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East Anglia TWO Limited
East Suffolk Council
Suffolk County Council
Natural England
Environment Agency
RSPB
All Interested Parties

Our ref EN010078

Date: 2 November 2021

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by East Anglia TWO Limited (“the Applicant”) for an Order granting Development Consent for the proposed East Anglia TWO Offshore Wind Farm and associated offshore and onshore infrastructure (“the East Anglia TWO project”)

1. Following the completion of the Examination on 6 July 2021, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusion on the above application to the Secretary of State on 6 October 2021.
2. There are issues on which the Secretary of State for Business, Energy & Industrial Strategy (“the Secretary of State”) would be grateful if the parties identified in bold could provide updates or information as appropriate.

3. Flood Risk

The Secretary of State has identified a number of issues in relation to flood risk on which he invites comment:

- i. The Secretary of State notes that in July 2021 the National Planning Policy Framework was updated and in particular at paragraph 159 onwards in relation to flood risk assessment. The **Applicant** and **Interested Parties** are invited to provide any comments they may have in light of these changes;
- ii. The **Applicant** and **Interested Parties** are invited to comment on the implications of the Environment Agency’s 20 July 2021 update on climate change allowances for Flood Risk Assessment¹, which updated peak river flow allowances and changed the guidance on how to apply these;
- iii. The **Environment Agency** is asked to comment on the sufficiency of:
 - a. the existing measures within the construction Surface Water and Drainage Management Plan (located within the updated Outline Code of Construction Plan);

¹ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- b. the 1 in 15 (for the substation site) and 1 in 10 (for the cable corridor) return periods proposed by the Applicant. Taking into consideration the associated responses from the Applicant, Suffolk County Council and Interested Parties, and the recent flood event in Friston.

iv. The **Applicant** is requested to provide details of what it could reasonably achieve to extend its construction surface water drainage scheme so that the return period which it can accommodate is maximised.

4. **Badgers**

The **Applicant** is asked to provide an update on the progress of its draft licence application to relocate one or more badger setts. **Natural England** is asked to provide its views on the prospect of it being able to issue a Letter of No Impediment for badgers.

5. **Great Crested Newts**

The **Applicant** is requested to provide confirmation that the preferred option to progress the draft licence applications has been agreed with Natural England in order to achieve provision of a Letter of No Impediment for Great Crested Newts.

6. **Offshore Ornithology**

Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update

Natural England, RSPB and Interested Parties are requested to provide comments on the current Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update² submitted at the end of the Examination.

The Secretary of State notes that at the end of the Examination there were minor discrepancies in the in-combination mortalities predicted for herring gull, greater black-backed gull and gannet; however, these are unlikely to make a material difference to the conclusions of the assessment.

The **Applicant** is requested to issue an updated Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement assessment, which includes the correct in-combination mortality figures for herring gull, greater black-backed gull and gannet.

Alde-Ore Estuary Special Protection Area

The **Applicant** is requested to provide details of any increases to the turbine draught height, that were not included at the time of the application or during the Examination, which could avoid or reduce adverse effects on the lesser black-backed gull feature of Alde-Ore Estuary SPA, together with an updated assessment of the impacts on this species.

Flamborough and Filey Coast Special Protection Area

The **Applicant** is requested to provide details of any increases in the turbine draught height, that were not included at the time of the application or during the Examination, which could avoid or reduce adverse effects on the kittiwake feature of Flamborough and Filey Coast SPA, together with an updated assessment of the impacts on this species.

In relation to the in-combination impacts on the razorbill, gannet, and guillemot features of the Flamborough and Filey Coast SPA, the **Applicant** is requested to provide updated in-combination assessments for collision and/or displacement effects excluding the following

² REP13-019: Deadline 13 Submission - EA1N&EA2 D13 Offshore Ornithology Cumulative and In-Combination Collision Risk and Displacement Update (Version 001):

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-005485-ExA.AS-12.D13.V1%20EA1N&EA2%20D13%20Offshore%20Ornithology%20Cumulative%20and%20In-Combination%20Collision%20Risk%20and%20Displacement%20Update.pdf>

projects: Hornsea Four, Dudgeon Extension and Sheringham Extension. The following information should be included:

Updated mortality estimates for collision and/ or displacement effects; Population Viability Analysis (PVA) for the Flamborough and Filey Coast SPA populations; and details of the counterfactuals for the Flamborough and Filey Coast SPA populations (growth rate and population size) comparing the baseline scenario and the unimpacted scenario.

Outer Thames Estuary Special Protection Area

In relation to the red-throated diver feature of the Outer Thames Estuary SPA and in addition to the information provided in the Offshore Ornithology Without Prejudice Compensation Measures report, the **Applicant** is requested to provide information on specific areas of the SPA where red-throated divers are known to be displaced by vessel movements; evidence that the Applicant could secure a reduction in vessel movements to reduce the displacement of red-throated divers in these areas; and provide evidence that this would be sufficient to compensate for red-throated divers displaced by the turbines.

7. **Key Documents to be Certified**

The Applicant submitted updated versions of documents to be certified at Deadline 13, with the consequence that key parties were unable to provide comments on them before the Examination closed. The Secretary of State requests observations on the following documents from the listed parties and, where identified, restricted to the issues listed:

- i. Outline Code of Construction Practice: **East Suffolk Council** are asked to comment on matters in relation to water quality and flood measures; **Suffolk County Council** are asked to comment on flood measures.
 - ii. Outline Landscape and Ecological Management Strategy: **Natural England, East Suffolk Council, and Suffolk County Council.**
 - iii. Outline Operational Drainage Management Plan: **East Suffolk Council and Suffolk County Council.**
8. **Responses are requested by 23.59 on 30 November 2021.** The Secretary of State intends to offer a right of response via a further consultation in relation to any information supplied in response to the questions above.
9. Due to Covid-19, responses on the information requested above should be submitted by email only to: EastAngliaTwo@planninginspectorate.gov.uk
10. Responses will be published on the East Anglia TWO project page of the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/> as soon as possible after the deadline.
11. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the East Anglia TWO project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



Gareth Leigh

