

Date: 07 June 2021  
Our ref: Case: 10572 Consultation: 355130  
Your ref: EN010078



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**BY EMAIL ONLY**

Dear Sir/Madam

East Anglia TWO (EA2) Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 11.

**1. Natural England Deadline 11 Submissions**

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 10. We would like to highlight to the Examining Authority that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. Natural England is submitting the following documents within the following thematic appendices:

- EN10078 355130 EA2 Appendix A22 – NE Representation to East Anglia ONE (EA1) Non-Material Change to DCO Application
- EN10078 355130 EA2 Appendix A23 – NE Response to London Array OWF Year 3 Ornithological Monitoring Report
- EN10078 355130 EA2 Appendix K9 – NE Response to ExA Questions (ExQ3)
- EN10078 355130 EA2 Appendix K10 – NE Response to Commentaries on the draft Development Consent Order

## **2. Risks and Issues Log**

Natural England will not be submitting an updated Risk and Issues Log into examination at Deadline 11. This is because there have been limited changes. We will submit an updated log at Deadline 12 to reflect any progress and/or changes in our position that have occurred.

## **3. Natural England's Representation to East Anglia ONE (EA1) Non-Material Change to DCO Application**

A copy of Natural England's response to the East Anglia ONE (EA1) Non-Material Change (NMC) to the Development Consent Order (DCO) Application, submitted to the planning inspectorate on the 1<sup>st</sup> June, 2021 is included in Appendix A22 at Deadline 11 for consideration with regards to the EA1N and EA2 project applications.

Within this document, Natural England questions whether such a NMC (if granted) provides the legal certainty required to rely on the as-built parameters for the purposes of Habitat Regulations Assessments (HRA), including whether the use of 'as built' values e.g. for collision risk modelling based on a NMC can be used for in-combination assessment. We recommend that the Department for Business, Energy and Industrial Strategy (BEIS) seek advice on the matters outlined within the document.

## **4. Natural England's Strategic Advice on London Array**

In response to issue ID 4 of REP10-017 where the Applicant challenges the 11.5km buffer on the grounds of no supporting data, Natural England thought it appropriate to submit our statutory advice provided to the MMO on London Array OWF into examination. Appendix A23 at Deadline 11 is NE's response to the London Array Year 3 Ornithological Monitoring Report. This document clearly demonstrates evidence of a larger buffer.

## **5. Outline Code of Construction Practice**

Natural England has reviewed the updated Outline Code of Construction Practice (OCoCP) (clean and tracked) submitted at Deadline 10 [REP10-003, REP10-004]. We welcome the amendments and in-principle the points securing consultation with the relevant Statutory Nature Conservation Body (SNCB) subject to the final wording of Requirement 22 of the DCO which we expect to be submitted at Deadline 12.

## 6. Outline Landscape and Ecological Management Strategy

Natural England note the Applicant submitted an updated Outline Landscape and Ecological Management Strategy (clean and tracked) and Deadline 10 [REP10-005, REP10-006]. Natural England welcomes the additional mitigation included for nesting birds in Section 7.3.

## 7. Issue Specific Hearing 17 Action

Natural England's response to the Issue Specific Hearing (ISH17) action is as follows:

Action	Party	Deadline	Response
3. <b>Offshore Ornithology Compensation Measures</b> Submit response to any outstanding matters of concern regarding the updated Schedule 18 of the dDCOs.	NE and RSPB	D11	Natural England will advise on the suitability of Schedule 18 once we have further details on the ornithology compensation measures which are to be discussed further with the Applicant prior to Deadline 12.

## 8. Letter of No impediment

Natural England continues to work with the Applicant through our Discretionary Advice Service with the intention to resolve outstanding issues regarding badger setts and provide a draft Letter of No Impediment (LONI) before the end of Examination.

We understand the Applicant will confirm at Deadline 11/12 that it will not be possible to obtain a draft LONI for Great Crested Newt (GCN) by the deadline for the end of Examination.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Lydia Tabrizi  
Norfolk and Suffolk Area Team

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