


From: [Tabrizi, Lydia](#)
To: [East Anglia ONE North](#); [East Anglia Two](#)
Cc: [Mann, Helen](#); [Burton, Louise](#); [Gibson, Alan](#)
Subject: Natural England"s actions from ISH 1
Date: 10 December 2020 10:18:37
Attachments: [EN010077_335584 - NE response to EA1N and EA2 ISH1 Actions.pdf](#)

Dear Sir/Madam,

Please find attached our response to the actions from ISH 1.

Kind regards

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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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Actions arising from the **Issue Specific Hearings 1** (ISHs1) held virtually on **Tuesday 1 December 2020**.

	Action	Party	Deadline	NE response
1.	<p>Absent parties to review hearing recording and respond in writing Where Interested Parties invited to the Hearing did not attend (such as Natural England), they are requested to review the hearing recording (available from the Applications web sites), respond to the submissions made and address questions raised specifically for them in writing at Deadline 3.</p> <p>Matters are raised for Natural England at Agenda Items 2-6.</p>	Natural England and any other parties who were invited but did not attend.	D3	<p>As previously set out by Natural England to PINS in relation to similar requests made of Natural England for Thanet Extension - Natural England believes we can be most helpful and efficient in responding by focusing on the written oral rep of the hearing provided at D3 and respond for D4</p> <p>Because this is a written process the response provided at D3 is more likely to be a complete and comprehensive summary of the Applicant's position, with less risk of ambiguities, which may require later corrections. Plus we would be doubling our efforts listening to the hearing and then also reviewing the Oral Rep.</p> <p>But if the ExA believes there are any specific questions that are outside of commenting on what the Applicant D3 written representations of the hearings we would be happy to provided responses to written questions along with other interested parties.</p>

2.	Status of agreement on HRA Findings Natural England to review the position set out by the Applicants as to the status of agreement on HRA findings under item 2 and confirm whether or not this reflects its understanding of the position.	Natural England	D3	As previously set out for Action 1 we will review the Applicant's summary of their Oral representations and respond for Deadline 4.
3.	'Without prejudice' HRA derogation case The Applicants to submit at D3 a 'without prejudice' derogation case in respect of gannet, kittiwake, lesser black-backed gull and red-throated diver. Package to include the '2km buffer' introduced at ISH1.	Applicants	D3	N/A
4.	Red-Throated Diver of the Outer Thames Estuary SPA: buffer A monitoring report on the effects of the London Array has been published. Please submit the report.	Applicants	D3	N/A

	Action	Party	Deadline	NE response
5.	<p>Red-Throated Diver of the Outer Thames Estuary SPA: baseline The Applicants disagree with Natural England’s position on the RTD baseline. They propose that a number of constructed windfarms which have been operational whilst a population rise has been observed should not be included for in-combination impact assessment. Natural England is requested to set out its position.</p>	Natural England	D3	<p>Natural England positions remains unchanged, to that provided at Deadline 1 REP1-172, until further information is submitted at Deadline 3.</p> <p>From an ornithological workshop held on 7th December with SPR and RSPB, we are aware of what the Applicant presented at the hearing. However, in having that discussion, it became clear that we are likely to have concerns with the approach. But, until we have seen the complete report and are fully able consider all of the required information, we are unable to comment further at this time. Though it should be noted that the assessment may require further amendments so will not be completed in time for the next set of hearings.</p>

6.	<p>Outer Thames Estuary SPA: Project Environmental Management Plan (PEMP) provisions for Red-Throated Diver</p> <p>If the Applicants are relying on the best practice protocol for minimising Red Throated Diver disturbance, a draft should be submitted into the examinations. The Applicants should review the drafting of the relevant DML conditions to ensure that it is sufficiently clear and precise so as to secure their commitments to a 'best practice protocol' for minimizing disturbance to red-throated diver.</p>	Applicants	D3	N/A
7.	<p>Natural England comments on D2 updates</p> <p>Natural England to respond in writing at D3 to the Cumulative Auk Displacement, Seabird Assemblage Assessment and Gannet Population Viability Analysis work presented by the Applicants at D2 [REP2- 006].</p>	Natural England	D3	Please be advised that we will be submitting a response to these at D3. However please be advised that these were submitted by the Applicant to address the concerns raised predominantly by RSPB and not Natural England.

8.	<p>Alde-Ore Estuary SPA: Lesser Black- Backed Gull</p> <p>The Applicants' Offshore Ornithology Cumulative and In Combination Collision Risk Update [REP1-047] was responded to by Natural England at D2 [REP2-052]. Natural England's response [REP2-052] expresses some satisfaction with the revised approach but also some areas for clarification, and goes on to state that an Adverse Effect on Integrity cannot be ruled out for in-combination collisions.</p> <p>Elaboration of the position set out in that document is sought.</p>	Natural England	D3	Natural England will provide a response to the specific question raised by the ExA in the action log at Deadline 3.
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Action	Party	Deadline	NE response
9.	<p>Terrestrial Ecology</p> <p>The Applicants to respond to matters raised under Agenda item 6b.</p>	Applicants	D3 N/A