



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms

Appendix L1 to the Natural England Deadline 2 Submission

**Natural England's Further Response and Comments on Responses by the Applicant
[REP1-036] to the Examining Authority's First Written Questions**

For:

The construction and operation of the Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms located approximately 16km and 27km respectively from the Norfolk Coast in the Southern North Sea.

Planning Inspectorate Reference: EN010109

7th March 2023

Appendix L1 Natural England's Further Response and Comments on responses by the Applicant [REP1-036] to the Examining Authority's First Round of Written Questions

Summary

Following submission of Natural England's and other consultees responses to the Examining Authority's first written questions in relation to SEP and DEP, Natural England has reviewed the Applicant responses. [REP1-036].

This document provides Natural England's response to questions where we deferred our response from Deadline 1 and also where we have highlighted the requirement for additional review of documents submitted by the Applicant at Deadline 1.

Q1.3. Benthic ecology, Intertidal, Subtidal and Coastal effects		Natural England's Response at Deadline 1	Applicant's Response at Deadline 1 [REP1-036]	Natural England's Response at Deadline 2	
Q1.3.1 Effects on Marine Life and Benthic Habitats including through Cable Installation Methods					
Q1.3.1.7	Applicant	<p>Cable Protection in the MCZ</p> <p>NE states regarding the MCZ states [RR-063, Appendix G, Paragraph 6,]: "<i>Of particular concern is the area of mixed sediment within the cable corridor, which has a more diverse community. Should cable protection be placed in this location then the conservation objectives to restore/maintain features will not be achieved</i>". In responding to this point, explain how the conservation objectives of the MCZ</p>	<p>Natural England will review the Applicant's Response.</p>	<p>The Applicant will make reasonable endeavours to avoid the need for external cable protection within the whole of the MCZ including within the mixed sediment feature. Micro-siting of the export cables within the wider export cable corridor will be used to avoid areas where burial is more likely to be challenging on account of ground conditions and ensure the amount of external cable protection required is minimised. However, as shown on Figure 7.1 of the Stage 1 CSCB MCZ Assessment (MCZA) [APP-077], the area of mixed sediment bisects the entire cable corridor and therefore it would not be possible to microsite around this. The Stage 1 MCZA [APP-077] assesses the potential impact of</p>	<p>Natural England welcomes the Applicants adoption of the mitigation hierarchy to minimise the impacts as much as possible. We also welcome the Applicant's acknowledgement that cable protection in mixed sediment which bisects the entire cable corridor is likely due to burial conditions.</p> <p>However, Natural England continues to disagree with the Applicants Stage 1 assessment due to the feature not being maintained where cable protection is placed for the lifetime of the project, with no guarantee of recovery post-decommissioning.</p>

		<p>can be maintained or restored if cable protection is used in this area.</p>		<p>long term habitat loss on the mixed sediment feature of the MCZ and concludes that that the conservation objective of maintaining the feature in a favourable condition or restoring it to favourable condition will not be hindered by the construction, operation and decommissioning phases of SEP and / or DEP.</p> <p>The CSCB MCZ is designated for seven broadscale marine habitat features (of which there are three in the offshore export cable corridor including Subtidal mixed sediments (A5.4)), two habitat features of conservation interest (FOCI) and one feature of ecological interest, as shown in Table 7-1 of the Stage 1 MCZA [APP-077]). The FOCI are: peat and clay exposures; and subtidal chalk – these are the specific habitats that are known to be threatened, rare or declining in our seas, and present in this MCZ. FOCI species and habitats may be more sensitive to pressures and hence need targeted protection. By contrast, protecting examples of broadscale habitats, such as</p>	<p>Please see out RR/WR [RR-063].</p> <p>As per our covering letter, Natural England will respond to Version B of the Proposed Without Prejudice DCO drafting document at deadline 3.</p> <p>Natural England notes and accepts the conditions for a Benthic mitigation plan. However, we consider that an outline mitigation plan should be provided to demonstrate the potential mitigation that could be implemented for all important receptors, including benthic reef features.</p>
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				<p>mixed sediments, across the MPA network aims to ensure that the full range of marine biodiversity in our seas is conserved. By definition, broadscale habitats are broadly (widely) distributed across both the MCZ (as shown in Figure 7.1 of the Stage 1 MCZA [APP-077]) and the wider region of the southern North Sea. Therefore there is very little basis for the suggestion that placing cable protection in one broadscale habitat over another in the same site will result in the Conservation Objectives not being achieved. As such, it is not necessary either to seek to avoid a particular broadscale habitat (nor could you do so with any degree of confidence – see below), or to suggest that avoiding works of a particular nature (in this case the use of external cable protection) is a necessary action to avoid hindering the Conservation Objectives.</p> <p>Further weight is given to this argument in considering what we know about the specific characteristics and distribution of</p>	
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				<p>this broadscale habitat feature within the cable corridor. As would be expected, there are differences in the distribution of habitats between the MCZ feature map (Natural England, 2020; Green and Dove, 2015) and the Applicant's own mapping, which is both more detailed and more recent. These differences are evident between Figures 7.1 and 7.2 of the Stage 1 MCZA [APP-077]. Specifically, with respect to subtidal mixed sediments (MCZA para 109), the Applicant's habitat mapping confirms that mixed sediment areas form a mosaic with subtidal coarse sediment areas for much of the offshore export cable corridor within the CSCB MCZ (these are the areas shown in green and orange on Figure 7.2). It is noted that it is difficult to delineate subtidal coarse and subtidal mixed sediment habitats in the offshore export cable corridor due to their similarity, with mixed sediment areas being close to the coarse sediment areas with a relatively low percentage of fines, but sufficient</p>	
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				<p>fine material to influence benthic communities.</p> <p>The key implication of this is that there can be no basis for any requirement to avoid areas of broadscale subtidal mixed sediment because they exist in a mosaic with other habitat types and it is not possible or appropriate to attempt to confirm their exact distribution, which is also likely to vary over time (Natural England, 2020).</p> <p>The final point relates to the suggestion that the mixed sediment areas have a more diverse community. This may be the case although as above cannot be said with any certainty with respect to any particular location due to the mosaic pattern of habitat distribution. Furthermore, as described in Section 8.2.2.2 of the Stage 1 MCZA [APP-077] (para 200) "All sediment biotopes, including those recorded in the SEP and DEP offshore export cable corridor, and the biotopes</p>	
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				<p>Natural England's AoO [Advice on Operations] identifies as being represented within CSCB MCZ sediment habitat features, have high sensitivity to physical change to another sea bed type with no resistance and very low resilience.". This confirms that, based on Natural England's own advice, there are no grounds for making a distinction between mixed sediment habitats and coarse sediment habitats because for the purpose of the assessment the sensitivity of benthic communities within them is the same.</p> <p>Condition 13 (i) of Schedules 10 and 11 and Condition 12 (j) of Schedules 12 and 13 of the Draft DCO (Revision C) [document reference 3.1] includes provision for a mitigation scheme for any benthic habitats of conservation, ecological and/or economic importance constituting Annex I reef habitats identified by pre-construction surveys and will be in accordance with the Offshore In Principle Monitoring Plan [APP-</p>	
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				289]. This is the appropriate approach to mitigating impacts on benthic habitats of conservation, ecological and/or economic importance, which would include the FOCI habitats discussed above.	
Q1.3.1.8	Applicant	<p>Cumulative Effect to MCZ</p> <p>NE [RR-063 Appendix G, Paragraph 9 and 10] state that <i>"the O&M phase activities for DEP (and or) SEP combined with DOW, SOW, Hornsea Project Three and on-going Oil and Gas impacts will result in lasting habitat change / physical disturbance which will further hinder the conservation objectives of the CSCB MCZ"</i> and that <i>"The risk of, and observed, reduction in designated habitat extent which has occurred and/or is predicted to arise</i></p>	Natural England will review the Applicant's Response.	<p>The conclusion within Chapter 9 Benthic Ecology [APP-094] is predicated on the evaluation of a medium sensitivity of the benthic habitats and biotopes within the export cable corridor (see Table 8-20 of [APP-094]) combined with a low magnitude of impact which is assessed given the small scale of the potential impact and the commitment that both projects have made to removal on decommissioning, thereby ensuring that although long lasting, the impact will not be permanent (i.e. the broadscale habitats concerned will not be removed and will therefore persist once the cable protection has been removed).</p> <p>The cumulative Stage 1 MCZA [APP-077] conclusions are summarised in Section 9 of that document. The assessments</p>	<p>Natural England draws the ExA attention to the Secretary of State (SoS) decision letter for Hornsea Project Three</p> <p><i>6.22 '...the Secretary of State considers that habitats which are subjected to cable protection, will experience the effects of habitat loss, habitat modification and changes in epifauna communities. As the cable protection will be in place for 35 years, this is considered a long-term effect. Furthermore, cable protection measures are likely to impede the restoration of the Annex 1 habitats for the duration that they are in place. These habitats are currently in an unfavourable condition, and delays to their restoration</i></p>

		<p><i>from the above developments has meant that the MCZ is highly likely to be taken further away from its required conservation state in the future.</i>" In that regard provide further explanation why the ES (APP-094, Paragraph 333] concludes that the cumulative effects on the MCZ with other projects amounts to only minor adverse significance.</p>		<p>conclude that the conservation objective of maintaining the protected features of the CSCB MCZ in a favourable condition or restoring them to favourable condition will not be hindered by the construction, operation and decommissioning phases of SEP or DEP in isolation, SEP and DEP, or cumulatively with any other plan, project or activity. To explain further, key points of note to draw out from the assessments already provided include:</p> <ul style="list-style-type: none"> • SOW and DOW do not contribute to lasting habitat change/loss (the O&M activities required only relate to temporary sea bed disturbance from export cable reburial, repair or replacement (i.e. there is no external cable protection to add to the cumulative long term habitat loss assessment from SOW and DOW)); • The Hornsea Project Three impact from lasting habitat change/loss is both very small (0.0009% of the total area of the MCZ or up to 0.016% of the subtidal sand feature) and only affects the subtidal sand 	<p><i>would be contrary to the Conservation Objectives for the SACs. The Secretary of State concludes that adverse impacts on Annex I feature 'sandbanks slightly covered by sea water all the time' from the Development alone and in combination with other projects and plans cannot be ruled out...'</i></p> <p><i>6.23 The Secretary of State therefore concludes that the Development does not meet the integrity test and that the further tests set out in the Habitats Regulations must be applied. These include an assessment of alternatives, Imperative Reasons of Overriding Public Interest ("IROPI") and environmental compensation.</i></p> <p>Similar conclusions were also included for the Norfolk Project SoS decision letters. We advise that, whilst the impacts relate to SAC features the same arguments should also apply to other marine protected</p>
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				<p>broadscale habitat (the majority of the SEP and DEP export cable corridor is within subtidal coarse and mixed sediments);</p> <ul style="list-style-type: none"> • Impacts from the existing pipelines at Bacton are considered to be part of the baseline. No information is available on any planned decommissioning works although if such works are undertaken, it is reasonable to assume that once the pressure has been removed from the site, habitats will recover; and • Consideration of the recent introduction of EIFCA fisheries management measures including byelaws and fisheries closures within the CSCB MCZ (see para 259 of the Stage 1 MCZA [APP-077]). These have been established in order to protect the features of the CSCB MCZ from the pressures of commercial fishing. The successful operation of these measures will lead to a reduction in pressure on the features of the CSCB MCZ. The reduction of such a pressure and the likely recovery that will follow, with that pressure having affected a much larger extent of 	<p>areas in similar condition and with restore/maintain conservation objective, such as Cromer Shoal MCZ.</p> <p>Natural England also highlights; whilst the original oil and gas pipelines within the site are part of the baseline, the additional pipeline protection is not part of the baseline and should be considered in combination. Again we draw the ExA attention to the revised Conservation Advice package for the Cromer Shoal Chalk Beds MCZ which is due to be published in Spring 2023 which will set out the in-combination impacts on the site.</p>
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				the site and over a much longer timeframe than any OWF proposal, must be given its due consideration in the balance of the overall cumulative assessment.	
Q1.3.2 Impact on subtidal chalk features					
Q1.3.2.1	Applicant	<p>Effects of HDD Exit Pits</p> <p>NE [RR-063 Appendix G, Paragraph 15] advises against the HDD exits pits being located in an area of subcropping chalk, with concern over cable protection use on chalk features within the MCZ. What alternatives were considered in this regard, and why were they dismissed?</p>	<p>We draw the ExA attention to Point Q1.3.1.1 above. Natural England will review the Applicant's Response.</p>	<p>During the pre-application consultation, including the early MEEB ETG discussions, the option for surface laid cables pinned to the seabed to avoid the need for external cable protection in the MCZ was considered. However, this was subsequently removed as an option due to fisheries related concerns raised by stakeholders (both snagging risk and the additional disturbance to fishing activity through the presence of surface marker buoys). It was also considered by the Applicant (paragraph 264 of ES Chapter 4 Project Description [APP-090]) that surface lay was not a viable option as it would not provide the necessary level of cable protection in the shallow nearshore environment. It would also be necessary to secure or 'pin' the cables to the sea bed in some manner to prevent their</p>	<p>Natural England acknowledges that the Applicant intends to install cables within the more stable areas of sand and sand/veneer which given the detailed information provided by the Applicant we can agree is not chalk. However, in order to punch out there is uncertainty that subcropping chalk will/won't be drilled through/impacted and if in creating the exit pits the use of a cofferdam etc. increases the likelihood of exposing subcropping chalk which has the potential to be impacted by machinery. Natural England advises that the onus is on the Applicant to avoid this happening. And that this will need to be revisited post</p>

				<p>movement in the shallow water depths and the presence of unconsolidated surface sediments (sand) in this area would not support such an action.</p> <p>The primary objective of the long HDD is to avoid the sensitive outcropping chalk feature in the nearshore for which the MCZ has been designated. This objective is achieved. The location of the HDD exit is described at paragraph 257 of ES Chapter 4 Project Description [APP-090]: “The HDD will exit in the subtidal, approximately 1,000m from the coastline (up to 1,150m from the onshore entry point).”. As is evident from the habitat map in the Stage 1 MCZA [APP-077] (Figure 7.2), this will be in an area of subtidal sand and/or coarse sediment (both broadscale habitats). Natural England’s advice against the HDD exits pits being located in an area of ‘subcropping chalk’ requires an appreciation of:</p> <ul style="list-style-type: none"> • What is meant by the subcropping chalk, in what form does it exist in the export cable 	<p>consent as part of the HDD implementation plan.</p>
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				<p>corridor and how does it correspond to the subtidal chalk FOCI for which the MCZ is designated (noting Natural England's advice in their Relevant Representation [RR-063] that 'chalk with sediment veneer' should be considered as subtidal chalk feature);</p> <ul style="list-style-type: none">• How, if deemed necessary, it would be possible to avoid subcropping chalk; • If it were possible to locate the HDD exit to avoid the subcropping chalk what alternative feature would it be possible to move the works to in order to secure a better environmental outcome; and• The limitations with respect to how far it is technically feasible to drill. <p>These are addressed in turn below.</p> <p>Subcropping chalk covers a large extent of the MCZ and was discussed with stakeholders in the ETG meetings, with those discussions resulting in the</p>	
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			<p>Applicant producing ES Appendix 6.3 Sedimentary Processes in the Cromer Shoal Chalk Beds MCZ [APP-182] and ES Appendix 6.4 Sheringham Shoal Nearshore Cable Route - BGS Shallow Geological Assessment [APP-183] which describe the sedimentary processes and geology along the export cable corridor in the MCZ. These were, in part, intended to address concerns around subcropping chalk and the potential for it to become exposed.</p> <p>It was subsequently agreed with Natural England and the MMO at Seabed ETG 2 following presentation of evidence contained in Appendix 6.3 [APP-182] that seabed sediments in the offshore export cable corridor within the CSCB MCZ are static, with the exception of Holocene sand / subtidal sand, which is mobile under some conditions. Therefore, the potential for subtidal chalk to be exposed in the future is restricted to the subtidal sand areas identified by the geophysical survey (as shown in Figure 7.2 of the Stage 1 MCZA [APP-077]).</p>	
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				<p>However, as set out in paras 116-117 of the Stage 1 MCZA [APP-077]: "given the thickness of the Holocene sands (generally up to 3m where it occurs from 500m to 4.5km offshore, and up to 2m, locally to 6m, in the seaward 2km of the cable corridor inside the MCZ), it would only be possible for movement of the feather edges (where the sediment is thin and could all move), to generate new sea bed substrate, including the potential to expose previously buried chalk if present directly below the sand layer without a static gravelly sand/sandy gravel layer in between. There is a deep infilled channel cut through the chalk to -17m LAT filled with Weybourne Channel deposits (Appendix 6.3 of the ES [APP-182] [visible on Figure 3.4]) located across the export cable corridor from approximately 750m to 1.5km offshore (Gardline, 2020a). It is likely that the offshore HDD exit location will be in this channel and therefore, given the depth of overlying sediment deposits there is no potential for exposure of chalk in this area. Survey data</p>	
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				<p>indicates that areas where there is potential for subtidal chalk to be exposed are of very limited extent within the offshore export cable corridor, and it is unknown if any such exposures would meet the criteria to be classified as the subtidal chalk habitat FOCI (e.g. criteria provided by Natural England for the Hornsea Project Three (RPS, 2020), or how persistent they would be. Therefore the MCZA is based on the known locations of subtidal chalk restricted to the outcropping subtidal rock feature in the inshore area of the CSCB MCZ only.". The Applicant considers that this provides a very clear and evidenced rationale for why it would not be appropriate to consider chalk with sediment veneer (subcropping chalk) as subtidal chalk feature – namely the subcropping chalk is too deep and/or unlikely to be exposed by the largely immobile sediments that lie on top of it.</p> <p>Of further note, the Applicant would draw attention to the description of the subcropping chalk feature provided</p>	
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			<p>throughout ES Appendix 6.3 [APP-182] which explains that the subcropping chalk is in an eroded form to a relatively flat and regular surface and that it is in no way similar to the complex erosional geo-structures of exposed chalk (such as ridges, pinnacles and arches) present in the nearshore. The implication of this is that in the unlikely event that subcropping chalk was in some way impacted by the works it is not reasonable to treat it as the same feature (the outcropping chalk) for which the MCZ has been designated.</p> <p>For these reasons the suggestion that subcropping chalk should be considered as subtidal chalk feature for the purpose of the assessment significantly overreaches the Conservation Objectives of the MCZ designation. Alongside this, there is a complete absence of any substantiated technical evidence to support such an action being necessary or appropriate. On the same basis, if it was deemed necessary to avoid subcropping chalk, it is difficult to see the</p>	
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				<p>case for how this would be possible based on the information that is available (which is extensive). The habitat mapping discussed above indicates that a shorter drill would reduce the distance between the HDD exit and the nearshore outcropping chalk feature, which would not be desirable, and would still be in the subtidal sand area. A longer drill would result in the HDD exit being in either sand or coarse sediment with the same or similar environmental outcome.</p>	
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Q1.3.4 Effects on the Marine Conservation Zone

Q1.3.4.4	Applicant Marine Management Organisation	<p>Condition Assessment for the Marine Conservation Zone</p> <p>In the absence of any official condition assessment, what assumptions can be made with regards to the condition and quality of the MCZ [APP-084] and the desirability for its conservation?</p>	As the SNCB with responsibility for updating the conservation advice and condition assessment, Natural England advises the Cromer Condition Assessment is	The Applicant does not consider it appropriate to make assumptions with regard to the condition and quality of the MCZ and defers to Natural England as the competent authority for providing condition assessments for MCZs. It does however note that the recent introduction of fisheries byelaw areas will have a positive effect on the MCZ by reducing pressure from fishing. The reduction of such a pressure and the likely recovery that will follow, with that pressure having	Natural England advises that updated Conservation Advise packages will be published in Spring 2023 and we will work with the Applicant to ensure that it is taken into consideration for this site.
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			<p>likely to be submitted in spring 2023. We will provide further update at Deadline 2.</p>	<p>affected a much larger extent of the site and over a much longer timeframe than any OWF proposal, must be given due consideration.</p> <p>It is noted that at the time of writing (February 2023) the condition assessment has not been updated, although Natural England has advised in its relevant representation [RR-063] that it expects this to be available in the New Year (2023). Natural England has since advised the Applicant that the condition assessment is expected to go online this quarter and Conservation Advice published by end of March. However we highlight that a change in the condition assessment is not anticipated to result in a change to the Applicant's assessment conclusions that the conservation objective of maintaining or restoring the MCZ features to a favourable condition would not be hindered. This is because the assessment has already considered a recover objective in reaching its conclusions (as set out at paragraph 15 of the Stage</p>	
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				<p>1 CSCB MCZA [APP-077]) and the fundamental points that underpin that assessment remain unchanged.</p> <p>Notwithstanding this, once it is available the Applicant will review the evidence that the updated condition assessment relies on. We do however note that the anticipated timing for its release during Examination will be a challenge, more so the later it is received</p>	
Q1.3.4.5	Marine Management Organisation	<p>Marine Conservation Zone position statement</p> <p>Confirm, in a simple tabular format, whether you are content with the Applicant's assessment of effects, mitigation, MEEB and conclusions regarding the Marine Conservation Zone, or if more work is required. Suggested table headings: Species / Agree methodology (Y/N) /</p>	<p>Natural England has spoken to the MMO and recognise this is our remit. We will respond on this for Deadline 2.</p>	N/A	<p>Please see Natural England's assessment of effects, mitigation, MEEB and conclusions regarding the Marine Conservation Zone in NE Table 1 below.</p>

		<p>Agree assessment of effects (Y/N) / mitigation suitable (Y/N) / MEEB suitable (Y/N) agree conclusions (Y/N)</p> <p>The table produced will also be requested for the final deadline in the Examination to provide a summary of where outstanding issues, if any, remain. This may form part of the statement of common ground.</p>			
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NE Table 1 Q1.3.4.5 Marine Conservation Zone Position Statement – NE Response.

Designated Feature	Agree methodology (Y/N)	Agree assessment of effects (Y/N)	Mitigation suitable (Y/N)	Agree conclusions (Y/N)
Moderate energy infralittoral rock	N ¹	Y	Y	Y
High Energy infralittoral rock	N ¹	Y	Y	Y
Moderate energy circalittoral rock	N ¹	Y	Y	Y
High energy circalittoral rock	N ¹	Y	Y	Y
Subtidal chalk	N ²	N ³	N ⁴	N ⁶
Subtidal Coarse Sediments	N ¹	N ³	N ⁴	N ^{5,6}

Designated Feature	Agree methodology (Y/N)	Agree assessment of effects (Y/N)	Mitigation suitable (Y/N)	Agree conclusions (Y/N)
Subtidal mixed sediments	N ¹	N ³	N ⁴	N ^{5,6}
Subtidal Sand	N ¹	N ³	N ⁴	N ^{5,6}
Peat and Clay exposures	Y	N ³	N ⁴	N ⁶
North Norfolk Coast (Subtidal)	Geomorphological feature, relevant features above used as a proxy to assess feature.			

Greyed Out – Habitat scoped out due to HDD beyond nearshore features

1. Methodology based on function of broadscale habitat. Doesn't account for sub-features of broadscale features which do have defined function and sensitivities for which impacts should be avoided. (See NE R&I Log, point G2). Discussions ongoing
2. Methodology limited to assessing outcropping (exposed chalk) only. Natural England consider sub-cropping chalk (chalk covered with a veneer of sediment) to also comprise the subtidal chalk feature. Discussions ongoing, but reflect that this is in relation to the exit pits only as agreed on the cable route.
3. Natural England doesn't agree with Applicant's stage one MCZ assessment in relation to defining magnitude of impact. See point G1 of Natural England's R&I log, discussions ongoing on assessment methodologies.
4. Whilst Natural England are content with some of the proposed mitigation measures there are still ongoing concerns relating to other methods of mitigation and other proposed mitigation methods which will need to be secured within a dML/DCO. Therefore, mitigation for each of these protected features currently classified as "N" until issues are resolved. Please see Table 1 of Appendix G of Natural England's Relevant Representations [RR063] for summary of our position.
5. Further work required on how sediment will be removed, stored and redistributed from exit pits and the sediment transportation impacts from secondary scour.
6. Natural England Doesn't agree with the applicant's conclusion that there no significant risk of activity hindering conservation objectives either alone or in combination from this development.

General point: should the Applicant revise their assessment, in line with our comments or otherwise, our view on the assessment as outlined in the Table may also change.

Q1.13. Habitats and Ecology Onshore		NE Response Deadline 1	Applicant Response Deadline 1	Natural England Response Deadline 2	
Q1.13.1 Effects on European Designated Sites and Sites of Special Scientific Interest					
Q1.13.1.1	Local Authorities Environment Agency Natural England	<p>Air Quality and Screening of Ecological Sites</p> <p>Can you confirm if the approach to the selection of all the relevant European sites, the scopes of the in-combination assessment, the assessments and the conclusions reached by the Applicant is acceptable [APP-108, paragraph 138 (though not limited to that paragraph only)].</p>	<p>Please refer to Natural England’s comments regarding air quality in our relevant representation [RR-063] point 18. We refer the Applicant to Natural England’s standing advice for ancient woodland and the management of buffers Ancient woodland, ancient trees and veteran trees: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk).</p>	<p>The Applicant will be submitting a supplementary Technical Note at Deadline 2 (see the Applicant’s response to Q1.13.3.2), which it is anticipated may address elements of the responses made to this Written Question by local authorities, the Environment Agency and/or Natural England in the circumstance that their response is to ask for more information to be provided by the Applicant on the screening and assessment of the ecological sites.</p>	<p>Natural England will respond to the Applicant’s Technical Note at Deadline 3.</p>

Q1.18. Seascape and Visual Effects			Natural England Deadline Response	Applicant Deadline 1 Response	Natural England Deadline 2 Response.
Q1.18.3 Effects on Designated and Historic Landscapes					
Q1.18.3.4	The Applicant Natural England	<p>Agreement between Parties</p> <p>Set out, in further detail, the specific factors which might prevent agreement being reached on Seascape matters and outline what proposals you can bring forward which could enable agreement to be reached during the course of the examination.</p>	<p>Natural England has provided our advice in our Relevant Representation [RR-063].</p> <p>We defer until the Applicant has responded to our representation at Deadline 1.</p>	<p>The assumption is this item relates to NE'S position regarding the effect on the NCAONB, given the high level of agreement from a seascape aspect reached with their parties, as confirmed at ISH2 and in the various SoCGs. Factors agreed with NE (and others) include overall methodology (in respect to our approach), and baseline, and the conclusions of the assessment of seascape effects. The main disagreement with NE is the effect on landscape character, a small difference in judgements on receptors (where NE have made a judgement) and the additionality or CIA point which feeds into differences on judgements of significance. The Applicant and Natural England agree</p>	<p>Natural England refers the Applicant to the Statement of common Ground the Applicant intends to submit at Deadline 2 and Natural England's risk and Issues Log [REP1-138], where we are likely to highlight areas of agreement.</p>

				<p>adverse effects will occur on the AONB, but there is disagreement about the precise quantum of the effects. So far as possible the applicant has endeavoured to avoid, or where not possible, reduce the effects on the designated landscape, in line with national policy requirements (such as paragraphs 5.9.12 and 5.9.13 of NPS EN-1), and it is the applicant's position that the effect on the AONB is Moderate to Slight adverse, not significant, and the integrity of the NCAONB and its purpose is maintained. The Applicant has undertaken a full and robust SVIA. NE have not, perhaps understandably given resource limitations, and their judgements are based on a peer review of the Applicant's SVIA, site work, but also informed by a mathematical approach to assessing what they refer to as 'apparent height' of the</p>	
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				<p>turbines when compared to the existing turbines. This approach was developed for other purposes and perhaps explains some of the differences which are unlikely to narrow. That said, the difference in respect to the effects on receptors, where NE have made a judgement and disagree (4no) is only half a 'notch' (moderate against major moderate) for 3 of these 4 receptors, which includes, importantly (given their remit), the overall assessment on the AONB, and is indicative of the normal range of judgements different landscape architects record in assessments, reflecting the acknowledged subjective nature of the assessment. The applicant and NE agree on 3 receptors, whilst NE do not state a position on 10 other receptors assessed by the applicant, reflecting the fact NE has not undertaken a full assessment.</p>	
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				<p>Whilst Natural England consider an 'agree to disagree' position is likely, Natural England's Section 42 response, appended to the Relevant Representation, stated at paragraph 57: "...there is in fact little difference between the Applicant's judgement and our own..." suggesting this is simply a matter of a difference in professional judgement and interpretation of the evidence. NPS EN-3 (para 2.6.308) acknowledges, due to the nature of the OFW technology, adverse effects are likely to occur which is not a reason to refuse permission. The contrast in scale and arrangement of turbines is inevitable given the projects are extensions of older wind farms, the requirements set out by the Crown Estate at the outset, and the need to deliver renewable energy and maximise capacity in a viable manner. It is these factors which contribute to</p>	
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				adverse effects, noting the considerable efforts that have been made to weigh all the environmental and technical factors in the balance and to minimise adverse effects at all stages.	
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