



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

**Appendix B2 to the Natural England Deadline 3 Submission**

**NE Comments on Information to Support Appropriate Assessment –  
Addendum for Marine Mammals [REP1-038]**

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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15<sup>th</sup> December 2020



## **Natural England's Comments on Information to Support Appropriate Assessment – Addendum for Marine Mammals [REP1-038]**

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.

### **General Comments**

Natural England has significant concerns regarding the marine mammal addendum (*document reference ExA.AS-19.D1.V1*) submitted in support of the EA1N and EA2 OWF projects, particularly regarding the changes to the wording of the project commitments and the intention to broaden the scope of the Site Integrity Plan (SIP) to cover project-alone impacts to the Southern North Sea SAC. Further details regarding these issues can be found below.

### **Detailed Comments**

#### **Project Commitment Wording**

Section 2 of the addendum states that the project commitment wording has been changed following responses post-submission, however no further detail or context is provided as to the rationale behind adding the wording 'without mitigation' to three of the four commitments. Natural England consider that neither UXO detonations or piling should, or would, ever take place without mitigation in place which has been approved by MMO in consultation with Natural England, prior to works commencing. As per our previous advice [REP1-155 and REP1-166], Natural England consider that the commitments listed in the draft SIP are immutable and should be conditioned on the face of the DML to ensure they are adhered to. Indeed, they are essential in allowing Natural England to advise no adverse effect on integrity of the Southern North Sea SAC with any level of confidence. Without them we will be unable to reach the same conclusion beyond reasonable scientific doubt and would need to reconsider our advice regarding the outcome of the HRA.

It should also be noted that the outcomes of the assessments revisited in the Addendum all conclude no adverse effect on site integrity when only one 'noisy' activity takes place in a day in the winter area of the SAC, based on the proposed mitigation in the marine mammal mitigation plan and the project commitments outlined in the SIP.



## Expanding the scope of the Site Integrity Plan

Natural England does not agree with the proposal to expand the scope of the SIP for the Southern North Sea SAC to include project-alone impacts. In section 4 the Applicant states;

*'The SIP was originally developed to manage the potential for adverse effects on integrity of the SNS SAC from in-combination effects. It is acknowledged by the Applicant that in the case of the Project, there is potential for project-alone effects that could result in adverse effects on integrity of the SNS SAC in the winter given the location of the offshore development site within the SNS SAC winter area.'*

*'As such, it is proposed that the In-principle SIP (ISIP) for the Project is expanded in scope to reflect the project-alone effects as well as in-combination effects. Should the Applicant wish to undertake multiple UXO clearance or piling events on the same day in the winter period, this will be possible if it can be demonstrated that effective mitigation can be provided. The evidence for this will be provided in the relevant SIP(s) (either for UXO clearance, piling or both) post-consent.'*

SIPs were developed as a way of managing in-combination impacts that would have an adverse effect on the integrity of a designated site in a way that would allow projects to proceed. Natural England do not consider it appropriate that project-alone adverse effects are dealt with via the SIP in the hope that a method will be developed to mitigate them prior to construction, just to maintain flexibility in the construction of the project to allow the impact to take place. It should also be noted that a marine mammal mitigation plan (MMMP) is intended to detail project specific mitigation post-consent. Conclusions drawn during assessments should be based on information available at the time, not post-consent mitigation options. Natural England have previously provided advice regarding the use of SIPs for project-alone impacts as part of the Boreas and Vanguard examinations. Further details can be found in Natural England's Deadline 4 submission as part of the Norfolk Boreas OWF examination, available here - *Deadline 4 Submission - Position Statement Regarding the Proposed Site Integrity Plan for the Haisborough Hammond and Winterton Special Area of Conservation REP4* -041 <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-001600-DL4%20-%20Natural%20England%20-%20Position%20Statement.pdf> .If a project alone construction scenario is predicted to have an adverse effect on site integrity, then the project should not undertake those activities i.e two noisy (UXO or piling) events in the same 24 hours in the winter part of the site. Adopting this approach would theoretically allow for any construction scenario to be carried forward, even if it was assessed as being significant or having an adverse effect during the EIA and/or HRA process.



Furthermore, given this unexpected change in approach Natural England will need to reconsider the advice we have previously provided regarding being able to rule out adverse effect on integrity of the Southern North Sea SAC from the East Anglia 2 project alone, as well as in-combination with other plans and projects. Natural England are disappointed that this proposed change was not discussed with us by the Applicant prior to submission and we only learned of it through review of documentation. Broadening the scope of SIPs to include project-alone impacts is a significant change which would have industry-wide ramifications. We would have welcomed the opportunity to engage with the Applicant on this matter prior to the addendum being submitted.

Natural England maintain our position as per our previous advice that the project commitments outlined in the draft SIP, not those included in the Addendum, should be conditioned on the face of the DML as they are critical to ensuring there is no adverse effect on the integrity of the Southern North Sea SAC.