



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

East Anglia TWO Offshore Wind Farm

Appendix G2 to the Natural England Deadline 4 Submission

**NE Comments to the Draft Development Consent Order (DCO) [REP3-011 &
REP3-012] and Schedule of Changes to the Draft DCO [REP3-013]**

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 2021



Natural England's Comments to the Draft Development Consent Order (DCO) [REP3-011 & REP3-012] Schedule of Changes to the Draft DCO [REP3-013]

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.

1. Summary

Natural England note the amendments to documents in relation to the DCO as outlined within the EA2 Guide to Application [REP3-002]. This document provides comments to the following documents submitted by the Applicant at Deadline 3:

- 3.1 EA1N and EA2 Draft Development Consent Order [REP3-011 & REP3-012]
- 3.1.1. EA1N and EA2 Schedule of Changes to the Draft Development Consent Order [REP3-013]
- 6.2 and 6.3 EA1N and EA2 Environmental Statement Appendix 6.2 and 6.3 Relationship of Onshore and Offshore Plans Secured by DCO [REP3-018 & REP3-019]
- 8.12 EA1N and EA2 Outline Operations and Maintenance Plan [REP3-038 and REP3-039]
- EA1N and EA2 Applicant's Comments on Natural England's Deadline 2 Submissions [REP3-070]
- EA1N and EA2 Written Submission of Oral Representations at ISH 1 [REP3-084]

Please note the comments to the 'Schedule of Changes to the DCO' [REP3-013] submitted at Deadline 3 also apply to the Draft Development Consent Order [REP3-011] and are not repeated. In addition, the 8.1.3 EA1N and EA2 Offshore In Principle Monitoring Plan [REP3-040 & REP3-041] documents were reviewed in relation to the Draft Development Consent Order. **Natural England's full comments to the In Principle Monitoring Plan will be provided at Deadline 5 as Natural England is currently addressing fundamental concerns we have with how these documents are being used by the Applicant post consent.**



Detailed Comments

EA1N ¹	EA2 ¹	Point	Document Section	Natural England's Comment	Risk
Point					
3.1.1 EA1N and EA2 Schedule of Changes to the Draft Development Consent Order [REP3-013]					
1		Article 2 (1)	Table 1	The definition of Outline <i>Sabellaria</i> Reef Management Plan has an error in the referencing. Natural England welcomes the inclusion of Best Practice Protocol for red throated diver submitted by the Applicant at Deadline 3 [REP3-074] and have no further comment.	
2		Article 2 (1)	Table 1	The updated definition of offshore pre-construction works addresses some of our comments. However, we note that the inclusion of UXO works has been retained and refer to our concerns raised in our relevant and written reps [RR-059 Appendix G].	
3		Article 37	Table 1	Natural England notes the amendment to the arbitration article to make it clear that decisions undertaken by the MMO or the secretary of State post consent will not be subject to arbitration. This addresses our concern with this article.	
7		Schedule 1 Part 3 requirement 30	Table 1	Natural England notes that, at our request, we have been named as consultees on the decommissioning plans. We consider this issue resolved.	
8		Schedule 13 Part 1 Paragraph (1)	Table 1	As per comment 1 re <i>Sabellaria</i> reef management plan and RTD Best Practice Protocol. Also as per comment 2 on definition of offshore preparation works.	
9		Schedule 13 Part 2 Condition 16	Table 1	We note the amendment to include a need to identify any environmental micro siting requirements. This addresses our concerns with regard to the UXO impact on benthic habitats of conservation importance. However, we defer to the MMO regarding the appropriateness of inclusion of UXO within this licence.	



10	Schedule 13 Part 2 Condition 16 (3)	Table 1	Natural England notes the changes and, given the changes above, requests that the report identifying any micro-siting requirements also be included within this condition to ensure it is provided in a timely fashion.	
12	Schedule 13 Part 2 condition 17 (1) (j)	Table 1	Natural England notes the condition to require production of a <i>Sabellaria</i> management plan six months prior to undertaking any pre-construction geophysical survey. We consider the wording appropriate. Please see our comments to the Outline <i>Sabellaria</i> Management Plan [REP2-056]	
13	Schedule 13 Part 2 condition 20 (2) (d) and 22 (2) (e)	Table 1	Natural England notes the inclusion of the ornithological monitoring condition. However, we without the right to make comment on this condition along with the feedback on the updated In Principle monitoring plan. Our rationale for requirement for both EA1N and EA2 to be covered by specific measures to monitor displacement effects on RTD from Outer Thames Estuary are set out in more detail in Appendix A12.	
14	Schedule 13 Part 2 condition 21 (3)	Table 1	Natural England notes the updated wording and considers that this addresses our concerns with during construction noise monitoring. However, we are aware that the MMO is currently reviewing this condition to ensure it is appropriate. Natural England will provide feedback on any proposed changes.	
15	Schedule 13 Part 2 condition 24	Table 1	Natural England notes the proposed additional condition. However, Natural England considers that this wording does not address our concerns regarding the deployment of cable protection over the lifetime of the development. We refer to the comments in our relevant and written reps [RR-059 Appendix F1 and Appendix F2] and to our draft guidance document on cable protection Appendix F7.	
16	Schedule 14	Table 1	All comments on Schedule 13 apply to Schedule 14 where similar provisions and changes have been made.	



EA1N and EA2 Written Submission of Oral Representations at ISH 1 [REP3-084]				
18	Page 17	Section 3.5	Natural England advise that the IPMP for EA2 is also revised to reflect that monitoring of effects upon red-throated diver will be required are undertaken as part of a pre- and post-construction monitoring programme. Natural England have made specific comments in Appendix A12.	
19	Page 18	Section 5.1	Natural England response at Deadline 3 has highlighted our concerns regarding the approach to include project alone impacts within the SIP. Natural England maintains its position as detailed within our written and relevant reps [RR-059 Appendix G] regarding the need for condition to prevent concurrent piling and UXO detonation.	
EA1N and EA2 Applicant's Comments on Natural England's Deadline 2 Submissions [REP3-070]				
20	Page 56	EX question 1.2.91	Natural England notes that the applicant intends to consult with us on the method statement. However, unless this is secured within the DCO requirements there is no certainty on any consultation occurring.	
6.3 EA1N and EA2 Environmental Statement Appendix 6.3 Relationship of Onshore and Offshore Plans Secured by DCO [REP3-019]				
21			The updated DCO has included requirement for UXO to consider micro siting requirements prior to any UXO detonation. The flowcharts should be updated to reflect this need.	
Outline Operations and Maintenance Plan				
			As stated in our comments above regarding the changes to cable protection conditions. Natural England does not agree with the deployment of cable protection in new areas over the full lifetime of the project. We refer to the comments in our relevant and written reps [RR-059 Appendix F1 and Appendix F2] and to our draft guidance document on cable protection Appendix F7.	
	Page 8-9		Natural England has noted that the document allows for up to 5 cable	



			repairs across the project per year. However, questions how this allocation of 5 will be managed, especially once an OFTO has taken ownership of the cable. An instance could occur where both DML holders wish to use all 5 or where the total repairs across the projects will exceed 5. Please could the applicant provide clarity on how the DCO or DML manage this potential risk?	
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1 Unless indicated otherwise, the comments are applicable to both EA1N and EA2



2. Risk Ratings

<p>Red</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">• new baseline data;• significant design changes; and/or• significant mitigation; <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>Amber</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>Yellow</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 PEI 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>Green</p> <p>Natural England supports the Applicant's approach.</p>	