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**To:** [Norfolk Boreas](#)  
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**Subject:** EN010087 Boreas OWF Relevant Representation Appendix  
**Date:** 09 October 2019 16:54:39  
**Attachments:** [EN010087 Norfolk Boreas Appendix 2.6 Natural England's Standard Advice Small Scale Loss.pdf](#)

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Dear Planning Inspectorate,

Please find attached an Appendix which should be considered as part of Natural England's Relevant Representations EN010087 dated 31 August 2019. Apologies but due to an oversight this was not included at the time. We submit this now to provide to the Planning Inspectorate as early in the process as possible, however please let us know if it is not possible to accept at this stage and we will submit at Deadline 1.

Appendix 2.6 Natural England advice note regarding consideration of small scale habitat loss within Special Areas of Conservation (SACs) in relation to cable protection

Kind Regards

Tamara

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THE PLANNING ACT 2008  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Appendix 2.6 Natural England advice note regarding consideration of  
small scale habitat loss within Special Areas of Conservation (SACs) in  
relation to cable protection

Planning Inspectorate Reference: EN010087

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31 August 2019

In relation to consideration of small scale habitat loss within Special Areas of Conservation (SACs) in relation to cable protection Natural England provides the following advice:

- 1.1. Natural England will usually consider permanent, long-lasting and irreversible loss to be an adverse effect unless it can be clearly demonstrated otherwise.
- 1.2. The following points should be considered (but not exclusively) when providing evidence to underpin an assessment of whether an impact is likely to be an adverse effect:
  - Location of the predicted loss in terms of whether it sits on a designated or supporting feature of the site;
  - Duration of the loss – for loss to be considered temporary it must be clearly time-limited to the point where the impact is predicted to return to the same pre-impact condition and must include a detailed remediation plan using proven techniques as part of the licence;
  - Scale of the loss in relation to the feature / sub feature of the site including consideration of the quality and rarity of the affected area;
  - Impact on structure, functioning or supporting processes of the habitat;
  - Feature condition; and
  - Existing habitat loss within the same site/ feature/ sub feature.
- 1.3. Whilst there are no hard and fast rules or thresholds, in order for Natural England to advise that there is no likelihood of an adverse effect the project would need to demonstrate the following:
  - 1) That the loss is not on the priority habitat/feature/ sub feature/ supporting habitat and/or
  - 2) That the loss is temporarily and reversible (within guidelines above) and/or
  - 3) That the scale of loss is so small as to be de minimus alone and/ or
  - 4) That the scale of loss is inconsequential including other impacts on the site/ feature/ sub feature
- 1.4. It is noted that Applicant's will argue that they have provided the above information and provided the necessary assessment and evidence. However, as set out in (C-294/17 Cooperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others) and other case law relating to People over Wind (2018) for a plan/project to be consented within a designated site there needs to be sufficient certainty in the evidence presented and the recoverability of the features and/or absolute certainty that any proposed mitigation measures will remove an adverse effect on integrity.

- 1.5. Therefore, we welcome any further work the applicant can do to provide more certainty in relation to the Worst Case Scenario presented and/or minimise the impacts as much as possible.
- 1.6. Please see our joint position statement provided at Deadline 4 in which the Applicant has committed to providing further evidence in this regard.