



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

**Appendix K6 to the Natural England Deadline 8 Submission**

**Natural England's Responses to Outstanding ISH Action Points**

For:

The construction and operation of East Anglia TWO Offshore Windfarm, a 900MW windfarm which could consist of up to 67 turbines, generators and associated infrastructure, located 37km from Lowestoft and 32km from Southwold.

Planning Inspectorate Reference: EN010078

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25th March 2021



## Natural England's Responses to Outstanding ISH Action Points

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

This document includes:

1. Outstanding Actions from ISH 7
2. Outstanding Actions from ISH 8
3. Outstanding Responses to DCO Commentaries
4. Responses to ISH 14 Actions
5. Responses to ISH 15 Actions

**Table 1. Outstanding Actions from ISH 7 (Biodiversity and HRA)**

	Action	Party	Deadline	NE Response
7.	<b>Harbour porpoise of the Southern North Sea SAC</b> In light of the Applicants' agreement to return the scope of the SIP to the mitigation of in-combination effects only, NE to provide an update on its position in terms of the comment on the project alone effects on the SNS SAC.	NE	D7	Please see NE Deadline 8 Appendix B3b.
9.	<b>In-Principle Site Integrity Plan (IP SIP)</b> Please respond to the following questions: <ul style="list-style-type: none"><li>• Do you agree that the IP SIP provides an appropriate framework to agree mitigation measures and that the scope of the measures within the IP SIP are appropriate?</li><li>• Are you satisfied that through the IP SIP, the Applicant will use the most appropriate measures for the Project based on best knowledge, evidence and proven available technology at the time of construction?</li><li>• Do you have confidence that the mitigation measures contained in the IP SIP are deliverable?</li></ul>	NE MMO	D6	Please see NE Deadline 8 Appendix B3b.



**Table 2. Outstanding Actions from ISH 8 (Seascape)**

Action	Party	Deadline	NE Response
<p>5. <b>Visual impact</b> The Applicants to address the suggestion in NPS-EN1 paragraph 5.9.19 that “applicants draw attention . . . to any examples of existing permitted infrastructure . . . with a similar magnitude of sensitive receptors”, in order to frame the ExAs consideration of effects on the AONB, by D6; and NE to respond by D7.</p>	Applicants NE	D6 D7	Please see NE Deadline 8 Appendix E4.
<p>6. <b>Reference to Examining Authorities’ Site Inspection Notes</b> Interested Parties referring to the ExAs’ understanding of seascapes issues may wish to consider the following site inspections notes in the Examinations Libraries that provide factual references to the locations inspected.</p> <ul style="list-style-type: none"> <li>• East Anglia ONE North: <a href="#">Site Inspections in the pre-examination stage.</a></li> <li>• East Anglia ONE North: <a href="#">Site Inspections in the Examination stage.</a></li> <li>• The equivalent notes have also been published in the East Anglia TWO Examination Library but as they are identical to those published in the East Anglia ONE North Examination Library, they do not need to be read twice.</li> </ul>	All informative		Natural England has no further comments on these

**Table 3. Outstanding Responses to DCO Commentaries**

Arts 36	The Applicants  East Suffolk Council  Suffolk County Council The Marine Management Organisation	<b>1 2</b>	<p><b>Certification of plans etc.</b> These articles contain an extensive list (to para (a) to para (gg) of documents and their versions.</p> <p>a) The Applicants are requested to ensure that this list remains up to date as the Examinations progress.</p> <p>a) Are any documents missing? b) A number of made DCOs have substituted this approach for a succinctly drafted Article stating that the documents listed in a Schedule must be submitted to the SoS for certification and it was recently used in the Boreas dDCO. This approach enables the documents to be tabulated and for them and their version</p>	Please see Appendix G5 for our response to the draft schedule 17.
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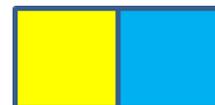


			<p>numbers to be identified with greater ease. The Applicants have committed to taking this approach by <b>Deadline 7</b> and this will make a significant improvement.</p> <p>See also Schedules – missing provision?</p>	
Pt 3 None - missing require ment	The Applicants  Natural England	<b>1 2</b>	<p><b>Missing Requirement – Ecosystem Services for Sandlings SPA</b></p> <p>Natural England have sought a requirement to ensure that proposed SPA mitigation measures in the form of planting must be in functioning condition/ providing ecosystem services as nesting habitat, before works can commence within the boundary of the SPA.</p> <p>a) The Applicants are requested to work with Natural England to frame an operable draft requirement by Deadline 7.</p> <p>b) If agreement cannot be reached, alternative drafting should be submitted together with reasons for the differences.</p>	<p>Natural England notes that agreement on this issue has not been reached. While it is for the Applicant to provide requirement wording, as no wording has been provided, we suggest the following could be included as a requirement to ensure that the mitigation measures are in place and functioning prior to the onshore works. “No works within the Sanderlings SPA may commence until the planting mitigation measures specified within Outline Sanderlings SPA crossing Method Statement have been implemented and the relevant local planning authority in consultation with the relevant statutory nature conservation body have confirmed they are functioning.” Please see NE Deadline 8 response Appendix C9 for detailed comments.</p>



**Table 4. NE Responses to ISH 14 (Biodiversity and HRA) Actions**

Action	Party	Deadline	NE Response
1.	<p><b>Absent parties to review hearing recording and respond in writing</b> Where Interested Parties invited to the Hearing did not attend (such as Natural England, RSPB, The Wildlife Trusts, Whale and Dolphin Conservation), they are requested to review the hearing recording (available from the Applications web sites), respond to the submissions made and address questions raised specifically for them in writing at Deadline 8. To assist these parties please see the approximate timings of agenda items at the end of this document.</p>	D8	Please see NE Deadline 8 Appendices
3.	<p><b>Red-Throated Diver (RTD) of the Outer Thames Estuary SPA: Concluding legal submissions</b> The Applicants are requested to set out concluding legal submissions on the matters raised in Agenda Item 3 at Deadline 8, taking account of submissions by Andrew Fraser-Urquhart QC in ISHs14 and all submissions made by NE at Deadline 7.</p> <p>NE are invited to make concluding legal submissions at Deadline 8, in the light of matters put to ISHs14.</p> <p>Both the Applicants and NE are requested to make comments on each other's' concluding legal submissions at Deadline 9.</p>	Applicants  NE	D8, D9  Natural England waits to see the Applicant's written submission of Oral representations before providing our fully considered legal response at D9.



9.	<b>Compensation measures: seabird assemblage of the FFC SPA</b> If adequate compensation measures are secured for kittiwake, gannet, guillemot and razorbill, does NE consider that its concerns about the seabird assemblage of the FFC SPA as a whole are also addressed? If not, why not?	NE	D8	Natural England does not believe that compensatory measures are required for any other species which form part of the FFC SPA assemblage.
13.	<b>Marine mammals: control of piling and UXO detonations</b> Please comment on the new Condition 27 of Schedule 13 and Condition 23 of Schedule 14 (control of piling and UXO detonations).	NE and TWT	D8	See NE D8 response Appendix G5.



**Table 5. NE Responses to ISH 15 (Draft DCO and Other Matters) Actions**

Action	Party	Deadline	NE Response
<p>8. <b>Requirements 13: Landfall Construction Method Statement (LCMS)</b> Applicants are asked to respond to proposition that both NE and MMO are named as consultees on the LCMS under Rs13.</p>	Applicant NE, MMO	D8	NE have seen and agreed to updated wording via email from the Applicant on 23 <sup>rd</sup> March.
<p>9. <b>Red-Throated Diver (RTD)</b> A new Condition should be provided in the Deemed Marine Licences (DMLs) (rather than in the Best Practice Protocol) regarding seasonal restrictions on vessel movements to mitigate RTD disturbance. If agreement cannot be reached then Applicants, NE and MMO to provide drafting for their preferred wording for DML Conditions.</p>	Applicants, NE and MMO	D8	NE have seen and agreed to new wording proposed by the MMO on 23 <sup>rd</sup> March.
<p>14. <b>Schedules 18</b> NE is asked to respond to the drafting approach taken to Habitats Regulation compensatory measures in Schedules 18 of the dDCOs.  Provide information on what, if anything, needs to be done to provide appropriate policy protection for any geographical locations that are to be subject to compensatory measures.</p>	NE	D8	<p>Please see NE Appendix G5 at Deadline 8.</p> <p>NE is unsure what this query is asking. Please can clarity be provided, and we will endeavor to respond by Deadline 9?</p>