

Date: 03 June 2019
Our ref: 283264
Your ref: EN010084



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BY EMAIL ONLY

Dear Sirs

Deadline 6A: Response to the Examining Authorities further requests for information under EPR Rule 17 (if required).

The following constitutes Natural England's formal statutory response. We have provided answers to the Examining Authorities questions directed at us. Some queries require further information to be submitted at deadline 7 by the applicant, at which point we will comment further.

1. Question 4.1.7. Natural England and the Applicant.

Goodwin Sands pMCZ

Paragraph 2.5 of Natural England's D6 letter considers that the Applicant's commitment to dispose of sediment within 500 m of Goodwin Sands pMCZ should be sufficiently secured within the DCO/DML. The ExA notes that this is reflected as mitigation reference 5.5 of the updated Schedule of Mitigation (Rev. D) which points to the Cable Specification and Installation and Monitoring Plan but that does not appear to be explicitly stated on the face of the DCO/DML.

- a) Noting that the Schedule of Mitigation will be a certified document, does NE consider that sufficient security for the commitment has been provided? If not, please could Natural England articulate how they would wish to see this secured within the DCO at Deadline 7.

Natural England answer: With the inclusion of condition 25 to ensure the certified documents must be followed, Natural England is mostly satisfied that this key mitigation has been secured. However, Natural England notices the Schedule of Mitigation is not listed in Paragraph 2 and thus cannot be modified. Should new evidence or changes to works highlight a need to change this mitigation this would not be possible under the current drafting. Natural England would suggest that consideration should be given to allow the MMO to authorise changes to this schedule, in consultation with the relevant statutory nature conservation body. It should also be noted that changes may be needed to other mitigation captured within the Schedule and the inability to make changes could cause issues post consent. The logical way to ensure this is to add it to the list of documentation within condition 25 to which the MMO may authorise changes.

- b) The Applicant is also invited to comment on this matter and provide any revised drafting by Deadline 8.

Natural England answer: Natural England will provide comment on any change of wording and / or the Applicant's response at Deadline 7.

2. Question 4.1.8. The Applicant and Natural England

Schedule of Mitigation, Rev. D

- a) Given that the Schedule of Mitigation is to become a certified document, could the Applicant please remove all references to withdrawn Landfall Option 2 from the document and also undertake a sense check of the whole document to ensure that it reflects the latest position.

Natural England Answer: Natural England supports the recommendation to remove references to landfall option 2 within the Schedule of Mitigation.

- b) Natural England is invited to provide comments on drafting by Deadline 7.

Natural England Answer: Natural England will review the amended schedule and provide comments at deadline 7 as requested.

3. Question 4.1.9 The Applicant and Natural England

Security for the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP)

Paragraph 3.4.1 of Natural England's D6 letter raises some questions about the security of the contents of the SMRMP. Could the applicant please respond to these points, specifically:

- a) Should the DCO include a requirement for an updated version of the SMRMP to be submitted to the relevant authorities prior to construction, in a similar way to the other pre-construction plans and documentation dealt with under conditions 11 and 13 of Schedule 12? If so, please provide the revised drafting. If not, please provide reasons.
- b) Whilst the monitoring associated with the SMRMP is secured in conditions 15 and 17 of Schedule 12, does specific provision need to be made within the DCO/DMLs to secure any mitigation arising from the SMRMP? If so, please provide the revised drafting. If not, please provide reasons.
- c) Natural England is invited to comment on any revised drafting by Deadline 7.

Natural England Answer: Natural England will provide comment on any revised wording, or on the Applicant's response to this issue at deadline 7, as requested.

4. Question 4.4.8. The Applicant and Natural England

Natural Environment Security

- a) Attention is also drawn to the questions in matter 4.1 (Biodiversity, Ecology and Natural Environment) above that have implications for DCO drafting.

Natural England Answer: We are currently reviewing the dDCO which was submitted by the applicant at Deadline 6 and will provide further comment at Deadline 7 with regards to any implications of the changes the Applicant has made.

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

Yours sincerely,

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