



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

Appendix K5 to the Natural England Deadline 6 Submission

Natural England's ISH8 SLVIA Oral Representation Summary Advice

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

24th February 2021



Natural England's ISH8 SLVIA Oral Representation Summary Advice

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

This document sets out Natural England's advice on seascape and landscape visual amenity (SLVIA) impacts discussed under the agenda items at the Issue Specific Hearing (ISH) 8 held on the 18th February 2021.

The following documents are referred to within this document to signpost Natural England's position on SVLIA during the pre-application, written application and examination process:

- Natural England's Comments on the EA1N and EA2 Offshore Windfarms Preliminary Environmental Information Report (PEIR) as required under Section 42 of the Planning Act 2008 – 26th March 2019
- APP-076 - 6.1.28 Environmental Statement – Chapter 28 – Offshore Seascape, landscape and Visual Amenity Application – November 2019
- RR-059 - Natural England's Relevant Representation (RR) and Written Representations (WR) – 27th January 2020
- REP1-157 – Appendix E1b Natural England's Comments to the Applicants Comments of 16th June 2020 on Natural England RR and WR for SLVIA - 2nd November 2020
- REP3-120 - Appendix E3 – Comments to Effects with Regard to SCHAONB and Accordance with NPS Policy – 15th December 2020.
- Deadline 6 - Appendix E3b - Natural England's Comments on the Applicant's Comments on Natural England Deadline 3 Submission (AONB) [REP5-021] – 24th February 2021.



2. Natural England's Summary Position Statement ISH8

At the opening of the SLVIA ISH 8, held 18th February 2021, Natural England provided a short summary which outlined our position on SLVIA issues. This is summarised as follows:

- *Natural England has provided extensive technical advice for these projects through the PEIR, Relevant Reps and at Deadline 3 [REP3-120].*
- *Our advice on the significance of EA2 on the special qualities of the Suffolk Coast and Heaths AONB has not, and will not, change unless there are fundamental project design changes.*
- *Going forwards our position is therefore one of 'we agree to disagree with the Applicant'. It is our view that we have provided all of the technical advice we can on this matter. Hence the absence of our technical specialist at this hearing.*
- *Though, at Deadline 6 we will provide a brief response to include methodology / policy clarifications in relation to the Applicant at Deadline 5 submissions and points raised at ISH 8. Therefore, we do not anticipate that there can be a statement of common ground for seascape matters relating to the AONB for EA2 as the matters remain unresolved.*
- *In addition, we advise that the planning policy interpretations now presented by the Applicant are matters for consideration by regulatory decision makers and not for the statutory advisers to comment on. To help the ExA form a view on the Applicant's interpretation, we draw your attention to the advice we provided Deadline 3 on the relevant sections of legislation, policy and case law [REP3-120].*
- *In coming to our position Natural England have spoken with other interested parties who have a remit in relation to the Suffolk Coast and Heaths AONB, and whilst we can't speak for them, we believe that they are supportive of our advice and would welcome the ExA confirming this.*

3. Natural England position reflecting Oral reps provided at ISH8 Seascape Agenda Items

The following Table 1 summarises and updates Natural England's advice on the agenda items as raised at ISH8.



Table 1 Natural England's Updated Comments to ISH8 Seascape Agenda

Agenda Item	Examining Authority's Question	Natural England Position Reflecting ISH8 Oral Reps.	References
2 Visibility	Production, use of and interpretation of seascape visualisations	<p>Summary: As set out at ISH 8 Natural England has made limited representations on this issue. There is no disagreement between ourselves and the Applicant on the production, use and interpretation of the seascape visualisations. We have no further technical advice to provide.</p>	<p><u>Natural England Comments to PEIR</u> No comment offered.</p> <p><u>RR-059 - Rel. Rep</u> No comment offered.</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> No comment offered.</p> <p><u>REP3-120 - Appendix E3</u> No comment offered.</p>
3a Onshore Seascape Effects	Overall findings and interpretations of the ES SLVIA, including consideration of <u>geographical extent</u> and <u>comparison with other offshore wind farms</u> .	<p><u>Geographical Extent</u></p> <p>Natural England has made substantial representations on this issue. We have no further technical advice other than our comments for Deadline 6. This matter remains un-resolved.</p> <p>As further set out in ISH 8 and our Deadline 6 Appendix E3b: In terms of visual amenity, the turbines are most visible during the summer months, when the area is used to a greater extent by receptors and is therefore more sensitive. We recognise that there might not be clear visibility all day, every day; a worst case scenario should be assessed and assumed as part of EIA regulations.</p> <p>It is not just about visual amenity, but also about the character of</p>	<p><u>RR-059 - Rel. Rep</u> Para. 42</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> No comment offered</p> <p><u>REP3-120 - Appendix E3</u> Section C.2, Paras 12, 13, 14, 15</p>



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		<p>the AONB and cannot be looked at without looking at all the other characteristics for the AONB.</p> <p>In regards to geographical extent, this is where the Applicant and Natural England professional opinions diverge and we have provided further detail in Deadline 6 Appendix E3b on consideration of the AONB as 'a whole'.</p> <p>Also in our Deadline 6 Appendix E3b we reiterate that Natural England does not refer to the whole AONB coastline, we referred to 35km in the zone of theoretical influence. Also, it should be recognised that you can see the turbines further inland, not just from the coast (depending on elevation) and that the settlements/village (and Sizewell) are included within AONB so the statutory purposes include that too.</p> <p>We noted at ISH 8 that some of the arguments put forward about what people may or may not enjoy from the AONB is quite speculative. It is not just about the immediate surroundings you are in, it is also looking across and wider, views of open seas which is also part of the special qualities of the AONB. The fact that the AONB partnership has highlighted that the coast is a special quality of this AONB shows that this is an important part of this area and how people enjoy this area.</p> <p>In ISH 8 Natural England also stated this consideration of the 'Energy Coast initiative' is outside our remit. However, we reflected that there may be different elements to this it may not automatically equate to support for OWFs being located off the Suffolk Coast. It is more likely to relate to securing jobs which facilitate green energy policy through operational port developments etc.</p> <p>In relation to visibility compared to Rampion which is closer to</p>	



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		<p>shore, Natural England advises that consideration of Galloper is a better example. Please see Deadline 6 Appendix E3b for further explanation.</p> <p><i>ExA ISH 8 Action: Assessment of Rampion and Navitus to designated landscapes to compare with the impacts of EA1N and EA2.: We would like to refer you to our Deadline 6 cover letter for an update on this action.</i></p>	
		<p><u>Comparison with other offshore Wind farms</u></p> <p>Natural England has made substantial representations on this issue. Please see our Deadline 6 Appendix E3b submissions.</p> <p>As set out in ISH8 Natural England continues to consider that the only valid comparison is with the Galloper and Greater Gabbard turbines on the southern portion of the SCHAONB coastline. The evidence and conclusions in the ES for EA2 should be the basis on which the scheme is determined. The only instance where Natural England have made reference to other arrays was in our response to the SPR Deadline 3 submission when we quoted from the ExA report for Navitus; the paragraphs setting out the ExA reasoning on the effect on the statutory purpose of the Dorset AONB / NFNP, which are nothing to do with a physical like for like comparisons as Natural England does not think they are appropriate .</p>	<p><u>Natural England Comments to PEIR</u> 4.10.3.2.6, 4.10.3.3 point 3</p> <p><u>RR-059 - Rel. Rep</u> Natural England Section 2, Para 9 'Note about the visible height of off-shore wind turbines', 28.9</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 2.4, 2.9, 3.9.3</p> <p><u>REP3-120 - Appendix E3</u> C.4 18, 19, 20</p>



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3 b) Onshore Seascape Effects	East Anglia One North i. Visibility ii. Night-time effects iii. Effects on the AONB	i. Visibility Natural England has made substantial representations on this issue and has no further technical advice to add. At ISH8 we raised that the best visibility out to sea is in the summer months when the numbers of people out on the coast enjoying the natural beauty are at their greatest. But we also support represents made by Mr Newton from East Suffolk County Council in relation turbine visibility along this stretch of coast during different times of day and seasons.	3b) i <u>Natural England Comments to PEIR</u> 4.10.4.3 Point 2, 3 <u>RR-059 - Rel. Rep</u> Note about the visible height of off-shore wind turbines', 28.9 <u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 2.3, 2.4, <u>REP3-120 - Appendix E3</u> No comment offered
		ii. Night-time effects The issue of night-time effects is understood to have been resolved with the commitment to use 200cdm aviation warning lighting at all times other than when visibility is less than 5km. Natural England considers this matter to be agreed with the Applicant.	3b) ii <u>Natural England Comments to PEIR</u> 4.10.4.3 point 10 <u>RR-059 - Rel. Rep</u> Natural England 3.4.1, 28.3.3 para. 42 <u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 3.4.1



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		<p>iii. Effects on the AONB</p> <p>Natural England has made substantial representations on this issue and have no further technical advice to add</p>	<p><u>REP3-120 - Appendix E3</u> No comment offered</p> <p>3b) iii <u>Natural England Comments to PEIR</u> 4.10.4.3 point 13, 17, 18</p> <p><u>RR-059 - Rel. Rep</u> No comment offered</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> No comment offered</p> <p><u>REP3-120 D3 Appendix E3</u> No comment offered</p>
<p>3c)</p> <p>Onshore Seascape Effects</p>	<p>East Anglia Two</p> <p>i. Good design ii. Visibility iii. Night-time effects iv. Effects on the landscape receptors within the AONB – including, but not limited to discussions concerning Areas A and D of Landscape Character Type (LCT) 06 Coastal Levels and LCT</p>	<p>i. Good Design</p> <p>Natural England has made substantial representations on this issue and have no further technical advice to provide.</p>	<p>3c) i <u>Natural England Comments to PEIR</u> 4.10.3.3 point 5</p> <p><u>RR-059 - Rel. Rep</u> 3.3.2 and 3.3.3</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 2.1, Natural England 3.1.1 (Point 1)</p>



Agenda Item	Examining Authority's Question	Natural England Position Reflecting ISH8 Oral Reps.	References
	29 Covehithe Broad and East Broad. v. Effects on the AONB special qualities vi. Effects on viewpoints and visual receptors within the AONB – including but not limited to Sizewell Beach and Orford Ness. Effects on the Suffolk Coast Path		<u>REP3-120 - Appendix E3</u> No comment offered
		ii. Visibility Same as 3b i)	3c) ii <u>Natural England Comments to PEIR 4.10.3.3 Point 2, 3</u> <u>RR-059 - Rel. Rep</u> Note about the visible height of off-shore wind turbines', 28.3 Para. 16 and 17 also Appendix 28.8 Para. 5, 6, 8 and 12. <u>REP1-157 Natural England Response to Applicant's Comments</u> Natural England 3.2.1, <u>REP3-120 - Appendix E3</u> No comment offered
		iii. Night Time Effects Same as 3b ii)	3c) iii <u>Natural England Comments to PEIR</u> 4.10.4.3 point 10 <u>RR-059 - Rel. Rep</u> Natural England 3.4.1, 28.3.3 para. 42 <u>REP1-157 - Natural</u>



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			<p><u>England Response to Applicant's Comments</u> Natural England 3.4.1</p> <p><u>REP3-120 - Appendix E3</u> No comment offered</p>
		<p>iv. Effects on the landscape receptors within the AONB</p> <p>Natural England has made substantial representations on this issue and have no further technical advice to provide. Our difference with SPR is simply one of differing professional judgements.</p>	<p>3c) iv <u>Natural England Comments to PEIR</u> 4.10.3.3 point 9, 16, 17, 18, 19</p> <p><u>RR-059 - Rel. Rep</u> Table 28.9, 28.7.3 para 180 and 181</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 3.7.2, 3.7.4</p> <p><u>REP3-120 - Appendix E3</u> No comment offered</p>
		<p>v. Effects on the AONB Special Qualities</p> <p>There is a fundamental disagreement between SPR and Natural England on the extent of the significant adverse effects on the special qualities of the SCHAONB and what this means for the statutory purpose of the SCHAONB. Natural</p>	<p>3c) v <u>Natural England Comments to PEIR</u> 4.10.3.3 point 13, 14, 20, 21</p> <p><u>Rel. Rep - RR-059</u> Natural England 2.2, Table</p>



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		<p>England have made substantial representations on the extent of these significant adverse effects and have nothing further to add. We have also stated, as the designating authority for AONBs and the Government's adviser for landscapes in England, what we consider this means for the statutory purpose of the SCHAONB. We advise that the statutory purpose of the designation will be significantly and adversely effected by the presence of EA2 in the seascape setting of the designation. It is a matter for the ExA to decide whether or not the design of the scheme has avoided comprising the purpose of the SCHANOB. We note that SPR consider that the statutory purpose of the SCHAONB will not be comprised by EA2. Natural England provides further advice in our Deadline 6 submission Appendix E3b.</p>	<p>28.10, 28.7.3.2, Appendix 28.4</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 2.2, Table 4, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7</p> <p><u>REP3-120 D3 Appendix E3</u> C.2 12, 13, 14, 15</p>
		<p>vi. Effects on viewpoints and visual receptors within the AONB.</p> <p>Natural England has made substantial representations on this issue. Please see our Deadline 6 Appendix E3b for further advice.</p>	<p>3c) vi <u>Natural England Comments to PEIR</u> 4.10.3.3 point 22</p> <p><u>Rel. Rep - RR-059</u> Table 28.11, 28.8.3, Appendix 28.5</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England 2.2, 3.9.2, 3.9.3</p>



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		<p>vii. Effects on the Suffolk Coast Path</p> <p>Natural England has made substantial representations on this issue. Our difference with SPR is simply one of differing professional judgements. As set out in our D6 Appendix E3b Natural England reminds the ExA that this section of the English Coastal Path is currently being consulted upon for designation as a national trail. English Coastal Path is a long standing Government Commitment which has been supported by successive administrations since 2010. There are a number of locations where the route of ECP varies from the route of the SCP, particularly in the vicinity of Covehithe Broad where the route of the ECP is highly likely to be closer to the coastline than the SCP.</p>	<p><u>REP3-120 - Appendix E3</u> C.2 12, 13, 14, 15</p> <p>3c) vii <u>Natural England Comments to PEIR</u> 4.10.3.3 point 23, 24</p> <p><u>Rel. Rep - RR-059</u> Table 28.13, 28.8.3.4, Appendix 28.6</p> <p><u>REP1-157 - Natural England Response to Applicant's Comments</u> Natural England Table 6</p> <p><u>REP3-120 - Appendix E3</u> <u>No comment offered</u></p>
3d)	EA1N and EA2 Cumulative Effects	<p>d) Cumulative Effects</p> <p>Natural England have made substantial representations</p> <p>However, subsequent to the ISH8 we wish to draw the ExA attention to the 18th February 2021 high court ruling that that over turned the Norfolk Vanguard decision on the grounds that due process had not been followed in relation to considering cumulative impacts. Therefore it would be prudent to take account of cumulative effects with Sizewell C and not rely as the Applicant suggested during ISH 8 on a building block approach.</p>	<p>3d) <u>Natural England Comments to PEIR</u> 4.10.3.3 point 25, 26, 27, 28, 29 4.10.4.3 point 22, 23, 24, 25, 26</p> <p><u>Rel. Rep - RR-059</u> Para. 142, 28.9</p> <p><u>REP1-157 - Natural</u></p>



Agenda Item	Examining Authority's Question	Natural England Position Reflecting ISH8 Oral Reps.	References
			<p><u>England Response to Applicant's Comments</u> Natural England 3.11.1</p> <p><u>REP3-120 - Appendix E3 Annex 1</u></p>
<p>ISH 8 Any Other Business</p>	<ul style="list-style-type: none"> • ExA Question to Natural England - Do you fundamentally object to the application for East Anglia TWO on seascape grounds? • If so, what might the Applicant do to address your concerns? • And have you in turn recommended this action to the Applicant? 	<p>Natural England are advisers on impacts of the proposals on the statutory purpose of AONB only. It is the duty of the ExA and/or regulators to decide whether that means the project goes forward. However, as set out above we advise that there is a significant adverse effect on the statutory purpose of the AONB, especially in relation to the special qualities.</p> <p>On a without prejudice basis, Natural England advises that for the impacts to be comparable to those of the operational Galloper OWF where it was concluded that there wouldn't be a significant adverse impacts on the SCHAONB, the turbine heights for EA2 would need to be lowered to 210m. However, we recognise this brings implications for mitigation measures for birds from collision risk due to a potentially lower draught height. And in addition there would also need to be a removal of first row of turbines closest to the coast. We have not discussed this with the Applicant.</p>	