
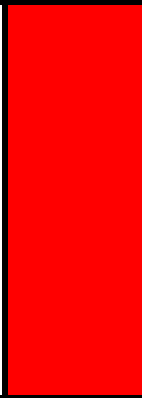

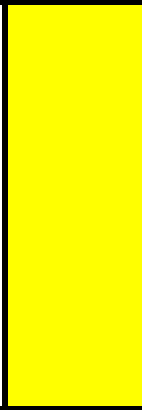








| Natural England's key to RAG status | Risk |
|--|---|
| Purple Note for Examiners and/or competent authority. May relate to DCO/DML. |  |
| Red Natural England considers that unless these issues are resolved it will have to advise that (in relation to any one of them, and as appropriate) it is not possible to ascertain that the project will not affect the integrity of an SAC/SPA and/or comply fully with the Environmental Impact Assessment requirements and/or avoid significant adverse effect on landscape/seascape, unless the following are satisfactorily provided: new baseline data; significant design changes; and/or significant mitigation; Natural England feels that issues given Red status are so complex, or require the provision of so much outstanding information, that they are unlikely to be resolved during examination, and respectfully suggests that they be addressed beforehand. |  |
| Amber Natural England considers that if these issues are not addressed or resolved by the end of examination then they would become a Red risk as set out above. Likely to relate to fundamental issues with assessment or methodology which could be rectified; preferably before examination. |  |
| Yellow These are issues/comments where Natural England doesn't agree with the Applicant's position or approach. We would flag these at the PEI stage with the view that they would be addressed in the Application. But otherwise we are satisfied for <u>this particular project</u> that it will not make a material difference to our advice or the outcome of the decision-making process. However, it should be noted that this may not be the case for other projects. Therefore it should be noted by interested parties that just because these issues/comments are not raised as part of our Relevant Representations in this instance it should not be understood or inferred that in other cases or circumstances Natural England will take this approach. Furthermore, these may become issues should further evidence be presented. |  |
| Green Natural England supports the Applicant's approach. |  |

| Issues Key | |
|--|---|
| Yellow These are issues/comments that apply to East Anglia ONE NORTH (EA1N) only |  |
| Blue These are issues/comments that apply to East Anglia TWO (EA2) only |  |
| Clear These are issues/comments that apply to both projects |  |

| | |
|--|---|
| Grey These are issues/comments where the matter is closed. |  |
|--|---|

| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|--|---------------|---|----------------|--|----------------|--|----------------|
| Offshore Ornithology (Appendix A) | | | | | | | | | | |
| 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. NE's previous advice remains unchanged. | | 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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. | | Please see Appendix A16c at Deadline 12 [REP12-090] and D13 update Appendix A24. We believe that these figures are now agreed. | |
| 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]. Our position remains unchanged. Please see NE Deadline 9 Appendix A17b for detailed comments. | | 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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. | | 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 | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| Terrestrial Ecology (Appendix C) | | | | | | | | | | |
| 8 | Potential for supporting habitat loss within the Sandlings SPA | | Our position remains unchanged - see Natural England Position summary to related documents in cover letter at Deadline 9. | | Issue Ongoing. | | Issue Ongoing. | | Issue Ongoing. | |
| 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 log. | | | | | |

| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|---|---------------|---|----------------|---|----------------|--|----------------|
| 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 and we await inclusion within the CoCP as a SNCB consultee. | | 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). | | | | | |
| 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 OCoCP 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. | | | |
| Seascape and Landscape Visual Impact Assessment (SLVIA) - 'Offshore' elements of the project (Appendix E) | | | | | | | | | | |
| 14 | Significant cumulative effects with the EA2 OWF project. | | No Update. | | No further update. | | No further Update | | | |
| Development Consent Order, Deemed Marine Licences and related certified documentation (Appendix G) | | | | | | | | | | |
| 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. | | No change, have agreed to disagree with the Applicant. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|---|--|---------------------------|---|---------------|--|----------------|---|----------------|---|----------------|
| 1. Red-throated diver (RTD) displacement impacts on Outer Thames Estuary SPA (OTE SPA) Document used: 5.3 EA1N Information to Support the Appropriate Assessment Report | | | | | | | | | | |
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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]. | | | | | |
| 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. NE's previous advice remains unchanged. | | 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|--|---------------------------|--|---------------|--|----------------|---|----------------|---|----------------|
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|---|---------------------------|---|---------------|---|----------------|--|----------------|--|----------------|
| 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. | | Natural England's comments on RTD displacement remain unchanged. | |
| 2. Collision Risk Modelling (CRM) parameters. Document used: 6.1.12 EA1N Environmental Statement Chapter 12 Offshore Ornithology, 6.3.12.2 EA1N Environmental Statement Appendix 12.2 Ornithology Technical Appendix, 5.3 EA1N Information to Support the Appropriate Assessment Report | | | | | | | | | | |
| 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. | | Please see Appendix A16c at Deadline 12 [REP12-090] and D13 update Appendix A24. We believe that these figures are now agreed. | |
| 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. | | Please see Appendix A16c at Deadline 12 [REP12-090] and D13 update Appendix A24. We believe that these figures are now agreed. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|---|--|---------------------------|--|---------------|---|----------------|--|----------------|--|----------------|
| 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 precautionary enough. | | 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. | | Please see Appendix A16c at Deadline 12 [REP12-090] and D13 update Appendix A24. We believe that these figures are now agreed. | |
| <p>3. Cumulative and In-combination Assessments</p> <p>Documents used:</p> <p>6.1.12 EA1N Environmental Statement Chapter 12 Offshore Ornithology (Paragraph numbers given refer to this document),</p> <p>6.3.12.3 EA1N ES Appendix 12.3 Supplementary Information for the Cumulative Impact Assessment.</p> | | | | | | | | | | |
| 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. NE's previous advice remains unchanged. | | NE are content missing projects have been added. Please see REP9-067 for our latest advice on RTD displacement. | | | | | |
| 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. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 14 | The assessment includes several sources of precaution, but it includes assumptions that may not reflect the full extent of diver displacement. 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. | | 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 REP9-066 and REP9-067. | | Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|--|---------------------------|---|---------------|--|----------------|---|----------------|---|----------------|
| 15 | 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 REP9-066 and REP9-067. | | Natural England's comments on RTD displacement remain unchanged. Please see a summary in NE Deadline 12 Cover Letter. | | Natural England's advice remains unchanged. Please see our Deadline 13 response Appendix A24. | |
| 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 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |

| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|--|---------------------------|---|---------------|------------------------------------|----------------|---|----------------|---|----------------|
| 25 | An increase of 6% above baseline mortality for great black-backed gull based on the largest Biologically Defined Minimum Population Scale (BDMPS) is significant. | | 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|---|---------------|--|----------------|---|----------------|---|----------------|
| 4. Scale of predicted cumulative and in-combination impacts and requirement for mitigation. Documents used: 5.3 EA1N Information to Support the Appropriate Assessment Report, 6.1.12 EA1N Environmental Statement Chapter 12 Offshore Ornithology, 6.3.12.3 EA1N ES Appendix 12.3 Supplementary Information for the Cumulative Impact Assessment. | | | | | | | | | | |
| 29 | For EIA we have been unable to rule out a significant adverse effect for cumulative operational impacts on: • 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: • 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; • red-throated diver from Outer Thames Estuary SPA due to in-combination displacement effects. | | 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| Added since Relevant Reps submission: | | | | | | | | | | |
| 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 REP9-066 and REP9-067. | | 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. | | NE agree with figures, however our position regarding the conclusion remains unchanged. Please see our D12 Appendix A16c [REP12-090]. | |
| 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. | | Please see point 24 of DCO/DML tab. | |
| 34 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D12 on significance of the impacts on Gannet from the FFC SPA | | | | | | | | Natural England advises that an AEOI can be excluded for Gannet feature of the FFC SPA for incombination collision, displacement and collision and idplacement combined impacts for all projects up to and including HP3, NVG, Boreas, EA1N and EA2, but excluding HP4 and DEP and SEP. Due to the uncertainty regarding the impacts of these projects, Natural England cannot exclude an AEOI when HP4 and DEP and SEP are included in the in-combination totals. Please see our D13 response Appendix A24 | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|---|---------------------------|------------------------------------|---------------|------------------------------------|----------------|------------------------------------|----------------|--|----------------|
| 35 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D12 on significance of the impacts on Razorbill and Guillemot from the FFC SPA | | | | | | | | Natural England advises that an AEOI can be excluded for the guillemot and razorbill features of the FFC SPA for incombination collision, displacement and collision and displacement combined impacts for all projects up to and including HP3, NVG, Boreas, EA1N and EA2, but excluding HP4 and DEP and SEP. Due to the uncertainty regarding the impacts of these projects, Natural England cannot exclude an AEOI when HP4 and DEP and SEP are included in the in-combination totals. Please see D13 Appendix A24. | |
| 36 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the derogations case presented by the Applicant. | | | | | | | | We consider that there remains some doubt that the Applicant has satisfactorily demonstrated that the 'alternatives test' has been met as regards reducing impacts on the Outer Thames Estuary SPA for impacts on red-throated diver. Please see our Deadline 13 response Appendix A24 | |
| 37 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant and deferring of key considerations until post consent | | | | | | | | Natural England welcomes the intention behind the additions provided at D12. However, we advise that it is not appropriate for key details of the compensation measures and the associated governance to be deferred until the post-consent phase, as there is then a considerable risk that compensation measures which fully offset the impacts can not be found and/or delivered. Please see our D12 Appendix A15d response [REP12-089]. | |
| 38 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant. We wish to highlight that wider implications of the compensation measures to other designated sites features must also be taken into account prior to determination otherwise further HRA assessments will be required. | | | | | | | | 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.' | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|--|---------------------------|------------------------------------|---------------|------------------------------------|----------------|------------------------------------|----------------|--|----------------|
| 39 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant. We wish to highlight that implementation timeframes need to also take account of site preparation works prior to compensation being delivered. | | | | | | | | 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. | |
| 40 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant for LBBG at the Alde-Ore Estuary | | | | | | | | Natural England welcomes the intention behind the additions provided at D12 as they provide some reassurance regarding the Applicant's awareness of site issues and sensitivities. However, we again highlight that too much is being left to post-consent. In addition please see our D12 response Appendix A15d [REP12-089] in relation to the strategic project. | |
| 41 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant for Kittiwake from FFC SPA | | | | | | | | Natural England welcomes the clearer commitment to collaborate with EA2 (or EA1N) and Boreas on the compensation measures, but highlights that no further information has been provided on key details regarding the measures. As highlighted in our D12 and D13 responses, Natural England is concerned about potential construction modifications being made at possible artificial nest locations due to port redevelopment, and thus the deliverability of compensation measures at these locations. | |
| 42 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 on the detail of the compensation presented by the Applicant for Gannet from FFC SPA | | | | | | | | Natural England has no confidence in the nature of the measure that is being proposed as gannet compensation, which is further confounded by the lack of details regarding the measure. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|--|---------------------------|------------------------------------|---------------|------------------------------------|----------------|------------------------------------|----------------|--|----------------|
| 43 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant for guillemot and razorbill from FFC SPA | | | | | | | | Natural England is unable to support rat eradication as a compensation measure as no detail has been provided on the location of the measures, and therefore we are unable to comment on the ecological merits for large auks. We continue to question whether there are islands where rat/large auk interactions are significant, and thereby offer opportunities for compensation. | |
| 44 | NEW ISSUE AT DEADLINE 13: Natural England has provided updated advice at D13 Appendix A24 and D12 Appendix A15d on the detail of the compensation presented by the Applicant for Red Throated Diver from Outer Thames Est. SPA | | | | | | | | Natural England is unable to support vessel route management as relevant compensation for displacement impacts from the turbines. We also do not agree that a 2km buffer is appropriate to fully mitigate the impacts. Please see our D12 Appendix A15d [REP12-089] response which summarises our advice on this matter. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|---|---------------------------|--|---------------|---|----------------|--|----------------|--|----------------|
| Document used: 5.3 EA1N Information to Support the Appropriate Assessment Report | | | | | | | | | | |
| 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> | | 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>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> | | NE's position remains unchanged. | | Natural England notes the Applicant has committed to additional measures to address this point, which we welcome. However, the matter is not fully resolved please see Deadline 10 [REP10-052] and 11 [REP11-123] responses. | |
| Document used: 6.1.22 EA1N Environmental Statement Chapter 22 Onshore Ecology | | | | | | | | | | |
| 6 | <p>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.</p> | | 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 NO.19). This is outside the SSSI and therefore our previous advice regarding suitable habitat within the SSSI remains unchanged. | | Natural England notes that the Applicant has committed to undertaking pre construction surveys to inform mitigation surveys. However, we advise that outline mitigation measures should be agreed prior to determination. | |
| 8 | <p>The Hundred River feeds into Sandlings SPA and we expect to see an assessment of alternatives to include HDD under this water course and impacts outlined. We welcome the commitment to reinstate and improve habitats.</p> | | Ongoing with further update on our position in relation to the potential wet woodland and hairy 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 | | Matter is ongoing relating to the provision of outline mitigation measures and habitat reinstatement. Please see Deadline 13 Appendix C12. | |

| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|---|---------------------------|--|---------------|--|----------------|--|----------------|---|----------------|
| 9 | Any works that directly impact upon badgers should be subject to mitigation, compensation and/or a protected species license from Natural England to avoid an offence under the Wildlife and Countryside Act 1981 (as amended). We refer to the Planning Inspectorates advice note 11 which advises early engagement with Natural England. We advise that an outline plan is provided. | | 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 Application. See NE Cover Letter at Deadline 12. | | Please see Appendix C12 at Deadline 13. We hope that a LONI can be provided in time to inform the ExA report and will work with the Applicant to do so. | |
| 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. | | Please see Appendix C12 at Deadline 13. We hope that a LONI can be provided in time to inform the ExA report and will work with the Applicant to do so. | |
| 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. | | | | | |
| 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. | | Please see Appendix C12 at Deadline 13. We hope that a LONI can be provided in time to inform the ExA report and will work with the Applicant to do so, but please not the outstanding concerns are more considerable than for Badgers. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|---|---------------|--|----------------|------------------------------------|----------------|--|----------------|
| 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 prepare to close the matter on the R&I issues log.</p> | | | | | |
| Documents used: 6.1.23 EA1N Environmental Statement Chapter 23 Onshore Ornithology | | | | | | | | | | |
| 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. NE advises that the 3ha of compensatory turtle dove feeding habitat to be provided should be in place in advance of works. 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. However as per out D8 response in Appendix C9 [REP8-162], we remain concerned that the mitigation will be 'established' prior to construction, but there remains no guarantee/confirmation that it is delivering the required mitigation prior to construction commencing.</p> | | <p>No further update.</p> | | <p>We have agreed to disagree with the Applicant and NE's position remains unchanged</p> | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|---|---------------------------|---|---------------|---|----------------|------------------------------------|----------------|----------------|----------------|
| 15 | <p>The open cut trench method of cable installation will result in the temporary loss of designated and supporting habitat, including the breeding sites of nightingale which is cited as a feature of interest for Leiston to Aldeburgh SSSI. To mitigate impacts, the Applicant proposes the provision of nesting sites for nightingale will be delivered through habitat management within and on the outskirts of the designated sites and in line with BTO habitat management guidelines. This mitigation method will need to be secured in the DCO and clearly set out in an outline habitat 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> | | | | | |
| 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> | | | | | |



| No. | 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 | FINAL POSITION | RAG status D13 |
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| 17 | We agree with the necessity of pre-construction surveys prior to any works taking place. If active nests are found, it should be noted that all wild birds, their nests and eggs are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended), and therefore works in the vicinity of the nest may have to be delayed until any chicks have fledged. Or site preparation works need to be agreed upfront with relevant authorities in consultation with Natural England to be locations temporarily unsuitable for nesting. 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. | | 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). | | | | | |
| Documents used: 6.7 EA1N Onshore Schedule of Mitigation | | | | | | | | | | |
| 18 | Monitoring: 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: <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. | | 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 ongoing in relation to the EMP. | | No further update. | | We have agreed to disagree with the Applicant and NE's position remains unchanged | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|---|--|---------------------------|--|---------------|--|----------------|--|----------------|--|----------------|
| 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 OCoCP 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> | | | |
| Documents used: 8.7 EA1N Outline Landscape and Ecological Management Strategy | | | | | | | | | | |
| 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> | | | |
| Added since Relevant Reps submission: | | | | | | | | | | |
| 26 | <p>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.</p> | | <p>Natural England's position remains unchanged. Please see previous comments [REP8-162] [REP7-073] [REP5-084] [REP4-092]</p> | | <p>See Natural England summary position in Deadline 9 cover letter [REP9-063] and further response Appendix C10 [REP10-052] at Deadline 10 .</p> | | <p>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.</p> | | <p>This matter remains unresolved. Please see our Deadline 13 response Appendix C12.</p> | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|--|---------------|---|----------------|---|----------------|---|----------------|
| Document Used: 6.1.29 EA1N Environmental Statement Chapter 29 Landscape and Visual Impact Assessment | | | | | | | | | | |
| 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. | | Outstanding issue. It is unclear if this detail has been submitted into examination by the Applicant. | |
| 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. | | Natural England acknowledges the Landscape and Visual Sizewell C Cumulative Impact Assessment submitted by the Applicant at Deadline 8 [REP8-075]. | | 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]. | | Natural England's position remains as per Deadline 9 cover letter [REP9-063]. | |



| No. | 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 | Consultation, actions, progression | RAG status D13 |
|--------------------------------|---|---------------------------|------------------------------------|---------------|------------------------------------|----------------|--------------------------------------|----------------|---|----------------|
| Comments on Visibility | | | | | | | | | | |
| 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 | | Natural Englands notes that this remains an outstanding issue, but it shouldn't preclude the ExA drawing conclusions in relation to the potential impacts of the project. | |
| Comments on the AONB Baseline | | | | | | | | | | |
| 4 | (Point 3.3.1) 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 | | No update | | No update | | No update | | Natural Englands notes that this remains an outstanding issue, but it shouldn't preclude the ExA drawing conclusions in relation to the potential impacts of the project. | |
| Comments on Cumulative Effects | | | | | | | | | | |
| 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. | | | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|---|---------------|---|----------------|---|----------------|--|----------------|
| Document used: 6.1.4 EA1N Environmental Statement Chapter 04 Site Selection and Assessment of Alternatives | | | | | | | | | | |
| 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]. | | | | | |
| Document used: 6.1.7 EA1N Environmental Statement Chapter 07 Marine Geology, Oceanography and Physical Processes | | | | | | | | | | |
| 8 | It is clear from the ES that both project sites exhibit large areas of sand waves and mega ripples. This suggests to Natural England that a significant amount of sand wave 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 <i>Sabellaria</i> . | | Our position remains unchanged. Please also see NE response to the ExQs 3.2.25 [REP11-123]. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |
| 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. | | | | | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|--|---------------|---|----------------|---|----------------|--|----------------|
| Document used: 6.1.9 EA1N Environmental Statement Chapter 09 Benthic Ecology | | | | | | | | | | |
| 23 | We welcome the commitment to avoid sensitive receptors when undertaking sand wave 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 previously considered within the application? | | Natural England positin remains unchanged from previous update. | |
| 25 | Natural England notes that the placement of new cable protection over the life time of the project is not included in the assessment. Is this because a separate marine licence will be applied for at the time? | | 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. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |
| 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. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
|--|--|---------------------------|---|---------------|--|----------------|------------------------------------|----------------|-------------------------------------|----------------|
| 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. | | | | | |
| 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. | | | | | |
| Document used: 6.1.10 EA1N Environmental Statement Chapter 10 Fish and Shellfish Ecology | | | | | | | | | | |
| 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. | | Position remains as per Deadline 9. | |



| No. | 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 | FINAL POSITION | RAG status D13 |
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| Document Used: 3.1 EA1N Draft Development Consent Order | | | | | | | | | | |
| 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. | | This matter remains outstanding at the end of examination. We advise that further consultation is sought with the MMO on this matter as they will be the regulator for discharging the DML conditions to which this relates. | |
| 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 (sand wave levelling and ground preparation). The total volumes are recorded within the DMLs and split according to activity. This application and project description includes detonation of UXO. If these works are to be licenced and 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. | | No further update. | | Issue ongoing. | | Agree to disagree. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |

| No. | 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 | FINAL POSITION | RAG status D13 |
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| 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 OCoCP 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 | | Natural England is now content with requirement 22. | |
| 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 | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |
| 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. | | This matter remains outstanding at the end of examination. We advise that further consultation is sought with the MMO on this matter as they will be the regulator for discharging the DML conditions to which this relates. | |
| Document Used: 8.12 EA1N Outline Offshore Operations and Maintenance Plans | | | | | | | | | | |
| 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. | | This matter remains outstanding at the end of examination. We advise that further consultation is sought with the MMO on this matter as they will be the regulator for discharging the DML conditions to which this relates. | |

| No. | 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 | FINAL POSITION | RAG status D13 |
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| 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. | | This matter remains outstanding at the end of examination. We advise that further consultation is sought with the MMO on this matter as they will be the regulator for discharging the DML conditions to which this relates. | |
| Document Used: 8.13 EA1N Offshore In Principle Monitoring Plan | | | | | | | | | | |
| 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 they be in the appropriate location and within an appropriate timeframe. | | Issue ongoing | | Natural England have agreed to the IPMP as per our Deadline 9 cover letter. | | | | | |
| 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. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |

| No. | 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 | FINAL POSITION | RAG status D13 |
|-----|---|---------------------------|------------------------------------|---------------|------------------------------------|----------------|--|----------------|--|----------------|
| 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. | | Natural England notes and accepts the changes to this specific condition wording. This matter is now resolved. | |
| 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. | | We have agreed to disagree with the Applicant and NE's position remains unchanged. | |
| 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. | | | |
| 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 <i>specific</i> 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. With an outline mitigation package provided prior to determination. Therefore, before determination we expect both the OLEMS and DCO to be updated accordingly. See point 26 of the Terrestrial Ecology tab. | | | | | | New Issue at Deadline 12. | | No change as the updated DCO has not included updated provisions for hairy dragonfly or the woodland. Please note that the Applicant's D12 ' <i>Changes to mitigation measures</i> ' also doesn't include specific mitigation for hairy dragonfly and/or the woodland. | |