

Date: 13 June 2023
Our ref: Case: 13015 Consultation: 436963
Your ref: EN010109



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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 5.

1. Natural England's Deadline 5 Submissions

Natural England has screened the relevant documents submitted by the Applicant at Deadline 4. These documents are listed in Annex A below. Natural England is also submitting the following detailed responses, signposted from Annex A, within the following thematic appendices:

- EN010109 436963 SEP DEP Appendix A2 - Natural England's Further Response to 9.5 Offshore In Principle Monitoring Plan (Revision B) [REP4-014] Deadline 5
- EN010109 436963 SEP DEP Appendix B1 - Natural England's Offshore Ornithology Position at Deadline 5
- EN010109 436963 SEP DEP Appendix C3 - Natural England's Further Response to Offshore Ornithology Compensation at Deadline 5
- EN010109 436963 SEP DEP Appendix K3 - NE's Risk and Issues Log D5 Update
- EN010109 436963 SEP DEP Appendix L3 – Natural England's Response to ExA Third Written Questions at Deadline 5

2. Issue Specific Hearing

Natural England notes the Rule 13 Notice of Issue Specific Hearings to be held on 21 and 22 June 2023. Due to the focus of the proposed agendas, coupled with significant offshore wind workload pressure and associated resource constraints, we advise it is not our intention to attend the June hearings. However, we would welcome the opportunity to respond to any specific written questions the ExA have for Natural England following the Hearings.

3. Examining Authority's Third Written Questions

Natural England's response to the Examining Authority's Third Written questions is presented in Appendix L3. Please note, due to unforeseen circumstances, a response to the question in relation to the proposed designation of Wensum Woods is deferred until Deadline 7 at the latest.

4. Development Consent Order

Natural England notes that a new interpretation for Natural England has been secured within Article 2 of the Development Consent Order (DCO). We understand this has been included at the request of the Local Planning Authorities, however, no discussion with Natural England was undertaken prior to this change. Further, we do not agree with the change as this makes the drafting inconsistent when referring to the statutory nature conservation body, it also makes the drafting inconsistent with other similar DCOs and could lead to confusion. Our preference would be for the drafting to refer to the Statutory Nature Conservation Body throughout the DCO as this ensures clarity and future proofs the document against potential change.

Natural England has updated our Risks and Issues log (Appendix K3, Sheet A) in response to the other changes within the DCO.

5. Offshore Ornithology and Compensation

We note the Applicant provided an updated Habitat Regulations Assessment HRA Integrity Matrices [REP4-102] at Deadline 4. We wish to remind the Examining Authority that this represents the Applicant's position in regards integrity assessments and therefore we do not intend to comment on this document. In Appendix B1, Natural England has provided a paper setting out our final positions on the potential for Adverse Effects on Integrity (AEoI) on key Special Protection Area (SPA) seabird features. The paper indicates those SPA features where relevant information is scheduled to arrive at Deadline 5 and therefore final positions are not yet provided.

Following our advice, Natural England welcomes the inclusion of the Greater Wash Special Protection Area (SPA) Common Scoter screening assessment at Deadline 4 [REP4-010]. We agree with the Applicant's conclusion of no potential for likely significant effect (LSE) for this feature, alone or in-combination and therefore are satisfied that it can be screened out.

In Appendix C3 Natural England has provided further comment to the Applicant's updated documents in relation to Ornithology compensation. Natural England wishes to highlight our concerns with the level of progress with the Sandwich tern compensation proposals given the Examination is nearing its end. Whilst we continue to support the proposals at Loch Ryan in principle, the level of detail currently provided means there can only be limited confidence that appropriate compensatory measures can be secured. We recommend the Applicant bring forward further detail regarding the tenure, location, design and proposed operation of the inland pool for stakeholder comment as a matter of urgency.

6. Marine Mammals

The Applicant has updated their assessment of in-combination seasonal disturbance to the Southern North Sea Special Area of Conservation (SNS SAC) as requested. The updated assessment shows an increase in the maximum and average in-combination overlap with the summer and winter area, with all scenarios exceeding the threshold. Natural England maintains its previous concerns around the Site Integrity Plan (SIP) process and considers that the Applicant should commit to mitigation now in-principle in order to reduce impacts and therefore the potential for adverse effects in-combination..

The even greater levels of disturbance predicted in the updated assessment of the SNS SAC raises further concerns on how this will be effectively mitigated. . Natural England considers it likely that measures will need to be implemented to reduce the noise levels of individual projects (e.g. through the use of noise abatement systems) and/or limit the number of projects undertaking noisy works in the relevant season and area of the SNS SAC. Indeed, the Applicant refers to a potential mitigation measure, namely to undertake piling outside the relevant season and area of the SNS SAC. Committing to a mitigation measure such as this now is strongly advised and would reduce the risk to the project compared to delaying consideration of mitigation much closer to construction. However, such a commitment would need to be secured through an appropriate condition or within outline mitigation documentation.

Natural England is still reviewing the updated population modelling provided by the Applicant, we will provide further comment on the outstanding issues at Deadline 6 on 20th June. Our Risks and Issues log (Appendix K3; Sheet D) has been updated to reflect the current position of all other Marine Mammal issues.

7. Terrestrial Ecology

Natural England has reviewed the Applicant's updates to the Outline Ecological management Plan, Landscape Management Plan and Code of Construction Practice [REP3-065, REP3-067, REP3-069, REP4-017. Our Risks and Issues log (Appendix K3; Sheet I) has been updated to reflect the current position of terrestrial ecology. issues.

8. Natural England's Response to the Deadline 3 Submission from the Norfolk Coast AONB [REP3-149]

As highlighted at Deadline 4, as the Government's statutory advisor for seascape and landscape, Natural England notes the response presented by the Norfolk Coast Area of Outstanding Natural Beauty (AONB) to the Examining Authority's Second Written Questions (WQ2) [REP30149]. Natural England believes that further clarity is required and intends to respond to this submission by the AONB at Deadline 6.

9. Onshore Cable Construction Scenario

Natural England remains concerned that a vital mitigation measure during the construction phase for both onshore ecology and the Norfolk Coast AONB is that, should both projects be approved, for the onshore cabling to be installed simultaneously and not sequentially. If sequential installation is progressed then the first project must install the infrastructure for both projects. The importance of the AONB justifies the most effective mitigation being applied as is consistent with the approach agreed for East Anglia ONE North and East Anglia TWO offshore windfarms which cable through the Suffolk Coast and Heaths AONB..

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

Yours sincerely

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Annex 1 Natural England's Review of Documents Submitted at Deadline 3 and 4.

PINS Document Reference	Applicant's Document Name	Natural England's Review/Sign Posting
PD-017	Examining Authority's (ExA) Third Written Questions	Please refer to Appendix L3 for our response to relevant questions.
Offshore Ornithology and Compensation		
REP4-042	18.16 Review of 2022 HPAI Outbreak on Relevant UK Seabird Colonies	Please refer to Section 5 of the Cover Letter and Appendix B1 for further detailed advice.
REP3-091	13.4 Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) (Clean).pdf	Please refer to Section 5 of the Cover Letter and Appendix C3 for Natural England's detailed comments.
REP3-092	13.4.1 Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) (Tracked).pdf	
REP3-087	13.1 Gateshead Kittiwake Tower Modification Quantification of Productivity Benefits (Revision B) (Clean).pdf	
REP3-088	13.1.1 Gateshead Kittiwake Tower Modification Quantification of Productivity Benefits (Revision B) (Tracked).pdf	
REP3-095	13.7 Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) (Clean).pdf	
REP3-096	13.7.1 Habitats Regulations Assessment necessary. Derogation and Compensatory Measures Update (Revision B) (Tracked).pdf	
REP3-021	5.5.4 Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (Revision B) (Clean).pdf	
REP3-022	5.5.4.2 Appendix 4 Gannet, Guillemot and Razorbill Compensation Document (Revision B) (Tracked).pdf	
REP3-023	5.5.4.3 Annex 4B Auk Bycatch Reduction Feasibility Statement.pdf	
Marine Mammals		
REP3-115	16.14 Marine Mammals Technical Note and Addendum	For Natural England's response, please refer to Section 6 of the Cover Letter and our updated comments/position within the Issues and Risks Log in Appendix K3. We will provide further response at Deadline 6.

PINS Document Reference	Applicant's Document Name	Natural England's Review/Sign Posting
DCO		
REP3-009	3.1 Draft Development Consent Order (Revision F) (Clean).pdf	Please refer to Section 4 of the Cover Letter and updates to the Risks and Issues Log in Appendix K3.
REP3-010	3.1.1 Draft Development Consent Order (Revision F) (Tracked - Revisions E F).PDF	
REP3-011	3.1.2 Schedule of Changes to Revision F of the Draft Development Consent Order.pdf	
REP3-013	3.2 Explanatory Memorandum (Revision E) (Clean).pdf	
REP3-014	3.2.1 Explanatory Memorandum (Revision E) (Tracked).pdf	
REP4-003	3.1 Draft Development Consent Order (Revision G) (Clean)	
REP4-004	3.1.1 Draft Development Consent Order (Revision G) (tracked)	
REP4-005	3.1.2 Schedule of changes to Revision G of the draft development consent order	
REP4-007	3.2 Explanatory Memorandum (Revision F) (clean)	
REP4-008	3.2.1 Explanatory Memorandum (Revision F) (Tracked)	
REP4-009	5.4.2 Appendix 2 Habitats Regulations Assessment Screening Matrices (Revision B) (Clean)	Please refer to Section 5 of the Cover Letter.
REP4-010	5.4.2.1 Appendix 2 Habitats Regulations Assessment Screening Matrices (Revision B) (Tracked)	
REP4-011	5.4.3 Appendix 3 Habitats Regulations Assessment Integrity Matrices (Revision B) (Clean)	
REP4-012	5.4.3.1 Appendix 3 Habitats Regulations Assessment Integrity Matrices (Revision B) (Tracked)	
REP4-013	5.4.4 HRA Updates Signposting Note	
Terrestrial Ecology		
REP3-064	9.17 Outline Code of Construction Practice (Revision C) (Clean).pdf	Please refer to Section 7 of the Cover Letter and updates to the Risks and Issues Log in Appendix K3.
REP3-065	9.17.1 Outline Code of Construction Practice (Revision C) (Tracked).pdf	
REP3-066	9.18 Outline Landscape Management Plan (Revision C) (Clean).pdf	
REP3-067	9.18.1 Outline Landscape Management Plan Section 5 of this letter. (Revision C) (Tracked).pdf	
REP3-068	9.19 Outline Ecological Management Plan (Revision C) (Clean).pdf	

PINS Document Reference	Applicant's Document Name	Natural England's Review/Sign Posting
REP3-069	9.19.3 Outline Ecological Management Plan Section 5 of this letter. (Revision C) (Tracked).pdf	
REP4-016	9.17 Outline Code of Construction Practice (Revision D) (Clean)	
REP4-017	9.17.1 Outline Code of Construction Practice (Revision D) (Tracked)	
IPMP, PEMP and OOMP		
REP4-014	9.5 Offshore In Principle Monitoring Plan (Revision B) (Clean)	Please refer to Appendix A2 Natural England's detailed comments.
REP4-015	9.5.1 Offshore In Principle Monitoring Plan (Revision B) (Tracked)	
REP3-060	9.10 Outline Project Environmental Management Plan (Revision C) (Clean).pdf	Our advice on these documents is included as part of our response to the ExA Third Written Questions in Appendix L3.
REP3-061	9.10.1 Outline Project Environmental Management Plan (Revision C) (Tracked).pdf	
REP3-058	9.9 Outline Offshore Operations and Maintenance Plan (Revision C) (Clean).pdf	
REP3-059	9.9.1 Outline Offshore Operations and Maintenance Plan (Revision C) (Tracked).pdf	
Seascape Visualisation Impact Assessment		
REP3-149	Norfolk Coast Area of Outstanding Natural Beauty (AONB) Responses to the Examining Authority's Second Written Questions (WQ2)	Natural England will provide a response at Deadline 6.