



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

East Anglia TWO Offshore Wind Farm

Appendix C1b to the Natural England Deadline 1 Submission

**Comments to the Applicant Comments on Natural England's Relevant and Written
Representations [AS-036] Terrestrial Ecology**

For:

The construction and operation of East Anglia Two Offshore Windfarm, a 900MW windfarm which could consist of up to 75 turbines, generators and associated infrastructure, located 37km from Lowestoft and 32km from Southwold.

Planning Inspectorate Reference: EN010078

2nd November 2020



Appendix C1b Natural England's comments on the Applicant's Review of Natural England's Relevant and Written Representations [AS-036] for Terrestrial Ecology

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

Table 1. Terrestrial Ecology

Point	Natural England's Relevant and Written Representations	Applicant's Comments	Natural England's Response to Applicant's Comments	Risk
1	Natural England strongly advises that all cable line construction works in the boundary, or within 200m of the Sandlings Special Protection Area and Leiston to Aldeburgh Site of Special Scientific Interest is undertaken outside of the breeding bird season to prevent damage or disturbance (noise, visual and vibration) to designated interest features. This should be included as a condition in the DCO and Code of Construction Practice (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	The seasonal restriction on construction works associated with crossing the SPA will be included within the SPA crossing method statement and the Breeding Bird Protection Plan which requires to be included within the final Ecological Management Plan to be submitted for approval by the Local Planning Authority in accordance with Requirement 21 of the draft DCO (APP-023) and on which NE will be consulted. It is noted that the seasonal restriction proposed by the Applicant applies only to works associated with crossing the SPA. This is specifically works associated with crossing the SPA which are within the	Natural England is satisfied with the applicant completing all construction works within the SPA and within 200m of the SPA buffer outside of the bird breeding season. Regarding construction activities outside of the SPA and the SPA buffer zone, Natural England recommends these are also undertaken outside of the breeding season in order to minimise any impacts to breeding birds. It is noted that the applicant wishes to undertake construction activities outside the SPA crossing during the breeding bird season. Natural England welcomes the Breeding Bird Protection Plan (BBPP) as part of the OLEMS and being secured	



	<p>and when required.</p>	<p>SPA boundary and works associated with crossing the SPA within 200m of the SPA boundary.</p> <p>As noted within the Outline Landscape and Ecological Management Strategy (OLEMS) (APP-584), the Applicant will not undertake onshore cable route construction works to cross the Sandlings Special Protection Area (SPA) / Leiston – Aldeburgh Site of Special Scientific Interest (SSSI) within the SPA/SSSI boundary or associated crossing works within 200m of the SPA/SSSI boundary during the breeding bird season unless otherwise agreed with Natural England that bird breeding activities within 200m of the SPA/SSSI crossing works area have ceased. The timing of this seasonal restriction will be based on monitoring information provided by the Ecological Clerk of Work (likely to be mid-February to end of August). The seasonal restriction will be included within the Ecological Management Plan (EMP) and SPA Crossing Method Statement, secured by Requirement 21 of the draft</p>	<p>under requirement 21 of the draft DCO this should be agreed in consultation with NE. Natural England also welcomes being consulted on the pre-construction breeding bird surveys to enable any mitigation to be adopted.</p> <p>Natural England still strongly advises and requests that all cable construction works within the SPA and the 200m buffer zone being undertaken outside the breeding season is included as a condition of the DCO and we are consulted on the Code of Construction Practice (COCP).</p>	
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		<p>DCO (APP-023), which is the appropriate mechanism with which to secure the seasonal restriction. The Applicant does not consider that it is necessary for such a restriction to appear on the face of the DCO.</p> <p>The Applicant considers that the seasonal restriction need only apply to onshore cable route construction works to cross the SPA / SSSI within the boundary, or associated crossing works within 200m during the breeding bird season. The Applicant does not consider it appropriate for onshore cable route construction works within 200m of the boundary of the Sandlings SPA (with the exception of the crossing of the Sandlings SPA) to be undertaken outside the breeding bird season. Should a requirement for works to be undertaken within 200m of the Sandlings SPA during the breeding bird season be identified (with the exception of the crossing of the Sandlings SPA), the Applicant will undertake breeding bird surveys to determine the presence/absence of breeding birds within the work area, and NE will be</p>		
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		<p>consulted on this.</p> <p>Based on known breeding bird distribution and habitat requirements, onshore cable corridor work beyond 200m from the SPA crossing area may take place during the breeding season. In order to safeguard breeding individuals from disturbance, a Breeding Bird Protection Plan (BBPP) will be produced as detailed in section 6.4 of the OLEMS. This will be developed post-consent and is secured under Requirement 21 of the draft DCO.</p>		
2	<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</p>	<p>An Outline Landscape and Ecological Management Strategy (OLEMS) (APP-584) has been submitted with the application. The OLEMS (APP-584) outlines the requirement for landscape and ecological (including ornithological) mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 14 of the draft DCO (APP-023), states that a Landscape Management Plan (LMP) and associated</p>	<p>As the development area for the project is currently within the Suffolk Coast and Heaths AONB, the provision of net gain is a mandatory requirement of the landscape policy. The Applicant will therefore need to provide net gain as per the requirement of the landscape policy. The provision of undertaking net gain is for the benefit of the natural environment and is something that Natural England supports and encourages on any NSIP. But as discussed at the workshop on 16th July 2020 for ecological matters we are keen to explore enhancement options</p>	



	<p>restored and methodology including timescales and species.</p> <p>The applicant should consider opportunities for net gain in improving and extending relevant and supporting habitats. We recommend consultation with the landowner and RSPB is sought regarding restoration works and net gain opportunity.</p>	<p>work programme must be submitted to and approved by the planning authority before any onshore works can commence. Requirement 15 of the draft DCO then states that all landscaping works must be carried out in accordance with the approved LMP.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) (which will include an SPA Crossing Method Statement) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. Both the LMP and the EMP must accord with the OLEMS.</p> <p>The SPA Crossing Method Statement will include mitigation measures specifically relating to the SPA crossing, including habitat restoration.</p> <p>Through submission and approval of the final LMP and EMP, NE can be assured</p>	<p>prior to any mandatory requirements.</p> <p>Natural England recommends that the Applicant still considers using a trenchless crossing technique as this would be less impactful to the Sandlings SPA supporting habitat and cause less harm to any features of the SPA.</p> <p>Natural England welcomes the submission of the outline SPA crossing method statement. Natural England notes that the applicant favours the open cut trenching method to cross the SPA. As it stands options stated for the restoration of the crossing are welcomed. However, pre-construction ornithological survey data needs to be incorporated into the SPA crossing method statement to help finalise the post construction habitat restoration based on species present. Further information on the age and height of vegetation needs to be included, Natural England recommends the planting of different heights of vegetation and that of mature shrubs so that the form of function of the supporting habitat is</p>	
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		<p>that ecological management and provision of landscaping associated with the construction of the onshore infrastructure will be formally controlled and implemented. The information within these management plans would cover the species to be promoted, the habitats to be restored and the methodology and timescales in which this would be undertaken.</p> <p>A substantial portion of the open trench crossing is through an area currently utilised as horse paddock. The Applicant will set out proposals for the ongoing use and maintenance of areas of habitat to be reinstated following the potential open-cut trenched SPA crossing. These proposals for reinstatement of habitat within the SPA will be detailed within the EMP and associated SPA Crossing Method Statement.</p> <p>The Applicant notes that if a trenchless technique is selected as the technique to cross the SPA then no opportunities to propose arrangements for the ongoing</p>	<p>restored as soon as possible.</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>	
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		<p>use and maintenance of areas of habitat restoration within the SPA will be sought by the Applicant, as no habitat will be lost and therefore mitigation will not be required.</p> <p>Regarding Net Gain, in December 2018, Defra consulted on plans to introduce the principle of Net Gain to the Planning System in England. Defra's recent response to consultation⁴⁹ affirms their intention to bring forward legislation to mandate Net Gain within the Environment Bill but confirms their position that Nationally Significant Infrastructure Projects (NSIP) and marine developments will remain out of scope of the mandatory requirement in the Environment Bill. There is currently no Net Gain policy applicable to NSIP projects, nor plans for Net Gain to be introduced for NSIP projects through the Environment Bill.</p>		
3	Natural England reiterate the preference for HDD under the Sandlings SPA to avoid supporting habitat loss, which will take some time to return to its previous condition. Should HDD be used, sufficient	As stated in Table 3.2 of the Information to Support Appropriate Assessment Report , the Applicant's preference is for an open-cut trenching technique to cross the Sandlings SPA. As noted in section	Natural England reiterate the preference for HDD under the Sandlings SPA to avoid supporting habitat loss, which will take some time to return to its previous condition.	



	<p>detail on methodology and safeguards to prevent a drilling mud outbreak should be produced. Should a bentonite outbreak occur the HDD document should specify that Natural England will be contacted within 24hours and prior to the commencement of any clean-up operations, as the clean-up may on occasion be more damaging than the outbreak. We advise that an outline bentonite frackout document should be provided during examination for each of the HDD locations</p>	<p>22.6.1.1.2 of Chapter 22 Onshore Ecology (APP-070), the onshore cable route will cross the Sandlings SPA at its narrowest point, towards the north of the SPA and the Applicant has committed to a reduced onshore cable route working width of 16.1m (reduced from 32m) within the SPA to minimise habitat loss.</p> <p>An open trench crossing will require two trenches to be constructed within a 16.1m swathe, whereas a trenchless technique such as HDD will require 10 bores to be drilled underground within an underground working width of 90m.</p> <p>The Applicant will submit an Ecological Management Plan (EMP) for approval by the LPA in consultation with NE. In accordance with requirement 21 of the DCO this will include a SPA crossing method statement. Additionally, as agreed at a SoCG meeting with NE on the 19th of February 2020, the Applicant will produce an outline SPA Crossing Method Statement to be submitted as early as possible during the Examination period</p>	<p>Natural England however acknowledges that the Applicant favours using the open trench method. Therefore, there will need to be added emphasis on the adoption of mitigation measures to minimise impacts to an acceptable level.</p> <p>Natural England provided comments to the applicant on the draft outline SPA crossing method statement on October 6th (please see NE deadline 1 Appendix C2) and will provided further comment once the SPA crossing statement is submitted by the applicant into examination.</p>	
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		that will provide further details on the methodology to be adopted for an open trench crossing, and for a trenchless technique. The outline SPA Crossing Method Statement will include details on how the risk of bentonite break-out would be reduced and break out contingencies in the event of a bentonite breakout.		
4	<p>Natural England support the seasonal restriction of construction works (outside of the breeding bird season) 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 when required.</p>	See the response to Point 1 of Terrestrial Ecology which provides the Applicant's position on this matter.	Natural England supports the seasonal restriction of under taking construction works associated with the SPA and 200m buffer outside the breeding bird season. This should be included as a condition in the DCO and COCP. Natural England request consultation on the COCP and suggest that the relevant interested parties are included within the document to ensure contact details are accessible when required.	
5	Natural England advises that should altered/new proposals be planned within a Site of Scientific Interest (SSSI), which are not currently considered as part of the	Noted.	Noted.	



	DCO and Application then an assent may be required under the Wildlife and Countryside Act 1981 (as amended) from Natural England.			
6	Consideration should be given to Leiston to Aldeburgh SSSI and coastal vegetated shingle in the case of a bentonite or drilling mud outbreak. Information should be provided on engineering design, depth and break out contingencies. This should be provided in the form of outline plan and secured in the DCO/DML.	Detailed design of the landfall will be undertaken post consent following pre-construction site investigations and final details will be specified in the landfall construction method statement which requires to be submitted to and approved by the relevant planning authority in accordance with Requirement 13 of the draft DCO (APP-023). In addition, the Applicant will produce an Outline Landfall Construction Method Statement (to be submitted as early as possible during the examination period) that will provide further details on the trenchless technique to be adopted at the landfall and will include details on how the risk of bentonite break-out would be reduced and break out contingencies in the event of a bentonite breakout.	Agreed: Natural England has made interim comments on the Outline Landfall Construction Method Statement in a separate response (sent to the Applicant on 13 August 2020), see Appendix C3 Deadline 1 and is satisfied with the detail provided regarding bentonite breakout. Natural England will provide further comment on the Outline Landfall Construction Statement, following submission into examination by the applicant, at Deadline 2. Please also see NE comments to the outline SPA crossing document at Deadline 1 Appendix C2.	
7	We advise that all nationally protected species, are considered of at least moderate importance.	The assessment methodology and classification of species' importance levels have been discussed and agreed	Agreed: Natural England notes the applicant's response to this and will consider documents to be submitted in to	



		through the ETG and section 42 process (see Appendix 22.1 of Chapter 22 Onshore Ecology (APP-070). in considering this comment, the Applicant discovered an error within the assessment presented within Chapter 22 Onshore Ecology (APP-070) with regard to the importance assigned to some nationally protected species. A review and reassessment of impacts to these misclassified species is being produced within a clarification note which will be submitted as early as possible during the examination	examination	
8	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.	The Applicant has committed to undertaking an assessment of impacts upon hairy dragonfly to be submitted and agreed as a clarification note as part of the SoCG process with NE.	Agreed: Natural England notes the applicant's response to this and will formally comment on documents once submitted into examination	
9	Natural England strongly advises that all cable line construction works in the boundary, or within 200m of the Sandlings	See the Applicant's response to this comment at Point 1 of Terrestrial Ecology.	Natural England acknowledges that construction works on the SPA crossing will not be undertaken during the bird	



	<p>Special Protection Area SPA and Leiston – Aldeburgh SSSI is undertaken outside of the breeding bird season (1st February to 31st August for woodlark and 1st of April to 31st August for nightjar) to prevent damage or disturbance to designated interest features.</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 when required</p>		<p>breeding season (14th February to 31st August) as stated in the outline SPA crossing method statement. Natural England recommends that this is extended to the 1st of February to cover the entirety of the breeding season for the Woodlark (1st February to 31st August).</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 interested parties are included within the document to ensure contact details are accessible when required.</p>	
10	<p>Natural England welcome the mitigation prescribed for woodland, scrub and trees and encourage the Applicant to incorporate net gain into their strategy. We support the commitment to an aftercare period for all newly planted hedgerow, shelterbelts and woodlands.</p>	<p>See the Applicant’s response to Point 32 of Terrestrial Ecology where this comment is also made by NE in respect of the OLEMS.</p>	<p>Noted.</p>	
11	<p>The impact on coastal habitat from bentonite and drilling mud break outs should be considered.</p>	<p>The Applicant will produce an Outline Landfall Construction Method Statement (to be submitted as early as possible during the examination period) that will</p>	<p>Agreed: Natural England has made interim comments on the Outline Landfall Construction Method Statement in a separate response (sent to the Applicant</p>	



		<p>provide further details on the trenchless technique to be adopted at the landfall. The Outline Landfall Construction Method Statement will include details on how the risk of bentonite break-out would be reduced, the break out contingencies in the event of a bentonite breakout and consideration of potential impacts on coastal habitat from bentonite and drilling fluid breakout.</p>	<p>on 13 August 2020) and is satisfied with the detail provided regarding bentonite breakout. Please see NE's Deadline 1 Appendix C3 for full details</p>	
12	<p>The Hundred River feeds into Sandlings SPA and we would expect to see an assessment of alternatives to include HDD under this water course and impacts outlined. However, should HDD be used, sufficient detail on methodology and safeguards to prevent a drilling mud outbreak should be produced. Should a bentonite outbreak occur the HDD document should specify that Natural England will be contacted within 24hours and prior to the commencement of any clean-up operations, as the clean-up may on occasion be more damaging than the outbreak. We advise that an outline bentonite frackout document should be</p>	<p>There is insufficient space at the Hundred River crossing point to accommodate a trenchless crossing using e.g. a HDD technique given the proximity of properties in the immediate vicinity. The Applicant engaged with NE through the Site Selection ETGs to demonstrate that a trenchless crossing of the Hundred River was not a feasible option and Natural England attended a site visit with the Applicant on 21st February 2018 where the feasibility of crossing the Hundred River (and Aldeburgh Road) was discussed. Alternatives to a trenchless solution were presented at that time. Given the Hundred River's narrow width,</p>	<p>Natural England still advises on using the HDD method in order to cross the Hundred River and welcomes the submission of a watercourse crossing method statement as part of the final COCP. The outline crossing method statement should address why the trenchless method (favoured by the applicant) has been chosen over other methods. The impacts to the Hundred River and the Sandlings SPA should be addressed, as well as the construction methods to be used, time scales and mitigation and compensation needed.</p>	



	<p>provided during examination for each of the HDD locations</p> <p>We welcome the commitment to reinstate and improve habitats.</p>	<p>the preferred crossing technique would be open cut trenching.</p> <p>As per Requirement 22 of the DCO, the Applicant will submit a watercourse crossing statement for approval as part of the final CoCP. In addition, as agreed at a SoCG meeting with NE on the 19th of February 2020, the Applicant will produce an Outline Watercourse Crossing Method Statement (to be submitted as early as possible during the examination period) which will outline the construction technique(s) available to cross the Hundred River and the mitigation measures that will be adopted to reduce the environmental impact of the works.</p>	<p>Particular attention would need to be included if there was a risk of an instance in which habitats within the vicinity could be further damaged this could be from a pollution event. The Outline Water Course Crossing Method Statement should include information on how impacts will be reduced and/or addressed. If HDD was chosen as the crossing from the Hundred River, the Method statement would need to include methods which would be used for the clear up of a Bentonite break out, how this could be reduced and the impacts to habitats as a result of this.</p> <p>Natural England should be a consultee on the plan as we will need to be contacted within 24 hours of a bentonite breakout.</p> <p>Please also see Natural England's response to the Draft SPA Crossing Method Statement (October 6th 2020), Appendix C2 Deadline 1.</p>	
13 and 14	<p>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</p>	<p>The Applicant has undertaken preliminary micro-siting of the onshore infrastructure in order to avoid known badger setts and will undertake pre-construction surveys and</p>	<p>Natural England acknowledges the applicants response and welcomes the preliminary micro-siting of onshore infrastructure and pre-construction</p>	



	<p>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.</p> <p>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.</p>	<p>ensure final design of the works avoid and mitigate disturbance to badger setts accordingly. There are areas within the Order Limits which can provide mitigation for badgers if required.</p> <p>As per Requirement 21 of the draft DCO (APP-023), the Applicant must submit an Ecological Management Plan (EMP) for approval by the LPA in consultation with NE which will include provision for badger mitigation before any onshore works can commence. The final approved EMP must accord with the OLEMS (APP-584) submitted with the Application.</p>	<p>surveys of badger setts. Natural England awaits the submission of the Ecological Management Plan (EMP) and will review the documentation when submitted. And would recommend an outline plan being submitted in to examination. The Applicant is encouraged to apply for any Protected species licences where the construction works will impact on any badger setts and consult with Natural England as early as possible with regards to any protected species licences needed.</p>	
15	<p>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.</p> <p>The applicant should also consider any in combination impacts with proposed development at Sizewell C and any other</p>	<p>Figure 22.8a-g of Chapter 22 Onshore Ecology (APP-281) details the findings of the bat roost survey and Figure 22.7a-f (APP-280) details the bat roost and commuting / foraging habitat.</p> <p>The Applicant has agreed through the SoCG process to undertake an assessment of cumulative impacts with the Sizewell C development on roosting, foraging and commuting areas shown in relation to the order limits. This</p>	<p>Natural England notes that the Applicant has agreed through the SoCG process to undertake an assessment of cumulative impacts with the Sizewell C project. Since the Sizewell C development has been accepted by the planning inspectorate, Natural England will await further information that will arise as a result of discussions between the two projects. Natural England will also await the review of the Ecological Management Plan (EMP). However, NE would welcome</p>	



	<p>foreseeable plans or projects. This should be provided as an outline plan as part of the examination.</p>	<p>assessment will be undertaken following publication of the Sizewell C application if published during the examination phase of the Project. The assessment was not undertaken in the pre-application stage due to there being insufficient data on the Sizewell C project available to conduct an accurate assessment at the time. However, it should be noted that the CIA was undertaken in accordance with the PINS Advice Note 17 on cumulative assessment.</p> <p>An OLEMS (APP-584) has been submitted with the Application. The OLEMS outlines the requirement for landscape and ecological mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project. The OLEMS states that bat roost surveys will be undertaken prior to construction.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) must be</p>	<p>further consultation on any outline EMP during examination.</p>	
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		<p>submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>		
16	<p>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 as early as possible.</p>	<p>The potential impact on great crested newt is assessed in section 22.6.1.10 of Chapter 22 Onshore Ecology (APP-070) and concluded a residual impact of minor adverse.</p> <p>An OLEMS (APP-584) has been submitted with the Application. The OLEMS outlines the requirement for landscape and ecological (including great crested newt) mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p>	<p>Natural England acknowledges the Applicants response and will await the submission of the Ecological Management Plan (EMP) for review. Natural England advises the applicant to consider if any of the works will directly impact upon Great crested newts. A Protected species licence to avoid any offence underneath the Wildlife and Countryside Act 1981 as amended will be required for this species. Natural England advises that the Applicant approaches Natural England for a Letter of No Impediment as early as possible during this examination. Any construction</p>	



		<p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>	<p>works that will impact great crested newts will need to be also compensated and mitigated against under a protected species licence. Natural England encourages engagement as early as possible if protected species licences are required.</p>	
17.	<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</p>	<p>The potential impact on reptiles is assessed in section 22.6.1.11 of Chapter 22 Onshore Ecology (APP-070) and concluded a residual impact of minor adverse.</p> <p>An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological (including reptile) mitigation measures that are reflective of the surveys and impact</p>	<p>Natural England notes the applicant's response and will await the submission of the final Ecological Management Plan (EMP). However, NE would welcome further consultation on any outline EMP during examination.</p>	



	<p>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>assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>		
18	<p>We support the undertaking of pre-construction surveys to confirm the presence and/or absence of otters and water vole. In the event of either or both species being present in pre-construction surveys we refer to our protected species standing advice: https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences.</p>	<p>Noted.</p>	<p>Noted.</p>	



19	It is Natural England's advice that all cable line construction works within the boundary, or 200m outside of the Sandlings SPA and Leiston – Aldeburgh SSSI are undertaken outside of the breeding bird season (1st February to 31st August for woodlark and 1st of April to 31st August for nightjar) to prevent damage or disturbance to designated and sensitive interest features. This should be included as a condition in the DCO and CCP. Natural England requests consultation on the CCP and suggest that the relevant conservation bodies are included within the document to ensure contact details are accessible when required.	See the Applicant's response to this comment at Point 1 of Terrestrial Ecology.	See Natural England's response to Point 1.	
20	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 cited as a 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	The Applicant's preference is for an open-cut trenching technique to cross the Sandlings SPA. As noted in section 22.6.1.1.2 of Chapter 22 Onshore Ecology (APP-070) the onshore cable route will cross the Sandlings SPA at its narrowest point, towards the north of the SPA and the Applicant has committed to a reduced onshore cable route working width of 16.1m (reduced from 32m) within	Natural England notes the Applicant's response and awaits update of the OLEMS and Outline SPA Crossing Method Statement with timings. As stated in our response to the Draft SPA Crossing Method Statement (sent to the applicant on October 6th, 2020), see Appendix C2 Deadline 1, Natural England recommends that sowing of the seed mix is undertaken as early as possible to	



	<p>suitable nesting habitat for the following breeding season. Natural England advises that the 3ha of compensatory turtle dove feeding habitat to be provided should be in place in advance of works.</p> <p>We understand that an HDD technique will avoid the loss of designated habitat and on this basis Natural England expresses a preference for an HDD method.</p>	<p>the SPA to minimise habitat loss. A substantial portion of the open trench crossing route through the SPA is through a horse paddock and therefore this area of the habitat is already disturbed by virtue of its current use.</p> <p>The Applicant will update the OLEMS (APP-584) and Outline SPA Crossing Method Statement with an outline of the timing of habitat creation areas. It is intended that an area within Work No. 14 will be used for turtle dove mitigation, the extent of this area will be dependent on the results of the pre-commencement breeding bird surveys to be undertaken.</p>	<p>ensure establishment prior to construction works being undertaken. We also consider that it may be beneficial to leave the turtle dove mitigation area in place for a period of time after reinstatement of the cable route while the site recovers.</p>	
21	<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</p>	<p>The Applicant's preference is for an open-cut trenching technique to cross the Sandlings SPA. As noted in section 22.6.1.1.2 of Chapter 22 Onshore Ecology (APP-070) the onshore cable route will cross Sandlings SPA at its narrowest point, towards the north of the SPA and the Applicant has committed to a reduced onshore cable route working width of 16.1m (reduced from 32m) within the SPA to minimise habitat loss. The Applicant will submit an Outline SPA</p>	<p>As stated in our response to the Draft Outline SPA Crossing Method Statement (October 6th 2020), see Appendix C2 Deadline 1, Natural England considers that the nightingale mitigation plan needs to be more detailed. For example we would expect to see a detailed plan outlining how the area will start to function as a habitat for nightingale as soon as possible, i.e. details on height and maturity of vegetation. We also note that Work No 12A is directly adjacent to the</p>	



	<p>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>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>Crossing Method Statement as early as possible during the examination period.</p> <p>An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological (including ornithological) mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) (which will include an SPA Crossing Method Statement) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>The SPA Crossing Method Statement will include mitigation measures specifically relating to the SPA crossing, including habitat restoration.</p>	<p>SPA crossing works area and this mitigation area would need to be well established and functioning in advance of works.</p> <p>Natural England queries how this will be secured.</p>	
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		<p>Through submission and approval of the final EMP, NE can be assured that ecological management and provision of landscaping associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p> <p>The Applicant considers that an open-cut trenching method would reduce the impact (particularly for the local community) when compared with a trenchless solution such as HDD given the shorter timescales, reduced vehicle movements and smaller spatial footprint required.</p>		
22	<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. And should that mitigation be required with the boundary of any designated site then Natural England must be consulted. This will need to be secured in the DCO and included in an outline management plan.</p>	<p>An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological (including barn owl) mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological</p>	<p>Natural England notes the mitigation proposed for barn owls in Section 6.3 of the OLEMS and await the submission of the final Ecological Management Plan (EMP). However, NE would welcome further consultation on any outline EMP during examination.</p>	



		<p>Management Plan (EMP) (which will include an SPA Crossing Method Statement) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>The SPA Crossing Method Statement will include mitigation measures specifically relating to the SPA crossing, including habitat restoration.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management and provision of landscaping associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>		
23	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	An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological (including ornithological) mitigation measures that are reflective of the surveys and impact	Natural England notes the mitigation proposed for nesting birds in Section 6.3 of the OLEMS and await the submission of the final Ecological Management Plan (EMP). However, NE would welcome further consultation on any outline EMP	



	<p>Countryside Act 1981 (as amended), and therefore works in the vicinity of the nest may have to be delayed until any chicks have fledged. Or site preparation works need to be agreed upfront with relevant authorities in consultation with Natural England to be locations temporarily unsuitable for nesting.</p> <p>If exclusion or buffer zones are proposed, the size of the exclusion zone should be well researched to reflect the disturbance tolerance level of the species identified and be of a sufficient distance to prevent disturbance (noise, visual and vibration) to nesting birds.</p>	<p>assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) (which will include an SPA Crossing Method Statement) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. Both the LMP and the EMP must accord with the OLEMS.</p> <p>The SPA Crossing Method Statement will include mitigation measures specifically relating to the SPA crossing, including habitat restoration.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management and provision of landscaping associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>	<p>during examination.</p>	
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24	<p>We support the inclusion of an artificial light emissions management plan, which incorporates measures to minimise light spill following the recommendations regarding birds set out in the Bat Conservation Trust's Artificial Lighting and Wildlife guidance (2014).</p>	<p>As per Requirement 22 of the draft DCO (APP-023), the Applicant will submit an artificial light emissions management plan for approval by the relevant planning authority as part of the final CoCP.</p> <p>As per Requirement 25 of the draft DCO, an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 30, including measures to minimise lighting pollution and the hours of lighting, will require to be submitted to and approved by the relevant planning authority.</p>	Noted.	
25	<p>Monitoring:</p> <p>Natural England notes that detail on monitoring plans is currently lacking and advises that a commitment to post-construction monitoring is made, in particular in the following cases:</p> <ul style="list-style-type: none">• 1 year post-completion of turf stripped and grassland areas which have been removed to assess that natural colonisation or reseeded has been	<p>The Applicant notes NE's request for a commitment by the Applicant for 1-year post-completion monitoring of turf stripped and grassland areas which have been removed within the Sandlings SPA; and a commitment that further measures will be implemented to promote the reinstatement where monitoring identifies further measures are required. This request will be discussed with NE through the SoCG process and any agreed changes to the monitoring and</p>	Natural England notes that discussion on this issue is ongoing and will be progressed through the SoCG process.	



	<p>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.</p> <ul style="list-style-type: none">• 7 years monitoring of hedgerows or until the hedgerows have recovered.	<p>reinstatement proposals will be captured in an updated OLEMS and SPA Crossing Method Statement and carried forward to the final EMP and/or LMP (where relevant) for approval by the LPA.</p> <p>Requirement 15 of the draft DCO (APP-023) requires that any trees or shrubs planted as part of the approved LMP that fail within a period of 5 years (and 10 years at the substation site) must be replanted. The Applicant will discuss hedgerow monitoring further with NE through the SoCG process.</p>		
26	<p>We welcome the inclusion of a Soil Management Plan and refer to the DEFRA guidance on soil protection: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. We advise its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the Applicant uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to</p>	<p>Noted. Soil management is detailed in section 8 of the Outline Code of Construction Practice (APP-578).</p>	<p>Noted.</p>	



	be handled and how to make the best use of soils on site.			
27	Natural England welcomes the preparation of a project specific Pollution Prevention and Response Plan and advises that we are consulted within 24 hours should there be a pollution incident within or in proximity to a designated site. We also advise that SNCBs, including Natural England are listed as consultees. This should be agreed in outline as part of the examination.	<p>The Applicant will ensure that if a pollution incident occurs within a designated site or which may affect a designated site that NE will be consulted within 24 hours of the incident being detected. This commitment will be captured within an updated version of the Outline Code of Construction Practice (APP-578) prepared during the Examination.</p> <p>The relevant planning authority is considered to be the appropriate approval body for the final Code of Construction Practice (which includes the Pollution Prevention and Control Plan). An updated Outline Code of Construction Practice (APP-578) to be produced during Examination will confirm that the Applicant will consult NE during the preparation of the Pollution Prevention and Control Plan.</p>	Noted.	
28	Natural England welcomes the preparation of a project specific Noise and Vibration Management Plan. We also advise that SNCBs, including Natural	The relevant planning authority is considered to be the appropriate approval body for the outline Code of Construction Practice (which includes the construction	Noted.	



	<p>England are listed as consultees. This should be agreed in outline as part of the examination</p>	<p>phase noise and vibration management plan). Further clarity is sought regarding the geographic extent of NE's interest in the noise and vibration management plan but in any event an updated Outline Code of Construction Practice (APP-578) to be produced during Examination will confirm that the Applicant will consult NE during the preparation of the Noise and Vibration Management Plan.</p>		
29	<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>See the response to Point 1 of Terrestrial Ecology which provides the Applicant's position on this matter.</p>	<p>See Natural England's response to Point 1.</p>	



30	<p>Natural England requests that Statutory Nature Conservation Bodies (SNCBs) including Natural England are consulted on the Ecological Management Plan. And that this is included in outline as part of the examination.</p>	<p>Requirement 21 of the draft DCO (APP-023), states that an EMP must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence.</p> <p>An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p> <p>Requirement 21 states that the final EMP must accord with the OLEMS.</p>	<p>Noted. Ongoing until we have reviewed the EMP.</p>	
31	<p>We agree with the necessity of pre-construction surveys prior to any works taking place. If active nests are found, it should be noted that all wild birds, their nests and eggs are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended), and therefore works in the vicinity of the nest</p>	<p>An OLEMS (APP-584) has been submitted with the application. The OLEMS outlines the requirement for landscape and ecological (including ornithological) mitigation measures that are reflective of the surveys and impact assessment carried out for the onshore infrastructure of the Project.</p>	<p>Natural England notes the mitigation proposed for nesting birds in Section 6.3 of the OLEMS and await the submission of the final Ecological Management Plan (EMP).</p> <p>However, NE would welcome further consultation on any outline EMP during</p>	



	<p>may have to be delayed until any chicks have fledged. Or site preparation works need to be agreed upfront with relevant authorities in consultation with Natural England to be locations temporarily unsuitable for nesting.</p> <p>If exclusion or buffer zones are proposed, the size of the exclusion zone should be well researched to reflect the disturbance tolerance level of the species identified and be of a sufficient distance to prevent disturbance to nesting birds.</p>	<p>Requirement 21 of the draft DCO (APP-023), states that an Ecological Management Plan (EMP) (which will include a Breeding Bird Protection Plan) must be submitted to and approved by the planning authority in consultation with the relevant statutory nature conservation body, before any onshore works can commence. The EMP must accord with the OLEMS.</p> <p>Through submission and approval of the final EMP, NE can be assured that ecological management and provision of landscaping associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>	<p>examination.</p>	
32	<p>Natural England welcomes the mitigation prescribed for woodland, scrub and trees and encourage the Applicant to incorporate net gain into their strategy. We support the commitment to an aftercare period for all newly planted hedgerow, shelterbelts and woodlands.</p>	<p>Noted.</p> <p>The Applicant is currently in discussion with NE through the SoCG process regarding NE's expectations for hedgerow management.</p> <p>Regarding Net Gain, in December 2018,</p>	<p>Noted that discussions are ongoing regarding hedgerow management. However, Natural England continues to recommend that Net Gain is incorporated where possible as an example of best practice so that NSIP projects leave a lasting legacy within the landscape.</p>	



	<p>Natural England advises that:</p> <ul style="list-style-type: none">• Replacement of hedgerows should be in line with Suffolk Biodiversity Partnership BAP Priority Habitat guidance;• Post-construction monitoring should be undertaken for 7 years or until the hedgerows have recovered• Mature hedgerows plants should be used to fill gaps to reduce time required for gapping up.• Replanting should follow in the first winter after construction.• Subject to landowner permissions, those hedgerows should be left to become overgrown either side of the section to be removed prior to construction.• Hedges should be double-planted with 2m grassland strips or rough grassland / scrub on both sides so there is always a leeward side to forage.	<p>Defra consulted on plans to introduce the principle of Net Gain to the Planning System in England. Defra's recent response to consultation⁵⁰ affirms their intention to bring forward legislation to mandate Net Gain within the Environment Bill but confirms their position that Nationally Significant Infrastructure Projects (NSIP) and marine developments will remain out of scope of the mandatory requirement in the Environment Bill. There is currently no Net Gain policy applicable to NSIP projects, nor plans for Net Gain to be introduced for NSIP projects through the Environment Bill.</p>		
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	A Hedgerow Mitigation Plan should be developed in consultation with Natural England prior to the removal of hedgerows. This mitigation plan should be included within Ecological Management Plan, Landscape Management Plan or OLEMS as appropriate			
33	We support the engagement of an ecologist when undertaking maintenance works to assess impacts to protected species, breeding birds, designated sites and features to provide guidance on appropriate mitigation.	Noted. As stated in section 8 of the OLEMS (APP-584): <i>During any required inspections and/or routine maintenance work, best practice procedures would be followed and be in accordance with the relevant standards at that time. If intrusive works were required at any point, an ecologist would be contacted to assess whether there are any impacts associated with the work, before that work can proceed.</i>	Noted.	
34	Natural England requests that Statutory Nature Conservation Bodies (SNCBs) including Natural England are consulted on the Ecological Management Plan.	Requirement 21 of the draft DCO (APP-023) states that the EMP will be approved by the LPA in consultation with the relevant SNCB.	Noted. However, NE would welcome further consultation on any outline EMP during examination.	

Natural England's key to RAG status	Risk
<p>Purple</p> <p>Note for Examiners and/or competent authority. May relate to DCO/DML</p>	
<p>Red</p> <p>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:</p> <ul style="list-style-type: none"> new baseline data; significant design changes; and/or significant mitigation; <p>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.</p>	
<p>Amber</p> <p>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.</p>	
<p>Yellow</p> <p>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.</p>	
<p>Green</p> <p>Natural England supports the Applicant's approach.</p>	