



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

East Anglia TWO Offshore Wind Farm

**Appendix C2 to the Natural England Deadline 1 Submission**

**Natural England's Comments to the Outline SPA Crossing Method Statement v2**

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

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2<sup>nd</sup> November 2020



## **Appendix C2 Natural England's Comments to the Outline SPA Crossing Method Statement v2**

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.

The applicant consulted Natural England on the second draft of the SPA crossing statement on 15th September 2020. The advice provided in this Appendix reflects our review of the document, discussions held during the Onshore Ecology and Ornithology Multi-Party Stakeholder Workshop carried out on the 16th July 2020 and NE discretionary advice letter to the Applicant dated 23rd July 2020.

### **1. General Comments**

1.1 Natural England welcomes the baseline ornithological surveys results being included in Appendix 3. Natural England agrees that based on the evidence presented that the area of the SPA/SSSI crossing is likely to be of low ecological value. But this should be confirmed by pre-construction surveys to inform the final SPA crossing statement methodologies and mitigation measures.

1.2 Natural England recognises that SPR's preferred technique for crossing the Sandlings Special Protection Area (SPA) is open trenching. Whilst we recognise that the updated version includes more detail to address our previous concerns, this is still a high level document. We believe that suitable mitigation measures can be adopted to minimise the impacts of open cut trenching to an acceptable level. However, there are remaining concerns that we believe should be addressed in the consent phase in order to support the open trenching technique. Please see detailed comments.

1.3 Natural England welcomes the maps in Appendix 3 that include the 200m buffer zone. Pre-construction evidence of breeding birds within and close to these locations is required to ensure that the methodologies and mitigation measures are fit for purpose.

1.4 Natural England requires assurance that we will be consulted prior to construction on the updated documents under Requirement 21. Equally the discharge of any requirement e.g. that



management measures are no longer required and the area has fully recovered should be in consultation with NE and RSPB.



**Table 1 Detailed Comments**

Paragraph	Natural England Comment	Further NE comments
Section 1: Introduction		
13	<p>SPR states that no adverse effects on the integrity (AEol) of the SPA are predicted as the SPA qualifying features have not been recorded within the SPA crossing. Whilst Natural England believes that mitigation can be adopted to remove an AEol; we do not agree that the absence of SPA species in the surveys means an AEol can be excluded. Maintaining SPA supporting habitat is a Conservation Objective (CO) for the site and any conclusions should be linked to the COs. It should also be recognised that the surveys are a snapshot in time so may have not captured usage depending on the timings of the surveys.</p> <p>It would be useful to state what distance from the crossing the closest records of nightjar and woodlark are, and similarly, how close suitable habitat for nightjar and woodlark is.</p>	<p>NE notes that consideration of the SPA conservation objectives have not been included in the document. Whilst BTO guidance has been used to determine the best methods to make the habitats suitable for particular bird species; for HRA purposes and to demonstrate that open trench methods will not hinder the conservation objectives of the site the conservation objects for the SPA must be considered. Therefore we advise that there needs to be a clear link to the conservation objectives and how they will be met during the construction works and beyond.</p>
Section 2: Open Trench Technique		
17	It would useful here to state the expected trench width for context.	Not addressed



Paragraph	Natural England Comment	Further NE comments
18 & 19	Para18 states that open trenching will allow for a significant reduction in order limits and work areas within and around the SPA crossing. However, Para 19 states that the cable route would revert to the typical 32m within the SPA crossing buffer. It is Natural England's view that while there is a potential to impact the SPA and SSSI (i.e. within the buffer), the cable route width should be minimised as much as possible and as a minimum the 16.1m reduction should be adopted.	It is not clear to NE that this point has been addressed by the Applicant
20 [and 38 and Table 2.1 of revised document]	Based on the previous comment, if the two projects are constructed at the same time there would be 16.1m corridor per project within the SPA crossing, i.e. 32.2m. Natural England advises that a further assessment should be made to determine the worst case scenario for the SPA based on extended working time from sequential operations at the SPA vs. wider working corridor. We advise that appropriate mitigation methods may need to be adopted to each of these options to identify the option with the least environmental impact.	It is still unclear to NE what sequential installation means in relation to impacts to supporting SPA habitats. Will the works happen on consecutive breeding seasons for each individual project and/or none parallel installation of the projects. OR will there be a time lapse between each project which may result in recovering areas being further impacted by the second project cable installation. How will further impacts to previously impacted areas be avoided?
21	Natural England advises a seasonal working restriction beginning 1 <sup>st</sup> February until 31 <sup>st</sup> August to account for woodlark breeding season.	NE welcomes the adoption of the 1 <sup>st</sup> February restriction.
22	Reinstatement works using noisy machinery should not be undertaken during the breeding season due to the potential to disturb nesting birds.	NE welcomes commitment to avoid the breeding season for noisy activities.



Paragraph	Natural England Comment	Further NE comments
23 & 24	Natural England notes SPR's commitment to complete works associated with the SPA crossing (including within the SPA buffer) within a single non-breeding bird season, including works in parallel with the other East Anglia project. We would welcome more detail on the duration of works. However, we note that this commitment is caveated in the next paragraph saying that the works may extend into subsequent non-breeding bird seasons. Please could further clarity be provided on what this would mean and also the likelihood of this happening.	We believe that this still requires further clarity please see previous points.
28 [and 107 and 120 of revised document]	Natural England would welcome more detail on all plant and machinery required for excavating and backfilling within the SPA crossing and the SPA buffer.	NE notes that the further detail will be provided prior to construction in the final version of this plan. We advise that impacts should be considered as much as possible during the consenting phase and by not considering this in more detail now, some yet to be identified likely significant effect, may require a further HRA. The further HRA would need to be undertaken by the local planning authority as the regulator for the DCO prior to construction to ensure that there remains no adverse effect on integrity from the proposed works
31	Natural England welcomes the proposal to use 'trackmat' roads to minimise ground disruption, however, further measures may be required to ensure the successful removal should they become depressed into the sediment and/or on removal they also remove vegetation matting.	As per the above point
35	Natural England welcomes the commitment to no jointing bays being located within the SPA crossing or the SPA buffer to avoid further excavations in these areas.	No further comment



Paragraph	Natural England Comment	Further NE comments
39	Natural England welcomes SPR's commitment to provide a turtle dove mitigation area in response to possible loss of turtle dove foraging habitat. We recommend that sowing of the seed mix is undertaken as early as possible to ensure establishment prior to construction works being undertaken.	Please see comment 43-46.
42	Natural England also considers 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. However, that will be dependent on the mitigation measures proposed.	Natural England welcomes the consideration of 1 year for this species, but again would welcome further consideration of this remaining in place to ensure that the conservation objectives for the site are not hindered.
43 – 46 [and 50]	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 of vegetation, maturity of vegetation. We also note that Work No 12A is directly adjacent to the SPA crossing works area and this mitigation area would need to be well established and functioning in advance of works.	We believe that further detail is required in relation to this point especially in relation ensuring ecological functionality of the mitigation areas prior to works commencing.



Paragraph	Natural England Comment	Further NE comments
47	<p>More detail is required regarding habitat reinstatement and monitoring within the SPA crossing. Natural England understands that it is intended to reinstate and improve Work No. 12A. The proposed habitat reinstatement plan appears to be quite ambitious for the area of land available. More detail is required around which mitigation measures are targeting which species. More detail is required regarding the size and age of plants.</p> <p>The planting of mature vegetation may help functioning habitat establish quicker.</p>	<p>Whilst we recognise that this has been considered in more detail within the crossing method statement of what will be planted; the justification as to why and what function they will provide and over what time frame is still required</p>
Section 3: Trenchless Technique		
52	<p>Horizontal Directional Drilling (HDD) entry and exit pits within Work No. 11 and Work No. 13 may be located within the SPA crossing buffer. We therefore advise either the buffer area is avoided using long HDD techniques or depending on the timing and duration of the works that any working window restriction is also adopted for trenchless crossing as set out below.</p>	<p>NE believes that this has now been addressed through the working window restriction</p>
58	<p>Natural England welcomes the commitment of a seasonal restriction on construction works associated with HDD entry or exit pits within the SPA crossing buffer, however, we wish to reiterate that such a restriction should extend from 1<sup>st</sup> February until 31<sup>st</sup> August due to the breeding season of woodlark.</p>	<p>NE believes that this has now been addressed through the working window restriction. However, please confirm if the 5 year of habitat management will be 5 years from the completion of each project, but this will be reset if the area is impacted further by the construction of the second project. Alternative is that the mitigation is in place and functioning prior to the start of the first project until 5 years after the end of the second project.</p>





Paragraph	Natural England Comment	Further NE comments
59	As for Para 22 above, reinstatement works using noisy machinery should not be undertaken during the breeding season due to the potential to disturb nesting birds.	NE welcomes commitment to avoid the breeding season for noisy activities.
75 – 79	Natural England's comments regarding turtle dove mitigation are as above under Section 2.	See previous comments
82 – 87	Natural England is satisfied with the detail of the measures to prevent bentonite breakout.	Please note that at 111 there needs to be a caveat that discussion with NE is required prior to any clean up activity as these can be more damaging than leaving bentonite in situ.