



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

**Appendix K8b to the Natural England Deadline 12 Submission**

**Natural England's Comments on HRA Derogation Case D11 Update [REP11-069] and  
Offshore Ornithology Without Prejudice Compensation Measures [REP11-070]**

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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28<sup>th</sup> June 2021



## **Natural England's Comments on HRA Derogation Case D11 Update [REP11-069] and Offshore Ornithology Without Prejudice Compensation Measures [REP11-070]**

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.

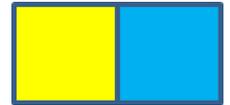
### **Introduction**

This document provides an update on Natural England's position and advice to the following documents submitted by the Applicant at Deadline 11 in relation to the Habitats Regulation Assessment (HRA) Derogation and Offshore Ornithology Without Prejudice Compensation Measures:

- EA1N and EA2 Habitat Regulations Assessment Derogation Case D11 Update V7 [REP11-069]
- EA1N and EA2 Offshore Ornithology Without Prejudice Compensation Measures v3 (Tracked & Clean) [REP11-070 & REP11-071]

### **HRA Assessment Derogation Case D11 Update [REP11-069]**

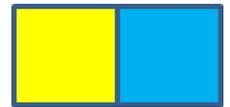
1. **Natural England has reviewed the updated derogations case and can confirm that our advice provided in REP7-071 and REP9-063 remains unchanged.**
2. In addition to our previous advice Natural England note that the layout presented at Figure 1 is based upon 67 turbines. However, there is no representation of a layout using fewer higher MW capacity or a reduced density and thus potential buffer increase. Natural England advises that a range of layout options should be presented so that the SoS can make an informed decision regarding the availability of alternative solutions that would reduce impacts on the OTE SPA.



## **Offshore Ornithology Without Prejudice Compensation Measures (Tracked) [REP11-070]**

### **Summary**

3. **Natural England has reviewed the updated compensation measures and can confirm that our advice provided in REP7-071 and REP9-065 remains unchanged.**
  
4. To summarise the information provided does not provide sufficient detail in our view for the Secretary of State (SoS) to have confidence in these measures. Please see our response to ExA Q3 [REP11-123] and updated list below on what we believe a fully comprehensive compensation package should provide. NB: this is not an exclusive list:
  - a) What, where, when: clear and detailed statements regarding the location and design of the proposal.
  - b) Why and how: ecological evidence to demonstrate compensation for the impacted site feature is deliverable in the proposed locations
  - c) Demonstrate that on ground construction deliverability is secured and not just the requirement to deliver in the DCO i.e. landowner agreement is in place
  - d) Policy/legislative mechanism for delivering the compensation (where needed)
  - e) Agreed DCO/DML conditions
  - f) Clear aims and objectives of the compensation
  - g) Mechanism for further commitments if the original compensation objectives are not met – i.e. adaptive management
  - h) Clear governance proposals for the post-consent phase – we do not consider simply proposing a steering group is sufficient
  - i) Ensure development of compensatory measures is open and transparent as a matter of public interest, including how information on the compensation would be publicly available
  - j) Timescales for implementation esp. where compensation is part of a strategic project, including how timescales relate to the ecological impacts from the development
  - k) Commitments to monitoring specified success criteria,
  - l) Proposals for ongoing ‘sign off’ procedure for implementing compensation measures throughout the lifetime of the project. Including implementing feedback loops from monitoring
  - m) Continued annual management of the compensation area and ensure other factors are not hindering the success of the compensation e.g. changes in habitat, increased disturbance as a result of subsequent plans/projects



## Further Advice

### 1) Requirement for Compensation Measures

5. Please see our latest advice on the Updated RIES Appendix K8b and in-combination figures Appendix A16c where we highlighted that:

#### i) Gannet

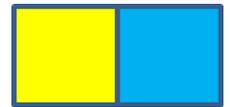
Natural England has now considered the implications of the Hornsea Project Three decision and in-combination collision totals when this project is included. Natural England can now advise that an adverse effect on integrity (AEoI) of the gannet feature of the FFC SPA can be ruled out for in-combination collision impacts, in-combination displacement impacts and in-combination collision plus displacement impacts when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals.

However, due to the inevitable uncertainty associated with the figures for Hornsea 4, DEP and SEP being from the PEIRs and are hence subject to change, Natural England therefore is not in a position to advise that significant impact can be ruled out for gannet for cumulative collision impacts when the Hornsea 4, DEP and SEP projects are included in the cumulative totals.

#### ii) Guillemot and Razorbill

Natural England advises that an adverse effect on integrity (AEoI) on guillemot, and razorbill from FFC SPA can be ruled out from displacement in-combination with other plans and projects when all projects up to and including Hornsea 3, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two are included in the in-combination totals.

However, due to the inevitable uncertainty associated with the figures for Hornsea 4, DEP and SEP being from the PEIRs and are hence subject to change, Natural England therefore is not in a position to advise that significant impact can be ruled out for guillemot and razorbill for cumulative collision impacts when the Hornsea 4, DEP and SEP projects are included in the cumulative totals.



## 2) Lesser Black-Backed Gull Strategic Project

6. Natural England has been working with DEFRA, and local landowners to explore the feasibility of a strategic project at the Alde-Ore Estuary SPA for lesser black-backed gulls. Despite best efforts, the outcome isn't what DEFRA/we hoped for and the explorations have brought up a number of challenges that mean it won't be possible to develop a DEFRA lead strategic compensation project that aligns with the examination and consenting timescales for this and other OWF projects. Therefore, project specific compensation will now need to be developed and secured.

## 3) Compensation Locations

7. Natural England notes that there is no acknowledgement within the updated document of the requirement to ensure that the onshore sites chosen for compensation are fit for purpose i.e. for locations with designated sites, that the location is already receiving the appropriate level of site management (the landowner is meeting their SSSI requirements which underpin the N2K sites); and that for other locations the site is not going to be subject to modifications which may affect the effectiveness of compensation both initially and over the life time of the project. If this cannot be demonstrated, then the Applicant will need to factor in meeting these requirements into their proposals, and the time that would be needed to demonstrate this included in the timescales for implementation of any compensation.
8. For example Natural England is in the process of advising on the Lowest Eastern Energy Facility (LEEF) planning and Marine Licence application, where we note that Phase One will take 12 months to implement and during this time there will be impacts to the existing breeding kittiwakes within the harbour. Therefore it is not clear how LEEF will mitigate the impacts from the port development and what the implications will be for delivering compensation measures at this location given the Applicant's concerns in relation to the required for a lead in time for any compensation.