H4& NVG Unable to rule out significant adverse impact incl. H3, H4 & NVG	DEP & SEP added, H3 and NVG no longer cause significant impact	Based on para 36 (REP12-090) this is a change of position from NE and there is no AEOI if H4, DEP & SEP are excluded This position now aligns with the Applicants' position at Application (see ID21 and ID25).
Gannet: collision + displacement	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4 & NVG	DEP & SEP added	No change other than additional projects added
Kittiwake: collision	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4 & NVG	DEP & SEP added	No change other than additional projects added



EIA species	EA1N and EA2 Cumulatively with Other Plans & Projects (NE REP12-090)	Previous position (from REP8-159)	Change (from REP8-159)	Change in conclusion (from REP8-159)
Lesser black-backed gull: collision	<p>No significant adverse impact excl. H4, DEP & SEP</p> <p>Unable to rule out significant adverse impact incl. H4, DEP & SEP</p>	<p>No significant adverse impact excl. H3, H4 & NVG</p> <p>Unable to rule out significant adverse impact incl. H3, H4 & NVG</p>	<p>DEP & SEP added, H3 and NVG no longer cause significant impact</p>	<p>Based on para 57 (REP12-090) this is a change of position from NE and there is no AEOL if H4, DEP & SEP are excluded</p> <p>This position now aligns with the Applicants' position at Application.</p>
Herring gull: collision	<p><u>East Anglia One North:</u></p> <p>No significant adverse impact excl. & incl. H4, DEP & SEP</p> <p><u>East Anglia Two:</u></p> <p>No significant adverse impact excl. H4, DEP & SEP</p> <p>Unable to rule of significant adverse impact incl. H4, DEP & SEP</p>	<p>No significant adverse impact excl.& incl.H3, H4 & NVG</p>	<p>East Anglia ONE North DEP & SEP added</p> <p>East Anglia TWO DEP & SEP added, H4 now included in significant impact</p>	<p>East Anglia ONE North</p> <p>Based on para 60 (REP12-090) we note that NE now accept that East Anglia ONE North makes no contribution to the cumulative total.</p> <p>This position now aligns with the Applicants' position at Application (see ID21 and ID25).</p> <p>East Anglia TWO</p> <p>It is unclear why H4 was previously not considered to</p>



EIA species	EA1N and EA2 Cumulatively with Other Plans & Projects (NE REP12-090)	Previous position (from REP8-159)	Change (from REP8-159)	Change in conclusion (from REP8-159)
				contribute to significant effect but now is. This position now aligns with the Applicants' position at Application (see ID21 and ID25).
Great black-backed gull: collision	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4 & NVG	DEP & SEP added	No change other than additional projects added
Guillemot: displacement	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4 & NVG	DEP & SEP added	No change other than additional projects added
Razorbill: displacement	Unable to rule out significant adverse impact excl. & incl. H4, DEP & SEP	Unable to rule out significant adverse impact excl. & incl. H3, H4 & NVG	DEP & SEP added	No change other than additional projects added



Table 2 Applicants review and commentary on Table 3 (HRA)

HRA species & site	EA1N and EA2 in-combination with other plans & projects (NE REP12-090)	Previous position (from REP9-066, REP7-071)	Change (from REP9-066, REP7-071)	Change in conclusion (from REP9-066, REP7-071)
Gannet, Flamborough & Filey Coast SPA: collision	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. Hornsea 3, Hornsea 4 & Norfolk Vanguard Unable to rule out AEol incl. Hornsea 3, Hornsea 4 & Norfolk Vanguard	DEP & SEP added, H3 and NVG no longer considered to contribute to AEOI	Based on para 109 (REP12-090) this is a change of position from NE and there is no AEOI if H4, DEP & SEP are excluded This position now aligns with the Applicants' position at Application (see ID21 and ID25)
Gannet, Flamborough & Filey Coast SPA: displacement	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. HP3 and HP4 Unable to rule out AEol incl. HP3 & H4		
Gannet, Flamborough & Filey Coast SPA: collision + displacement	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. HP3 and HP4 Unable to rule out AEol incl. HP3 & H4		
Kittiwake, Flamborough & Filey Coast SPA: collision	Unable to rule out AEol excl. and incl. H4, DEP & SEP	AEol irrespective of whether Hornsea 4 and Norfolk Vanguard included or not (Hornsea 3)	DEP & SEP added	No change other than additional projects added



HRA species & site	EA1N and EA2 in-combination with other plans & projects (NE REP12-090)	Previous position (from REP9-066, REP7-071)	Change (from REP9-066, REP7-071)	Change in conclusion (from REP9-066, REP7-071)
		considered compensated for)		
Guillemot, Flamborough & Filey Coast SPA: displacement	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. HP3 and HP4 Unable to rule out AEol incl. HP3 & HP4	DEP & SEP added, H3 no longer considered to contribute to AEOI	Based on para 136 (REP12-090) this is a change of position from NE and there is no AEOI if H4, DEP & SEP are excluded This position now aligns with the Applicants' position at Application (see ID21 and ID25)
Razorbill, Flamborough & Filey Coast SPA: displacement	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. HP3 and HP4 Unable to rule out AEol incl. HP3 & HP4	DEP & SEP added, H3 no longer considered to contribute to AEOI	Based on para 148 (REP12-090) this is a change of position from NE and there is no AEOI if H4, DEP & SEP are excluded This position now aligns with the Applicants' position at Application (see ID21 and ID25)
Assemblage, Flamborough & Filey Coast SPA	No AEol excl. H4, DEP & SEP Unable to rule out AEol incl. H4, DEP & SEP	No AEol excl. HP3 and HP4 Unable to rule out AEol incl. HP3 & HP4	DEP & SEP added, H3 no longer considered to contribute to AEOI	Based on para 152 (REP12-090) this is a change of position from NE and there is no AEOI if H4, DEP & SEP are excluded



HRA species & site	EA1N and EA2 in-combination with other plans & projects (NE REP12-090)	Previous position (from REP9-066, REP7-071)	Change (from REP9-066, REP7-071)	Change in conclusion (from REP9-066, REP7-071)
				This position now aligns with the Applicants' position at Application (see ID21 and ID25)
Lesser black-backed gull, Alde-Ore Estuary SPA: collision	Unable to rule out AEol excl. H4, DEP & SEP (no collisions apportioned from H4, DEP & SEP)	Unable to rule out AEol incl./excl. Norfolk Vanguard (no collisions apportioned from Hornsea 3 & Hornsea 4)	H4, DEP & SEP not relevant	No change



2.4 Appendix C11 – Natural England's Comments to the Hundred River Ecology Survey Report [REP11-063] Deadline 12 (REP12-091)

ID	NE Comment	Applicants' Comments
Introduction		
1	<p>This document provides Natural England's response in relation to the Hundred River Ecology Survey [REP11-063].</p> <p>Natural England has also considered all the representations of interested parties in relation to the area of woodland and meadow adjacent to the Hundred River and provide the below advice.</p>	Noted.
Summary		
2	<p>From our experience we now believe that there is insufficient time remaining in the examination to progress this matter further and provide definitive advice on the status of the woodland or presence of Hairy Dragonfly in the meadow adjacent to the Hundred River. Therefore, we advise that measures are put in place to ensure that there are no detrimental impacts to either the woodland or Hairy Dragonflies. These measures should be in the form of pre-construction surveys and identified and secured mitigation measures. <u>Therefore, before the end of examination we expect both the OLEMS and DCO to be updated accordingly.</u></p>	<p>The Applicants note that the commitment to undertake pre-construction hairy dragonfly surveys was added to the <i>Outline Landscape and Ecological Management Strategy</i> (OLEMS) (document reference 8.7) (see <i>section 6.10.3.1, section 8.1</i> and <i>section 8.2</i>) at a previous deadline. The Applicants would add that the desk study undertaken for the Projects did not return any records of hairy dragonfly in the vicinity of the Hundred River crossing location and none of the three surveys undertaken to date recorded any suitable habitat for this species, hence no species specific survey has been undertaken.</p> <p>Regarding mitigation for impacts on the woodland at the Hundred River crossing location, the Applicants note their comments at ID5 of <i>Applicants' Comments on Natural England's Deadline 10 Submissions</i> (REP11-049) (repeated here at ID5) and reiterate that the three surveys now undertaken have assessed the habitat at the Hundred River crossing location to be semi-natural broadleaf woodland. The Applicants note NE's statement within its Deadline 12 submission that it is unlikely that the area to be affected by the proposed works is wet woodland.</p>



ID	NE Comment	Applicants' Comments
		<p>The Applicants do not consider it necessary to update the OLEMS (document reference 8.7) or the draft DCO (document reference 3.1) before the end of the Examinations as the measures requested by NE are already secured.</p>
<p>Classification as Wet Woodland</p>		
<p>3</p>	<p>Natural England acknowledges that the surveys have now been undertaken within the appropriate survey window. However, we do note the much colder spring we have had in 2021 which may have affected the growth rate of some species. It also remains unclear if the ecologists are botanists with high FISC.</p> <p>We also note that the survey was a walkover survey rather than a National Vegetation Classification survey which would have listed out the distribution and abundance of species. Therefore this survey is more quantitative than qualitative.</p>	<p>As noted by the Applicants in previous submissions, Phase 1 habitat surveys can in fact be conducted all year round. The survey reported in Ecology Survey Results May 2021 (REP11-063) occurred on Friday 28th May 2021 (i.e. a full two months into the optimum survey window of April to September). The Applicants have now undertaken three industry standard survey visits to the Hundred River crossing location over a four year period (April 2018, February 2021 and May 2021), all of which have drawn the same conclusion regarding the woodland onsite (i.e. that it is semi-natural broadleaf woodland).</p> <p>A National Vegetation Classification survey is normally only required as a follow up to a Phase 1 habitat survey undertaken at a sub-optimal time of year (i.e. October to March). Additionally, whether such a survey is required would be subject to the findings of the Phase 1 habitat survey and the surveying ecologists deeming that further survey data are necessary to reach a robust conclusion regarding a habitat type. On all three survey visits to the Hundred River crossing location the suitably qualified surveying ecologists concluded that the habitat on-site did not comprise wet woodland and therefore no further survey effort was required.</p> <p>Phase 1 habitat surveys do not need to be undertaken by botanists with high Field Identification Skills Certificate (FISC) levels. The credentials of the surveyors who visited the Hundred River crossing location in February and May 2021 are set out within paragraph 7 of REP11-063, which states that they meet the appropriate Chartered Institute of Ecology and Environmental Management (CIEEM) survey competence requirements.</p>



ID	NE Comment	Applicants' Comments
4	<p>Natural England notes that none of the photographic evidence presented has been geo referenced and/or have orientation provided. Therefore, Natural England is unable to fully rely on these alongside the written reports as definitive evidence that this area is/ is not wet woodland.</p> <p>However, we still believe that because the area of the proposed works is on the margins of the woodland, it is likely to have different ecological conditions/characteristics to that of the surrounding wood.</p> <p>Natural England's advice, on the basis of the evidence presented, is that while some areas of this woodland may have attributes of wet woodland, it is unlikely that the area to be affected by the proposed works is wet woodland.</p>	<p>While the grid references for survey photographs have not been provided, each photograph was taken from the location of, and is attributed to a relevant Target Note. This is true of all ecological survey photographs provided to date, either with the Applications or during the Examinations.</p> <p>The Applicants wish to remind the ExA that any new ecological survey information submitted during the Examinations should be considered in conjunction with the information from previous surveys, including those presented within the Environmental Statement (ES); conclusions drawn from each new survey will also be informed by information from previous surveys.</p> <p>The Applicants welcome NE's view that the areas to be affected are unlikely to be wet woodland.</p>
5	<p>Classification of wet woodland aside, please be advised that we do still consider that lowland mixed deciduous woodland is declining, and every effort should be made to avoid, reduce and mitigate the impacts to this habitat. We note that the Applicant has set out in the Outline Landscape and Ecological Management Strategy (OLEMS) [REP8-019] that the planting of trees over the cable corridor will not be possible. Therefore, as per REP10-052 we strongly advise that the Applicants provide details on how impacts to this woodland and fragmentation thereof will be mitigated for and enhancements provided.</p>	<p>The Applicants note their comments at ID5 of <i>Applicants' Comments on Natural England's Deadline 10 Submissions</i> (REP11-049). Whilst trees cannot be planted directly over the onshore cables for the reasons explained in <i>Section 3.5.10</i> of the <i>OLEMS</i> (document reference 8.7), the final Landscape Management Plan will set out a scheme for the planting of shallower-rooting species (such as grasses, shrubs and scrub directly over onshore cables) within the vicinity of the Hundred River crossing.</p> <p>The onshore cables will not be laid within the full 34m (single project) or 68m (the Projects) wide cable route at the Hundred River crossing location, meaning that larger species can be replanted within this area where they avoid the onshore cables. Additionally, trees along the western bank of the Hundred River (extending 5m inland) which fall outside the area in which the onshore cables are to be installed but within the 34m / 68m working areas will not be removed</p>



ID	NE Comment	Applicants' Comments
		<p>unless for safety reasons, thereby minimising the area of disturbance as a result of the Projects.</p> <p>The Applicants also note Section 5.1.1.1 of the OLEMS (document reference 8.7) commits the Applicants to planting an area of new mixed deciduous and coniferous woodland within Work No. 24 to offset the woodland lost within the vicinity of Aldeburgh Road. All trees and shrubs planted within Work No. 24 as well as reinstated trees and shrubs at the Hundred River will be subject to a ten year management period and the adaptive management provisions set out within section 4.2 of the OLEMS (document reference 8.7).</p> <p>The Applicants consider these commitments to be appropriate and adequate at this pre-consent stage of the Projects.</p>
6	<p>Natural England notes that only two photographs have been provided by the Applicant in the meadow area, and therefore we are unable to advise the ExA on the levels of confidence surrounding the ecological conclusions of the survey. However, we believe that if the SoS is minded to grant consent then the requirement to undertake pre construction surveys and mitigate potential impacts prior to construction should be sufficient to address residual concerns in relation to this species.</p>	<p>The Applicants assume that by 'this species', NE is referring to hairy dragonfly. The Applicants note their comments at ID2 and welcome NE's confirmation that residual concerns can be sufficiently addressed post-consent.</p> <p>The Applicants reiterate that the appropriate commitments regarding pre-construction ecological surveys and the subsequent implementation of suitable mitigation measures are included within the OLEMS (document reference 8.7) and secured through the draft DCO (document reference 3.1).</p>



2.5 Appendix I1i – Natural England’s Risk and Issues Log Deadline 12 (REP12-092)

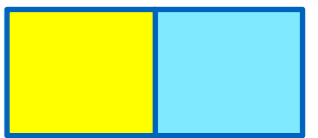
3. Note that there are differences between the East Anglia TWO (EA2) and East Anglia ONE North (EA1N) NE Risk and Issues Log however in order to avoid repetition they have been combined and colour coding used to distinguish project specific matters. The specific numbers assigned to rows in the NE Risk and Issues log are provided for each respective Project however, unless otherwise stated, when a cross reference to another row is provided by the Applicants, this is to the EA2 row number.

2.5.1 Summary

No. in EA2	No. in EA1N	Natural England’s Relevant Representation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants’ Response
Offshore Ornithology (Appendix A)										
1	1	Red-throated diver displacement impacts on Outer Thames Estuary SPA		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b for detailed		Natural England’s position remains unchanged from REP9-067.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		The Applicants submitted a final version of the Displacement of red-throated divers in the Outer Thames Estuary at Deadline 11 (REP11-076). In addition, the Applicants responded to REP9-067 and NE Deadline 12 cover letter in REP10-017 and section 2.1 (ID2-4) respectively.
2	2	Collision Risk Modelling (CRM) parameters		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England’s position remains unchanged from REP9-066.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		The Applicants have submitted a Deadline 13 Cumulative and In-Combination Collision Risk and Displacement Update document (ExA.AS-12.D13.V1) which reflects NE’s updated position on the HP3 numbers.
3	3	Cumulative and in-combination assessments (displacement and CRM);		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE		Natural England’s position remains unchanged from REP9-066 and REP9-067.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		The Applicants responded to REP9-066, REP9-067 and NE Deadline 12 cover letter in REP10-017 and section 2.1 (ID2-4) respectively.



No. in EA2	No. in EA1N	Natural England's Relevant Representation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
				Deadline 9 Appendix A17b for detailed						
4	4	Scale of predicted cumulative and in- combination collision impacts and requirement for mitigation.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments. Also, the Applicant submitted a Cumulative and In-Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP9-066.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		The Applicants responded to REP9-067 and NE Deadline 12 cover letter in REP10-017 and section 2.1 (ID2-4) respectively.
Terrestrial Ecology (Appendix C)										
8	8	Potential for supporting habitat loss within the Sandling SPA		Our position remains unchanged - see Natural England Position summary to related documents in cover letter at Deadline 9.		Ongoing.		Issue Ongoing		The Applicants responded to NE's deadline 9 cover letter in REP10-017.
9	9	Clarification of redline boundary for cable corridor		Our position remains unchanged.		We agree to disagree on whether this document should be updated prior to consent. However, on this occasion only we are prepare to close the matter on the R&I issues log.				The Applicants welcome this position.
10	10	Potential for disturbance to designated breeding features of Sandlings SPA		The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged		Issue resolved as all nesting birds will be protected as part of the Breeding Bird Protection Plan (secured under Requirement 21 of the draft DCO (document reference 3.1).				The Applicants welcome this position.



No. in EA2	No. in EA1N	Natural England's Relevant Representation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
				and we await inclusion within the CoCP as a SNCB consultee.						
11	11	Request for SNCB consultation on management plans		Issue Ongoing. 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 and request to be named. SNCB also to be added to the relevant plans within the OCocP. NE are in discussion with the Applicant on this matter.		Natural England is in discussion with the Applicant and will review the list of plans for which the SNCB is named within the OCoCP when it is next submitted by the Applicant into examination.		The Applicant updated OCoP at Deadline 10 [REP10-003], we welcome the amendments and in-principle the points securing consultation with the relevant Statutory Nature Conservation Body (SNCB) subject to the final wording of Requirement 22 of the DCO. Resolved pending updated DCO at Deadline 12.		The Applicants welcome this position and consider this matter closed.
Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project (Appendix E)										
14	n/a	Comments on the AONB special Qualities		No update		No further update.		No further Update		No further comments. The Applicants and NE have reached final positions on this matter.
15	14	Significant cumulative effects with the EA2 OWF project.		No update		No further update.		No further Update		No further comments. The Applicants and NE have reached final positions on this matter.
Development Consent Order, Deemed Marine Licences and related certified documentation (Appendix G)										
18	17	Cable protection should not be permitted to be deployed over any area over the full lifetime of the project.		Issue Ongoing - The issue regarding deployment of cable protection in new areas for 5 years after construction remains outstanding.		Please see issue 25 in All Other Matters.		Please see issue 25 in All Other Matters.		Please see issue 25 in All Other Matters. This matter is closed

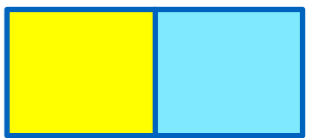
2.5.2 Offshore Ornithology



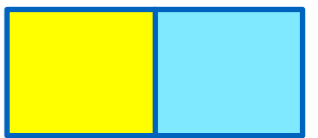
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
1. Red-throated diver displacement impacts on Outer Thames Estuary SPA (OTE SPA)										
Document used: 5.3 EA2/EA1N Information to Support the Appropriate Assessment Report										
n/a	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b. NE's previous advice remains unchanged.		Natural England's comments on RTD displacement remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		The Applicants responded to NE's Appendix A17b in REP10-017 and the Deadline 12 cover letter in section 2.1 (ID2-4) . The Applicants submitted a final version of the Displacement of Red-throated Divers in the Outer Thames Estuary SPA document at Deadline 11 (REP11-026).
n/a	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b. NE's previous advice remains unchanged.		Natural England's comments on RTD displacement remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See EA1N No 1 of this item above.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
1	n/a	The EA2 boundary has been amended since the Preliminary Environmental Information Report (PEIR) consultation and is now more than 8km from the SPA boundary. This change was for seascape reasons, but also reduced impacts on the SPA. However based on studies conducted at other windfarms, the extent of displacement effects is likely to exceed 8km. Therefore the EA2 array will result in a long-lasting reduction in the availability of diver habitat in part of the SPA and a change of the distribution of divers within the SPA, and result in an adverse effect on integrity (AEOI) from the project alone. The AEOI the boundary should be avoided so no part of the array is within 10 km of the boundary of the SPA.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b for detailed comments.		NE note the Applicant's response in REP9-017 and agree there would be no AEOI as a result of EA2 alone.				This matter is closed
2	3	The level of vessel traffic associated with site maintenance has been quantified. However, the impacts of increased traffic on RTD have not been considered, these need to be discussed and mitigated.		This protocol provides appropriate best practice to mitigate disturbance from vessels and helicopters transiting the SPA to an acceptable level to exclude an adverse effect. Though please note that it doesn't address the impacts from presence of the turbines and from cable installation. Please see D8 Offshore Ornithology [REP8-110] Statement of Common Ground between the Applicant and Natural England.		NE has remaining concerns that the updated protocol doesn't address the impacts from presence of the turbines and from cable installation. But as a protocol for managing disturbance from transiting vessel we are agreed. Please see our position as set out in the cover letter at Deadline 9 [REP9-063].				This matter is closed Potential displacement impacts from operational turbines and export cable installation are not relevant to the Best Practice Protocol for Minimising Disturbance to RTD (REP8-036) which is not intended to cover these potential impacts.
3	n/a	No consideration has been given to the assessment of displacement from the array itself. Perhaps this is because the Applicant has only considered that potential impacts extend to 4km only. When using a 10km buffer around the array the overlap with the SPA is 4.4 km ² , which although is a small proportion of the area of sea within the SPA, it needs to be considered as part of the in-combination effect together with other plans and projects, including EA1N.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE		There would be no AEOI as a result of East Anglia TWO alone, however, this issue is concerning in-combination effects with EA1N therefore the issue is ongoing		NE's position remains unchanged.		The Applicants maintain their position on the extent of in-combination displacement as assessed in REP11-026. The Applicants responded to NE's Appendix A17b in REP10-017.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
				Deadline 9 Appendix A17b for detailed comments.						
4	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.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b for detailed		NE's comments on in-combination effects remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		The Applicants responded with regard to the request for a seasonal restriction on cable installation within the Applicants' Comments on Natural England's Deadline 8 Risk and Issues Log (REP9-017) (section 2, page 9). In summary, the restriction proposed 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. However, it should be noted that through the Best Practice Protocol for Minimising Disturbance to Red Throated Diver (REP8- 037), the Applicants have committed to re-routing other construction vessel traffic between the construction port and the windfarm site to avoid as much of the SPA as is possible through the core winter months of 1 st November to 1 st March inclusive.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
n/a	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b. NE's previous advice remains unchanged.		Natural England's position remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See EA1N No 1 of this item above.
5	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 reduced productivity during the breeding season.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments.		Natural England's comments on RTD displacement remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See response to No. 3 of this item above.
n/a	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments.		Natural England's position remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See EA1N No. 1 of this item above.



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n/a	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments.		Natural England's position remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary on NE Deadline 12 Cover Letter.		See EA1N No. 1 of this item above.
<p>2. Collision Risk Modelling (CRM) parameters. Document used:</p> <p>6.1.12 EA2/EA1N Environmental Statement Chapter 12 Offshore Ornithology,</p> <p>6.3.12.2 EA2/EA1N Environmental Statement Appendix 12.2 Ornithology Technical Appendix,</p> <p>5.3 EA2/EA1N Information to Support the Appropriate Assessment Report</p>										
6	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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP9-066.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		The Applicants submitted the Deadline 13 Cumulative and In-Combination Collision Risk and Displacement Update document (ExA.AS-12.D13.V1) (see ID14 of section 2.2) which reflects NE's updated position on the HP3 numbers. In addition, the Applicants have responded to Appendix A16c in section 2.3 .
7	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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP9-066.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.



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8	11	Natural England welcomes the use of our recommended Avoidance rates and nocturnal activity factors, 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		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP9-066.		The Applicant submitted a Cumulative and In Combination CollisionRisk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
<p>3. Cumulative and In-combination Assessments</p> <p>Documents used:</p> <p>6.1.12 EA2/EA1N Environmental Statement Chapter 12 Offshore Ornithology (Paragraph numbers given refer to this document),</p> <p>6.3.12.3 EA2/EA1N ES Appendix 12.3 Supplementary Information for the Cumulative Impact Assessment.</p>										
9	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 submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b for detailed		NE are content missing projects have been added. Please see REP9-067 for our latest advice on RTD displacement.				This matter is closed
n/a	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) contribute 5.6% of the relative contribution to potential displacement. 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.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b. NE's previous advice remains unchanged.		Natural England's comments on RTD displacement remain unchanged.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See EA1N No. 1 of this item above.



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10	n/a	<p>The contribution that EA2 makes is clear in Table A12.3.10. EA2 alone contributes 2.8% of the cumulative total, whereas all other Tier 4 projects combined (i.e. excluding EA2 but including EA1N) contribute 12.3% of the relative contribution to potential displacement.</p> <p>Although the approach considering the relative contribution to the cumulative total is helpful, and identifies that contribution made by EA2 is not insignificant, it 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>The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments.</p>		<p>Natural England's position remains unchanged from REP9-066 and REP9-067.</p>		<p>Natural England's position remains unchanged.</p>		<p>The Applicants responded to REP9-067 and REP9-066 in REP10-017.</p>
n/a	14	<p>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) 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>The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b. NE's previous advice remains unchanged.</p>		<p>Natural England's comments on RTD displacement remain unchanged.</p>		<p>Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.</p>		<p>See EA1N No. 1 of this item above.</p>
11	15	<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 >10km.</p>		<p>The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. We note that the only changes in version 4 [REP8-034] relate to the EA2 project alone assessment and the in-combination assessment so we have restricted our comments to those sections. Please see NE Deadline 9 Appendix A17b for detailed</p>		<p>Natural England's position remains unchanged from REP-066 and REP-067.</p>		<p>Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.</p>		<p>The Applicants responded to REP9-067 and REP9-066 in REP10-017 and to the NE Deadline 12 cover letter in section 2.1 (ID2-4)</p>



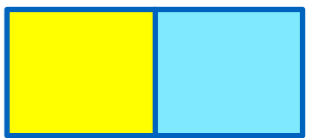
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
12	16	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 unable to rule out a significant adverse effect for cumulative operational displacement on RTD at the EIA scale.		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8- 034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments.		Natural England's position remains unchanged from REP-066 and REP-067.		Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter.		See no. 11 of this item above.
14	17	AEOI 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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP-066 and REP-067.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
15	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 Vanguard examination, which was 2,735. We seek clarification on why these two totals differ.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		NE's position remains unchanged from REP9- 066.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
17	n/a	It is acknowledged that if the higher avoidance rates in Bowgen & Cook (2018) are used, the overall impact significance will be reduced. However, Natural England advised that a significant (moderate adverse) impact on gannet at the EIA scale could not be ruled out due to cumulative collision totals at the end of the Vanguard hearing, and therefore adding more collisions from Boreas, the East Anglia projects and Hornsea 4 will not change this position.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		NE's position remains unchanged from REP9- 066.		NE's position remains unchanged.		See no. 6 of this item and ID21 and ID25 of section 2.3 .



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18	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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		NE's position remains unchanged from REP9- 066.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England have engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
20	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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		No further update.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England have engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
n/a	23	An increase of 6% above baseline mortality for great black-backed gull based on the largest Biologically Defined Minimum Population Scale (BDMPS) is significant.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		No further update.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England have engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
22	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.				No further update.		The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England have engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.



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23	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.		The Applicant submitted a Cumulative and In-Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		No further update.		The Applicant submitted a Cumulative and In-Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England have engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
24	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, EA2 and also Hornsea 4, and as a result our position remains unchanged.		The Applicant submitted a Cumulative and In-Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		No further update.		The Applicant submitted a Cumulative and In-Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 and ID21 and ID25 of section 2.3 .
<p>4. Scale of predicted cumulative and in-combination impacts and requirement for mitigation.</p> <p>Documents used:</p> <p>5.3 EA2/EA1N Information to Support the Appropriate Assessment Report,</p> <p>6.1.12 EA2/EA1N Environmental Statement Chapter 12 Offshore Ornithology,</p> <p>6.3.12.3 EA2/EA1N ES Appendix 12.3 Supplementary Information for the Cumulative Impact Assessment.</p>										
25	29	For EIA we have been unable to rule out a significant adverse effect for cumulative operational impacts on: <ul style="list-style-type: none"> kittiwake, gannet and great black-backed gull; guillemot, razorbill and red-throated diver For HRA we have been unable to rule out adverse effect on integrity on: <ul style="list-style-type: none"> kittiwake from FFC SPA; guillemot and razorbill at FFC SPA; lesser black-backed gull from Alde-Ore Estuary SPA due to in-combination collision impacts; 		The Applicant submitted an updated Displacement of Red-throated Divers in the Outer Thames Estuary - v4 [REP8-033, REP8-034]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments. Also, the Applicant submitted a Cumulative and In-Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		No further update.		The Applicant submitted a Cumulative and In-Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6, Table 1, Table 2 and ID21 and ID25 of section 2.3 .



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix A - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
		<ul style="list-style-type: none"> red-throated diver from Outer Thames Estuary SPA due to in-combination displacement effects. 								
Added since Relevant Reprs submission:										
28	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.		The Applicant submitted a Cumulative and In- Combination Collision update at Deadline 8 [REP8-035]. Please see NE Deadline 9 Appendix 16b for detailed comments.		Natural England's position remains unchanged from REP-066 and REP-067.		Natural England's position remains unchanged from REP9-066 and REP9-067. The Applicant submitted a Cumulative and In Combination Collision Risk and Displacement Update at Deadline 11 [REP11-027]. Natural England has engaged with the Applicant under DAS and updated the collision predictions to take into account HP3 and EA3. Please see Appendix A16c at Deadline 12.		See no. 6 of this item above.
33	33	Please see point 24 of DCO/DML tab		Please see point 24 of DCO/DML tab.		Please see point 24 of DCO/DML tab.		Please see point 24 of DCO/DML tab.		See no. 24 of DCO DML

2.5.3 Terrestrial Ecology

No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document used: 5.3 EA2/EA1N Information to Support the Appropriate Assessment Report										



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
1	1	<p>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 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>NE notes the updated Ecological Enhancement Clarification Note Addendum at Deadline 8 [REP8-041]. Our position remains unchanged - See Natural England Cover Letter at Deadline 9.</p>		<p>NE notes the updated Ecological Enhancement Clarification Note Addendum at Deadline 8 [REP8-041]. Whilst Natural England acknowledges that the Ecological Clarification note addendum addresses our concerns raised at [REP4-092, REP5-084, REP8-162] in relation to removal of hedgerows and reinstating either like for like or better; the points raised by NE at Deadline 2 [REP2-054] in relation to the Ecological Enhancement Clarification note [REP1-35] remain unchanged. See Natural England Cover Letter at Deadline 9 [REP9-063].</p> <p>Natural England notes the inclusion of hawthorn and blackthorn planting in the Outline Crossing Method Statement [REP6-036] and welcomes the extension of commitment to the habitat management plan in work area 12A to ten years (excluding horse paddock).</p>		<p>NE's position remains unchanged.</p>		<p>Noted.</p> <p>An Ecological Enhancement Clarification Note Addendum (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 Outline Landscape and Ecological Management Strategy (OLEMS) (document reference 8.7). This addendum to the Ecological Enhancement Clarification Note submitted at Deadline 1 (REP1-035) reflects a number of updates to these measures during the Examinations and provides up to date information on the Projects' potential to deliver ecological enhancement; it should be read in conjunction with the Ecological Enhancement Clarification Note (REP1-035).</p> <p>The Applicants note NE's view that the Projects should deliver over 10% ecological enhancement on the baseline, aligning with the thresholds required of Biodiversity Net Gain which the Applicants consider is not a formal requirement for Nationally Significant Infrastructure Projects (NSIPs) (and as agreed by NE in their Deadline 2 submissions (REP2-054)). Whilst this is acknowledged by</p>



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
										<p>the Applicants, other considerations have been taken into account in the proposed outline landscape mitigation plan such as visual and historic environment effects of planting.</p> <p>A full response to NE's Deadline 2 submission (REP2-054) has been provided within the Applicants' Comments on Natural England's Deadline 2 Submissions submitted at Deadline 3 (REP3-070).</p> <p>The Applicants and NE have reached final positions on this matter.</p>
Document used: 6.1.22 EA2/EA1N Environmental Statement Chapter 22 Onshore Ecology										
6	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 <i>Brachytron pratense</i> . We advise consideration of this species, as previously requested in Natural England's advice letter dated the 26th March 2019.		Natural England's position remains unchanged. Please see previous comments [REP8-162] [REP7-073] [REP5-084] [REP4-092]		Please see NE Deadline 10 Appendix C10.		The hairy dragonfly report submitted at Deadline 11 (REP11-063) suggests the survey was undertaken at the Hundred River crossing location (Work N0.19). This is outside the SSSI and therefore our previous advice regarding suitable habitat within the SSSI remains unchanged.		<p>The Applicants consider that the following two matters may have been conflated:</p> <ul style="list-style-type: none"> Survey of the Hundred River crossing location for suitable hairy dragonfly habitat; and Provision of further consideration of hairy dragonfly, with reference to the Leiston to Aldeburgh SSSI. <p>NE requested further consideration of hairy dragonfly with reference to the Leiston to Aldeburgh SSSI within its Relevant Representation (RR-059). The Applicants submitted the Onshore Ecology Clarification Note at Deadline 1 (REP1-023) with a further assessment of hairy dragonfly in this area.</p>



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
										<p>NE commented on REP1-023 at Deadline 2 (REP2-055), requesting further "whether any aspect of the works are likely to affect the species at other stages of development, either while within the water body or on the bank (note the species may well be using habitats outside the SSSI), either directly or indirectly)". At Deadline 3 (REP3-070), the Applicants responded to confirm that the area of the SSSI affected by the Projects did not comprise habitat suitable for hairy dragonfly at any stage of its development lifecycle.</p> <p>At Deadline 4, Natural England confirmed "We note the explanation provided regarding the suitability of the habitat at the landfall site to the larval stage of this species. We agree that an area with arable habitat and little suitable bankside vegetation and lacking in good water quality is not likely to support the larval stage", although requested a further habitat survey prior to works (REP4-092). The OLEMS updated at Deadline 6 (REP6-007) commits the Applicants to undertaking a walkover of the entire onshore development area and undertaking pre-construction surveys for invertebrates (including hairy dragonfly) within suitable habitats identified within the Order limits during the pre-construction walkover.</p>



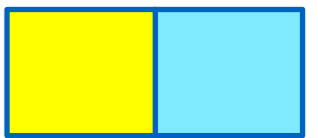
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
										NE's subsequent submissions relate to the potential hairy dragonfly presence at the Hundred River crossing location. The requirement to undertake pre-construction surveys and appropriate mitigation is set out within the OLEMS and secured in the draft DCO. The Applicants consider that this addresses NE's residual concerns on hairy dragonfly.
8	8	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. We welcome the commitment to reinstate and improve habitats.		Ongoing with further update on our position in relation to the potential wet woodland and hair dragonfly at Deadline 10.		Ongoing issue please see Deadline 10 Appendix C10 in relation to wet woodland and hairy dragonfly which need to be addressed before NE provide further advice.		Issue Ongoing Please see NE Cover Letter / Hundred River Survey Response at Deadline 12		The Applicants have responded to the NE Cover Letter / Hundred River Survey Response in sections 2.1 and 2.4 respectively. The Applicants note NE's statement within its D12 submission that the area within the vicinity of the Hundred River affected by the proposed works is unlikely to be wet woodland. The requirement to undertake pre-construction surveys and appropriate mitigation is set out within the OLEMS and secured in the draft DCO. The Applicants consider that this addresses NE's residual concerns on hairy dragonfly.
9	99	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.		NE and the Applicant held a meeting on 30th March 2021 to discuss outstanding issues. Natural England understand the Applicant will submit a response at Deadline 9.		Natural England continue to engage with the Applicant with regard to the draft LONI application for badger.		NE understand from the Applicant's response a draft LONI for Badger will be submitted into examination [REP11-049]. Please note - despite our engagement the Applicant, if submitted there will be insufficient time in the remainder of the examination to review this		See ID6 in section 2.1



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
								Application. See NE Cover Letter at Deadline 12.		
10	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.		The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit . The advice provided at Deadline 8 [REP8-162] remains unchanged.		Natural England continue to engage with the Applicant in relation to the draft LONI Application .		NE understand from the Applicant's response a draft LONI for Badger will be submitted into examination [REP11-049]. Please note - despite our engagement the Applicant, if submitted there will be insufficient time in the remainder of the examination to review this Application. See NE Cover Letter at Deadline 12.		
11	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.		The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.		We agree to disagree on whether this document should be updated prior to consent. However, on this occasion only we are prepare to close the matter on the R&I issues log.				This matter is closed
12	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.		NE and the Applicant held a meeting on 30th March 2021 to discuss outstanding issues with the LONI. It is expected the Applicant will submit comments at Deadline 9.		Natural England continue to engage with the Applicant with regard to the draft LONI Application.		Natural England understand from the Applicant's response [REP11-049] that the Draft LONI application for GCN will be submitted post application. Please see NE Cover Letter update at Deadline 12.		See ID5 in section 2.1



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
13	13	<p>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.</p> <p>Reptile mitigation should ensure that there is no net loss of local reptile conservation status, by providing 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.</p>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>We agree to disagree on whether this document should be updated prior to consent. However, on this occasion only we are prepared to close the matter on the R&I issues log.</p>				This matter is closed
Documents used: 6.1.23 EA2/EA1N Environmental Statement Chapter 23 Onshore Ornithology										
14	14	<p>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.</p> <p>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.</p>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>Natural England is content that mitigation measures for loss of nesting habitat will remain in situ and managed for a period of time post consent.</p> <p>However as per our D8 response in Appendix C9 we remain concerned that the mitigation will not be 'established' prior to construction, but there remains no guarantee/confirmation that it is delivering the required mitigation prior to construction commencing.</p>		No further update.		<p>Regarding guarantee / confirmation that the birds will be using the mitigation areas prior to construction commencing, the Applicants reiterate the position from ID3a within Section 4 of the Applicants Comments on Natural England's Deadline 8 Submissions (REP9-016) that whilst the Applicants can control how this mitigation habitat is prepared, it cannot control the extent to which birds use this mitigation area.</p>



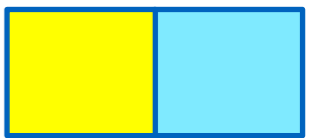
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
15	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.</p> <p>This mitigation method will need to be secured in the DCO and clearly set out in an outline habitat management/mitigation plan as there is the potential for the works themselves to be damaging to the designated sites. We advise that any scrub removal is restored with hawthorn and blackthorn.</p>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>Natural England notes the inclusion of hawthorn and blackthorn planting in REP6- 036 to create suitable restorative habitat for nightingale and turtle dove – Whilst we agree with the post installation mitigation please see also Item 14 in relation to delivery of mitigation prior to commencement of works.</p>				This matter is closed
16	16	<p>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.</p>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>Issue resolved.</p>				This matter is closed



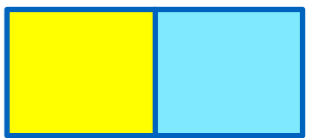
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
17	17	<p>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 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>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>Issue resolved as all nesting birds will be protected as part of the Breeding Bird Protection Plan (secured under Requirement 21 of the draft DCO (document reference 3.1)).</p>				<p>This matter is closed</p>
Documents used: 6.7 EA2/EA1N Onshore Schedule of Mitigation										
18	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"> 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 additional mitigation works may be required Following re-instatement of habitats (see Ref 5.12 in Onshore Schedule of Mitigation), in particular if open cut trenching is used. 7 years monitoring of hedgerows or until the hedgerows have recovered. 		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged.</p>		<p>Issue ongoing in relation to the EMP.</p>		<p>No further update.</p>		<p>The Applicants provided a response to NE's Deadline 8 Appendix C9 (REP8-162) at Deadline 9 in Applicants' Comments on NE Deadline 8 Submissions (REP9-016).</p> <p>The Applicants understand that NE's ongoing issue relates to the fact that a separate outline EMP has not been submitted however, the Applicants would reiterate that the OLEMS is the outline EMP. The Applicants consider this matter closed.</p>



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
21	21	<p>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.</p> <p>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.</p>		<p>The Applicant submitted an updated OLEMS at Deadline 8 [REP8-019, REP8-020] Natural England notes the minor changes to the sections pertinent to NE remit and has no further advice. The advice provided at Deadline 8 [REP8-162] remains unchanged and we await inclusion within the CoCP as a SNCB consultee.</p>		<p>Natural England is in discussion with the Applicant and will review the list of plans for which the SNCB is named within the OCoCP when it is next submitted by the Applicant into examination.</p>		<p>The Applicant updated the OCoP at Deadline 10 [REP10-003], we welcome the amendments and in-principle the points securing consultation with the relevant Statutory Nature Conservation Body (SNCB) subject to the final wording of Requirement 22 of the DCO. Natural England consider this is now resolved subject to the updated DCO at Deadline 12.</p>		This matter is closed
Documents used: 8.7 EA2/EA1N Outline Landscape and Ecological Management Strategy										
24	24	<p>Natural England requests that Statutory Nature Conservation Bodies (SNCBs) including Natural England are consulted on the Ecological Management Plan.</p>		<p>Issue Ongoing. Natural England are in discussions with the Applicant.</p>		<p>Issue Ongoing. Natural England are in discussions with the Applicant.</p>		<p>The Applicant has committed to updating requirement 21 of the draft Development Consent Order (DCO) (document reference 3.1) stipulating that NE will be consulted by the relevant planning authority during the approval of the EMP. Natural England consider this matter resolved subject to review of the DCO at D12.</p>		This matter is closed
Added since Relevant Reprs submission:										

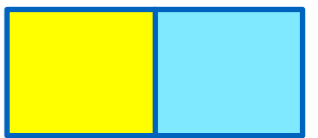


No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix C - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
26	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 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.		Natural England's position remains unchanged. Please see previous comments [REP8-162] [REP7-073] [REP5-084] [REP4-092]		See Natural England summary position in Deadline 9 cover letter [REP9-063] and further response Appendix C10 at Deadline 10 .		NE consider there is insufficient time remaining in the examination to progress and further provide definitive advice on the status of the woodland or presence of Hairy Dragonfly in the meadow adjacent to the Hundred River. Therefore, we advise that measures are put in place to ensure that there are no detrimental impacts to either the woodland or Hairy Dragonfly. These measures should be in the form of pre- construction surveys and identified and secured mitigation measures. Therefore, before the end of examination we expect both the OLEMS and DCO to be updated accordingly. Please see Appendix C11 at Deadline 12. See point 28 within the DCO tab.		See ID2 of section 2.4. The Applicants note NE's statement within its D12 submission that the area within the vicinity of the Hundred River affected by the proposed works is unlikely to be wet woodland. The requirement to undertake pre-construction surveys and appropriate mitigation is set out within the OLEMS and secured in the draft DCO. The Applicants consider that this addresses NE's residual concerns on hairy dragonfly.



2.5.4 Landscape and Visual Impact Assessment (LVIA) – Terrestrial aspects of the project

No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix D - Landscape and Visual Impact Assessment (LVIA) – Terrestrial aspects of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document Used: 6.1.29 EA2/EA1N Environmental Statement Chapter 29 Landscape and Visual Impact Assessment										
2	2	NE would like to see an anticipated timetable / schedule for how construction activities would 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.		N/A		Ongoing.		Ongoing		The Applicants refer to Plate 6.32 within Chapter 6 of the ES (APP-054) and the Onshore Cable Route Works Programme Clarification Note (REP3- 056) which provides an illustration of the indicative onshore cable route construction sequence and timing. This can be viewed in conjunction with Figure 6.2 - East Anglia TWO (and East Anglia ONE North) Onshore Development Area of the ES (APP-097) to provide more context on the phasing of the works.
3	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 achieved with the AONB partnership in consultation with Natural England and others.		N/A		See summary position within Natural England's Deadline 9 cover letter [REP9-063].		Natural England's position remains as per Deadline 9 cover letter [REP9-063].		The Applicants note that the NE summary position within REP9-063 states: " <i>Natural England note the submission of this assessment and has no further comment.</i> ". The Applicants consider this matter to be closed.

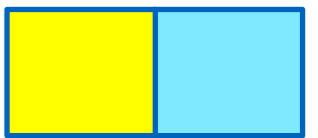


2.5.5 Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project

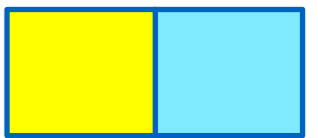
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Comments on 'Good Design'										
1	n/a	(Point 3.1.1). Due to the technology choice selected for use in the worst case scenario, and reflecting that smaller turbines are available, NE considers that the NPS requirements for 'good design' have not yet been fully applied in the design of the EA2 scheme. And as a consequence the statutory purpose of the AONB will be adversely effected by the EA2 proposal as it is currently configured.		Ongoing Issue		Ongoing Issue		Agree to disagree		<p>The Applicants note that at para 4.5.1 of EN-1 on Good Design, it is stated that fitness for purpose and sustainability are part of the good design process and therefore it is important that these factors are given due consideration in the good design process.</p> <p>NE indicated at ISH8 that turbines would need to be 210m to avoid significant effects. Turbines of this size would not be a viable option to maintain the capacity of the Project, and therefore would not be fit for purpose.</p> <p>Agree to disagree – this matter is closed.</p>
Comments on Visibility										
2	n/a	(Point 3.2.1) 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.		Ongoing Issue		Agree to disagree.		Agree to disagree		<p>No further comments – agree to disagree.</p> <p>This matter is closed.</p>



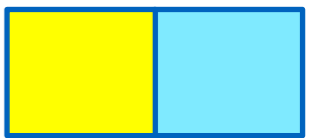
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
n/a	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		No update		No update		No update		No further comments
Comments on the revised layout design										
4	n/a	(Point 3.3.1) Magnitude of effect - The revised design presented in the ES is welcomed by NE for the reduction in the magnitude of effect this represents. (Point 3.3.2) Reduced Lateral Spread -NE agrees that the revised layout will reduce the magnitude of seascape, landscape and visual effects on the setting and key coastal viewpoints of the AONB. NE agree that the revised design results in a notable reduction in the lateral spread (See ES Table 28.3) which we calculated to be between 31% and 28%. (Point 3.3.3) Concentrated Grouping - Natural England agrees that concentrating the turbines into a smaller area will assist in reducing the magnitude of effect of the scheme.		Issue Ongoing		Issue ongoing.		Agree to disagree		The Applicants also note that at para 4.5.1 of EN-1 on Good Design, it is stated that fitness for purpose and sustainability are part of the good design process and therefore it is important that these factors are given due consideration in the good design process. NE indicated at ISH8 that turbines would need to be 210m to avoid significant effects. Turbines of this size would not be a viable option to maintain the capacity of the Project and therefore would not be fit for purpose Agree to disagree – this matter is closed.



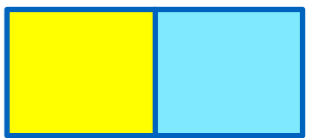
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
5	n/a	(Point 3.3.4) Increased distance to shore - Natural England concludes therefore that the revised design provides no embedded mitigation in terms of proximity to the coast of the AONB nor in the height of the turbines used in the worst case scenario. Consequently the magnitude of this effect remains the same as that for the scheme design presented in the PEIR. This is primarily due to the height of the turbines used in the worst case scenario that so many significant landscape and visual effects have been identified in the SLVIA for landscape and visual receptors located in the northern portion of the AONB.		Agreed to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
6	n/a	(Point 3.3.5) Cumulative effects -Natural England agrees that the cumulative effect of EA2, in conjunction with EA1N, will be reduced through the creation of a clear gap in the seascape between these 2 schemes. This has effectively removed the possibility that a 'curtaining' effect would be apparent from certain viewpoints located on the coastline of the AONB. However we note that significant cumulative effects are still predicated.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
Comments on the AONB Baseline										
8	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.		Ongoing issue.		Agree to disagree		The Applicants provided an updated assessment which takes into account the material changes made to the Sizewell C beach landing facility (REP8-075).



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
9	n/a	(Point 3.5.2) Natural England accepts the reasoning set out in the ES paragraph 3.5.2 but is concerned about the conclusions drawn. The applicant is correct in stating that the seascape covered by the study (and the wider seascape of the southern North Sea) is increasingly characterised by the presence of a number of large offshore windfarms. However, we consider that it is incorrect to assume that the acceptable landscape and seascape change which this has produced sets a precedent for EA2.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
Comments on landscape receptors										
10	n/a	Table 3.7 and Point 3.7.1) Our advice provided at s42 remains the same for these LCT areas. The concerns for these LCT areas LCT 06 Area B, LCT 06 Area D, LCT 29 Covehithe Broad and Easton Broad) have been presented within our relevant representations.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
EA2 Comments on the AONB Special Qualities										
11	n/a	Table 4 Summary of Natural England's position based on Table 28.10 of the ES		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
12	n/a	(Point 3.8.1) The role of the seascape setting of the AONB in shaping and maintaining the special qualities of the area is a vital consideration and a critical component of the SLVIA. It is a key interest for Natural England. We therefore welcome this assessment for the evidence and clarity it provides and believe it will greatly assist in the determination of the scheme.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
13	n/a	(Point 3.8.2) Landscape Quality – Influence of Incongruous features - We disagree with the magnitude of change judgement of medium- low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
14	n/a	(Point 3.8.3) Scenic Quality - Appeal to the senses; Sensory stimuli and 'big Suffolk skies' We disagree with the magnitude of change judgement of medium-low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
15	n/a	(Point 3.8.4) Relative Wildness -- Sense of remoteness; pockets of relative wildness. We disagree with the magnitude of change judgement of medium-low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
16	n/a	(Point 3.8.5) Relative Wildness -- Sense of remoteness; largely undeveloped coastlines - We disagree with the magnitude of change judgement of medium-low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
17	n/a	(Point 3.8.6) Relative Wildness -- Sense of passing time and a return to nature. We disagree with the magnitude of change judgment of medium-low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
18	n/a	(Point 3.8.7) Relative Tranquillity - Distractors from tranquillity. We disagree with the magnitude of change judgment of medium- low. We consider the change to be at least medium and the significance of effect should be significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
Comments on Viewpoints and Visual Receptors										



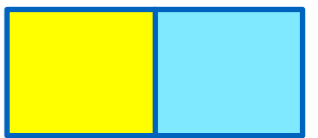
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
19	n/a	(Point 3.9.1 and Table 5) Our advice provided at s42 remains the same for those visual receptor groups at those viewpoints listed in the table above where we agree with the judgement in the ES SLVIA. Where we disagree with the judgement in the ES SLVIA we offer on comments point 20 and 21 (Point 3.92 and 3.9.3 of RR). These comments have been updated following the site visits undertaken in the summer of 2019.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
20	n/a	(Point 3.9.2) Viewpoint 10 Sizewell Beach - We disagree with the judgement of no significant effects as set out. In all other instances the sensitivity of 'beach users' and 'walkers on the SCP' (and similar groups) is high; this includes at viewpoints 4, 5, 13, A and D which are either urban or semi-urban in character. Natural England sees no justification in lowering the sensitivity of this group at this location to medium on the premise that the presence of Sizewell nuclear power station would reduce their expectations, and hence the sensitivity, of these groups. The sensitivity for these groups at this location should be assigned as high. We advise that the significance of effect for these 2 receptor groups at this location is significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
21	n/a	(Point 3.9.3) Viewpoint 18 Orford Ness -The judgement for this location in the PEIR was significant (PEIR Appendix 28.4 p.71). We assume that the revised design has resulted in the array being 200m closer to the location of this viewpoint, but with a reduced lateral spread (37.8 to 27.1 degrees). This revision has resulted in a judgment of not significant within the ES. However, we note that significant landscape effects (LCT 06) are predicted to extend to a point approximately 1.25km north of the location of this viewpoint. The reasoning in the ES is essentially the same as that provided in the PEIR, although we note the additional text in the ES. Our concerns remain in relation to: That Galloper and Greater gabbard occupy 22% of the visible seaward horizon, the assertion that the vertical height of the turbines will be relatively moderate, and we disagree that Galloper and Greater Gabbard arrays provide justification for EA2.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
22	n/a	(Point 3.9.3) Viewpoint 18 Orford Ness We accept that determining the significance of effect for this viewpoint is a finely balanced judgement, which is reflected in both the PEIR and ES through differing combinations of factors. In this instance, and in consideration of the unique character of this location, we advise that a precautionary approach should be adopted. Therefore Natural England disagrees with the revised judgement and advises that the significance of effect on the receptor group visiting this location is significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
Comments on Suffolk Coast Path										
22	n/a	(Point 3.10.1) Section 7 Minsmere and Sizewell - We disagree with the judgement of no significant effects as set out.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
Comments on Cumulative Effects										



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
23	n/a	(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 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.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
n/a	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.		No update		No update		This issue may be considered closed.		This matter is closed.
Comments on Summary and Conclusions										
24	n/a	(Point 3.12.2) We note the increase in the minimum of separation distance to 32.6km and the increase in separation distance from the coast at viewpoints 3, 4, 5 and 6. We also note the decrease in separation distance for viewpoints 7, 8, 9, 10,11,12,13 and 18. Based on these 12 locations the average separation distance remains unchanged at 34.5km.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
25	n/a	(Point 3.12.3) We are unsure of the point that this paragraph is seeking to make.		Ongoing Issue.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
26	n/a	(Point 3.12.4) We advise that significant landscape effects are very likely to occur in respect of the setting of LCT 29 Covehithe and wish to see an assessment of this LCT.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
27	n/a	(Point 3.12.5) We disagree that effects on AONB special quality 'big Suffolk Skies' are not significant.		Agree to disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix E - Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
29	n/a	(Point 3.12.7) Natural England accepts that there is capacity within SCT 06 Offshore Waters to accommodate further windfarms provided that the technology selected and design of the layout, particularly the distance from the coastline of the AONB, is sufficient to avoid significant adverse landscape and visual effects which are detrimental to the statutory purpose of the designation.		Ongoing issue.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.
30	n/a	(Point 3.12.8) Natural England notes the incompleteness of some of the statements in the 2 nd , 3 rd , 5 th and 4 th bullet points of this paragraph. For the 2 nd bullet, significant landscape and visual effects are predicted to extend for at least 35km along the coast for the majority of this distance. Due to the technology selected in the worst case scenario we disagree with the statement in the 3 rd bullet point. At the 4 th bullet point the statement made at paragraph 155 (Chapter 28 p.46) is needed to clarify the statement made here; 'It (EA2) will however result in changes to the seascape character, perceived from the land, particularly that portion of the Offshore Water LCT (06) which forms the seascape setting of the AONB'. In the 5 th Bullet we advise that the phrase 'EA2 windfarm site' although factually correct is misleading. Natural England disagrees with conclusion of the final sentence as set out at the 7 th bullet point. Natural England advises that the special qualities of the AONB will be adversely effected by this scheme. Although these effects will be confined to the northern portion of the designation's coastline, and will not affect every part of the AONB, they are nevertheless predicted to occur.		Agree to Disagree.		No further update.		Agree to disagree		No further comments – agree to disagree. This matter is closed.

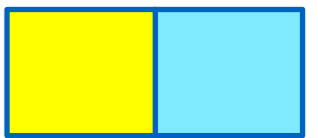


2.5.6 All Other Matters

No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix F1 - All Other Matters	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document used: 6.1.4 EA2/EA1N Environmental Statement Chapter 04 Site Selection and Assessment of Alternatives										
1	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 disturbance to occur to species using the SPA despite this narrowest route.		No further update		Natural England has provided final comments on HDD vs Open Cut Trench at Deadline 5 [REP5-084].				<p>The Applicants responded to NE's Deadline 5 submission (REP5-084) within the Applicants' Comments on Natural England's Deadline 5 Submissions submitted at Deadline 6 (REP6-030).</p> <p>It is noted from NE's Deadline 5 submission (REP5-084) that their default preference remains for a trenchless technique for the crossing of the Sandlings SPA, although NE acknowledge the project design and commitments of the Projects to minimise impacts upon the SPA and <i>'that if done correctly an open trench option... could enable the SPA habitats to recover within the short to medium term'</i>.</p> <p>The Applicants consider that comprehensive measures associated with an open trench crossing of the Sandlings SPA have been proposed which will sufficiently mitigate construction phase impacts upon the qualifying features and supporting habitats of the SPA.</p> <p>The Applicants note that in REP8-162, NE agrees that an AEoI would be unlikely to occur from an open-trench crossing method of the SPA.</p> <p>This matter is therefore closed.</p>



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix F1 - All Other Matters	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document used: 6.1.7 EA2/EA1N Environmental Statement Chapter 07 Marine Geology, Oceanography and Physical Processes										
8	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, 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 <i>Sabellaria spinulosa</i> reef which should be avoided by micro-siting where possible.		The ongoing issue in relation to micro-siting of <i>Sabellaria</i> reefs remains.		Please see REP7-074 for our latest advice on Sabellaria.		Our position remains unchanged. Please also see NE response to the ExQs 3.2.25 [REP11- 123].		The Applicants note and welcome the NE response to ExQs 3.2.25 [REP11- 123] where NE submit that the DMLs provide adequate control to manage potential impacts on <i>Sabellaria</i> reef. This matter is closed.
11	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 further update.		Natural England is content with the commitment to keep drill arisings outside of the SPA.				This matter is closed.
Document used: 6.1.9 EA2/EA1N Environmental Statement Chapter 09 Benthic Ecology										
23	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.		Ongoing		Natural England notes from the Applicant's response [REP11-049] that; <i>"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 query why it is assigned as amber. This matter is closed."</i> The agreement to identify areas for disposal post consent does not remove our concern. However, we query if this new area of disposal will be subject to a separate marine licence application, as this could be impact to an area not		The Applicants thank NE for this clarification. The Applicants do not intend to identify new areas for disposal outside of the order limits. The areas identified for disposal in the Site Characterisation Report (Windfarm Site) (APP-592 for EA2 and REP5-008 for EA1N) and Site Characterisation Report (Offshore Cable Corridor) (APP-592 for both projects) will be the locations sought for disposal post consent. This process will be managed through the DMLs.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix F1 - All Other Matters	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
								previously considered within the application?		
25	24	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?		No further Update		Ongoing. Natural England notes the changes to this condition and that after a period of 5 years a new marine licence will be needed for additional scour or cable protection. On a without prejudice basis to our position regarding the deployment of new areas of cable and scour protection, we consider the wording used here appropriate and have no further comment to make. As noted in our covering letter, and our relevant and written representation [RR-59] Natural England do not support the use of new cable protection, or scour protection during the Operations and Maintenance phase and therefore cannot agree to the Offshore Operations and Maintenance Plan (OOMP) until this issue is resolved.		In their REP11-049 response, the Applicants note that the without prejudice condition wording has been agreed with NE and the MMO. The Applicants consider that final positions have been reached on this matter. A position of agree to disagree has been reached.		No further comments – agree to disagree. This matter is closed.
26	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.		Please see issue 25 above.		Please see issue 25 above.		No further comments – agree to disagree. This matter is closed.
27	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 consideration should be given to how best to do this.		No further update.		Please see REP7-074 for our latest advice on Sabellaria.				This matter is closed.
29	29	Please be advised that all reef is reef no matter the quality and is therefore protected as such.		No further update.		Please see REP7-074 for our latest advice on Sabellaria.				This matter is closed.
Document used: 6.1.10 EA2/EA1N Environmental Statement Chapter 10 Fish and Shellfish Ecology										



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix F1 - All Other Matters	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
36	36	Is there a reason why the applicant cannot commit to burying their cable to a minimum depth of 1.5m?		Please see Deadline 8 Applicant's Offshore SoCG [REP8-109].		No further update.		No further Update.		The Applicants consider that final positions have been reached on this matter (row 4.2.4 of REP2-004 for Applicants' and row NE-306 in REP8-109 for NE's). This matter is considered to be closed.

2.5.7 Development Consent Order, Deemed Marine Licences and related certified documentation

No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix G - Development Consent Order, Deemed Marine Licences and related certified documentation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document Used: 3.1 EA2/EA1N Draft Development Consent Order										
2	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. 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.		No update - issue ongoing		Please see issue 25 in All Other Matters.		Please see Item 25 in All Other Matters.		No further comments – agree to disagree. This matter is closed.
5	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		No further update		Issue ongoing		Agree to disagree.		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. No further comments – agree to disagree. This matter is closed.



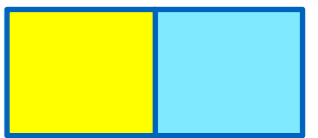
No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix G - Development Consent Order, Deemed Marine Licences and related certified documentation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
		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 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	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.		Issue Ongoing - Natural England are in discussion with the Applicant and await further submission of the CoCP into examination		Natural England continue to engage with the Applicant on this and await an updated OcoCP to be submitted into examination. Please see NE Deadline 10 cover letter.		The Applicant updated OCoP at Deadline 10 [REP10-003], we welcome the amendments and in-principle the points securing consultation with the relevant Statutory Nature Conservation Body (SNCB) subject to the final wording of Requirement 22 of the DCO. Natural England consider this issue resolved pending updated DCO at Deadline 12.		The Applicants welcome this position and assume this matter should be assigned a green risk score as per ID11 under the Terrestrial Ecology (Appendix C) item. The Applicants consider the matter closed.
9	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		Issue ongoing		Agree to disagree		No further comments – agree to disagree. This matter is closed.
12	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 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.		Natural England continues to note the scour and cable protection issue during the O&M phase is outstanding.		Please see issue 25 in All Other Matters.		Please see issue 25 in All Other Matters.		No further comments – agree to disagree. This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix G - Development Consent Order, Deemed Marine Licences and related certified documentation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
Document Used: 8.12 EA2/EA1N Outline Offshore Operations and Maintenance Plans										
17	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.		Issue Ongoing - The issue regarding deployment of cable protection in new areas for 5 years after construction remains outstanding.		Please see issue 25 in All Other Matters.		Please see issue 25 in All Other Matters.		No further comments – agree to disagree. This matter is closed.
18	18	Scour protection is listed within the table as green. Therefore, it may be deployed with no additional licence required. This should be 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.		Issue Ongoing - The issue regarding deployment of cable protection in new areas for 5 years after construction remains outstanding.		Please see issue 25 in All Other Matters.		Please see issue 25 in All Other Matters.		No further comments – agree to disagree. This matter is closed.
Document Used: 8.13 EA2/EA1N Offshore In Principle Monitoring Plan										
20	20	The proposed benthic monitoring only considers construction 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		Issue ongoing		Natural England have agreed to the IPMP as per our Deadline 9 cover letter.				This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix G - Development Consent Order, Deemed Marine Licences and related certified documentation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
		they be in the appropriate location and within an appropriate timeframe.								
24	24	New Issue. It is noted that the compensation secured within each part is limited to an attempt, at one compensation measure, such as nesting sites or predator control. However, this limits the options for the Secretary of State to those specific compensatory measures. See NE deadline 8 appendix G5 for further details		Issue remains		Issue ongoing		Natural England notes the Applicant's response [REP11-049] highlighting that some options are still available. However, NE maintains its position that the current wording limits the SoS options for compensation. Final position agree to disagree.		The Applicants responded to this point in section 8 of REP10-017. No further comments – agree to disagree. This matter is closed.
25	25	Schedule 18 Part 1-4 and 6, condition 3 (a) Within this condition is a requirement to provide information on the location of compensatory measures. These sections should be amended to note that within this information details need to be provided that explain ecologically why this location is appropriate and likely to support successful compensation (e.g. for nesting sites a site that the target species will colonise with adequate access to prey resource).		No Update		Issue ongoing		Natural England notes the Applicant's response [REP11-049], however, NE maintains our position that the condition should secure that the site will be fit for purpose. Final position agree to disagree.		The Applicants' note that this has been addressed in the updated draft DCO submitted at Deadline 12 (document reference 3.1). Paragraph 3(a) in each part of Schedule 18 includes provision for this and reference is made to it in each appendix of the Offshore Ornithology Without Prejudice Compensation Measures document (REP12-060). The Applicants therefore consider this matter to be closed.
26	26	Schedule 18 Part 1-6 Condition 4 It is not sufficient for compensatory measures to just be in place. They need to be fully functioning and effectively compensating prior to construction/operation.		No Update		Issue ongoing		Natural England notes the applicant's response. NE maintains its position. Final position agree to disagree.		The Applicants responded to this point in section 8 of REP10-017. No further comments – agree to disagree. This matter is closed.



No. in EA2	No. in EA1N	Taken from Natural England's Relevant and Written Representations EA1N Appendix G - Development Consent Order, Deemed Marine Licences and related certified documentation	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D9	Consultation, actions, progression	RAG status D10	Consultation, actions, progression	RAG status D12	Applicants' Response
27	27	Schedule 18 Part 5 Condition 3 This condition is incomplete and therefore we are unable to comment on its sufficiency. However, if similar wording that is used in parts		No Update		Issue ongoing		Formatting error corrected.		This matter is closed.
28	28	New Issue at Deadline 12: We consider there is insufficient time remaining in the examination to progress and further provide definitive advice on the status of the woodland or presence of Hairy Dragonfly in the meadow adjacent to the Hundred River. Therefore, we advise that measures are put in place to ensure that there are no detrimental impacts to either the woodland or Hairy Dragonfly. These measures should be in the form of pre-construction surveys and identified and secured mitigation measures. Therefore, before the end of examination we expect both the OLEMS and DCO to be updated accordingly. See point 26 of the Terrestrial Ecology tab.						New Issue at Deadline 12.		See ID2 of section 2.4.



2.6 Appendix K8b – Natural England's Comments on the Updated Report on the Implication for European Sites (RIES) [PD-051] Deadline 12 (REP12-093)

ID	NE Comment	Applicants' Comments
1 Introduction		
1	Natural England has reviewed the Updated Report on the Implication for European Sites (RIES) [PD-051] for both East Anglia ONE North (EA1N) and East Anglia TWO (EA2).	Noted
2 General Comments		
2	<ul style="list-style-type: none"> Where sections have not changed within the updated RIES from the previous version, any comments previously raised by Natural England should be considered to still apply to the new document. The approach taken of adding substantial 'RIES Amendments and Consultations' updates at the end of each section, whilst understandable, does result in contradictions between these sections and the text that precedes them, and we have some concerns that this will make the RIES liable to mis-interpretation. Please be advised that as a Statutory Nature Conversation Body (SNCB) our remit doesn't extend beyond advising on the ecological merits of proposals, thus excluding us from making comment on Imperative Reasons of Overriding Public Interest (IROPI) submissions. 	<ul style="list-style-type: none"> Noted. The Applicants have previously responded to NE submissions on the RIES within REP9-016 No comments Noted
Detailed Comments		
3	Detailed Comments to the Updated EA1N RIES and EA2 RIES are provided below in Table 1. Most comments are generic to both the	See the Applicants responses to NE detailed comments on the RIES in Table 3 .



ID	NE Comment	Applicants' Comments
	EA1N and EA2 projects with appropriate references annotated to each document, except where highlighted using the appropriate yellow icon directing to EA1N only.	

Table 3 Applicants response to NE detailed Comments to the EA1N and EA2 Updated RIES

ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
1.	3	1.1.6	EA1N EA2	As previously advised to PINS/BEIS, Natural England does not consider that consultation on the RIES is a formal consultation of Natural England on an Appropriate Assessment, as is required under the Habitats Regulations. The RIES draws no conclusions on AEoI for any European sites, and therefore does not constitute an Appropriate Assessment.		No comments
2.	9	Table 3	EA1N EA2	Natural England note that we are not the statutory body responsible for the newly considered designated sites outside of the English Exclusive Economic Zone. Therefore, we would advise consultation with the correct body regarding the assessment on the new sites and features considered. This is noted at the newly added point 4.1.6 on page 16, however, no comment is added that consultation has been sought with the correct SNCBs with those sites.		No comments
3.	19	Table 4.1	EA1N			



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
			EA2	Whilst the principal impact on FFC SPA gannet is due to collision, displacement is also considered to exert some effects on this species, as has been later captured in Table 4.3.		No comments
4.	19, 20 & 32	4.2.9, 4.2.10, 4.2.56	EA1N	In the statement of common ground [REP8-110] Natural England also raised the following point in relation to the RTD Best Practice Protocol (BPP) "NE is increasingly becoming concerned in relation to disturbance and/or displacement of red-throated divers from a more persistent presence of OWF-related vessels. In this context of increasing vessel activity, we consider that a 'worst case scenario' of 110 days of cable installation during the period that red-throated diver are likely to be most sensitive (1st November to 1st March inclusive) could make a meaningful contribution to in-combination effects on the SPA. This gives further weight to the need for a seasonal restriction for cable installation". This has not been fully addressed by the Applicant or the RIES.		The Applicants response at deadline 1 and deadline 2 (captured in REP2-004) made the point that whilst the duration of 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.
	19, 20 & 31	4.2.10, 4.2.11 & 4.2.54	EA2			Furthermore, it should be noted that through the Best Practice Protocol for Minimising Disturbance to Red Throated Diver (REP8-037), the Applicants have committed to re-routing other construction vessel traffic between the construction port and the windfarm site to



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
						avoid as much of the SPA as is possible through the core winter months of 1 st November to 1 st March inclusive.
5.	20	4.2.12	EA1N	Natural England highlights that the NE guidance referred to in this section relates to assessing impacts on RTD at an EIA level, rather than applying to HRA matters.		No comments
		4.2.13	EA2			
6.	21&- 22	4.2.15	EA1N	The approach of having a separate update section for later discussions, rather than updating each section of the original version, gives the impression to the reader that matters are resolved, only to later read that matters have not been resolved. Natural England considers it would be appropriate to state in this section that our concerns were not addressed by this or subsequent iterations of the assessment provided by the document.		No comments
	21	4.2.16	EA2			
7.	22	4.2.17	EA1N	As noted in 4.2.15, Natural England fully recognises there is a gradient effect to displacement as distance increases from an OWF, and have not, as		The Applicants have commented on numerous occasions that NE have repeatedly defaulted to using the formula of '47% of the SPA that is subjected to some level of displacement' rather than using a more refined approach based upon a gradient of effect. The Applicants provided
	22	4.2.18	EA2			



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
				is implied here, sought an assessment of complete avoidance out to 10km.		a detailed response on this point in Applicants' Comments on Natural England's Deadline 9 Submissions (REP10-017) (see pages 36 – 38).
8.	22	4.2.17 & 4.2.18	EA1N	<p>NE has consistently advised, throughout examination, that the proposal will reduce the suitability of a significant proportion of the OTE SPA for one of its qualifying features, resulting in effective habitat loss for some individuals. It is unclear why the RIES has not incorporated this important element of our advice into the impacts of alone consideration, and instead has adopted the Applicant's exclusive focus on mortality in this section. This may have been a function of deferring consideration of this aspect to a later section that follows the in-combination discussion. For avoidance of doubt, Natural England advises that effective habitat loss is a key issue for consideration of EA1N alone.</p> <p>More generally, Natural England highlights that all the conservation objectives for the site should be considered in the Appropriate Assessment, and again notes that the mortality predictions are a crude measure of a range of lethal and non-lethal effects.</p>		<p>The Applicants note NE's use of the phrase "<i>Effective habitat loss</i>". As previously stated (ID1 of section 3 of REP8-049), the Applicants' consider the more appropriate phrase to be "<i>effective area over which displacement could occur</i>".</p> <p>With regard to how the conservation objectives should be considered, refer to Appendix 1 of REP8-093.</p>



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
9.	23 to 25	4.2.23 to 4.2.31	EA1N	<p>RTD displacement implication for OTE SPA conservation objectives.</p> <p>It is unclear why this information is provided in a separate section following the in- combination assessment, as it is germane to both alone and in-combination impacts. This could be usefully clarified in the header.</p>		No comments
10.	30	4.2.49	EA1N	<p>This section does not fully capture Natural England's position. Our point in response to the latest set of ExA questions was that, whilst densities vary, all offshore areas within the boundary of the OTE SPA have been identified as the 'most favourable territories' for this species in the non-breeding season through the SPA classification process, and should be treated as of high importance in impact assessments, rather than assessment applying a further significance criterion relating to the densities of birds within the site.</p>		<p>See the Applicants response to NE's answer to ExA question 3.2.3 within ID2 of section 2.3 of Applicants' Comments on Natural England's Deadline 11 Submissions (REP12-030).</p>
	29	4.2.47	EA2			
11.	32	4.2.59	EA1N	<p>For avoidance of doubt, this advice refers to in-combination effects.</p>		No comments
	31	4.2.57	EA2			
12.	34	4.2.67	EA1N	<p>NE's position of the in-combination displacement figures for guillemot and razorbill, including Hornsea 3 are set out in NE Deadline 12 Appendix A16c.</p>		<p>See section 2.3 for the Applicants' responses to A16c.</p>
	32	4.2.65	EA2			



Applicants' Comments on NE's Deadline 12 Submissions

5th July 2021

ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
13.	34	Table 4.2	EA1N	Table 4.2 could be simplified by simply having a tick in the 'in-combination' column for Kittiwake, as for Lesser Black-Backed Gull.		No comments
	33		EA2			
14.	36	4.2.78 to 4.2.81	EA1N	Natural England's position of the in-combination collision figures, including Hornsea 3 are set out in Deadline 12 Appendix A16c.		See section 2.3 for the Applicants' responses to A16c.
	35	4.2.77	EA2			
15.	38	4.2.87	EA1N	Natural England's position on NMCs is outlined in REP11-121 and at Deadline 12 Appendix A16c (please also see NE answers to R17QF.2 at Deadline 12 in Appendix K11). Natural England questions whether such a NMC (if granted) provides the legal certainty required to rely on the as-built parameters for the purposes of HRA.		See section 2.3 and 2.7 for the Applicants' responses to A16c and K11 respectively.
	36	4.2.85	EA2			
16.	39	4.2.95	EA1N	Natural England has now considered the implications of the Hornsea Project Three decision and in-combination collision totals when this project is included. Natural England can now advise that an		The Applicants welcome this position. The implications of NE's final position are important for consideration of three species – gannet, guillemot and razorbill. In the case of these three species, NE's



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
	37	4.2.93	EA2	adverse effect on integrity (AEoI) of the gannet feature of the FFC SPA can be ruled out for in-combination collision impacts, in-combination displacement impacts and in-combination collision plus displacement impacts when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals (i.e. if the Hornsea 4, DEP and SEP projects are excluded from the in-combination totals).		conclusions on AEoI now match those of the Applicants that for all projects with submitted applications (as of the time of writing) there is no AEoI in-combination. Therefore, it is the Applicants submission there is no requirement for compensation measures for these species to be considered further. It is clear from NE's advice that 'exceedance of a threshold' for AEoI has not been reached for these species with the consented projects and submitted applications. The Applicants note that if projects which have yet to submit applications (i.e. Hornsea Project Four (H4), Sheringham Shoal and Dudgeon Extension Projects (SEP and DEP)) are included then NE's position on these species moves to 'unable to rule out AEoI'.
17.	41	4.2.102	EA1N	The baseline data has now been revised to include Hornsea Project Three. Natural England advises that an adverse effect on integrity (AEoI) on gannet, guillemot, and razorbill from FFC SPA can be ruled out from displacement in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals (i.e. if the Hornsea 4, DEP and SEP projects are excluded from the in-combination totals).		
	38	4.2.100	EA2			
18.	43	4.2.111	EA1N	"...LBBG was included for FFC SPA..." is an error and should be Alde-Ore Estuary SPA.		No comments
	41	4.2.109	EA2			
19.	44	4.2.117	EA1N	LBBG is not a feature of FFC SPA and should be Alde-Ore Estuary SPA. As regards Alde- Ore		No comments

Applicants' Comments on NE's Deadline 12 Submissions
5th July 2021



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
	42	4.2.116	EA2	Estuary SPA, Natural England has advised an AEOI cannot be ruled out irrespective of whether Hornsea 3 and Hornsea 4 are included. It is not clear what the section feature of FFC SPA being referred to is.		
20.	44	4.2.120	EA1N	Please see Natural England's Deadline 12 Appendix A16c submission in relation to guillemot and razorbill.		See section 2.3 for the Applicants' responses to A16c.
	42	4.2.119	EA2			
21.	45	4.2.124	EA1N	It would be helpful to the reader to note that Natural England's advice is that we do not consider Non-Material Changes (NMCs) legally secure the 'as built' (actual or potential) impacts of the project, and therefore do not secure 'headroom'. Natural England's position on NMCs is outlined in REP11-121 and at Deadline 12 Appendix A16c (please also see NE answers to R17QF.2 at Deadline 12 in Appendix K11).		The Applicants' consider that the NMC process is legally robust with regard to providing 'headroom'. See Q R17QF.2 of the Applicants' Responses to Rule 17 Questions of 18 June 2021 (REP12-056) for the Applicants' detailed position on this.
	42 &43	4.2.123	EA2			
22.	47	4.2.132	EA1N	This section should refer to LBBG rather than Gannet.		No comments
	44	4.2.131	EA2			



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response				
23.	74	6.0.26	EA1N	<p>Natural England's advice is not adequately represented here. In our ExA3 response [REP11-123] we stated: <i>'...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.'</i></p> <p>This is misrepresented in the updated RIES, which instead states <i>'NE also advises that Schedule 18 could be drafted to allow timely implementation without necessarily requiring implementation in advance of operation'</i>.</p> <p>Natural England requests that the RIES is amended to accurately reflect our advice.</p>		<p>The Applicants maintain the position that due to the very small numbers of mortalities associated with the Projects any mortality debt accrued could be readily recouped after a short period following the implementation of the compensation measure.</p>				
	68		EA2				24.	77	6.0.43	EA1N
24.	77	6.0.43	EA1N	<p>It is unfortunate that the RIES does not provide Natural England's advice to the Applicant's assertions around Gannet and Favourable Conservation Status. Please see REP9-065 for our advice on this matter.</p>		<p>The Applicants' position on this matter is that the gannet population is in favourable conservation status at all UK SPAs (including FFC SPA) and on this basis there is no risk of an AEol. It therefore follows that there is no requirement for compensation.</p>				
	71		EA2							



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
						In addition, NE's updated position on gannet is that for all projects with submitted applications (as of the time of writing) there is no AEOL in-combination. (see ID16 of this table)
25.	78 & 79	6.0.49	EA1N	Natural England highlights its concern that key elements of the compensation package are not secured, for example landowner agreements, as landowner participation and agreement is key to successful delivery of the LBBG compensation measures. Please see our derogations and compensation feedback at Deadline 10 [REP10-051] and our Deadline 12 response Appendix A15d.		<p>The Applicants consider that the Offshore Ornithology Without Prejudice Compensation Measures document (REP12-060) provides adequate information on the compensation proposals.</p> <p>The Applicants have responded to A15d in section 2.2.</p> <p>The Applicants query if the reference to REP10-051 Comments on Without Prejudice Compensation Mechanisms - Annex 1 – Prey Availability Compensation Mechanisms [REP6-046] is correct and note that the Applicants maintain that any measures seeking to increase prey availability through fisheries management need to be Government led.</p>
	72		EA2			
26.	80 &81	7.0.6	EA1N	<p>Following the inclusion of Hornsea Project Three figures to the in-combination assessments with regard to gannet, guillemot, razorbill and seabird assemblage have been updated.</p> <p>Natural England advises that an adverse effect on integrity (AEol) on gannet, guillemot, and razorbill from FFC SPA can be ruled out in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk</p>		The Applicants welcome this update in position, see ID16 of this table above.
	74		EA2			



ID	Pg	Section	EA1N EA2	NE Comments	RAG Status	Applicants' Response
				Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals (i.e. if the Hornsea4, DEP and SEP projects are excluded from the in-combination totals).		
27.	84	Table 7.1	EA1N	Summary table can be updated to reflect that an adverse effect on integrity (AEol) on Gannet, Guillemot, and Razorbill from FFC SPA can be ruled out in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in- combination totals (i.e. if the Hornsea 4, DEP and SEP projects are excluded from the in-combination totals).		The Applicants welcome this update in position, see ID16 of this table above.
	77		EA2			
28.	102	Stage 2 Matrix 1	EA1N	Natural England highlights that the additional text included for LBBG requires further clarity. As read, it is implied that our inability to rule out AEOI is because of uncertainties around other projects. However, our integrity judgement is on the basis of what we consider to be the in-combination totals and the implications of this level of mortality on a site which has a restore Conservation Objective.		No comments
	94		EA2			



2.7 Appendix K11 – Natural England’s Response to Rule 17 Letter Deadline 12 (REP12-094)

R17Q	To	Question	NE Response	Applicants' Response
Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))				
R17QF.1	The Applicants, Natural England, Marine Management Organisation and The Wildlife Trusts	<p>1 2 Southern North Sea (SNS) Special Area of Conservation (SAC):</p> <p>Impact-effect pathways</p> <p>The Applicant's assessment [APP-043 and APP- 046] in relation to the harbour porpoise feature of the SNS SAC excluded Adverse Effect on Integrity for impact-effect pathways relating to disturbance from vessels, collision risk, changes to prey resource, changes to water quality and barrier effects.</p> <p>For the avoidance of doubt, is it agreed with Natural England, the Marine Management Organisation and The Wildlife Trusts that the only potential impact-effect pathway relates to disturbance from underwater noise?</p>	<p>Natural England advises that the only impact pathway through which we cannot exclude an adverse effect on integrity beyond reasonable doubt on the SNS SAC is disturbance from underwater noise, when considered in combination with other plans or projects.</p> <p>However, we also acknowledge that should the regulators group agree an appropriate mechanism for control of in combination projects then this position may change.</p>	<p>The Applicants note that the Information to Support Appropriate Assessment Report assessment conclusions are agreed with NE (REP8-109) and that it is only this matter regarding the mechanism through which effects will be mitigated which is outstanding.</p> <p>The Applicants note that the SIP (REP8-032) includes provision for mitigating impacts of underwater noise impacts on the SNS SAC and that the regulators working group to be led by the MMO is the mechanism through which underwater noise from multiple projects will be managed to ensure no AEol. It is noted that NE are: <i>'in agreement that Site Integrity Plans (SIPs) have become the recognised framework by which impacts will be managed cumulatively'</i> (REP8-109).</p> <p>The MMO has confirmed: <i>"that control of in-combination of underwater noise impacts on features of the SAC is within the scope of the Group's</i></p>



R17Q	To	Question	NE Response	Applicants' Response
				<i>responsibilities</i> " (REP11-114). Therefore, the Applicants consider that in-combination underwater noise effects will be appropriately managed through this process.
R17QF.2	The Applicants, Natural England	<p>1 2 Non-Material Changes and In-Combination Assessments [REP11-121]</p> <p>In [REP11-121], Natural England sets out its generic advice regarding the extent to which in- combination assessments (in this case relating to bird collision risk) can rely on Non-Material Changes made to other Development Consent Orders.</p> <p>To the Applicants:</p> <p>a) Please provide a fully reasoned response to the points set out in [REP11-121].As well as the legal considerations that are raised, please set out any technical and commercial considerations (such as project financing) that would affect the likelihood of future change requests</p>	<p>Natural England's views reflect the ramifications, both legal and practical, of using the 'Rochdale Envelope' approach under the Planning Act 2008 process, where proposed developments are assessed and consented on the basis of worst-case scenario parameters. This approach has created uncertainty when developers have sought to rely on as-built parameters when considering cumulative and in-combination issues. As a result Natural England has consistently advised that in-combination assessments for future projects must be based on the worst-case parameters consented for existing projects.</p> <p>Natural England is in favour of and has been working with industry and other stakeholders to agree an industry-level strategic approach to legally securing as- built parameters in a way that creates certainty for industry,</p>	<p>The Applicants fundamentally disagree with NE's comments and consider that the NMC process is legally robust with regard to providing 'headroom'. See Q R17QF.2 of the Applicants' Responses to Rule 17 Questions of 18 June 2021 (REP12-056) for the Applicants' detailed position on this.</p>



R17Q	To	Question	NE Response	Applicants' Response
		<p>being made to increase project parameters after a project has been built and commissioned.</p> <p>To Natural England. On page 3 of [REP11-121] you state that <i>'even if the NMC is granted, we question whether it would be appropriate to rely on as-built parameters for HRA purposes in-combination assessments. This is because the developer could, in theory at least, keep on amending the project via NMC applications up to the limit of the Rochdale Envelope'</i>.</p> <p>Given that an NMC, if granted, amends the original made DCO, do you disagree that the project parameters included in that amended DCO should form the basis of figures used in cumulative and/or in-combination assessments of proposed projects?</p> <p>Whilst there is no time limit on the submission of NMCs after the grant of a DCO, do you accept that the environmental information supporting the original DCO will, at some point, become out of date, meaning that any theoretical future NMC request would</p>	<p>regulators and other stakeholders. There are many and diverse considerations when seeking to agree such an approach, including the need for high- level regulator-led policy change from BEIS to implement this at a strategic level, rather than piecemeal in relation to individual projects.</p> <p>c) Natural England disagrees with that proposition. When a DCO is changed under para. 2 of Schedule 6 of the Planning Act 2008 the original DCO continues in force (see para. 2 (12)(a)). There is no legal reason why a subsequent change under the same provision could not reverse the earlier change. In the absence of new evidence or circumstances suggesting that the HRA of the original Rochdale envelope is no longer reliable a subsequent change of this sort would be a non-material change and would not be time limited. Thus, the worst-case scenario or maximum parameters included in the original DCO should continue to be used in cumulative or in-combination assessments of proposed projects.</p> <p>The requirement for certainty in reg. 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) means that when looking at the cumulative or in-combination effects of existing plans and</p>	



R17Q	To	Question	NE Response	Applicants' Response
		<p>need to be supported by further environmental assessment?</p> <p>If so, do you acknowledge that any such further environmental assessment would need to take into account the cumulative and/or in-combination position at that time, which may include projects that have been consented in the intervening period?</p> <p>Do you consider that any future request to amend a DCO to increase project parameters could in fact constitute a material change, which carries with it a series of consultation and potentially examination measures, as set out in legislation and Guidance?</p> <p>If so, does the evident procedural necessity that any future requests (be they material or non-material) to increase project parameters would be subject to proper scrutiny based on an up to date cumulative and/or in-combination assessment in any way amend the submissions that you have set out on this point to date?</p>	<p>projects one must look at the full consented extent (or maximum consented parameters) of an existing project, rather than its as-built extent (reflected in a changed DCO), because the original DCO still exists and there cannot be legal certainty that its maximum consented parameters cannot be reinstated.</p> <p>d) Natural England agrees that the environmental information supporting the original DCO is likely to become out of date at some time in the future (either because of natural changes, improved methodologies, or other matters). However, no date can easily be put on this. If an application were made to reverse a non-material change Natural England would review the environmental information supporting the original DCO and, if it considered it outdated, would argue that a fresh HRA is needed and, therefore, that such a change should be treated as material. However, if in this scenario the original environmental information held good at the time of the application to reverse the non-material change there would be no scope to argue for fresh environmental information or that the change was not non-material.</p> <p>e) Yes.</p>	



R17Q	To	Question	NE Response	Applicants' Response
			<p>f) Natural England identifies various scenarios here:</p> <ul style="list-style-type: none"> • A future request to increase project parameters <i>beyond</i> those of the Rochdale Envelope that was used would have to be treated as a material change (with all that that entails). • As outlined in our response to (c) above, an application for a change to increase project parameters could be non-material if the parameters remain within those of the Rochdale Envelope that was used. This scenario is Natural England's concern. In this scenario, such a change would have to be treated as being material <i>only if</i> the original HRA is no longer considered adequate to allow it to be ascertained that the original DCO would not have an adverse effect on the protected site, having regard to its conservation objectives. This could be the case where for example natural change or improved methodologies render the original HRA unreliable. New projects with potential cumulative or in combination effects would have used the maximum consented parameters included in the original DCO and therefore in this scenario their 	



R17Q	To	Question	NE Response	Applicants' Response
			<p>existence would not in itself trigger the need for a fresh HRA.</p> <p>g) No. If Natural England looks back on the HRA that supported an original DCO and finds that it holds good it cannot advise otherwise, and (if Natural England's advice is heeded) there would then be no reason to treat a future request to restore project parameters to the maximum consented parameters as a material change. This is why it is the originally consented maximum project parameters that should be taken into account for the purposes of cumulative and in-combination assessments.</p>	
R17QF.3	The Applicants	<p>1 2 Red throated diver displacement: London Array monitoring report [REP11-122] Please respond to the evidence submitted by Natural England at [REP11-122] (NE response to Year 3 Ornithological Monitoring Report for London Array) in support of its position on RTD displacement distances for EA1N and EA2.</p>	N/A	n/a



R17Q	To	Question	NE Response	Applicants' Response
R17QF.4	The Applicants, Natural England, Royal Society for the Protection of Birds	<p>1 2 Offshore Ornithology Without Prejudice Compensation Measures [REP11-070]</p> <p>In page 57 of [REP11-070], the Applicants have referenced perceived benefits due to reducing conflict between recovering gull breeding numbers and protecting avocets and other ground nesting birds from gull predation.</p> <p>To the Applicants:</p> <p>Please expand on how any particular benefits for avocets and other ground nesting birds at Havergate Island would occur should fencing be erected at Orford Ness.</p> <p>Is there a danger that an increased gull population at Orford Ness could actually have the effect of increasing gull predation of ground nesting birds at Havergate Island?</p> <p>As a more general matter with regard to all of the compensation measures proposed within [REP11-070], please set out how any wider knock-on effects, either beneficial or negative, on other species that might arise from the</p>	<p>Natural England advises that currently the compensation measures proposed have limited detail to advise in detail regarding the potential ecological positives/negatives associated with these measures. Our experience with other similar proposals has been that there is the potential for such challenges, and there will be a requirement for monitoring and appropriate feedback loops. Please D12 Appendix A15d where we set out what a full compensation package should include.</p> <p>We also advise that consideration should be given not just to SPA species but also to SAC/SSSI habitats, as there are often overlapping designations. It is important that the compensatory measures do not interfere, and are commensurate with, the management of any designated site or feature of those sites. This is particularly true for the proposed LBBG compensation, given the broad location proposed falls within an SAC and an SSSI.</p> <p>Regarding the specific questions raised:</p> <p>b) We note that the majority of the LBBGs within Alde-Ore Estuary SPA already nest at Havergate Island, where there is a substantial population. With this in mind, in Natural</p>	See ID5 and 8 of section 2.2 .



R17Q	To	Question	NE Response	Applicants' Response
		<p>implementation of the proposed without prejudice compensation measures (for example, rat eradication, predator proof fencing, by-catch measures and artificial nesting sites) have been or would be assessed. This should cover both SPA- qualifying and other species.</p> <p>What would be the decision-making mechanism regarding the overall acceptability (or not) of any such knock-on effects that have been identified, and how would these effects be monitored and, if required, mitigated?</p> <p>For example, would it be appropriate to amend article 3 of parts 1-6 of Schedule 18 of the dDCO to include a requirement to include within the relevant Implementation and Monitoring Plan an assessment of any potential wider ecological effects (positive and negative) of the proposed compensation measures? If not, why not?</p> <p>To Natural England and RSPB:</p> <p>Do Natural England or RSPB have any observations to make on these points, or practical experience of relevance?</p>	<p>England's view it seems unlikely that additional LBBGs breeding at Orford Ness would exert a significant additional predation effect at Havergate Island to those LBBGs already nesting on the Island.</p>	