



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia ONE North Offshore Wind Farm

Appendix C12 to the Natural England Deadline 13 Submission

Natural England's Further Comments on the Hundred River Crossing and the Applicant's Draft LONI Application

For:

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

Planning Inspectorate Reference: EN010077

5th July 2021



Natural England's Position and Further Advice on the Hundred River Crossing and the Applicant's Draft LONI Application

This document is applicable to both the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again for the other project.

1) Hundred River Crossing and Hairy Dragonfly

Summary

1. Natural England's advice on the Hundred River and hairy dragonfly as provided at Deadline 12 [REP12-091] remains unchanged. Whilst we note that other interested parties have provided submissions on this matter, Natural England has provided comments solely on the merits of the documents provided in support of the Application. Our advice is focussed on ensuring that the impact to ecological receptors are avoided and where that is not possible impacts are minimised/mitigated to an acceptable level.

Hundred River Crossing

2. Natural England considers that there remains some uncertainty in relation to the ecological importance of the woodland impacted by the onshore cable installation. However, irrespective of this uncertainty, Natural England is clear that relevant mitigation measures should be specifically secured for this woodland, which unfortunately is not the case in version 3 of 'Changes to Mitigation Measures Tracking List' REP12-076. Whilst, we note that the Applicant has committed to generic preconstruction surveys to help refine the mitigation measures, we advise that there is unlikely to be fundamental changes to woodland prior to the works being undertaken. This being the case, outline mitigation and restoration measures should be provided for this area of woodland as part of the consenting process. These measures should also take into account that within the Outline Landscape and Ecological Management Strategy (OLEMS) it is asserted by the Applicant that trees can't be planted over the cables once installed. Therefore we query how this area of woodland will be restored and/or the loss of habitat offset, noting that post installation measures should ensure that the area is maintained at the pre impacted state and where possible enhanced.



Hairy Dragonfly

3. In relation to hairy dragonfly, the pre-construction surveys are important for informing the requirement and scale of any mitigation measures. On this basis we assume that rigorous post consent surveys of the meadow adjacent to the Hundred River will be included within the surveys secured in the OLEMS? Nevertheless, outline mitigation measures should be presented prior to determination to give comfort to the ExA and the Secretary of State that, if required, mitigation measures can be adopted that will reduce any impacts to an acceptable level.

2) Draft Application for Letters of No Impediment (LONI)

Summary

4. We find ourselves in an unique position where at the end of examination no Letters of No Impediment (LONI) have been provided for Greater Crested Newts (GCN); and Badgers. While we note the Applicants wish to continue progressing these to inform the ExA report, which we will endeavour to assist them with; we highlight there remain challenges in this approach which are set out below.

Greater Crested Newts (GCN)

5. We have been highlighting the requirement for a LONI since the beginning of Examination. As set out in our latest advice to the Applicant outside of examination in April 2021, we believe that there are three options for potentially progressing the draft licence applications to achieve a Letter of No Impediment (LONI) for GCN. Please be advised that the issues we have raised regarding the use of eDNA data relates to the increasingly dated nature of the survey information submitted in support of the Application, and the resultant need to supplement that information. This does *not reflect* a change in Natural England's position, as is asserted by the Applicant in REP12-030.

6. Option A

If this is the Applicants preferred approach, then without additional survey work it is unlikely that the more significant concerns Natural England has raised directly with the Applicants will be fully addressed in time to inform the ExA report and achieve the provision of a LONI. If it has been possible to undertake further surveys during May 2021, there is an outside possibility that this is achievable.



7. Option B

Licensing Policy 4 (LP4) could potentially be utilised for LONIs as there is precedent for this approach, but its application would need to be sufficiently justified. Please see more information regarding this at: <https://www.gov.uk/government/consultations/wildlife-licensing-comment-on-new-policies-for-european-protected-species-licences>

Please note that under LP4, Natural England may accept a lower than standard survey effort where all three criteria are met:

- the costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring;
- the ecological impacts of development can be predicted with sufficient certainty; and
- mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS.

It is essential that, if these criteria were met, the Applicant must provide as much evidence-based information as possible on surveys, and acceptable justifications for exclusion of ponds/drains from surveying, as well as sufficiently address all the other major issues in the Decision Form and Natural England feedback. Again, additional surveys would help with this approach. However, the key to utilising LP4 is the Applicant's ecologists expert knowledge/ testimony of the site, and evidence/data previously collected in the area by 3rd parties as well as the Applicant.

8. Option C

Natural England believes that EA1N and/or EA2 are strong candidates for the GCN District Level Licensing (DLL) scheme. Due to the nature of the DLL approach, the uncertainties raised in relation to the survey data wouldn't be a limiting factor with progressing this option, as there is more flexibility with this option.



Badgers

9. We believe that an in principle agreement could be achieved in relation to badgers. However, the required detail in relation to the timings of pre-construction surveys and delivery of mitigation measures in relation to start of construction works was only provided at Deadline 12. Natural England is yet to review this information, but it is hoped that it also includes comprehensive details on proposed best practice mitigation measures for creating artificial setts, including where and how. Furthermore, given the age of the data it would also be helpful for walkover survey data from 2021 to have been included, in order to understand any potential changes in sett locations and use etc.