



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

East Anglia TWO Offshore Wind Farm

Appendix A15c to the Natural England Deadline 9 Submission

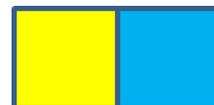
**Natural England's Comments on Offshore Ornithology Without Prejudice
Compensation Measures v2 [REP8-089]**

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

15th April 2021



Natural England Comments on Offshore Ornithology Without Prejudice Compensation Measures v2 [REP8-089]

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 provides an update on Natural England's position and advice to the following documents submitted by the Applicant at Deadline 8 in relation to Offshore Ornithology Compensation:

- EA1N and EA2 Offshore Ornithology Without Prejudice Compensation Measures v2 (Clean & Tracked)

Summary

Please be advised that Natural England's advice on the previous version of this document [REP7- 071] remains unchanged.

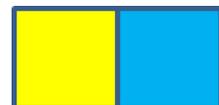
The main difference between the two versions is the addition of Annex 3 relating to 'By-catch', which without further development of implementation measures we do not currently believe provides sufficient 'additionality' to be considered to be a compensation measure.

In addition to our comments on the Deadline 8 documents, Natural England wishes to highlight the continued engagement by all parties to identify possible compensation options. Since Deadline 8, Natural England has continued to explore potential strategic approaches to compensatory measures with other parties, including the Applicants and Defra regarding possible options for Lesser Black Backed Gull from the Alde-Ore Estuary SPA (A-OE SPA).

Detailed Comments

1. Kittiwake

Natural England welcomes the revision to include the 95% Confidence Intervals and the commitment to adaptive management measures should they be required following monitoring. We do continue to advise that greater detail regarding the design and implementation of the



artificial nest sites are needed to provide the Secretary of State with necessary confidence that compensatory measures can be secured.

2. Gannet

Natural England welcomes the revision to include the 95% Confidence Intervals.

We do not agree with the Applicant's rationale as regards the current favourable conservation status obviating the need for compensation measures. SPAs represent key sites for maintaining the favourable conservation status of the species they support, and it therefore follows that were there to be an Adverse Effect on Integrity (AEOI) on the gannet feature of Flamborough and Filey Coast SPA (FFC SPA), this would also have negative consequences for the favourable conservation status of the species.

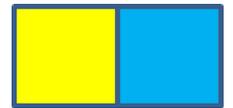
We also note that an additional potential option for reducing mortality at colonies through plastic waste removal has been included. However, we believe that the RSPB may have sizable concerns in relation to the desirability, feasibility and logistical challenges associated with removing plastic embedded into gannet nests at Grassholm SPA. We also note that the Grassholm colony managers already cut free those juvenile gannet prevented from fledging by plastic at the end of each breeding season, as part of their ongoing site management.

3. Guillemot and Razorbill

Natural England welcomes the additional detail on potential sites where rat eradication measures may be able to take place. As stated in REP7-071, consideration will need to be given to how close a candidate site is to (FFC SPA). It also remains unclear whether rat predation is actually a limiting issue for these species at these sites, for guillemot in particular: if this is not the case it is hard to see that this could constitute compensation for the impacted species. In addition, because the FFC SPA is classified for the *albionis* sub-species of guillemot Natural England advises that compensation should ideally be directed towards this sub-species, which has a more southerly distribution, before measures for guillemot in general are considered.

4. Lesser black-backed gull

As stated in REP7-071, Natural England is in agreement with the principle of these proposals, though greater detail regarding the design and implementation are needed to provide the Secretary of State with necessary confidence that compensatory measures are secured. We



look forward to engaging with the Applicant to discuss the strategic approach to delivery of these measures during the remainder of the examination.

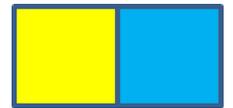
We note RSPB's representations regarding these measures in REP4-097. We are not persuaded that because a site has a restore conservation objective where a particular pressure is a factor, it follows that all possible measures that might address that pressure must be thought of as required site management (and are therefore not additional). In this particular instance, Natural England takes the view that the installation of a substantial New Zealand-style predator exclusion compound with the SPA goes above and beyond what would be expected from site managers attempting to restore a ground-nesting gull colony. Needless to say, if there are opportunities for predator exclusion measures over potentially suitable habitat outwith but adjacent to the SPA, these would also be well worth exploring.

5. Red throated diver

Natural England's position on the impacts on red throated diver from Outer Thames Estuary SPA (OTE SPA) is set out in REP4-087, REP6-113, REP7-070 and Deadline 9 Appendix A17b.

We note that some the additional text (para 237- 240) in this updated version relates displacement effects from studies in the German Bight. However, as we have highlighted previously, Natural England's advice is primarily based on studies in the OTE SPA. We note that whilst the distribution of divers in the German Bight has changed, the abundance figures have apparently not decreased. **However, the issue regarding the impacts of EA1N/EA2 is that whilst the Conservation Objective to maintain the population at the stated level *may not* be compromised by the predicted level of displacement-related mortality, the Conservation Objectives relating to habitat and distribution will be. Therefore, Natural England's view is that an AEOI cannot be ruled out from EA1N alone or EA1N or EA2 in-combination with other plans and projects.**

Natural England continues to advise that the proposed measure of vessel navigation management will not provide compensation that addresses the AEOI on the Outer Thames Estuary as a result of effective loss of habitat, and the change in distribution, as a result of displacement from the presence of turbines. We do acknowledge the benefits of the proposal in mitigating for the disturbance caused by vessel movements, however this does not represent compensation. As regards vessel navigation from East Anglia 3, given the mitigation measures in place for that project, vessel movements were not considered to



represent an AEOI on the OTE SPA during the determination of that project: it is hard therefore to see how removing a sub-AEOI impact could provide sufficient compensation for an AEOI.

6. Secondary measure: Ornithological By-catch

Natural England broadly welcomes the Applicant's proposal to develop a secondary measure to look at measures to reduce ornithological by-catch. As with measures aimed at increasing prey availability, this type of measure could potentially benefit a number of relevant species including guillemot, razorbill and gannet.

However, Natural England is uncertain of the required 'additionality' which the proposal may provide as a compensatory measure. In July 2018 Defra asked JNCC to develop a UK marine bird bycatch Plan of Action. This was in order to "*Deliver a coherent approach to understand and where necessary reduce marine bird bycatch in UK fisheries, through engagement and dialogue with all interested parties and the implementation of subsequent recommendations*". we do acknowledge that OWF developers are able to contribute to this plan.

Therefore, we would encourage the Applicant to investigate this issue further and would welcome further engagement in these discussions.

Natural England also notes that for the proposals to represent relevant compensation, implementation of bycatch reduction measures that will benefit the FFC SPA populations would need to be brought forward. We note the preference for working with fishers off the coast of East Anglia; however, to better target measures it may be more appropriate to consider interventions in waters closer to the colony. For example, a potential bycatch hotspot North of the Humber is referred to. To increase the likelihood of the 'saved' seabirds originating from the impacted SPA – should the bycatch risk arise during the breeding season of course - it would make sense to look at fishery engagement and gear modifications in this area, given its proximity to FFC SPA. Natural England recommends reviewing the available data with respect to the likely foraging areas of importance to the FFC SPA in order to help develop the implementation phase of the proposed project.