

Date: 07 March 2023  
Our ref: Case: 13015 Consultation: 424153  
Your ref: EN010109



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**BY EMAIL ONLY**

Dear Sir/Madam

Sheringham Shoal Extension (SEP) and Dudgeon Extension (DEP) Offshore Wind Farms

The following constitutes Natural England's formal statutory response for Examination at Deadline 2.

**1. Natural England Deadline 2 Submissions**

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 1. Please find a summary of Natural England's position regarding these documents in Table 1 below. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:

- EN010109 424153 SEP DEP Appendix C1 - Natural England's Comments on Gateshead Tower Modification [REP1-055] and Sandwich Tern [REP1-058] Productivity Technical Notes Deadline 2
- EN010109 424153 SEP DEP Appendix E1- Natural England's Comments to 13.5 Marine Processes Technical Note [REP1-059] Deadline 2
- EN010109 424153 SEP DEP Appendix I2 - Natural England's Comments on the CoCP, EMP, LMP [REP1-023, REP1-025, REP1-027] Deadline 2
- EN010109 424153 SEP DEP Appendix L1 - Natural England's Further Responses to ExA

Written Questions 1 Deadline 2

- EN010109 424153 SEP DEP Appendix K1 - Natural England's Risk and Issues Log  
Deadline 2

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

Yours sincerely

Adam Chambers and Zara Ziauddin

Norfolk and Suffolk / East Midlands Area Teams

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Table 1 Natural England's Response/Summary Position to the Applicant's Documents Submitted at Deadline 1.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
	3.1 Draft Development Consent Order (Revision C) Clean Version	<p>Natural England notes the changes made to the conditions set out in Schedule 17 Part 1 and 2 Conditions 5 and 14. While the changes proposed do provide some assurances that the requirements to implement, notify the secretary of state of the implementation and to only decommission compensation requirements with approval of the secretary of state (SoS), remain in the event of third-party compensation. However, Natural England queries, especially with regard to (b) and (c) of this condition, what would happen if the third party did not provide the required compensation, or if the compensation was provided on a different timescale, location or agreed methodology? Should conditions 9 and 18 also be listed within those conditions stated as notwithstanding and should further drafting of (a)-(c) be made to make it clear the applicant would have duties to inform and gain approval of the SoS should any changes to approved timings and methodologies occur? We would recommend consideration of including requirements for adaptive management, approved by the SoS in consultation with the relevant SNCB, in the event of failure of third-party compensation. Further, we question how success of the compensation under third parties will be monitored and reported to the SoS. The current drafting does not cover such requirements.</p> <p>Further, it should be noted that the Marine Recovery Fund (MRF) will not be in place until after the Examination has closed. Therefore, it is difficult to judge which protective provisions will be captured within the MRF and which are required within the DCO. Therefore, we would advise a precautionary approach is considered with regard to ensure the DCO allows for monitoring, adaptive management and enforcement to ensure appropriate compensation should the MRF fund be used.</p>
REP1-003	3.1.1 Draft Development Consent Order (Revision C) (Tracked)	
REP1-004	3.1.2 Schedule of Changes to Revision C of the Draft Development Consent Order	

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
		There are several changes made to various conditions throughout the DCO, and its schedules, in response to other comments we have raised. Our response to these changes is recorded within the DCO section of our updated Risks and Issues Log.
REP1-005	3.1.3 Proposed Without Prejudice DCO Drafting	We note the Applicant is intending to submit an updated version of this document at Deadline 2, along with further updated documentation with regard to the proposed Measures of Equivalent Environmental Benefit (MEEB). Therefore, we will review the updated document in context along with the Deadline 2 submissions and provide a response to any changes to the proposed wording at Deadline 3.
REP1-009	5.6.4.1 Appendix 4 - Assessment of Potential Impacts on Cromer Shoal Chalk Beds Marine Conservation Zone Features from Planting of Native Oyster Beds (Revision B) (Tracked)	Natural England supports the changes to address our concerns in relation to the location of the proposed Oyster Bed.
REP1-010	5.6.4 Appendix 4 - Assessment of Potential Impacts on Cromer Shoal Chalk Beds Marine Conservation Zone Features from Planting of Native Oyster Beds (Revision B) (Clean)	
REP1-011	5.7.1 Appendix 1 In-Principle Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Measures of Equivalent Environmental Benefit (MEEB) Plan (Revision B) (Clean)	Natural England advises the updates on biosecurity measures are welcomed and as above we support the change in location for the Oyster bed.
REP1-012	5.7.1.1 Appendix 1 In-Principle Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Measures of Equivalent Environmental Benefit (MEEB) Plan (Revision B) (Tracked)	
REP1-013	9.4 Draft Marine Mammal Mitigation Protocol (Revision B) (Clean)	Natural England notes the removal of "Annex 1: Vessel Good Practice and Code of Conduct to Avoid Marine Mammal Collisions" from the MMMP and an extra paragraph has been added to the start of the MMMP to state that this has been moved to the Offshore PEMP. The Offshore PEMP and the corresponding changes have been made. As understood, Natural England notes that the PEMP is a document that has to be agreed and signed off as part of pre-construction conditions so Natural
REP1-014	9.4.1 Draft Marine Mammal Mitigation Protocol (Revision B) (Tracked)	

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		England believes that this is equivalent to the vessel good practice and code of conduct being 'conditioned'.
REP1-015	9.9 Outline Offshore Operations and Maintenance Plan (Revision B) (Clean)	Natural England apologises for any misconception as a result of our relevant and written representation in regards to the placement of cable protection over the lifetime of the project both inside and outside of designated sites. For audit trail purposes and avoidance of doubt Natural England advises that currently the assessed operational impact is specific to cable protection installed during the construction phase. Further cable protection installed during the operational phase/over the lifetime of the project would not be covered by the original ES/HRA assessment.
REP1-016	9.9.1 Outline Offshore Operations and Maintenance Plan (Revision B) (Tracked)	<p>It is important that a distinction is made between cable protection installed during construction and immediate remedial action that can be addressed whilst completing construction, and further remedial action needed once the project has become operational. If the Project anticipates that there may be a 'snagging' phase once construction has completed, we advise that further details of what may be required need to be provided. <u>Once operational, any increase in the cable protection footprint over the lifetime of the Project within a designated site will require a new Marine Licence.</u> Once operational, if there is any increase in the cable protection footprint outside of designated sites, the need for a new consent can be considered, but a clear assessment of WCS will be required in any event.</p> <p>The request for the 5 year review inside designated sites (and 10 outside) of the O&amp;M plan is consistent across all marine industries to ensure that the plan remains fit for purposes and covers all O&amp;M activities including associated works i.e. vessel movements from ports to the array or export cable. Please note this does not currently mean that cable protection and scour prevention can continue over a 5 year period. We would welcome further</p>

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		clarification on this point and have included it as a new point on our risks and issues log until resolved.
REP1-017	9.10 Outline Project Environmental Management Plan (Revision B) (Clean)	Ornithology: As Natural England understands, the Applicant intends to submit further information in relation to ornithology, at Deadline 2. Therefore, Natural England will respond on the ornithological aspects of the PEM at Deadline 3. In the interim, Natural England refers the ExA to comments within our Relevant Representation [RR-063] and our response to the Examiners question (Appendix L1 - Natural England's Further Responses to ExA Written Questions 1 Deadline 2).  Marine Mammals: Natural England notes the PEMP now incorporates a Vessel Good Practice and Code of Conduct to Avoid Marine Mammal Collisions, which was originally included in Annex 1 of the Draft MMMP [APP-288]. We have no further comment in relation to these updated documents with regard to marine mammals.
REP1-018	9.10.1 Outline Project Environmental Management Plan (Revision B) (Tracked)	
REP1-019	9.13 Disposal Site Characterisation Report (Revision B) (Clean)	Natural England welcomes the updates in relation to a single gravity base foundation and commitments in relation to undertaking further sediment contamination samples. Natural England defers to the MMO and CEFAS to agree the proposals for those sediment samples. Natural England's advice in relation to sediment disposal occurring within areas of similar areas of similar particle size remain unchanged, especially within designated sites.
REP1-020	9.13.1 Disposal Site Characterisation Report (Revision B) (Tracked)	
REP1-023	9.17 Outline Code of Construction Practice (Revision B) (Clean)	Please refer to Natural England's Comments on the CoCP, EMP, LMP [REP1-023, REP1-025, REP1-027].
REP1-024	9.17 Outline Code of Construction Practice (Revision B) (Tracked)	
REP1-025	9.18 Outline Landscape Management Plan (Revision B) (Clean)	Please note that for these documents, in line with our review of the 13.10 Bats - Alderford Common SSSI and Swannington Uppate Common SSSI Technical Note [REP1-63] we defer our comments in relation to bats to Deadline 3.
REP1-026	9.18.1 Outline Landscape Management Plan (Revision B) (Tracked)	
REP1-027	9.19 Outline Ecological Management Plan (Revision B) (Clean)	

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REP1-028	9.19.3 Outline Ecological Management Plan (Revision B) (Tracked)	
REP1-033, REP1-034 and REP1-035	The Applicant's Comments to Relevant Representations 12.3.1 Appendix A - Supporting Figures for the Applicant's Comments to Relevant Representations	This is still under review, and we may have further comments at Deadline 3 reflected through our Risk and Issues Log. However, we remind the Examining Authority (ExA) that, as stated in our Deadline 1 cover letter [REP1-035], Natural England will not be responding to commentary on our representations.
REP1-036	12.4 The Applicant's Responses to the Examining Authority's First Written Questions	Please see Appendix L1 Natural England's Further Response and Comments on Responses by the Applicant [REP1-036] to the ExA's First Written Questions.
REP1-037	12.4.1 Appendix A – Supporting Figures for the Applicant's Responses to the Examining Authority's First Written Questions	
REP1-039	12.4.2 Appendix B.4 – Supporting Documents for the Applicant's Responses to the Examining Authority's First Written Questions	
REP1-055	13.1 Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note	Natural England has provided a response to Question Q1.3.4 Condition Assessment for the Marine Conservation Zone deferred from Deadline 1. In addition, Natural England has responded to the Applicant's response to questions highlighted in our Deadline 1 for our review.  Natural England may have further comments, to the Applicant's responses, however we recognise there is likely to be a second round of ExA's written questions published on 12 April for submission at Deadline 3 and therefore any requirement for response may be superseded.
REP1-056	13.2 Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note	Please see Appendix C1 Natural England's Comments on 13.1 Gateshead Kittiwake Tower Modification [REP1-055] and 13.4 Sandwich Tern [REP1-058] - Quantification of Productivity Benefits Technical Notes
REP1-057	13.3 Apportioning and Habitats Regulations Assessment Updates Technical Note	As Natural England understands, the Applicant intends to provide a further update at Deadline 2. Therefore, following review, Natural England intends to provide detailed comments at Deadline 3.
REP1-057	13.3 Apportioning and Habitats Regulations Assessment Updates Technical Note	As Natural England understands, the Applicant intends to provide a further update at Deadline 2. Therefore, Natural

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
		England intends to provide further detailed comments at Deadline 3
REP1-058	13.4 Sandwich Tern – Quantification of Productivity Benefits Technical Note	Please see Appendix C1 Natural England's Comments on 13.1 Gateshead Kittiwake Tower Modification [REP1-055] and 13.4 Sandwich Tern [REP1-058] - Quantification of Productivity Benefits Technical Notes
REP1-059	13.5 Marine Processes Technical Note	Please see Appendix E1- NE Further Response to [REP1-059] 13.5 Marine Processes Technical Note
REP1-061	13.7 Habitats Regulations Assessment Derogation and Compensatory Measures Update	Natural England will provide further detailed comments at Deadline 3 (D3).
REP1-063	13.10 Bats - Alderford Common SSSI and Swannington Ugate Common SSSI Technical Note	Natural England will provide further detailed comments at Deadline 3 (D3).