



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

East Anglia TWO Offshore Wind Farm

**Appendix D1b to the Natural England Deadline 1 Submission**

**Comments to the Applicant Comments on Natural England's Relevant and Written Representations [AS-036] Landscape and Visual Impact Assessment (LVIA)**

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 D1b Natural England’s comments on the Applicant’s Review of Natural England’s Relevant and Written Representations [AS-036] for Landscape and Visual Impact Assessment**

This document is applicable to both the East Anglia ONE North and East Anglia TWO 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. Landscape and Visual Impact Assessment**

Point	Natural England’s Relevant and Written Representations	Applicant’s Comments	Natural England’s Response to Applicant’s Comments	Risk
1.	A vital mitigation measure, should both projects be approved, is for the onshore cabling to be installed for both simultaneously and not sequentially. The former will restrict construction phase impacts to the short term, but the latter would produce medium term impacts on the AONB. The Applicant discusses some ducting possibly being installed to accommodate both schemes when one is being constructed, but the importance of the AONB (a nationally designated landscape with the highest level of planning policy protection) justifies the most effective mitigation being applied i.e. both onshore cabling stages to be completed together and the landscape fully restored as soon as possible.	<p>The East Anglia TWO and East Anglia ONE North projects are being developed by two separate companies, are two separate projects and will have two separate Development Consent Order consents.</p> <p>The assessment presented in the ES assesses the impacts of the Project, through the use of appropriate assessment scenarios, cumulatively with the East Anglia TWO project.</p> <p>The determining factor in which construction scenario is adopted will be the outcome of the Contract for Difference (CfD) auction and subsequent</p>	<p>Natural England notes that the applicant is advising that there would be a significant adverse effect on the AONB because of a technical bidding and contractual issue between it and the government.</p> <p>It cannot be the intention of the government that its policy and procedures for CfD should conflict with:</p> <ul style="list-style-type: none"> <li>• The Department’s statutory duty under s85 of the Countryside and Rights of Way Act to ‘have regard’ to the statutory purpose of AONBs <i>‘in exercising or performing any functions in relation to, or so as to affect, land’ in these areas</i>’.</li> </ul>	



		<p>financing arrangements for each project.</p> <p>It is clear that the UK Government is continuing to drive the offshore wind sector to reduce costs – a challenge that the offshore wind sector has been and is continuing to embrace.</p> <p>This downward pressure will continue into future CfD auctions which both Projects are expected to compete in.</p> <p>This drive to reduce costs represents a significant challenge for the offshore wind sector to reduce construction costs and is likely to result in only the most competitive projects securing finance and proceeding to construction.</p> <p>Acknowledging the extremely competitive market, in order to ensure the capital cost of both Projects are as competitive as possible, each project must bear its own construction cost. Therefore, in the event that financing is not secured for both projects in parallel, the financed project cannot carry the significant cost</p>	<ul style="list-style-type: none"><li>• The Government’s own national planning policies, providing the highest level of policy protection for the landscape and scenic beauty of AONBs, as set out in the National Planning Policy Framework and in National Policy Statements.</li></ul> <p>We suggest that the Applicant should approach the Department to advise them of this apparent conflict and request that the need to equip a cable route for both schemes simultaneously be discounted in the bidding exercise or that some other allowance is made for it.</p>	
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		of the duct installation for the other unfinanced project, as this would make the financed project less competitive and potentially jeopardising its ability to secure a CfD and financing in its own right.		
2	We believe that more information concerning the schedule for the undergrounding works within and in the immediate setting of the AONB is warranted, covering both the topsoil stripping/trenching (and HDD if relevant) and backfilling/reinstatement of the cable route. We would therefore 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.	<p>The Applicant notes that there is no commitment to an anticipated timetable and / or schedule for how construction activities would progress along the cable route within the immediate setting of the AONB and specific durations of Construction Consolidation Sites (CCSs) and construction activity. These decisions will be made as a result of the supply chain engagement and procurement process that would commence post consent and which would provide the information necessary to effectively plan the construction works in line with the DCO requirements.</p> <p>Section 6.10 in Chapter 6 Project Description (APP-054) provides an indicative construction plan. Plate 6.32 illustrates an indicative onshore cable route construction sequence and</p>	Natural England notes the Applicant's response, but we advise the ExA of the implications, which means that the actual impact of the construction phase on the AONB could be more difficult to assess than it otherwise would be. Therefore consideration could be given to key elements at the same time such as ducting for both projects especially at designated sites including landscape.	



		<p>timing, that shows approximate timings for removal of CCS and welfare, site clearance and reduction in working areas.</p> <p>The full specification for the construction phase will be addressed as part of detailed design, post-consent once a contractor is appointed for implementation.</p>		
3	<p>Natural England welcomes the assessment of cumulative impacts of the EA1N and EA2 OWFs with the construction and operational phases of Sizewell C nuclear power plant. 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.</p>	<p>As mentioned above, there is no policy requirement to deliver Net Gain for NSIP projects such as the Projects. An <b>OLEMS</b> (APP-584) has been submitted with the application. The <b>OLEMS</b> outlines the requirement for landscape 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 <b>draft DCO</b> (APP-023), states that a Landscape Management Plan (LMP) and associated work programme must be submitted to and approved by the planning authority before any onshore works can commence. Requirement 15 of the draft</p>	<p>Natural England interprets the applicant's response to mean that they are not offering any landscape enhancements because they don't have to. This isn't something that we can insist upon, but wish to highlight the issue for the Examining Authority's information and in case the Local Planning Authority and AONB want to press for compensation for significant adverse effects on the designated area which cannot be mitigated.</p> <p>In addition to this Natural England highlights that the Applicant has already obtained a DCO/dML for another two projects and is therefore a statutory undertaker and as such had a duties to</p>	



		<p>DCO then states that all landscaping works must be carried out in accordance with the approved LMP.</p> <p>The Applicant will continue to consult with EDF Energy regarding the Sizewell C development as the examination phase of the Project progresses.</p> <p>Through submission and approval of the final LMP, NE can be assured that provision of landscape works associated with the construction of the onshore infrastructure will be formally controlled and implemented.</p>	<p>not only maintain, but to enhance designated sites.</p>	
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Natural England's key to RAG status	Risk
<p><b>Purple</b></p> <p>Note for Examiners and/or competent authority. May relate to DCO/DML</p>	
<p><b>Red</b></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"> <li>new baseline data;</li> <li>significant design changes; and/or</li> <li>significant mitigation;</li> </ul> <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><b>Amber</b></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><b>Yellow</b></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 PEIR 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><b>Green</b></p> <p>Natural England supports the Applicant's approach.</p>	