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Our ref: 386093
Your ref: EN010077 (EA1N) and EN010078 (EA2)



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VIA EMAIL ONLY

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

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

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”).

Dear Mr Leigh

Thank you for your letters of 14th March 2022 seeking Natural England’s statutory nature conservation body advice on the recent clarification letters to BEIS from Scottish Power Renewables (‘SPR’) dated 11th March 2022, regarding the East Anglia One North and East Anglia Two offshore windfarms. The advice that follows is based on those letters as well as SPR’s previous submissions on compensatory measures, including the Applicant’s submissions on 31st January 2022.

For avoidance of doubt and audit trail purposes, Natural England’s advice on the effectiveness of the proposed compensatory measures is provided on the basis that BEIS secure a separation distance between EA1N and the Outer Thames Estuary SPA of 8km, and a separation distance between EA2 and OTE SPA of 10km. These buffer distance options are set out (among others) in the Applicant’s submissions dated 31st January 2022 and are the maximum buffer distances offered for each project in this submission.

In this scenario, there would be no need to secure compensatory measures for EA2, as at 10km distance from the SPA Natural England advises no adverse effect on integrity (AEol) from EA2 either alone or in combination, as set out in our 31st January 2022 letter. This would mean that the outstanding AEol on the SPA only relate to the

effects of EA1N. The compensatory measures would therefore only need to address the predicted effects of EA1N at 8km as regards the coherence of the national site network.

As set out in our advice of 31st January 2022, with a buffer distance of 8km from the SPA Natural England cannot rule out an adverse effect on the integrity of the SPA from EA1N alone. Further detail of Natural England's position on EA1N is set out in that advice.

The package of measures related to the OTE SPA is now understood as follows:

- Vessel re-routing of traffic associated with the operational EA1 OWF;
- Vessel re-routing of traffic associated with the consented EA3 OWF;
- Investigation of fisheries bycatch including of red-throated diver, followed by bycatch reduction measures if a risk is identified;
- Implementation and monitoring plan (as per the 11th March 2022 clarification)

Natural England recognises the difficulty of delivering compensatory measures that address the impacts of the development on the extent of available supporting habitat for red-throated divers within the SPA at a project and/or a strategic level.

Natural England welcomes the proposed re-survey of the entire SPA, provided it is followed by data analysis, identification of key drivers of diver disturbance/displacement and the formation of a stakeholder partnership to develop and implement actions to reduce disturbance/displacement effects within the SPA.

We recommend that BEIS seek appropriate controls within the DCO to secure the following aspects:

- Details of the surveys and associated analyses as set out in points a-d of the Applicant's survey letter dated 11th March 2022;
- Convene and host a OTE SPA disturbance and displacement partnership with all relevant authorities and user representation, to run throughout the project's lifetime;
- Aims of the partnership to be: i) improve understanding of disturbance and displacement effects on RTD within the OTE SPA, and ii) to identify and implement opportunities to reduce these effects.

Natural England considers that the following should also form part of the partnership's work programme, and we invite BEIS to include this aspect in the relevant conditions:

- iii) Stakeholder engagement and liaison to raise awareness and communicate any proposed changes in usage.

We recommend that BEIS consider how best to secure the timely set-up of the partnership and timely delivery of its aims, including measures to reduce effects, in the DCO.

Natural England considers that the partnership could also provide the foundations for future strategic compensation initiatives. However, we highlight that for the partnership to be successful and delivering measures for reducing effects, relevant authorities and other interested parties will need to play an active part in the partnership. Natural England will join the partnership. We advise that the members should include the Crown Estate and Defra, but also the MMO, JNCC, statutory port authorities and other relevant regulators, relevant NGOs, other developers and sea-users.

Taken in tandem with the Applicant's proposed compensatory measures already submitted, and cognisant of the reduced impacts an 8km buffer between EA1N and the SPA would achieve, Natural England concludes that the package of measures provides a reasonable prospect of the coherence of the national site network being maintained.

This advice is provided in the specific scenario of a reduction in the impacts of EA1N and EA2 to the distances specified above and should not be taken as Natural England's advice on other permutations, or Natural England's likely advice on subsequent plans and projects.

Yours sincerely

Martin Kerby

Offshore Wind Principal Adviser

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