



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

Appendix G5 to the Natural England Deadline 8 Submission

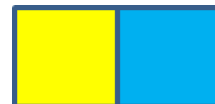
Natural England's Comments on EA1N/EA2 DCO Application Version 5

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

25th March 2021



Natural England's Comments on EA1N and EA2 DCO Application Version 5

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.

Introduction

In formatting this response, the following documents have been considered on both the EA1N and EA2 projects:

- Draft DCO Version 5 [REP7-006, REP7-007]
- Schedule of Changes to Draft DCO Version 4 [REP7-008]

Summary

We believe that most of our concerns can be resolved as set out in our detailed comments. However, we have key concerns with Schedule 18, Part 5 Condition 3 which is incomplete and should be rectified before Deadline 9.

Detailed Comments

EA2 / EA1N or Both	Point	Document Section	Natural England's Comment	Risk
<i>Schedule of Changes to Draft DCO Version 4</i>				
Both		Schedule 13, Part 2, Condition 16 and Part 2 Condition 17 (2)	<p>It is noted that the SIP condition has been removed from within these conditions and added as a separate condition. Our comment on this will be made below with our comment on the updated condition on the new condition.</p> <p>However, it is noted that a condition requiring the submission of a close out report has been added. Natural England supports the inclusion of this condition. However, would also like to be named as recipients of this report.</p>	



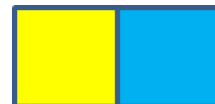
EA2 / EA1N or Both	Point	Document Section	Natural England's Comment	Risk
Both		Schedule 13, Part 2, Condition 21 (3)	Natural England notes the updated wording. However, we have been advised by the MMO that there has been an agreement that the wording will revert to its original form. Natural England supports the original wording and once this change is made consider this issue closed.	
Both		Schedule 13, Part 2, Condition 24	<p>Natural England notes the changes to this condition and that after a period of 5 years a new marine licence will be needed for additional scour or cable protection. On a without prejudice basis to our position regarding the deployment of new areas of cable and scour protection, we consider the wording used here appropriate and have no further comment to make.</p> <p>However, as noted in our covering letter, and our relevant and written representation [RR-59] Natural England do not support the use of new cable protection, or scour protection during the Operations and Maintenance phase and therefore cannot agree to the Offshore Operations and Maintenance Plan (OOMP) until this issue is resolved.</p>	
Both		Schedule 13, Part 2 Condition 25	Natural England notes the updated co-operation condition and supports the changes that have been made.	
Both		Schedule 13, Part 2, Condition 26	Natural England notes the updated wording and the inclusion of the SIP requirement as a separate condition. While we support most of the wording, we would request clarification on if the wording would allow for multiple SIPs to be submitted and approved. As it is our understanding that the UXO activity may take place a significant period of time prior to the piling and that, therefore, there may not be enough information to support consideration of the impacts to the SAC from piling 6 months prior to the commencement of UXO detonation works.	
Both		Schedule 13, Part 2, Condition 27	Natural England notes and supports the inclusion of these conditions. However, following a meeting with the applicant on the 22 nd of March, a few minor changes to the wording were agreed and are expected to be submitted into examination. It is also noted that	



EA2 / EA1N or Both	Point	Document Section	Natural England's Comment	Risk
			<p>during this meeting the applicant confirmed that they would not be submitting information to support the use of a cluster approach of detonating UXO's and the wording would be amended to ensure clarity on this issue. Once these amendments are submitted, we expect our issues to be resolved.</p> <p>Natural England notes the action to review this condition following ISH 14 and considers the above.</p>	
Both		Schedule 14	Comments above on conditions repeated in Schedule 14 should be considered submitted in respect of both schedules and for brevity will not be repeated here.	
Both		Schedule 17 and 18	Natural England notes the inclusion of these new schedules and will provide comment on them as part of our response to the updated draft DCO.	
Draft DCO Version 5				
Both		Schedule 1, Part 3 Requirement 22	It appears that this issue was closed in error on our Risks and Issues Log. Natural England reiterates our request to be named as a consultee within this requirement. It is also noted that throughout the outline code of construction practice there is limited reference made to consulting the statutory nature conservation body, however, when and on what remains unclear. To ensure clarity the requirement should be updated to include consultation with the relevant statutory nature conservation body.	
Both		Schedule 17	Natural England notes and supports the inclusion of this schedule. However, advises that it may need to be updated should further assessment documentation or updated documentation be provided.	
Both		Schedule 18, General Point	It is noted that the compensation secured within each part is limited to an attempt, at one compensation measure, such as nesting sites or predator control. However, this limits the options for the Secretary of State to those specific compensatory measures. As advised in	



EA2 / EA1N or Both	Point	Document Section	Natural England's Comment	Risk
			our response on the compensatory measures [REP7-071] other potential compensatory measures should be kept in consideration. This could be achieved through a change in wording, or through provision of alternative wording, on a without prejudice basis, including the other options. This would allow the Secretary of State to pick which compensatory measure and thus which wording to include within this schedule.	
Both		Schedule 18, Parts 1-6 Condition 3	Reference to Natural England should be amended to the relevant Statutory Nature Conservation Body, as per the rest of the DCO.	
Both		Schedule 18, Part 1-4 and 6 Condition 3 (a)	Within this condition is a requirement to provide information on the location of compensatory measures. These sections should be amended to note that within this information details need to be provided that explain ecologically why this location is appropriate and likely to support successful compensation (e.g. for nesting sites a site that the target species will colonise with adequate access to prey resource).	
Both		Schedule 18, Part 1-6 Condition 4	It is not sufficient for compensatory measures to just be in place. They need to be fully functioning and effectively compensating prior to construction/operation. Natural England notes that within the Hornsea 3 compensatory measures schedule a period of 4 full breeding seasons is specified.	
Both		Schedule 18, Part 5 Condition 3	This condition is incomplete and therefore we are unable to comment on its sufficiency. However, if similar wording that is used in parts 1-4 and 6 were to be included our comments above on condition 3 would be relevant.	



Risk Ratings

Please read the definitions below. The idea is to eventually filter out the yellow and green issues and just present the Red, Amber and Purple issues. However, please still highlight and raise the yellow and green issues as we may need to increase the risk level on them if further evidence does / doesn't come about.

<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>	