



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

Appendix A13 to the Natural England Deadline 4 Submission

Natural England's Interim Comments on Requirement for Compensatory Measures

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

13th January 2020



Natural England's Interim Comments on Requirement for Compensatory Measures

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.

1) Introduction

This document provides *interim* comments based on points raised in the following documents submitted by the Applicant at Deadline 3:

- REP3-073 EA1N and EA2 Offshore Commitments
- REP3-053 HRA Derogation Case
- REP3-054 Compensatory Measures

Please be advised that Natural England will provide further detailed comments on the EA1N and EA2 derogations case and proposed compensatory measures at Deadline 5 once we have fully digested the Hornsea Project 3 decision and the final project alone and in-combination impacts have been agreed for EA1N and EA2.

2) Summary

1. Natural England advises that before more in-depth discussions on compensation can happen, options for avoidance, reduction and mitigation of impacts should be fully explored so that the Worst Case Scenario (WCS) impacts are known/fixed and there are no ambiguities in relation to the need for, and the scale of compensation measures required.
2. Whilst further advice on each compensatory option is provided in the detailed comments set out below, NE advises that the options that should still be actively considered are as follows:-



Flamborough and Filey Coast SPA – Kittiwake

- Prey enhancement measures
- Productivity Improvement - Construction of artificial nest sites (provided there is clarity over what each project will deliver)
- Predator control (in specific circumstances)

Flamborough and Filey Coast SPA – Gannet

- Prey enhancement measures
- Productivity Improvement - Construction of artificial nest sites (subject to ecological feasibility)
- Reduce or end harvesting of gannet chicks

Alde Ore Estuary SPA – Lesser Black Backed Gull

- Predator control
- Prey enhancement (only if predation is addressed)

Outer Thames Estuary SPA – Red throated diver

- Removal of anthropogenic pressures within the SPA

3. In addition, before finalising our comments in relation to any proposals from the Applicant there will need to be agreement on:

- The projects alone impacts
- The in-combination impacts; and
- The implications of the Hornsea Project 3 decision and agreed final figures for all species and not just Kittiwake for the in-combination assessment

Otherwise, the scale and validity of any required compensation measures are unable to be determined.



3) Derogations Hierarchy

4. In addition to the ongoing technical issues with the ornithological assessments in determining the project alone impacts (please see Appendix A1- A14 of our examination written submissions) the competent authority must be certain that every effort has been made to minimise the project impacts as much as possible.
5. Natural England wishes to re-iterate the advice we provided in our Relevant Representations/Written Representations [RR – 059] and in discussions with the Applicant that before considering compensatory measures in more detail, every effort should be made to avoid, reduce and mitigate the impacts from the two projects. Then once this is complete [with considerations and decision pathways clearly documented], appropriately informed discussion/s can happen in relation to the revised/finalised impacts which may or may not need to be compensated for.
6. For example, we have previously advised that consideration (but not exclusively) could be given to potential removal of turbines within 10km of the Outer Thames Estuary SPA boundary to avoid an Adverse Effect on Integrity from the displacement of Red Throated Diver as well as further raising of the turbine draught height to reduce the potential collision risk for kittiwake, gannet and lesser black-backed gull.
7. **Whilst documents have been submitted highlighting the ‘Offshore Commitments’ [REP3-073] to reduce the project impacts; Natural England’s advice remains unchanged i.e. the commitments do not remove/avoid, reduce and mitigate the impacts to an acceptable level to change our advice that there are project alone and in-combination adverse effects on integrity for ornithological matters.** Natural England queries if there is anything more that could be done to minimise the project alone impacts

4) In-combination

8. Please see Natural England’s Appendices A1 – A14 of our examination submissions where we highlight our in-combination concerns. Please be advised that we note in that the Applicants Deadline 3 submissions they maintain their position that the effects of the Projects are minimal and below those considered de minimis by the Secretary of State in recent decisions (namely Norfolk Vanguard). However, Natural England wish to highlight that we had concluded that an AEol could not be ruled out since the Hornsea Project 2



examination for the in-combination total of collision mortality across consented plans/projects for kittiwake at the Flamborough and Filey Coast SPA. Therefore, any additional mortality arising from these proposals would be considered adverse. We note that further predicted collisions of this feature of the SPA will have been added to the in-combination total presented at the Hornsea Project 2 examination with a further five projects located in English waters (Hornsea Project 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two). However, whilst we are still digesting the recent Secretary of State latest decision for Hornsea Project Three we do note that a different consenting approach for in-combination was taken to that for Norfolk Vanguard i.e. an AEoI has been identified in-combination and the total impact of the project had to be compensated for.

5) Final figures for Hornsea Project 3

9. Whilst there is a clearer understanding of the contribution of impacts from Hornsea Project 3 for Kittiwake populations we are still asking for final figures for the project alone impacts for other SPA features. Until we have these, we advise the Applicant to continue to follow the approach taken for Norfolk Boreas.

6) High Level advice on the proposed Compensatory Measures

6.1 Potential compensatory measures Flamborough and Filey Coast (FFC) SPA

10. Natural England does not consider it appropriate to restrict the potential compensation for FFC SPA kittiwakes to just the option of provision of artificial nest sites at this time and consider that a range of compensatory measures should be considered, including prey availability, which may well prove to be a limiting factor in the medium-long term. This would allow the Secretary of State (SoS) to consider the appropriateness of a range of potential compensatory measures.
11. With regard to construction of artificial nest sites for FFC SPA kittiwakes, we note that further work needs to be undertaken prior to any commitments to requirements regarding structure size, height etc. and number of nests that could be provided. Selection of locations for artificial nest sites for both FFC SPA kittiwakes and gannets should consider proximity to existing, consented and proposed wind farms.



12. In addition, we note that the provision of nest sites is being proposed by all OWF projects currently in the planning system as their preferred compensatory measure for this SPA population. However, the availability of appropriate locations will mean that not all of these projects will be able to deliver this as compensation and alternative options should also be progressed.

6.2 Potential compensatory measures Alde Ore Estuary SPA

13. Natural England broadly agrees that a potential compensatory measure is addressing predation issues through the provision of predator proof fencing at strategic locations. Although this is feasible in principle there needs to be clarity where other projects have identified this option as a potential measure and whether this is also a valid option for this project.

6.3 Potential compensatory measures at Outer Thames Estuary SPA

14. We reiterate Natural England's advice is that further mitigation measures beyond the 2km buffer between East Anglia One North and the SPA boundary are required.

15. The fact that the impact of displacement results in a change in distribution, rather than a decline in birds means that any potential compensatory measures need to be focussed on the removal of anthropogenic influences within the SPA such as OWF turbines. Management of vessel traffic was provided as an example of reducing anthropogenic influences and impacts from disturbance. However, this measure would be dependent on being able to deliver navigational management of established shipping lanes for the purposes of compensation. It is therefore better not to increase the levels of displacement by avoiding constructing any more turbines in or near the SPA in the first place (i.e. to avoid the effect via mitigation).

Next steps

16. Natural England will provide a more detailed response at Deadline 5.