



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

Appendix C7 to the Natural England Deadline 5 Submission

**Natural England's Terrestrial Ecology Update and Comments to Documents [REP3-031,
REP4-004, REP4-005, REP4-015 and REP4-043]**

For:

The construction and operation of East Anglia TWO Offshore Wind Farm, a 900MW wind farm which could consist of up to 75 turbines, generators and associated infrastructure, located 37km from Lowestoft and 32km from Southwold.

Planning Inspectorate Reference: EN010078

3rd February 2021



Natural England's Terrestrial Ecology Update and Comments to Documents [REP3-030, REP3-031, REP4-005]

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.

Summary

This document provides an update on Natural England's position in relation to

- The Sandlings SPA Crossing Method Statement
- The Hundred River Crossing in relation to the area of Priority Woodland and Hairy Dragonfly.

This document also provides advice on the following documents submitted by the Applicant at Deadline 3 and 4 in relation to terrestrial ecology:

- Outline Landscape and Ecological Management Strategy [REP3-30 clean and REP3-031 tracked]
- Outline Operational Drainage Management Plan [REP4-003 Clean and REP4-004 Tracked]
- Deadline 4 Onshore Ecology Clarification Note [REP4-005]
- Outline Landscape Mitigation Plan [REP4-015]
- Noise Modelling Clarification Note [REP4-043]



Natural England's Update Position and Advice on the Sandlings SPA Crossing Method Statement

Summary

1. Natural England has reviewed all submitted documents in relation to the Sandlings Special Protection Area (SPA) crossing. Whilst our default position remains in support of a trenchless option to avoid impacts to SPA supporting habitats and minimise disturbance; we acknowledge that the Applicant, through project design, has chosen a crossing location that would be the least impactful i.e. the narrowest part and currently of lower ecological value than the surround areas of the SPA.
2. We also note that if done correctly an open trench option, which involves installing ducts for both cables simultaneously, could enable the SPA habitats to recover within the short to medium term. This could also potentially further reduce disturbance to breeding birds and notified features of the Aldeburgh to Leiston Site of Special Scientific Interest (SSSI) when compared to the greater temporal and spatial impacts of the trenchless techniques.

Detailed Advice

3. Therefore, Natural England would advise that an Adverse Effect on Integrity (AEoI) of the Sandlings SPA is unlikely to occur from an open cut trench option; but as proposed there remains residual concerns. To address these concerns we advise that the following must be secured: -

- a. There must be a requirement within Schedule 1 of the DCO which ensures that the proposed mitigation measures in the form of planting must be functioning as nesting habitats before any works can commence within the boundary of the SPA. This will need to be reported to and signed off by the regulator in consultation with the relevant SNCB.

Reason: As this this mitigation is fundamental and immutable to preventing an AEoI we believe that it is imperative that it is has its own requirement and not part of other wider project plans, which implies a level of flexibility to the use of this mitigation. We consider that such a requirement, appropriately worded, would meet all five tests for a planning condition.

- b. There needs to be agreement on what recovery of the SPA supporting habitats will look like. Also, monitoring will need to be undertaken and reports submitted to the regulator, in consultation with Natural England to confirm that recovery has occurred.

Reason: Maintaining/Restoring supporting habitat is a conservation objective of the



Sandlings SPA

- c. We advise that vegetation should be planted, and where required managed, before, during and post completion of the works until full recovery is achieved. Which may mean that the 5 years as set out for this mitigation measure may not be appropriate. Therefore, there will need to be more flexibility than the 5 years currently committed to in the plan.

Reason: Without flexibility in terms of duration and active management of the vegetation to maintain favourable heights, it is unlikely that the mitigation will fully negate the impacts.

- d. Considerable weight has been given in the Outline SPA Crossing Method Statement plan to the lower ecological value of the area to be impacted by the open trench. However, as a statutory undertaker and a Section 28G body under the Wildlife and Countryside Act 1981 (as amended), the Applicant has a duty to explore reinstatement options that would improve the habitat for interest features of the designated sites. Therefore, we advise that improvements to the habitats be included in the Outline SPA Crossing Method Statement plan with full details submitted prior to construction.

Reason: Please be advised that in relation to enhancement measures we do not feel that the OLEMS are sufficiently detailed and/or binding to allay our concerns in relation to impacts to the SPA.

The Hundred River Crossing in Relation to the Area of Priority Woodland and Adjacent Meadow.

Summary

4. During the Issue Specific Hearing 3 on 19th January 2021, Natural England noted that other interested parties raised the issue of potential impacts to wet woodland and non-arable land suitable for the Hairy Dragonfly adjacent to the Hundred River Crossing.
5. Natural England took an action to investigate this further and re-review the survey data presented in the Environmental Statement, which was submitted in Autumn 2019.
6. Please accept this advice in addition to that provided at Deadline 4 [REP4- 092] noting that there is no change in relation to our request for the Applicant to include assessment of impacts to designated sites in any river crossing documentation.



Priority Deciduous Woodland - Wet Woodland

7. Subsequent to the submission of the EA1N and EA2 applications the area of woodland on the west side bank adjacent to the proposed Hundred River crossing location has been identified, in 2020, as Priority deciduous woodland. Unfortunately the mapping software MAGIC.gov.uk doesn't differentiate between the different types of priority deciduous woodland. If this is confirmed as wet woodland, it is a priority habitat under the UK biodiversity Action Plan (UK BAP), which are considered the habitats that are most threatened and requiring conservation. Therefore, Natural England would advise that mitigation measures are required to avoid impacts to this woodland. Please be advised that wet woodlands are sensitive to changes in climate conditions and therefore this woodland is unlikely to recover from the removal of a section of trees, disturbance to soils and changes to hydrological conditions.

8. Please be advised that based on oral submissions provided at ISH3 and photographs provided to Natural England we would agree that the required attributes for this woodland to be considered as Wet Woodland are present.

Meadow Adjacent to the Hundred River

9. Natural England has received communications from another interested party which support submissions that the area adjacent to the Hundred River hasn't been cultivated for some time and it is not only likely to be suitable habitat for the hairy dragonfly, but also of high ecological value. This is contradictory to the evidence submitted in Applicants Environmental Statement. Therefore, we request that both the Applicant and the other interested party submit relevant evidence to properly characterise this area of land. Once this is provided Natural England will be able to provide further advice.

10. However, Natural England's current advice based on the evidence presented is that mitigation measures should be adopted for the meadow and therefore we would support the extension of the mitigation measures for the wet woodland.

Outline Landscape and Ecological Management Strategy [REP3-030 Clean and REP3-031 Tracked]

Summary

11. Overall Natural England welcomes the additional text added to the Outline Landscape and Ecological Management Strategy (OLEMS), which provides greater clarity concerning the proposed mitigation and other matters raised by stakeholders. However, in our view the additional text is generally not in a form that would be legally binding i.e. words such as 'would' and 'could'



are used in place of 'will'. Also, 'where possible' or 'where practicable' are added to statements, which lessens the commitment to carrying out the described action. We recommend that the document is revisited and wording amended to ensure that the document is legally robust.

12. We welcome the woodland retention, additional woodland planting and the proposed increased density of tree planting outlined in 45 (3.1.4) Amendments to the OLMP. However we are now aware that there is an area of deciduous woodland, which is Priority Habitat, adjacent to the Hundred river crossing (see comments in paras 7 and 8 above). Natural England is surprised this habitat has not been picked up during the phase one habitat survey, or included within the mitigation plans, and request that this habitat is assessed and added to all relevant documentation.
13. Furthermore, in the recent response to Natural England's comments regarding hairy dragonfly, *Brachytron pratense*, a qualifying species of the Leiston-Aldeburgh SSSI, the habitat near and at the Hundred River crossing point was described as completely unsuitable for dragonfly larva. However, the wet woodland habitat described above in paragraphs 9 and 10 is considered suitable and therefore we recommend that the Applicant carries out a further review of the likelihood of hairy dragonfly being affected by the proposed works.
14. Natural England also note that hairy dragonfly have not been included within Section 7, the overview of pre-construction ecological surveys. Note that, particularly given the new information above concerning suitable habitat, the pre-construction survey of the whole onshore development area detailed in Paragraph 284 will need to include an assessment of the suitability of the habitat for hairy dragonfly.
15. In Section 6.3.4.1, we note the further details provided on the mitigation to be provided for the Sandlings SPA birds. We expect this mitigation area to be available and used by the birds prior to construction. Surveying for five years, as detailed in the OLEMS, does not appear a sufficient length of time considering how long the mitigation is likely to take to become favourable for the birds when coupled with the full construction period. The Applicant will also need to survey post-construction to check that the birds are actually using the land. If the land is not being used, alternative mitigation will need to be provided. This mitigation will need to be secured within the DCO.
16. Habitats in the OLEMS are often described as being of 'low ecological value' e.g. in relation to the land around the substations. Note that Natural England consider that land of current low ecological value provides an excellent opportunity to provide enhancement to that land so that it becomes of greater ecological value. Therefore, rather than simply noting the land is of low



ecological value, we expect the Applicant to be considering what can be done to improve it.

Detailed Comments

17. 3.5.13. Natural England agrees that it is important to replace Public Rights of Way (PRoW) during works and operation, and to ensure the new PRoW are in place prior to any construction taking place.
18. Table 5.1 – The timing of the seasonal restriction to avoid the bird breeding season may be based on the Ecological Clerk of Works records, but if the applicant wants to start works early owing to this information, they will still need to consult Natural England.
19. 5.3.2. We welcome the change to a width of 16.1m where the cable route crosses important hedgerows.
20. We have noted the wording is an issue in the following areas i.e. where the text needs firming up from a legal standpoint:
 - Paragraph 155: Landscaping
 - Section 5.6.3.2: During Construction
 - Paragraph 222: Post Construction
 - Paragraph 232: Invasive Species Method Statement
 - Paragraph 250: Badgers
 - Paragraph 259: Bat surveys
 - Table 6.2 Embedded Mitigation Relating to Onshore Ornithology
 - Paragraph 333: Additional Mitigation - Pre-Construction
 - Paragraph 346: The Breeding Bird Protection Plan (BBPP_
 - Section 9: Monitoring

Note that there may be other examples and therefore a full review of the document is necessary.

21. 242 –The document states that ‘where possible, known setts will be avoided’. We consider that main setts are likely to be already known and therefore there should not be an issue in avoiding them during micro-siting of the cable route.
22. 5.7 – It appears that effects to farmland birds have not been considered in the OLEMS within the ornithology section, despite arable land within the application site. Natural England would welcome clarification within the OLEMS of whether any ground nesting birds (other than those associated with Sandlings SPA) such as skylark, for example, have been found during survey,



and whether any mitigation is being provided for loss of farmland habitat in this context.

23. 333 - Natural England consider that the text regarding avoidance of the bird breeding season needs to be more robust. Works need to avoid the bird breeding season, or works should cease in that area until such time as the birds have fledged. In our view 5m is very close to potential nests. We would welcome further explanation of why 5m is thought to be in this context.

24. 410 - Natural England should be added to the section regarding consultation.

Outline Operational Drainage Management Plan [REP4-003 Clean and REP4-004 Tracked]

Summary

25. Natural England welcome the level of detail presented in this plan concerning flood risk, surface water and foul drainage. In our view, this outline plan contains a sufficient level of detail to inform the Drainage Management Plan (in terms of Natural England's remit). Note that we are particularly interested in viewing the final Sustainable Urban Drainage System (SUDS) strategy when it is available. SUDS generally form an excellent base for the creation of new habitats or the enhancement of habitats. Therefore they offer an opportunity to increase the range of habitats available to support species on site. We would welcome further information on how this system will be managed to benefit wildlife.

Deadline 4 Onshore Ecology Clarification Note [REP4-005]

26. In section 2, paragraph 7, it states that "the onshore substation and National Grid substation are located within an area of low ecological value. As a consequence, disturbance from lighting and noise is predicted to be of minor adverse and therefore not significant and only have the potential to affect ecological receptors in the immediate vicinity of the onshore substation and National Grid substation locations". Natural England expects these areas of current low value to be enhanced.

27. Natural England request that, when considering the effect of noise on ecological receptors, consideration is given to all the land in question following enhancement i.e. when it is likely to attract more species.

28. In Section 10, Natural England note that the deciduous woodland priority habitat is now confirmed as adjacent to the Hundred river crossing, and therefore effects on this habitat, and the species within it, needs to be added to this Clarification Note.



29. Effects on the mitigation areas, including the area set aside to mitigate for effects to the Sandlings SPA, need to be evaluated.

Outline Landscape Mitigation Plan [REP4-015]

Summary

30. Natural England have no specific comments regarding this plan other than to remind the Applicant that the Priority Habitat next to the Hundred River Crossing is likely to need to be included within this plan. See comments regarding the proposed mitigation and enhancement in our comments regarding the OLEMS.

Noise Modelling Clarification Note [REP4-043]

Summary

31. Natural England has no comments on this document, but have provided comments on the noise assessment presented in the Deadline 4 Onshore Ecology Clarification Note [REP4-005], in accordance with our remit.