



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

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

Deadline 9

**Natural England's comments on Assessment of Additional Mitigation in  
the Haisborough, Hammond and Winterton Special Area of  
Conservation (Version 2)**

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29<sup>th</sup> April 2020

Our Ref: NE.NB.D9.08.HHW

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## 1 Introduction

- 1.1 Please find below Natural England’s comments on Additional information for the HHW SAC position paper Annex 2 Assessment of Additional Mitigation in the Haisborough, Hammond and Winterton Special Area of Conservation (Version 2) [REP6 – 019] as submitted by the Applicant at Deadline 6.

## 2 Summary

- 2.1 Natural England welcomes the further assessment undertaken by the Applicant to support their case that the project impacts have been sufficiently mitigated. Whilst the extensive mitigation measures significantly reduce the impacts and the likelihood of there being an Adverse Effect on Integrity (AEoI); Natural England fundamentally disagrees with the Applicant in relation to scale of the residual impacts and has identified remaining uncertainties i.e. reasonable scientific doubt on the likely success of the proposed mitigation measures such that an Adverse Effect on Integrity cannot be ruled out.

## 3 Detailed Comments

Para.	Page	Comment	RAG
13 Section 3.2		We reiterate that we can agree that decommissioning cable protection may change the impact to temporary, however, there is still a further consideration of significant temporal impacts from a lasting impact for >30 years. There is no evidence presented of what the impacts are likely to be on Annex I habitats and site conservation objectives from such a temporally long time and that habitat recovery is achievable to its pre-impacted state. It therefore can't be considered with certainty to be a temporary impact. In addition, it is our view that 30 years of change in habitat can't be considered to be a small scale loss/change.	
20		As set out above whilst the removal of cable protection would potentially change the impact to temporary the longevity of the impact and uncertainty in relation to recoverability means that Natural England is unable to say beyond reasonable scientific doubt no AEoI in relation to HHW SAC. In addition we would have expected impacts to Annex I Sandbank to have also been taken into consideration.	
28		Reference is made to cable protection, but it is not clear if that relates solely to concrete mattresses (or similar type product) as set out in the additional mitigation measures. We advise that it is clearly indicated whether the assessment is in relation to ideally only concrete mattress or, if still required, the worst case scenario for cable protection. However, if it is worst case scenario Natural England advises that decommissioning is not considered as a mitigation measure in which to be reliant on in the decision making process.	

4.2		<p><u>Favourable condition:</u></p> <p>Please see our response at Deadline 5 [REP5 – 078] in relation to the favourable condition status of the site:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-001745-DL5%20-%20natural%20England%20-%20Response%20to%20the%20Applicant's%20Summary%20of%20Oral%20Representations%20at%20ISH%204%20-%20Agenda%20Item%206a(i).pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-001745-DL5%20-%20natural%20England%20-%20Response%20to%20the%20Applicant's%20Summary%20of%20Oral%20Representations%20at%20ISH%204%20-%20Agenda%20Item%206a(i).pdf</a></p>	
37, Section 5.2		<p><u>Long term loss of Annex I Sandbank:</u></p> <p>Natural England notes that Norfolk Vanguard and Boreas consider only the delineated Sandbank feature and buffer zone as areas of Annex I Sandbanks that are to be managed for conservation as Sandbanks. However, the sediment between Sandbanks is also important for the functioning of the Sandbanks, as well as for Annex I Reef formation, and therefore impacts occurring between features may still be detrimental to the Annex I feature(s). A 2016 SNCB survey identified that the species composition in these areas was similar to that of the species composition within the Annex I features. Put simplistically, if these areas are sandy and dynamic they are considered important to / part of the Sandbank features and if stable and mixed sediment have the potential to support Reef habitat. The only areas thought not to be providing this important 'functionality' role is where exposed oil and gas pipelines transect the site. Therefore it cannot be determined that the impacts are small scale and inconsequential. However, we acknowledge that if mitigation measures were to fully deliver the desired outcome then the impacts to Annex I reef could potentially be minimised to an acceptable level/avoided.</p>	
Section 5.2		<p><u>Long term loss of Annex I Sandbank:</u></p> <p>How the impacts to Annex I Sandbanks are described in this section may mean that the conservation objective for the site is not delivered.</p>	
44		<p>Please note that this doesn't take into account any required mitigation for Archaeological finds. Please see our deadline 5 response REP5 - 081 for further information: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-001747-DL5%20-%20Natural%20England%20-%20Advice%20on%20Applicant's%20Clarification%20Note.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-001747-DL5%20-%20Natural%20England%20-%20Advice%20on%20Applicant's%20Clarification%20Note.pdf</a></p>	
45, 66		<p>Please be advised that Natural England doesn't consider that small impacts to Annex I reef or Sandbank to be De minimis especially if cable installation bisects the centre of a reef feature.</p>	
Section 5.1.6		<p><u>In-combination habitat loss with Norfolk Vanguard:</u></p> <p>We note that this section only considers the impacts from cable protection and not the other elements of the work.</p>	

5.2.3		<u>Scale of habitat loss:</u> Natural England notes that the references used are prior to the Sweetman Ruling and are for different Annex I habitats therefore there is limited relevance for this Project.	
58		Whilst we recognise that the Sweetman Rulings focus on loss of priority habitats, the Rulings are still applicable to assessing permanent losses to Annex I habitats such that the conservation objectives for the site are not hindered.	
Section 5.2.4		<u>Effect on structure, function and supporting processes:</u> Whilst we agree with the Applicant that the impacts to Annex I Sandbanks are persistent i.e. at any one point in time it may be exposed or buried we have to be precautionary in our assessment of the worst case scenario i.e. that the cable protection is exposed more than it is buried.	
60		Natural England agrees that if cable protection is limited to concrete mattresses (or similar type products) then the likely elevation of the protection ~ 50cm is likely to have the additive benefit of enabling natural processes to occur.	