



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

East Anglia TWO Offshore Wind Farm

**Appendix A21 to the Natural England Deadline 10 Submission**

**Natural England's Comments on Without Prejudice Compensation  
Mechanisms - Annex 1 – Prey Availability Compensation Mechanisms [REP6-  
046]**

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

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6<sup>th</sup> May 2021



## **Natural England's Comments on Without Prejudice Compensation Mechanisms - Annex 1 – Prey Availability Compensation Mechanisms [REP6-046]**

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 6 in relation to Offshore Ornithology Compensation:

- EA1N and EA2 Offshore Ornithology Without Prejudice Compensation Measures Annex 1: Prey Availability Compensation Mechanisms [REP6-046]

### **Natural England's Position on Prey Availability Compensation Mechanisms**

Natural England fully recognises the legal, political and practical challenges associated with increasing seabird prey availability as a compensatory measure. Our continued interest in advocating such measures for all projects (not just EA1N and EA2) relates to their potential to deliver greater ecological benefits for a range of SPA features over and beyond other proposed compensatory measures.

It has proven difficult to find alternative, ecologically relevant compensatory measures. The provision of nesting site-related measures has some initial, short-term potential for two species (kittiwake & lesser black-backed gull), but for other species we have seen limited evidence to indicate that this or other measures would compensate for the predicted impacts on protected English seabirds. This is why we believe, to deliver the most ecologically robust outcome, prey availability measures are the most appropriate compensatory mechanism to attempt to progress.

Further, we suggest that developing a strategic approach to increasing prey availability will be more judicious, not least because of (i) the cumulative nature of the impacts; (ii) the number of projects that may need recourse to the derogations; and (iii) the proposed expansion of offshore wind in the coming years. In this light, we encourage the Applicant to continue exploring the 'art of the possible' with relevant government, conservation, renewables and



fisheries stakeholders. Natural England would of course be pleased to contribute and appropriately support these discussions.

### **Specific Comments on the Report**

- *Section 2.1, bullet 7*

We agree that compensatory measures need to be additional to those considered as necessary for the management of an impacted site. It remains the case that it is for the Applicant to design appropriate compensation measures and for Statutory Nature Conservation Bodies (SNCBs) to assess whether those compensation measures will address the impacts on the European site network.

- *Section 2.1, bullet 8*

For clarity, the regulatory bodies for commercial fisheries in English waters (beyond 6nm) are Defra and the MMO, whereas Natural England and JNCC are the SNCBs.

- *Section 3.1, bullet 9*

We agree that climate change may impact the distribution of the primary prey of sand eels and therefore may have a significant role in their decline. So, although the reasons for sand eel declines are complex, it remains highly likely that commercial fishing pressure is also a factor in that decline (and hindering the potential for recovery) in some locations.

- *Section 3.4*

We note that after ICES have advised on the Total Allowable Catch (TAC) or catch limits, there is a subsequent process that involves consideration of socio-economic and political aspects. Therefore the 'science led' process as described here does not fully reflect the current reality. Furthermore, as the UK is now a fully independent coastal state, the process by which future TACs will be agreed remains unclear.

- *Section 3.4, bullet 26 & Section 3.4.1 bullet 27*

For clarity, we note that whilst UK scientists actively contribute to the work of the International Council for the Exploration of the Sea (ICES), including advice formulation, Natural England does not currently have a role (statutory or otherwise) in the creation of 'national scientific advice' or ICES advice.



- *Section 3.4.2*

As the report states, the MMO retains the right to withhold quota, so this approach may be theoretically possible. There is something of a precedent in the way that inshore shellfish beds are managed which allow a portion of the available stock to be retained for the overwintering birds. We consider that it may be premature to determine which policy options are viable from a management point of view. Substantial work is required to better understand and quantify the possible efficacy of compensatory measures, including improved science and understanding of the stocks, as well as a broader consideration of the context we all operate within i.e., the UK's priorities for its marine environment. Ultimately, it is for the UK administrations to decide what is possible from a policy and management perspective and during this time of rapidly evolving policy, it is important to not rule out any potential routes for delivering compensatory measures until this body of work has been undertaken.

- *Section 3.5 and 3.6*

As noted above, this analysis pre-empts a significant body of work.

- *Section 4, bullet 2 under Increasing Productivity*

The report states that reducing or removing pressures on *spawning grounds* will increase productivity of seabird prey resources. This is a complex issue and relies on several assumptions:

1. That pressures on spawning grounds (separate from removal of the species itself by fisheries) are independently having an impact on the population;
2. That there is a straightforward link between spawning, recruitment and survival of sand eel through to the size range preferred by its predators;
3. That spawning habitat alone is the most critical aspect for sand eel life history.

Furthermore, all three of these assumptions are likely to vary over time and in space. These considerations require evidencing before it could be demonstrated that addressing impacts on spawning grounds could provide viable compensatory measures.